

State of Iowa
1984

JOURNAL OF THE HOUSE

1984

**REGULAR SESSION
SEVENTIETH
GENERAL ASSEMBLY**

**Convened January 9, 1984
Adjourned April 20, 1984**

**Volume I
January 9 - March 30**

**TERRY E. BRANSTAD, Governor
ROBERT T. ANDERSON, President of the Senate
DONALD D. AVENSON, Speaker of the House**

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

SEVENTIETH GENERAL ASSEMBLY

1984 Regular Session

OFFICERS OF THE HOUSE

DONALD D. AVENSON, *Speaker of the House* Oelwein
JOHN H. CONNORS, *Speaker Pro Tempore* Des Moines
LOWELL E. NORLAND, *Majority Floor Leader* Kensett
ROBERT C. ARNOULD, *Assistant Majority Floor Leader* Davenport
PHILIP A. DAVITT, *Assistant Majority Floor Leader* St. Charles
ROD HALVORSON, *Assistant Majority Floor Leader* Fort Dodge
JEAN LLOYD-JONES, *Assistant Majority Floor Leader* Iowa City
DELWYN STROMER, *Minority Floor Leader* Garner
WAYNE BENNETT, *Assistant Minority Floor Leader* Galva
DOROTHY F. CARPENTER,
 Assistant Minority Floor Leader West Des Moines
ROGER A. HALVORSON, *Assistant Minority Floor Leader* Monona
BETTY A. HOFFMANN-BRIGHT,
 Assistant Minority Floor Leader Muscatine
JOSEPH O'HERN, *Chief Clerk* Des Moines
ELIZABETH A. ISAACSON, *Assistant Chief Clerk* Des Moines
VIVIAN ANDERS, *Assistant Journal Editor* Liberty Center
CAROL S. EDWARDS, *Assistant Journal Editor* Des Moines
C. ELAINE SCHOONOVER, *Compositor* Des Moines
DEANNA J. TEMPLETON, *Executive Secretary*
 to Chief Clerk Melcher
DAN DUDLEY, *Legal Counsel* Des Moines
CHRISTINE K. BISHOP, *Assistant Legal Counsel* Des Moines

LYNETTE A.F. DONNER, <i>Assistant Legal Counsel</i>	Des Moines
M. MAXINE MANN, <i>Assistant Legal Counsel</i>	Des Moines
PEG E. KEPHART, <i>Assistant to Legal Counsel</i> <i>and Engrossing/Enrolling Clerk</i>	Des Moines
BILLIE JEAN WALLING, <i>Finance Officer</i>	Des Moines
DEBRA K. REX, <i>Assistant Finance Officer</i>	Des Moines
LAURIE J. WARD, <i>Recording Clerk</i>	Des Moines
VIRGINIA A. ROWEN, <i>Supervisor of Secretaries</i>	Des Moines
SUSAN BRUCKSHAW, <i>Clerk to Chief Clerk</i>	Des Moines
JO ANN CRITELLI, <i>Supply Clerk</i>	Des Moines
JUANITA F. SWACKHAMMER, <i>Chief Indexer</i>	Des Moines
WILMA F. ZIKA, <i>Indexing Assistant</i>	Des Moines
MARK W. BRANDSGARD, <i>Administrative Assistant</i> <i>to Speaker</i>	Des Moines
CATHERINE A. SEARS, <i>Executive Secretary</i> <i>to Speaker</i>	Des Moines
WILLIAM C. MALONEY, <i>Administrative Assistant</i> <i>to Majority Leader</i>	Des Moines
SHARON R. ROBINSON, <i>Majority Caucus Director</i>	Des Moines
M. NYLENE DORY, <i>Secretary to Majority Caucus</i>	West Des Moines
ELISABETH C. BUCK, <i>Research Analyst</i>	Des Moines
EDWARD J. CONLOW, <i>Research Analyst</i>	Des Moines
SHIRLEY M. DANSKIN-WHITE, <i>Research Analyst</i>	Grimes
MARY E. O'CONNOR, <i>Research Analyst</i>	Des Moines
THOMAS R. PATTERSON, <i>Research Analyst</i>	Des Moines

JOSEPH J. SHANNAHAN, <i>Research Analyst</i>	Williamsburg
DAVID WERNING, <i>Research Analyst</i>	Norwalk
KEVIN S. VINCHATTLE, <i>Administrative Assistant</i> to <i>Minority Leader</i>	Des Moines
RONDA L. MENKE, <i>Minority Caucus Director</i>	Perry
COLLEEN DILLON, <i>Secretary to Minority Caucus</i>	Des Moines
MARK JOHNSON, <i>Research Analyst</i>	Altoona
LAURA MURPHY, <i>Research Analyst</i>	Des Moines
GARY LEE PARKER, <i>Research Analyst</i>	West Des Moines
SHARON R. PILMER, <i>Research Analyst</i>	Des Moines
MARYJO F. WELCH, <i>Research Analyst</i>	Clive
BEVERLY BAKER, <i>Switchboard Operator</i>	Des Moines
VIRGINIA E. SEMPLE, <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
ROSEANNE McCARGAR, <i>Sergeant-at-Arms</i>	Des Moines
JAMES D. CUNNINGHAM, <i>Assistant Sergeant-at-Arms</i>	Gowrie
ARTHUR E. BORWICK, <i>Doorkeeper</i>	Des Moines
MARVIN W. HOLLINGSHEAD, <i>Doorkeeper</i>	Des Moines
ANTHONY F. KING, <i>Doorkeeper</i>	Des Moines
JOHN PIGNERI, <i>Doorkeeper</i>	Des Moines
JOHN R. QUINN, <i>Doorkeeper</i>	Des Moines
GUY A. RISINGER, <i>Doorkeeper</i>	Indianola
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

TERRY E. BRANSTAD, <i>Governor</i>	Lake Mills
ROBERT T. ANDERSON, <i>Lieutenant Governor</i>	Newton
MARY JANE ODELL, <i>Secretary of State</i>	Des Moines
RICHARD D. JOHNSON, <i>State Auditor</i>	Sheldahl
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	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
JAMES H. CARTER, <i>Justice</i>	Cedar Rapids
K. DAVID HARRIS, <i>Justice</i>	Jefferson
J. L. LARSON, <i>Justice</i>	Harlan
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
CHARLES WOLLE, <i>Justice</i>	Sioux City

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, <i>Chief Judge</i>	St. Charles
ALLEN L. DONIELSON, <i>Judge</i>	West Des Moines
MAYNARD J. V. HAYDEN, <i>Judge</i>	Indianola
ROSEMARY S. SACKETT, <i>Judge</i>	Spencer
DICK SCHLEGEL, <i>Judge</i>	Ottumwa
BRUCE M. SNELL, JR., <i>Judge</i>	Ida Grove

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION

VI

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Anderson, James O.	Brayton	55	Farmer	95th— <i>Audubon</i> , Carroll, Shelby	68, 69, 69X, 69XX, 70(1st)
Arnould, Robert C.	Davenport	30	Legislator	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70(1st)
Avenson, Donald D.	Oelwein	39	Tool & Die Maker	28th— <i>Chickasaw</i> , <i>Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Baxter, Elaine *	Burlington	50	Economic Development Consultant	60th— <i>Des Moines</i>	69(2nd), 70(1st)
Bennett, Wayne	Galva	56	Farmer	4th— <i>Ida</i> , Monona, Woodbury	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Black, Dennis H.	Grinnell	44	County Conservation Board Director	71st— <i>Jasper</i> , Marshall	70(1st)
Blanshan, Eugene	Scranton	35	Farmer	88th— <i>Boone</i> , Carroll, <i>Greene</i>	70(1st)
Brammer, Philip E.	Cedar Rapids	51	Insurance Executive President	50th— <i>Linn</i>	70(1st)
Branstad, Clifford O.	Thompson	59	Farmer	16th— <i>Hancock</i> , Kossuth, <i>Winnebago</i>	68, 69, 69X, 69XX, 70(1st)
Buhr, Florence D.	Des Moines	50	Homemaker	85th— <i>Polk</i>	70(1st)
Carl, Janet A.	Grinnell	35	Consultant	53rd— <i>Iowa</i> , <i>Poweshiek</i>	69, 69X, 69XX, 70(1st)
Carpenter, Dorothy F.	West Des Moines	50	Homemaker-Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70(1st)
Carter, Brian	Mt. Pleasant	35	Teacher	59th— <i>Des Moines</i> , <i>Henry</i>	70(1st)
Chapman, Kay	Cedar Rapids	46	Attorney	49th— <i>Linn</i>	70(1st)
Chiodo, Ned F.	Des Moines	41	Small Businessman	81st— <i>Polk</i>	67, 67X, 68, 69, 69X, 69XX, 70(1st)
Clark, Betty Jean	Rockwell	63	Christian Education Director	29th— <i>Cerro Gordo</i> , Floyd, Mitchell	67, 67X, 68, 69, 69X, 69XX, 70(1st)

* Elected in Special Election January 26, 1982

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Cochran, Dale M.	Eagle Grove	55	Farmer	14th—Hamilton, Webster	61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Connolly, Michael W.	Dubuque	38	Teacher	35th—Dubuque	68, 69, 69X, 69XX, 70(1st)
Connors, John H.	Des Moines	61	Insurance Representative and Labor Arbitrator	79th—Polk	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Cooper, James J.	Russell	59	Farmer	67th—Clarke, Monroe, Lucas, Wayne	70(1st)
Copenhaver, Paul G. *	Independence	42	Farmer	27th—Black Hawk, Buchanan	69(2nd), 70(1st)
Corey, Virgil E.	Morning Sun	67	Farmer	55th—Des Moines, Louisa, Washington	68, 69, 69X, 69XX, 70(1st)
Daggett, Horace	Lenox	52	Farmer	92nd—Adams, Decatur, Ringgold, Taylor	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Davitt, Philip A.	St. Charles	52	Farmer	68th—Warren	67, 67X, 68, 69, 69X, 69XX, 70(1st)
De Groot, Kenneth R.	Doon	54	Farmer	8th—Lyon, O'Brien, Osceola, Sioux	68, 69, 69X, 69XX, 70(1st)
Diemer, Marvin E.	Cedar Falls	59	Business Consultant	23rd—Black Hawk	68, 69, 69X, 69XX, 70(1st)
Doderer, Minnette F.	Iowa City	60	Legislator	45th—Johnson	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70(1st)
Fey, Thomas H.	Davenport	29	Legislator	41st—Scott	69(2nd), 70(1st)
Fogarty, Daniel P.	Cylinder	59	Farmer	11th—Clay, Palo Alto	70(1st)
Grandia, Robert J.	Pella	69	Retired meat processor	69th—Marion	70(1st)
Groninga, John	Mason City	38	Sales Manager	20th—Cerro Gordo	70(1st)

* Elected in Special Election March 23, 1982

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Gronstal, Michael E.	Council Bluffs	33	Shipping Clerk	99th— <i>Pottawattamie</i>	70(1st)
Groth, Richard	Albert City	37	Educator	10th— <i>Buena Vista, Pocahontas</i>	68, 69, 69X, 69XX, 70(1st)
Gruhn, Josephine	Spirit Lake	56	Educator and Farmer	12th— <i>Dickinson, Emmet</i>	70(1st)
Halvorson, Rod	Fort Dodge	34	Real Estate Salesman	13th— <i>Webster</i>	68, 69, 69X, 69XX, 70(1st)
Halvorson, Roger A.	Monona	49	Insurance-Real Estate Broker	32nd— <i>Allamakee, Clayton</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Hammond, Johnie	Ames	51	Legislator	74th— <i>Story</i>	70(1st)
Handorf, Ward	Gladbrook	69	Farmer	75th— <i>Black Hawk, Marshall, Tama</i>	70(1st)
Hanson, Darrell R.	Manchester	29	Insurance Adjuster	48th— <i>Buchanan, Delaware, Linn</i>	68, 69, 69X, 69XX, 70(1st)
Harbor, William H.	Henderson	63	Grain Elevator Owner-Operator	94th— <i>Mills, Montgomery, Pottawattamie</i>	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Haverland, Mark A.	Polk City	37	Minister	77th— <i>Polk</i>	70(1st)
Hermann, Donald F.	Bettendorf	62	Retired Industrial Relations Manager	40th— <i>Scott</i>	70(1st)
Hoffmann-Bright, Betty	Muscatine	62	Legislator	56th— <i>Louisa, Muscatine</i>	67, 67X, 68, 69, 69X, 69XX, 70(1st)
Holveck, Jack	Des Moines	40	Attorney	84th— <i>Polk</i>	70(1st)
Hughes, Randy	Creston	35	Teacher	91st— <i>Adair, Adams, Cass, Clarke, Union</i>	70(1st)
Hummel, Kyle	Vinton	48	Contractor-Realtor	76th— <i>Benton, Black Hawk</i>	68, 69, 69X, 69XX, 70(1st)
Jay, Daniel J.	Centerville	29	Lawyer	66th— <i>Appanoose, Davis, Wapello</i>	68, 69, 69X, 69XX, 70(1st)
Jochum, Thomas J.	Dubuque	32	Legislator	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Knapp, Donald J.	Cascade	51	Corrections	33rd— <i>Dubuque, Jones</i>	69(2nd), 70(1st)
Koenigs, Deo A.	McIntire	48	Farmer	30th— <i>Chickasaw, Howard, Mitchell</i>	70(1st)

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Krewson, Lyle R.	Urbandale	40	Legislator, Self-employed	83rd— <i>Polk</i>	67, 67X, 68, 69, 69X, 69XX, 70(1st)
Lageschulte, Raymond	Waverly	61	Farmer—Insurance Adjuster—Legislator	22nd—Black Hawk, <i>Bremer</i> , <i>Butler</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Lloyd-Jones, Jean	Iowa City	54	Legislator	46th— <i>Johnson</i>	68, 69, 69X, 69XX, 70(1st)
Lonergan, Joyce	Boone	49	Book Store Owner	87th— <i>Boone</i> , <i>Story</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Maulsby, Ruhl	Rockwell City	60	Farmer	9th— <i>Calhoun</i> , <i>Sac</i> , <i>Webster</i>	68, 69, 69X, 69XX, 70(1st)
McIntee, John E.	Waterloo	33	Home Builder—Attorney	26th— <i>Black Hawk</i>	70(1st)
McKean, Andy	Morley	34	Lawyer—College Instructor— Square Dance Caller	44th— <i>Jones</i> , <i>Linn</i>	68, 69, 69X, 69XX, 70(1st)
Menke, Lester D.	Calumet	65	Farmer—Insurance	7th— <i>Cherokee</i> , <i>Clay</i> , <i>O'Brien</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Miller, Leo P.	Sioux City	40	Retired Police Officer	3rd— <i>Woodbury</i>	70(1st)
Muhlbauer, Louis J.	Manilla	54	Farmer	96th— <i>Crawford</i> , <i>Shelby</i>	70(1st)
Mullins, Sue	Corwith	47	Farmer	15th— <i>Humboldt</i> , <i>Kossuth</i> , <i>Palo Alto</i> , <i>Pocahontas</i>	68, 69, 69X, 69XX, 70(1st)
Norland, Lowell E.	Kensett	52	Farmer	19th— <i>Cerro Gordo</i> , <i>Winnebago</i> , <i>Worth</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
O'Kane, James D.	Sioux City	32	Legislator	1st— <i>Woodbury</i>	68, 69, 69X, 69XX, 70(1st)
Ollie, C. Arthur	Clinton	42	Teacher	38th— <i>Clinton</i>	70(1st)
Osterberg, David	Mt. Vernon	40	Economic Consultant	43rd— <i>Cedar</i> , <i>Linn</i>	70(1st)
Oxley, Myron B.	Marion	61	Farmer	47th— <i>Linn</i>	61, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Parker, Edward G.	Mingo	24	Contractor	70th— <i>Jasper</i> , <i>Marion</i> , <i>Polk</i> , <i>Warren</i>	70(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Paulin, Donald J.	Le Mars	50	Kitchen Cabinet Retailer	5th— <i>Plymouth, Woodbury</i>	70(1st)
Pavich, Emil S.	Council Bluffs	52	Cereal Company Employee	100th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Peick, Doris A.	Cedar Rapids	50	Quality Control Inspector	52nd— <i>Linn</i>	70(1st)
Pellett, Wendell C.	Atlantic	66	Farmer	97th— <i>Cass, Harrison, Pottawattamie, Shelby</i>	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Poncy, Charles N.	Ottumwa	61	School Employee	65th— <i>Wapello</i>	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70(1st)
Renaud, Dennis L.	Altoona	41	D.M. Fire Department- Businessman	78th— <i>Polk</i>	69, 69X, 69XX, 70(1st)
Renken, Robert H.	Aplington	61	Farmer	21st— <i>Butler, Grundy</i>	68(2nd), 69, 69X, 69XX, 70(1st)
Rensink, Wilmer	Sioux Center	50	Farmer	6th— <i>Plymouth, Sioux</i>	70(1st)
Rosenberg, Ralph	Ames	32	Attorney	73rd— <i>Story</i>	69(2nd), 70(1st)
Royer, Bill D.	Essex	54	Realtor	93rd— <i>Fremont, Mills, Page</i>	70(1st)
Running, Richard V.	Cedar Rapids	37	Quality Assurance Technologist	51st— <i>Linn</i>	69, 69X, 69XX, 70(1st)
Schnekloth, Hugo	Eldridge	60	Farmer	39th— <i>Scott</i>	67, 67X, 68, 69, 69X, 69XX 70(1st)
Schroeder, Laverne W.	McClelland	50	Self-Employed	98th— <i>Harrison, Pottawattamie</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Sherzan, Gary	Des Moines	39	Correctional Service Worker	86th— <i>Polk</i>	70(1st)
Shoultz, Don	Waterloo	47	Teacher	25th— <i>Black Hawk</i>	70(1st)

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Skow, Bob	Guthrie Center	31	Insurance-Real Estate Broker	90th—Adair, Dallas, Guthrie, Madison	70(1st)
Spear, Clay	Burlington	67	Retired Postal Service Employee	61st—Des Moines, Lee	66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Stromer, Delwyn	Garner	53	Farmer	17th—Franklin, Hancock, Wright	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Stueland, Vic	Grand Mound	63	Farmer	37th—Cedar, Clinton	69, 69X, 69XX, 70(1st)
Sturgeon, Al	Sioux City	27	Public Relations Consultant	2nd—Woodbury	69, 69X, 69XX, 70(1st)
Sullivan, William R.	Cantril	38	Heavy Equipment Operator	62nd—Lee, Van Buren	69, 69X, 69XX, 70(1st)
Swartz, Thomas E.	Marshalltown	37	Real Estate Broker	72nd—Marshall	69, 69X, 69XX, 70(1st)
Swearingen, George R.	Sigourney	60	Retired Teacher-Legislator	63rd—Jefferson, Keokuk, Wapello	68, 69, 69X, 69XX, 70(1st)
Tabor, David M.	Baldwin	28	Farmer	34th—Dubuque, Jackson	70(1st)
Tofte, Semor C.	Decorah	72	Retired	31st—Allamakee, Winneshiek	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Torrence, Janis I.	Atalissa	57	Former County Supervisor	57th—Muscatine, Scott	70(1st)
Van Camp, Mike	Davenport	42	Union Electrician	58th—Scott	70(1st)
Van Gerpen, Harlan W.	Cedar Falls	59	Consulting Engineer	24th—Black Hawk	70(1st)
Van Maanen, Harold	Oskaloosa	54	Farmer	64th—Keokuk, Mahaska, Wapello	68, 69, 69X, 69XX, 70(1st)
Varn, Richard J.	Solon	25	Baking Company Employee-Law Student	54th—Iowa, Johnson	70(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTIETH GENERAL ASSEMBLY—1984 REGULAR SESSION—Continued

xi

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Welden, Richard W.	Iowa Falls	75	Retired Contractor	18th—Franklin, <i>Hardin</i> , Hamilton	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Woods, Jack E.	Des Moines	47	Self-Employed	80th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70(1st)
Zimmerman, Jo Ann	Wauke	47	Registered Nurse	89th— <i>Dallas</i>	70(1st)

REPRESENTATIVES

JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 9, 1984

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Seventieth General Assembly of Iowa, 1984 Regular Session, convened at 10:00 a.m., Monday, January 9, 1984.

The House was called to order by the Honorable Donald D. Avenson, Speaker of the House.

Prayer was offered by Monsignor J. E. Tolan, pastor of the St. Joseph Catholic Church, Wall Lake.

The Journal of Saturday, May 14, 1983 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stanley Haugland, Des Moines.

PETITION FILED

The following petition was received and placed on file:

By Peick of Linn, from two hundred one constituents of the 52nd District, favoring House File 634.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, for the week of January 9, 1984, on request of Norland of Worth; Welden of Hardin, for the week of January 9, 1984, on request of Stromer of Hancock; Hoffmann-Bright of Muscatine on request of Bennett of Ida.

PRESENTATION OF UNITED STATES SENATOR

Schroeder of Pottawattamie presented to the House the Honorable Charles E. Grassley, United States Senator from Iowa and former member of the House during the Fifty-eighth through the Sixty-fifth General Assemblies, and his wife Barbara.

COMMITTEE TO NOTIFY THE GOVERNOR

Sullivan of Van Buren 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: Sullivan of Van Buren, Chair; Buhr of Polk; and Halvorson of Clayton.

COMMITTEE TO NOTIFY THE SENATE

Running of Linn 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: Running of Linn, Chair; Cooper of Lucas; and Paulin of Plymouth.

REMARKS BY THE SPEAKER

Speaker Avenson addressed the House as follows:

It is good to be back again. I hope that the interim months have been prosperous and productive for you, and that you enter this new year renewed and enthused about what lies ahead.

Last year, when I took this chair for the first time, I made a commitment to this body based on the traditions set by my predecessors and on my own hopes for this House of Representatives. That commitment was three-fold — to preside fairly, to maintain open doors, and to look each of you squarely in the eye. I have done my best to live up to that pledge — to make fair and consistent rulings from the chair, to provide opportunities for discussion and criticism, and to speak frankly and honestly with you about the issues we were elected to resolve. I reaffirm that commitment today and ask your help and support in fulfilling it.

When I look back at the work we did last year, I am tremendously proud to have been a part of it. I think this House of Representatives has made a very positive difference in the lives of Iowans. Certainly, our work was not easy, and along the way we had our share of anger, frustration and discontent. But we rose above it all and achieved a truly historic record.

We put controls in place so that Iowans can afford proper medical care. We made some needed reforms in our utility rate structure and procedures so that our homes can be heated adequately.

We unified our state court system for increased efficiency and reduced cost to the property taxpayer. We averted a potential catastrophe in the unemployment trust fund in a manner that was fair to the vast majority of Iowa's businesses and workers. We set up new and exciting incentives and assistance for business to create jobs for our unemployed. We began long-sought-after, intensive, nonpartisan examination of our systems of taxation and education, and we took important steps to eliminate sex discrimination in state government through our comparable worth initiative.

These are things we all shared in and helped to shape, and these are things of which we should be most proud.

But 1983 may well be remembered for the challenge of the budget deficit. Seldom, if ever, has a Legislature and a governor had to make more difficult fiscal decisions. Yet, we went forward and made the hard choices which we felt best served the people of this state.

That same budget problem is with us again in 1984. It may be even more threatening. But it is not overwhelming, and we will confront it and solve it through hard work, patience and cooperation.

We must not and will not let our budget challenges interfere with our opportunities for greater legislative achievement in 1984. With the advantage of extended study gained during the legislative interim, we can act confidently to create new supports for small business, to increase recreation availability and tourism, to protect our children from abuse, and to remove some of the last shreds of sex discrimination in state government.

We can step toward improving the quality of our teachers and of our children's educations, assure the safety of hazardous waste handling and transportation, encourage new opportunities for beginning farmers, and wrestle with the multi-layered problem of substance abuse. Our potential is limited only by our imaginations and our energy.

I find it very difficult as a parent to leave my family for the time necessary to meet and debate the issues here in Des Moines. Time away from your children is time that can never be regained. Yet, I am buoyed by the hope that what I do here will make a better life for my children somewhere down the road.

So, today, let's begin to build better futures for all families, all children. We don't have all the answers, but as long as we continue to seek them honestly and justly we will honor the trust placed in us by the people. I have every confidence in our abilities, and I ask your help in making Iowa better for all Iowans.

Thank you and it's nice to be back.

REMARKS BY THE MAJORITY LEADER

Norland of Worth addressed the House as follows:

Good morning.

Our state founders were so intelligent, they had the legislature reconvene during January thaws rather than December blizzards.

We are going to celebrate, next week, the good sense and judgment in building this capitol one hundred years ago.

Last year, the first session of the Seventieth General Assembly began its deliberation in building the framework to ensure an orderly and fulfilling life in Iowa in the years to come. We also began laying the foundation for a fair, open and honest relationship between the members of both political parties in the House as well as the Senate, Governor and the people of this state.

Legislative accomplishments from the last session earned praise from a broad spectrum of the general public. We should feel a great deal of satisfaction from the new laws shaped from the exciting and creative initiatives in areas of economic and job development, utility rate reform, containment of health care costs, a unified state court system, pari-mutuel racing, thorough nonpartisan studies of our education and tax systems, and an in-depth examination of the comparable worth of state employees' jobs.

At the beginning of the 1983 session, Democrat leaders promised to work as full partners in the legislative process with House Republican members. The record clearly shows that an atmosphere of cooperation existed in this chamber. A legislator's party label did not hinder a good idea from being fully developed.

That relationship further expanded to the extent that all members had an opportunity to sponsor legislation, serve as subcommittee chairs and floor managers, and successfully offer amendments from the floor.

This Legislature will not be judged by the single merits of any one member but, rather, by the collective record of the entire House, with the concurrence of the Senate.

The next one hundred days will again offer opportunities for us to seek solutions.

The picture we see coming from Washington this year is a continuation of the recent past. The White House is again calling for cut-backs in people programs. Programs aimed at the very groups that are unable to help themselves such as: Aid to Dependent Children, Nutrition Programs, Subsidized Housing, Health Care Programs for the Elderly and Poor, Job Training Programs, Mass Transit Programs, Environmental Issues. Washington continues to say: "We're cutting back again. If the states want to pick up the costs of these programs, go right ahead."

Just as predictable as the budget knife to the human services programs is the eleven to thirteen percent budget increase recommendation expected for the defense department. It must be noted that, while Iowa ranks near the bottom in the amount of funds received for defense contracts, we are near the top in the number of senior citizens who call Iowa home. That's a combination that spells trouble for Iowa.

And, that trouble is exemplified by high interest rates upon our people and economy.

We must continue where we left off last year in our efforts to create an economic environment insuring Iowa's financial future. Unfortunately, too much of the jobs package developed by this legislature last session was vetoed by the Governor. While accepting the need for long-range programs, the Governor rejected the very projects necessary to provide jobs to Iowans during these hard times. Because of his executive action, some job opportunities did not occur last year in our state.

This year we will look again at some of those programs he vetoed and continue studying new ideas to insure jobs and economic development.

When in trouble you go to your strengths and build on that strength. That strength, in Iowa, is still agriculture. We must continue to build upon this solid base as one of the surest means to the continued economic growth for future generations. Therefore, we should take a look at programs such as the research and development of alternative cash crops and adding value before shipping our agricultural products.

Along with the ideas and issues mentioned, we will have an opportunity to consider additional subjects that were studied and developed during the interim.

The quality of our responses to these challenges will, in the years to come, be the agenda upon which this legislature will be judged.

REMARKS BY THE MINORITY LEADER

Stromer of Hancock addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

Eighty years ago on January 5, the House Chamber was completely gutted by a devastating fire that forced the up-coming session to be altered, considerably. Because of lack of facilities, their meeting was cut short! Historians agree that it may have been one of its finest sessions.

In the first session of the Seventieth General Assembly there were thirty-eight legislators that had never served in this body before. It was also the first year for many of you in the majority, first year for many of us in the minority; first year learning how to be effective chairs and ranking members. You were learning how to handle the real responsibilities of leadership, we were adjusting to a different role — that of a responsible minority.

Some of the resolutions to our problems last year have not been perceived by the public as the best solutions. I won't belabor those issues today because, hopefully, we will all benefit from last year's training: better committee work resulting in better use of floor time; better communication and better decision-making process rather than knee-jerk reactions and a "need-to-do-something" attitude — a well-thought-out plan with some organization.

Mr. Speaker, we are confident that this year the Democrat Caucus will have their goals and objectives identified — you know where you're going and you know how you're going to get there. If you will share with us these goals you will probably even have our support and cooperation — as long as we agree, of course, that you are working in the best interests of our Iowans.

Our Minority Caucus is interested in substance abuse and deaths on our highways caused by drunk drivers, education, efficiencies in government (Governor's Task Force), and many others.

Yes, Mr. Speaker, if your goals are the right approach on those issues, you'll have our support and cooperation; however, I must warn you: "While we will not use obstructionist tactics to deliberately delay adjournment, we will not sacrifice our priorities in a stampede to end the session."

Sound familiar, Mr. Speaker? Those were your own words to us in 1980.

This won't be an easy year — there are many challenges; complicated further by the fact that this is an election year. We hope that the political rhetoric and considerations can be left aside until this body has completed its very important work.

"We hope for our citizens that you think beyond this November. Do what's right." Again, Mr. Speaker, you are being haunted by your own words in 1982.

I really believe that if we all do the very best job we can for Iowa, we can be effective, responsible legislators — be true to ourselves and our constituents, be able to face ourselves and the voters who will, after all, judge us not on our words but on our actions and not on what we promised, but on what we delivered.

Mr. Speaker, the olive branch has been extended!

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Running of Linn, 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.

The House stood at ease at 10:25 a.m., until the fall of the gavel.

The House resumed session at 10:40 a.m., Speaker Avenson in the chair.

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.

The House stood at ease at 10:41 a.m., until the fall of the gavel.

The House resumed session at 10:50 a.m., Speaker Avenson in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Norland of Worth 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 Norland and Stromer

- 1 *Be It Resolved by the House of Representatives, the*
- 2 *Senate Concurring,* That a joint convention of the two
- 3 houses of the 1984 session of the Seventieth General
- 4 Assembly be held on Tuesday, January 10, 1984, at
- 5 10:00 a.m.; and
- 6 *Be It Further Resolved,* That Governor Terry E. Branstad
- 7 be invited to deliver his combined condition of the state
- 8 and budget messages at this joint convention of the two
- 9 houses of the General Assembly, and that the Speaker of
- 10 the House of Representatives and the President of the
- 11 Senate be designated to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 102 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 102

By Norland and Stromer

- 1 *Be It Resolved by the House of Representatives, the*
- 2 *Senate Concurring,* That a joint convention of the two
- 3 houses of the 1984 session of the Seventieth General
- 4 Assembly be held on Tuesday, January 17, 1984, at
- 5 9:30 a.m. for the purpose of observing the centennial
- 6 of the dedication of the present Iowa capitol building
- 7 and of the Iowa legislature meeting therein.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 103

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 103 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 103

By Norland and Stromer

- 1 *Be It Resolved by the House of Representatives, the*
- 2 *Senate Concurring, That a joint convention of the two*
- 3 *houses of the 1984 session of the Seventieth General*
- 4 *Assembly be held on Thursday, January 19, 1984, at*
- 5 *10:00 a.m.; and*
- 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.*

The motion prevailed and the resolution was adopted.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Sullivan of Van Buren, 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.

IMMEDIATE MESSAGE

(House Concurrent Resolutions 101, 102 and 103)

Norland of Worth asked and received unanimous consent to immediately message House Concurrent Resolutions 101, 102 and 103 to the Senate.

HOUSE AND SENATE FILES REFERRED TO COMMITTEE

Under the provisions of House Rule 46, the following House and Senate files are referred to the following committees:

- H.F. 35 State Government
- H.F. 342 Finance

- H.F. 442 Local Government
- H.F. 508 Transportation
- H.F. 515 Small Business and Commerce
- H.F. 535 Transportation
- H.F. 593 Agriculture
- H.F. 616 Finance
- H.F. 633 Finance
- H.F. 639 Finance
- H.F. 648 Finance
- H.F. 654 Finance
- H.F. 656 Finance
- H.F. 657 Finance
- H.F. 659 Finance
- S.J.R. 9 State Government
- S.F. 166 Judiciary and Law Enforcement
- S.F. 420 Small Business and Commerce (substituted for H.F. 515)

APPOINTMENTS

Speaker Avenson announced the following appointments which were made during the interim:

ADMINISTRATIVE RULES REVIEW COMMITTEE
(Section 17A.8, Code of Iowa, 1983)

- Ned Chiodo Term ending April 30, 1987
- James O'Kane Term ending April 30, 1987
- Laverne Schroeder Term ending April 30, 1987

**ADVISORY INVESTMENT BOARD OF THE
IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM**
(Section 97B.8, Code of Iowa, 1983)

- Josephine Gruhn To fill an unexpired term ending June 30, 1983
- To term ending June 30, 1985

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
(Section 28C.2, Code of Iowa, 1983)

- Florence Buhr Term ending June 30, 1985

BOUNDARY COMMISSION
(Section 2.91, Code of Iowa, 1983)

- Louis Muhlbauer To fill an unexpired term ending June 30, 1986

CAPITOL PLANNING COMMISSION
(Section 18A, Code of Iowa, 1983)

- Semor Tofte To fill an unexpired term ending April 30, 1985

COLLEGE AID COMMISSION
(Section 261.1, Code of Iowa, 1983)

Charles Poney Term ending June 30, 1987

COMMISSION ON THE AGING
(Section 249B.1-2, Code of Iowa, 1983)

Al Sturgeon Term ending June 30, 1987

COMMISSION ON COMPENSATION EXPENSES
AND SALARIES FOR ELECTED OFFICIALS
(Section 2A.1, Code of Iowa, 1983)

Charlotte Hubbell, West Des Moines
..... To fill an unexpired term ending June 30, 1987

COMMISSION ON INTERSTATE COOPERATION
(Section 28B.1, Code of Iowa, 1983)

Don Knapp Term ending January 31, 1985
Raymond Lageschulte Term ending January 31, 1985
Joyce Lonergan Term ending January 31, 1985
Wendell Pellett Term ending January 31, 1985
William Sullivan Term ending January 31, 1985

COUNCIL ON CHILD ABUSE INFORMATION
(Section 235A.24, Code of Iowa, 1983)

Kay Chapman Pleasure of the Speaker
Lyle Krewson Pleasure of the Speaker

EDUCATION COMMISSION OF THE STATES
(Section 272B.2, Code of Iowa, 1983)

Horace Daggett To fill an unexpired term ending June 30, 1985
David Tabor Term ending June 30, 1987

HEALTH DATA COMMISSION
(Chapter 27, Section 2, Acts of the Seventieth General Assembly,
1983 Regular Session)

Jo Ann Zimmerman Term ending June 30, 1984

IOWA JOBS COMMISSION
(Chapter 207, Division I, Section 2(a), Acts of the Seventieth General Assembly,
1983 Regular Session)

Michael Connolly Term ending June 30, 1985

LAW ENFORCEMENT ACADEMY COUNCIL
(Section 80B.6, Code of Iowa, 1983)

Leo Miller To fill an unexpired term ending April 30, 1984

MEDICAL ASSISTANCE ADVISORY COUNCIL
(Section 249A.4(8), Code of Iowa, 1983)

Andy McKean Term ending June 30, 1985
Ed Parker Term ending June 30, 1985

PROFESSIONAL AND OCCUPATIONAL REGULATION COMMISSION
(Section 2B.2, Code of Iowa, 1983)

Michael Gronstal To fill an unexpired term ending June 30, 1983
Darrell Hanson To fill an unexpired term ending June 30, 1983

STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD
(Section 306.6(2), Code of Iowa, 1983)

Jack Woods Pleasure of the Speaker

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

Elaine Baxter Pleasure of the Speaker
Richard Running Pleasure of the Speaker

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
Marvin E. Diemer	220
Ward W. Handorf	150

Respectfully submitted,
RALPH ROSENBERG, Chair
RODNEY N. HALVORSON
RUHL MAULSBY

REPORT OF HOUSE RULES AND
ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following

to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Secretary II Minority Floor Leader	Janet S. Clayton	15-2 + 3	S-O	6/3/83
Secretary II Majority Floor Leader	Patsy Soliday	15-1 + 3 + 2	E-FT	6/28/83
Research Analyst	Gary L. Parker	24-1	P-FT	9/06/83
Research Analyst	Mark W. Johnson	24-1	P-FT	10/24/83
Caucus Staff Director	Ronda L. Menke	28-6	P-FT	10/24/83
Research Analyst	Laura Ann Murphy	24-1	P-FT	11/07/83
Research Analyst	David T. Werning	24-1	P-FT	11/14/83
Assistant Legal Counsel	Christine K. Bishop	23-1	S-O	1/09/84
Doorkeeper	John R. Quinn	9-1	S-O	1/05/84
Caucus Staff Director	Sharon Robinson	29-6	P-FT	1/10/84
Page	Stacy M. Avery	\$3.35 Per Hr.	S-O	2/29/84
Page	Michael D. Aust	\$3.35 Per Hr.	S-O	1/09/84
Page	Diane Binneboese	\$3.35 Per Hr.	S-O	1/09/84
Page	Debbie Bittle	\$3.35 Per Hr.	S-O	2/29/84
Page	Sonya Rae Braunschweig	\$3.35 Per Hr.	S-O	1/09/84
Page	Kristi Conway	\$3.35 Per Hr.	S-O	2/29/84
Chief Clerk's Page	John Joseph Feyen	\$3.35 Per Hr.	S-O	1/09/84
Page	Laris E. Galejs	\$3.35 Per Hr.	S-O	1/09/84
Page	Michaela Sue Gamble	\$3.35 Per Hr.	S-O	2/29/84
Page	Linda Groven	\$3.35 Per Hr.	S-O	1/09/84
Page	Brenda Horrigan	\$3.35 Per Hr.	S-O	2/29/84
Page	Tony J. Huegel	\$3.35 Per Hr.	S-O	2/29/84

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Page	Karla Ann Jayne	\$3.35 Per Hr.	S-O	1/09/84
Page	Laura Lynn Jessen	\$3.35 Per Hr.	S-O	2/29/84
Page	Crista Kippes	\$3.35 Per Hr.	S-O	1/09/84
Page	Dee Knoshaug	\$3.35 Per Hr.	S-O	2/29/84
Page	Diane Lemker	\$3.35 Per Hr.	S-O	1/09/84
Page	Scott D. Livermore	\$3.35 Per Hr.	S-O	2/29/84
Page	Christine Lucy	\$3.35 Per Hr.	S-O	2/29/84
Speaker's Page	David J. Manderscheid	\$3.35 Per Hr.	S-O	1/09/84
Page	Dawn Y. McNeil	\$3.35 Per Hr.	S-O	2/29/84
Page	Dawn M. Moeller	\$3.35 Per Hr.	S-O	2/29/84
Page	Karen Myers	\$3.35 Per Hr.	S-O	1/09/84
Page	Daniel A. Peterson	\$3.35 Per Hr.	S-O	1/09/84
Page	Laura E. Rawson	\$3.35 Per Hr.	S-O	2/29/84
Page	Matthew T. Rawson	\$3.35 Per Hr.	S-O	1/09/84
Page	Erin Robbins	\$3.35 Per Hr.	S-O	2/29/84
Page	Tim Rupp	\$3.35 Per Hr.	S-O	2/29/84
Page	Tina Saltzgaver	\$3.35 Per Hr.	S-O	1/09/84
Page	Grant Sovern	\$3.35 Per Hr.	S-O	2/29/84
Page	Sherri L. Stagg	\$3.35 Per Hr.	S-O	1/09/84
Page	Melissa A. Stock	\$3.35 Per Hr.	S-O	1/09/84
Page	Aimee L. Sturm	\$3.35 Per Hr.	S-O	2/29/84
Page	Charles A. Toal	\$3.35 Per Hr.	S-O	1/09/84
Page	James L. Varley	\$3.35 Per Hr.	S-O	1/09/84

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Page	Steve Warnstadt	\$3.35 Per Hr.	S-O	1/09/84
Page	Craig A. White	\$3.35 Per Hr.	S-O	2/29/84
Page	Todd A. Winkler	\$3.35 Per Hr.	S-O	1/09/84

The following are resignations from the officers and employees of the House:

<u>Name</u>	<u>Position</u>	<u>Date</u>
Benjamin D. Webb	Research Analyst	6/03/83
Kathleen L. Peterson	Secretary II-Majority Floor Leader	6/06/83
Joseph W. Chambers	Research Analyst	6/17/83
Paula J. Feltner	Caucus Staff Director	8/11/83
Barbara K. Winters	Research Analyst	9/01/83
Judith C. Miklus	Caucus Secretary I	12/16/83
Janet S. Clayton	Secretary II-Minority Floor Leader	1/07/84
Linda King Kading	Leader's Administrative Assistant	1/03/84

FEY of Scott, Chair

On motion by Norland of Worth, the House was recessed at 10:57 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Schroeder, a joint resolution for the purpose of requesting appropriate action by congress, either acting by consent of two-thirds of both houses or, on the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the federal Constitution to establish congressional control of administrative rules.

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

House File 2001, by Rosenberg, a bill for an act relating to requiring restitution for juvenile offenders.

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

House File 2002, by Hermann, a bill for an act relating to the minimum age for school attendance.

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

House File 2003, by Spear, a bill for an act relating to the board of parole.

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

House File 2004, by Schnekloth, a bill for an act relating to reimbursement to a city for the cost of training a police officer hired away from the city.

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

House File 2005, by Davitt and Cochran, a bill for an act relating to elections for the approval of annexations.

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

House File 2006, by Hermann, a bill for an act relating to the release of a child attending a child day care facility by the facility at the end of the period of the day during which the child is under the facility's care.

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

House File 2007, by Schnekloth, a bill for an act relating to the unauthorized obtaining or use of cable television service and providing penalties.

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

House File 2008, by Skow and Black, a bill for an act relating to penalties assessed on delinquent canoe renewal registrations.

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

House File 2009, by Daggett, a bill for an act relating to the availability of state soil conservation cost-sharing funds for farm units not having conservation agreements in effect.

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

House File 2010, by Carter, a bill for an act authorizing a partial exemption from property taxation for new warehouses and new warehouse machinery and equipment.

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

House File 2011, by Ollie and Mullins, a bill for an act requiring child abuse identification and reporting training for mandatory reporters of child abuse.

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

House File 2012, by Hermann, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

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

House File 2013, by Spear, a bill for an act relating to the payment of court costs and providing a penalty.

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 second conference committee to House File 359, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, on the part of the Senate, appointed January 9, 1984, are: The Senator from Audubon, Senator Hutchins, chair; the Senator from Woodbury, Senator Colton; the Senator from Cerro Gordo, Senator Miller; the Senator from Osceola, Senator Vande Hoef; and the Senator from Buena Vista, Senator Waldstein.

K. MARIE THAYER, Secretary

COMMUNICATIONS RECEIVED

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

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The Annual Report and Legislative Priorities of the Iowa Advisory Commission on Intergovernmental Relations, pursuant to Chapter 28C, Code of Iowa.

CITIZENS' AIDE/OMBUDSMAN

The Annual Report of the Iowa Citizens' Aide/Ombudsman, pursuant to Chapter 601G, Code of Iowa.

Special Report No. 83-2 of the Iowa Citizens' Aide/Ombudsman Office, entitled "Improvements Recommended for the Administration of County Jail Trusty Programs", pursuant to Chapter 601G, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report from the Iowa Department of Human Services to reduce the number of "upper level management positions" by at least five percent, pursuant to Chapter 201, Section 1(a), Acts of the Seventieth General Assembly, 1983 Regular Session.

The 1982 Fiscal Year Report of the Iowa Department of Human Services, pursuant to Section 217.21, Code of Iowa.

A report relating to Federal Block Grant Funds from the Iowa Department of Human Services, pursuant to Sections 17A, 217 and 234, Code of Iowa.

DEPARTMENT OF JOB SERVICE

The Actuarial Report of the Iowa Job Insurance System as of December 31, 1982, from the Iowa Department of Job Service, pursuant to Section 54.9, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

A report from the Iowa Department of Public Safety on the Iowa Crime Victim Reparation Program through October 31, 1983, pursuant to Section 912.6, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

A report entitled, "1983 Iowa Primary Road Sufficiency Log from the Iowa Department of Transportation", pursuant to Section 307A.1(12), Code of Iowa.

A report entitled, "Quadrennial Needs Study Report on Highways, Roads, and Streets, for the years 1982-2001, from the Iowa Department of Transportation", pursuant to Section 307A, Code of Iowa.

A report entitled, "Transportation Improvement Program for 1984-1989, from the Iowa Department of Transportation", pursuant to Section 307A, Code of Iowa.

A revised version of the Iowa Railway Finance Authority Policy and the Iowa Transportation Policy, pursuant to Section 307.10, Code of Iowa.

STATE OF COLORADO

Senate Memorial No. 1, memorializing the Congress of the United States to seek the release of Raoul Wallenberg from the Union of Soviet Socialist Republics.

TREASURER OF STATE

A report of the Treasurer of State for the Fiscal Year July 1, 1981 through June 30, 1982, pursuant to Section 12.17, Code of Iowa.

Also contained therein is a report on Vocational Education, pursuant to Section 258.12, Code of Iowa, and a report on the IPERS Securities Loan Program.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 500 Education

Relating to the use of vehicles used as school buses for thirteen or fewer pupils.

S.B. 501 Education

Authorizing an area education agency to issue warrants and anticipatory warrants and providing for the payment of interest.

S.B. 502 Small Business and Commerce

Permitting a state bank, state savings and loan association, or a service corporation of a state bank or state savings and loan association to engage in real estate brokerage only to the same extent as federally-chartered banks and savings and loan associations.

On motion by Norland of Worth, the House adjourned at 2:49 p.m., until 9:00 a.m., Tuesday, January 10, 1984.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 10, 1984

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

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

The Journal of Monday, January 9, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David McInnes, Des Moines.

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 9, 1984, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, providing for a joint convention on January 10, 1984, and inviting the Governor to deliver his condition of the state and budget message to the General Assembly.

K. MARIE THAYER, Secretary

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules to allow the committees on appropriations and finance to meet to consider the 1984 budget bill.

Objection was raised.

Norland of Worth moved that the rules be suspended to allow the committees on appropriations and finance to meet to consider the 1984 budget bill.

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

On the question "Shall the rules be suspended?"

The ayes were, 56:

Arnould	Black	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Hammond	Haverland
Holveck	Jochum	Knapp	Koenigs
Lloyd-Jones	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 36:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Pellett	Renken
Rensink	Royer	Schnekloth	Schroeder
Stromer	Stueland	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen

Absent or not voting, 8:

Baxter	Daggett	Halvorson, R. N.	Hughes
Jay	Krewson	Loneragan	Welden

The motion prevailed and the rules were suspended.

COMMITTEE TO NOTIFY THE SENATE

Blanshan of Greene 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: Blanshan of Greene, Chair; Hammond of Story and De Groot of Lyon.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Blanshan of Greene, 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 House stood at ease at 9:27 a.m., until the fall of the gavel.

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

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

The President was escorted to the Speaker's station, the Parliamentarian 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 Anderson presiding.

Senator Junkins of Lee 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 Anderson announced a quorum present and the joint convention duly organized.

Senator Junkins of Lee moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Palmer of Polk, Slater of Pottawattamie and Soorholtz of Marshall, on the part of the Senate; and Representatives Chiodo of Polk, Carl of Poweshiek and Menke of O'Brien, 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 members of the Executive Council and the Attorney General were escorted into the House chamber.

Mrs. Chris Branstad, Eric and Allison and Mr. and Mrs. Dick Johnson (Mrs. Branstad's parents) were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Anderson then presented Governor Terry E. Branstad who delivered the following Condition of the State and Budget Message:

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

This occasion is my first opportunity to report on the Condition of our State. Thirty-eight previous Iowa Governors have delivered such reports to seventy General Assemblies.

Each address has been different — tailored to the circumstances of a particular year. Some State of the State messages have been bold, to match the robust mood of Iowans. Other messages have been cautious, in deference to our deliberate way of problem solving.

For those who might want to quickly characterize my speech today, let me simply say that I intend to blend boldness and caution. For I believe that is what the conditions warrant as we begin the New Year.

Just like the concentric circles on the trunk of a tree, 1984 follows 1983, a year full of turbulence and testing.

First, came the devastating drought of summer. Last month, came the bitter blast of winter. Both tested our strength, our endurance, our patience and, some would say, our love of this place we call home.

Many Iowans were tested severely by the lingering national recession in 1983. Some struggled to get by.

A new Governor and a new legislature were also tested. We had to cope with conditions caused by that recession.

How did we fare in 1983? Were we up to those tests? We were — because, fortunately, there is more to being an Iowan than merely residing within our borders.

Stubborn Iowa backbone helped our farmers endure the drought.

Steadfast Iowa compassion, expressed by churches, families and friends, helped the unemployed through months with no paychecks.

Steady Iowa discipline helped state government through the trauma of budget cutting.

Few Americans were tested as much in 1983 as were Iowans. And, few people anywhere met those tests as well as Iowans.

When I travel to the meetings of America's governors, I am proud to say that I represent the State of Iowa, where our greatest source of strength is each other.

A recent television documentary portrayed what is good about our state. Listen to the words of the narrator, Hal Holbrook, "Iowa is the way America is supposed to be . . . People here feel connected."

That kind of closeness provides a natural bond for partnerships — between neighbor and neighbor, between citizen and government, between private resources and public interests.

These kinds of partnerships were the hallmark of my Inaugural Message just one year ago. Let me highlight some of them.

In 1983, Iowans concerned about each other made Project HELPER a tremendous success. Private contributions have weatherized nearly 500 homes in 93 Iowa counties. One of those homes belongs to a widow in Mason City. Recently, she wrote me to express her thanks for "making this old house comfortable again." Through programs like HELPER, we are trying to reach out to people in need. For instance, we started a program for widowed Iowans who require special advice or emotional support during their time of stress.

In 1983, I committed my administration to equality for all Iowans. I'm pleased to report that Kathryn Graf of my staff, and members of the 50 States Committee, are completing their review of the Iowa Code. They have identified laws that discriminate — both in language and in application. We will be delivering their findings to you very soon.

In 1983, Iowa government pledged pay equity for state employees. And, I look forward to receiving the Comparable Worth Steering Committee's report next month.

In 1983, I charged a citizen task force with finding practical, cost-effective and efficient suggestions for operating state government. They identified changes that could save at least \$32 million. Some will be implemented by Executive Order. Others require legislative action, and are specified in the written addendum to this message.

In addition to all of those initiatives, we began others during 1983.

A Public Records Task Force has been meeting since July to define the proper balance between the public's right to know and individual privacy. Their report will be on your desks shortly.

Last fall, we held the first Iowa Human Services Forum, where over 400 state leaders discussed a full spectrum of concerns and plans for partnership problem-solving.

These are just a few examples of what was accomplished in Iowa last year. There were many more. Here in the Statehouse, we overcame partisan differences. And in so doing, we did what was right for the people.

This legislative session demands the same kind of cooperation and teamwork.

Though this is an election year, we should avoid political games. Iowans expect more from us. They expect us to work together. They expect us to prepare Iowa for a secure future.

Today, I set forth a plan to accomplish this objective. This plan charts a course for that secure future. This plan capitalizes on our assets and improves our quality of life. This plan calls for:

- Promoting Iowa Exports and Creating Jobs
- Encouraging Educational Excellence
- Protecting Young Iowans
- Curbing Substance Abuse and Drunk Driving
- Toughening Criminal Procedures, and
- Improving Iowa Government

PROMOTING IOWA EXPORTS AND CREATING JOBS

Think about what we did together last year. We gave the Iowa Development Commission a new look, new leadership and new tools to do its job better. We relocated the IDC into a striking new building, started a Small Business Division, and we accelerated high technology research and began efforts to promote new Iowa products. We tripled our advertising budget and promoted Iowa as a good place for family vacations.

These steps are important because they enhance our ability to create more jobs. And, I want to personally thank you for working with me on this priority.

Now, in 1984, we can take yet another giant stride together. Only this time, we will not have to play catch-up. We will deal from a position of strength.

Iowa is already a leading export state — second in America in farm exports and tenth in total exports.

A lot of Iowans who wear blue collars on their jobs and farmers who wear blue jeans on the farm owe their jobs to exports — 57,000 workers to be exact.

Those jobs are why we conduct Iowa trade missions and why we will open an Iowa office in Asia this year.

The key to Iowa's economic future lies with more trade. We can sell more of our raw commodities overseas. We can sell more processed products. We can sell more manufactured goods. I submit that an Iowa World Trade Center would do just that. And it would create thousands of more jobs and prepare Iowa for the 1990's and the Twenty-first Century.

Envision, if you will, not just a building, but a gathering place for world buyers to see, taste, and learn about the best of Iowa. The Iowa exhibition area which we would own and operate will showcase what we make here. And, a strong coalition of Iowa agricultural interests, linked through the World Trade Center, will increase our impact on federal farm policy.

More than anything else, the Iowa World Trade Center will project Iowa into a stronger position in the global marketplace.

Iowans may correctly ask, "Can we afford an Iowa World Trade Center?"

Having seen the trade center in Dallas and knowing what other states are now doing, I ask, "Can we afford not to have an Iowa World Trade Center?"

This complex will also have an educational component. But, we don't have to wait for a trade center to do more with ag research. I recommend that we begin a Meat Export Technology and Policy Research Group to further develop value-added meat products.

To stimulate more jobs and commerce, we should authorize port authorities and increase the bonding authority of the Small Business Loan Program.

Further, tax abatement provided to new industrial real estate should extend to warehouse and distribution facilities — a way to bring about new Iowa jobs in this growing segment of the economy.

Today, I ask you to remove a major impediment to economic development. I again ask for a balanced, reasonable approach to Iowa's Unemployment Trust Fund.

Last June, I signed an unemployment bill which I didn't like. The consequences of not signing it would have been too extreme. I acted because legislative leaders assured me they would do better next year. Well, next year is here, and I await your action.

If we continue together the ambitious jobs agenda launched in 1983, if we invest in an Iowa World Trade Center, if we enact the other incentives I've just outlined, we will do much for our state's economic health, for our future, and for our people.

ENCOURAGING EDUCATIONAL EXCELLENCE

Few issues present us with as good an opportunity to measure our progress as does education.

My colleague, Lamar Alexander, the Governor of Tennessee and a real champion of quality education, stated at a public forum in Des Moines last fall that his goal is to see his state of Tennessee where Iowa is today in terms of educational excellence.

All of us can take pride in Iowa's educational system. But, we should always seek ways to improve that system. With other states following Iowa's pace, we cannot be satisfied with the status quo. We must stay ahead of the curve, and we will.

That is why last year we passed incentives for math, science and foreign language education to help Iowa schools and Iowa students.

That is why, despite the need for major cuts in this year's budget, I have spared state school aid. We will provide, for the first time, over \$700 million in state aid to local school districts for the 1984-85 school year.

This year, we should expand the curriculum available to Iowa students by increasing opportunities for shared education programs. We can allow schools to request additional money for staff development. And we have a quarter-million dollar budget item for a school computer software clearinghouse.

We intend to accomplish more. In coming years, we must improve teacher preparation and teacher salaries. The forthcoming findings of our ongoing education and taxation studies will be completed later this year and they will help us design the next dimension of support for our schools.

Higher education is equally vital to Iowa's future. And, you can show your pride in Iowa, Iowa State, UNI and our merged area schools, by fully funding my recommendations. To support our independent college students, you should take another step to increase Iowa's Tuition Grant Program.

We would like to do still more for education at all levels, but keep in mind that over one-half of this budget puts dollars into our classrooms — another sizeable investment in Iowa's future.

PROTECTING YOUNG IOWANS

Our motive for achieving long-term economic security and educational excellence is the well-being of our children. Young Iowans will build on the foundation that we lay for them today. So it is appropriate that this General Assembly pay special attention to protecting Iowa's children. Here are some thoughtful things that we can do for them.

Strong parental support is key to the growth and development of our young Iowans. If a parent fails to meet court-ordered child support, we should automatically withhold money from that individual's paycheck.

In addition, I recommend other changes for the sake of Iowa's children, such as strengthening penalties for interfering with visitation rights.

Also, I believe sexual abuse laws should be expanded to include parents. And, penalties for this criminal act should be increased.

Whenever an Iowa child is missing, our hearts go out to that family. We share their anxiety and anguish. To help find these missing children, we should waive any waiting period that would prevent law enforcement from taking immediate action.

Let me add one other thought. All of us who are adults know that we should wear our seat belts. In fact, our six-year old daughter, Allison, reminds us to "buckle-up." But what about small children who can't protect themselves? Infant seats are a measure of safety. I believe it is time to require their use here in Iowa.

It is in our best interest to protect Iowa's children. More importantly, it is in their best interest. We cannot guarantee our children a pot of gold at the end of the rainbow. But, we can guard them while they grow up.

CURBING SUBSTANCE ABUSE AND DRUNK DRIVING

If I were asked to identify a cause that seems to have captured the concern of both young and old Iowans, I would point to substance abuse and drunk driving.

Iowans are tired of irresponsible actions that result in the needless loss of life. Iowans are tired of fearing for the future of young people who haven't learned to be responsible. Iowans are tired of the substance abuser who remains a chronic drain on our welfare programs.

Thanks to two gubernatorial task forces which studied the state's liquor system and our drunk driving laws, we have a number of credible recommendations for attacking these problems.

My budget provides an additional \$4.7 million for substance abuse programs. For these dollars we can:

1. Offer better rehabilitation, and clear up the backlog of people waiting for help at treatment centers.
2. Enhance our drug and alcohol education and prevention programs.
3. Relieve Iowa counties of financial responsibility for substance abuse treatment.

I believe that a modest increase in the cost of buying beer and liquor is a small price to pay for improving our society's health and well-being.

Over the course of the past year, many Iowans have expressed their concern about this state's legal drinking age. It's important, however, that we not penalize those young adults who are responsible citizens. So, I propose a provisional driver's license for young Iowans from 16 to 21. After any alcohol related violation, the license would be lifted until they reach that age of 21.

As part of this crackdown, we should tighten up the availability of alcohol at certain times and places, which my program does.

Finally, penalties for drunk driving should be increased, and no offender should avoid punishment through a deferred or suspended sentence.

Some 241 people died in alcohol related accidents in our state last year. That is about equal to the number of you who are seated in this chamber in front of me right now. We cannot bring back those 241 lives. But we can heed the outcry of Iowa citizens about drunk driving. It is our duty as elected officials to act and to act now, to save lives in the years ahead.

TOUGHENING CRIMINAL PROCEDURES

Drunk driving isn't the only crime that concerns me. And when it comes to thwarting crime, you will always know where I stand.

During the past year, some of the top people in state government worked to coordinate Iowa's criminal justice planning. I have carefully scrutinized their ideas, and today I send you a series of timely ideas to toughen our handling of law breakers. These are a logical follow-up to creating a Department of Corrections and adding bed-space at our institutions.

Specifically, I urge eliminating any reduction in mandatory minimum sentences by the use of good and honor time.

In my program you will also find proposals to curtail computer crime, prohibit the sale of drug paraphernalia and establish a central file for juvenile records.

Crime cuts across every element of society. No person and no class of people is immune. Our state troopers, sheriffs and deputies, local police and prison guards expect us to help, not hinder their work. We owe them our serious consideration of these proposals. Our resolve to deal effectively with the perpetrators of crime is absolutely critical.

IMPROVING IOWA GOVERNMENT

We have a tradition here in Iowa of quality government. We try not to let day-to-day problems cloud our focus on long-term challenges. Moreover, we are a good partner with local governments. To improve that partnership, I again ask you to allow cities and counties to enact local option taxes, provided they are approved by a majority of local voters.

It is not wise to shove state financial responsibilities onto cities and counties. In fact, despite our budget dilemma, I am proposing we pick up some of the burdens from local taxpayers.

In addition, I suggest authorizing local government investment pools to help hold down property taxes.

* * * * *

Property tax relief was one of my priorities in shaping this budget.

Last year, we were forced to impose a one-cent sales tax increase, cut budgets, and then later, come back and cut again.

We were not alone. Thirty-one other states passed tax increases last year, and forty-one states reduced spending.

Just because our problems are shared does not make them easier. We were aided by state employees who agreed to accept a pay freeze and by administrators who worked overtime to provide good service with fewer staff.

This year, we must budget without raising major taxes. We must avoid the temptation of quick-fix, money-making gimmicks. For the most part, we must solve our problems on the spending side of the ledger.

To achieve the necessary reduction, I have carried forward the 2.8 percent cut from this year's budget. This means I have reduced the increase previously recommended. But, I have exempted school aid and property tax credits from the cuts in next year's budget. Most programs, especially human services, will receive more money to keep pace with demands, enrollments and caseloads.

This budget reflects Iowa's needs and directs dollars to meet those needs. Let me cite a few, in addition to those already mentioned.

During this, our "State Year of the Soil," we are adding another one-half million dollars for soil conservation cost-sharing. This brings us to over \$9 million for saving our soil, double what we were spending just four years ago.

I also call for comprehensive changes in the Road Use Tax Fund to improve Iowa's infrastructure. And, at the same time, we can make logical changes in what is funded from gas tax money.

There are dollars to continue weatherizing state buildings, which will hold down energy costs and save millions in tax dollars.

Also, I recommend a tax credit for installing energy-efficient solar hot water heating systems.

I believe that we should establish an income tax check-off to speed-up restoration of this State Capitol and construction of the new Historical Building. Both are high priorities for which funds are included in this budget.

One week from today, we will celebrate the Centennial of this beautiful building. One hundred years from now, when Iowans commemorate the Capitol Bicentennial, they will thank us for this restoration.

There are other priorities in this budget and in my program. I hope you will carefully review the documents we are sending you, so you can appreciate the full scope of our planning and hard work. I am presenting you a balanced budget, and I believe a balanced program. I especially want you to consider the larger issues outlined this morning.

We must support economic development and jobs by marketing more Iowa exports.

We must ensure that young Iowans receive the very best educational opportunities.

We must look to the needs of younger Iowans who deserve our special protection.

We must take aggressive action to curb substance abuse and crackdown on drunk driving.

We must toughen our criminal procedures and promote public safety.

And, we must further improve government efficiency and guarantee taxpayers a fair return on their dollars.

Iowans want good service and good value from government, and they deserve both. Our challenge is to fulfill those expectations.

In the days, weeks and months ahead, I will work with you. So will the competent people employed in the Executive Branch.

* * * * *

All of us come to this seat of government with a passion to serve Iowa. Some of us have family ties dating back to when Governor Ansel Briggs addressed the first legislative session. We are proud of those family histories and of this state's heritage.

We are proud of the fabric of this state — a tapestry richly woven with the character and caring of three million fiercely independent men, women and children.

This is a colorful tapestry that is not a finished piece. Everyday, in Iowa's communities and classrooms, in our factories, and on our farms — wherever there are challenges, choices and decisions, there is action, growth and progress. New threads are being woven into that Iowa tapestry.

This year, this session, public priorities will be debated and public funds allocated. But what really counts is what we contribute to Iowa's condition and how we better that condition.

The process will work if we allow it to. It can work well if we want it to.

I want it to work, and work well. And I trust that you do too.

Thank you.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Norland of Worth moved that the joint convention be now dissolved, which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 10:35 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2014, by Van Camp, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

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

House File 2015, by Chiodo and Schroeder, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo.

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

House File 2016, by Harbor, a bill for an act to provide resale rights to a holder of a farm implements or parts franchise upon termination of the franchise.

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

House File 2017, by Van Maanen, a bill for an act to provide that the taxable value of a building shall not be increased where the dollar amount of normal and necessary repairs to the building does not exceed five thousand dollars.

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

House File 2018, by Schroeder, a bill for an act relating to the establishment of sanitary and improvement districts to provide public improvements and services, authorizing the issuance of general obligation bonds and special assessment bonds, the imposition of service charges and fees, the levy of property taxes, and the exercise of eminent domain for public purposes, and providing for the annexation or dissolution of districts.

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

House File 2019, by Pavich and Brammer, a bill for an act to protect state employees from personnel actions as reprisals for providing information to legislators or disclosing waste, mismanagement, or violations of law, and subjecting violators to a penalty.

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

House File 2020, by Welden, a bill for an act relating to enrollment ceilings at the institutions of higher education under the control of the state board of regents.

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

House File 2021, by Mullins, a bill for an act relating to the garnishment of the disposable income of a judgment debtor.

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

House File 2022, by Corey, a bill for an act relating to access to adoption records.

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

House File 2023, by Hummel, a bill for an act to provide for the establishment and operation of a hazardous waste management facility by the department of water, air and waste management.

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

House File 2024, by Van Camp, a bill for an act subjecting county or district fairs to local noise ordinances.

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

House File 2025, by Schroeder, a bill for an act relating to the publishing and citation of supreme court and court of appeals decisions.

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

House File 2026, by Schroeder, a bill for an act relating to the administration of the state employee suggestion system.

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

House File 2027, by Koenigs, a bill for an act to include custom grain drying in the thresher's or cornsheller's lien, to provide that the lien shall be filed with the secretary of state, and to extend the filing period to sixty days from the date of completion of the work.

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

House File 2028, by Corey, a bill for an act requiring the titling of vessels and providing penalties.

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

House File 2029, by Davitt, a bill for an act to increase the authorized property tax levy for a benefited law enforcement district.

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

House File 2030, by Halvorson of Clayton, a bill for an act repealing the authority to levy a property tax for equipment replacement for area schools.

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

House File 2031, by Sherzan, a bill for an act stipulating collective bargaining representation for employees of a district board of correctional services.

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

House File 2032, by Corey, a bill for an act requiring a seller to post a bond in certain door-to-door sales and applying a penalty.

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

House File 2033, by Mullins, Carl, Ollie and Zimmerman, a bill for an act requiring foster parent training.

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

House File 2034, by Swearingen, a bill for an act authorizing a property tax levy for ambulance service.

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

House File 2035, by Peick, a bill for an act requiring the owner or owners of certain residential apartment buildings to register the street address of each dwelling unit and the name and address of each person having an ownership interest with the secretary of state.

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

HOUSE FILES WITHDRAWN

The following members asked and received unanimous consent to withdraw the bills as listed:

House Files 121 and 564 by Running of Linn.

House File 492 by Woods of Polk.

House Files 296, 298, 329 and 330 by Brammer of Linn.

House Files 107, 321 and 639 by Doderer of Johnson.

House Files 1 and 421 by Chiodo of Polk.

House File 180 by Mullins of Kossuth.

House File 265 by Diemer of Black Hawk.

House File 340 by Swearingen of Keokuk.

House File 387 by Osterberg of Linn.

House Files 270 and 271 by Connolly of Dubuque.

House File 357 by Shoultz of Black Hawk.

House File 396 by Jay of Appanoose.

House File 504 by Cochran of Webster.

House File 24 by Halvorson of Clayton.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 503 Transportation

Relating to transportation programs.

S.B. 504 Human Resources

Relating to child day care.

S.B. 505 Human Resources

Establishing a missing children registry within the bureau of criminal identification of the department of public safety.

S.B. 506 Human Resources

Adopting the federal child and dependent care tax credit for the purpose of computing Iowa income taxes.

S.B. 507 Natural Resources

Directing the surplus moneys of the state racing commission to be deposited in the state conservation fund and specifying the uses of the moneys.

S.B. 508 Natural Resources

Relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund.

S.B. 509 Natural Resources

Creating an "Outdoor Iowa Program" within the state conservation commission.

S.B. 510 Local Government

Providing for the investment of idle public funds and creating a local government investment pool.

S.B. 511 Local Government

Prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

S.B. 512 Local Government

Relating to publication of notice for zoning actions taken under chapter 414.

S.B. 513 Local Government

Increasing the filing or recording fee collected by the county recorder.

S.B. 514 Labor and Industrial Relations

Amending Iowa's unemployment compensation law.

S.B. 515 Agriculture

Requiring research by the department of agronomy at the Iowa state university of science and technology on alternative crops which have potential to be effectively grown in Iowa and making an appropriation.

On motion by Norland of Worth, the House adjourned at 4:29 p.m., until 9:00 a.m., Wednesday, January 11, 1984.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 11, 1984

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

Prayer was offered by the Reverend Harry F. Peterson, pastor of the Bethany and Elk Creek Lutheran Churches, Kensett.

The Journal of Tuesday, January 10, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rodney Carlson, Ankeny.

PETITION FILED

The following petition was received and placed on file:

—By Corey of Louisa, from thirty-one constituents of the 55th District opposing a state lottery and all forms of legalized gambling.

INTRODUCTION OF BILLS

House File 2036, by Gronstal, a bill for an act relating to termination of parental rights' actions when an adoption is pending.

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

House File 2037, by Halvorson of Clayton, Woods and Hummel, a bill for an act relating to the taxation of fraternal beneficiary associations, nonprofit hospital, medical, and pharmaceutical or optometric service corporations, and health maintenance organizations under the state gross premiums tax.

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

House File 2038, by Rensink, a bill for an act to exempt motor fuel sold for use in agricultural machinery which is designed for

agricultural purposes and used by the owner in the conduct of the owner's agricultural operations from the tax on motor fuel where the motor fuel is used for its intended purpose and delivered into storage tanks owned and used exclusively by the owner in the conduct of the owner's agricultural operations.

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

House File 2039, by Hughes, a bill for an act relating to the filling of a vacancy on the board of directors of a school corporation.

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

House File 2040, by Hughes, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises.

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

House File 2041, by Cochran and Bennett, a bill for an act to provide that a tax exemption for a forest reservation shall not be granted until the property qualifies as a forest reservation.

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

House File 2042, by Woods, a bill for an act exempting from the state use tax the portion of the purchase price of a mobile home which is not attributable to the cost of the materials used in manufacturing the mobile home and exempting from the state use tax the gross receipts from the subsequent sale of a motor home if the use tax had been paid on a previous sale.

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

House File 2043, by O'Kane, a bill for an act relating to the reporting of property owned by a city utility.

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

House File 2044, by Cochran and Gruhn, a bill for an act to establish a Meat Export Technology and Policy Research Center at Iowa State University of science and technology.

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

House File 2045, by Cochran and Gruhn, a bill for an act to require research by the department of agronomy at the Iowa state university of science and technology on alternative crops which have potential to be effectively grown in Iowa and making an appropriation.

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

House File 2046, by Rosenberg, a bill for an act to require substance abuse evaluations for certain dispositions of violations of operating a motor vehicle while under the influence.

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

House File 2047, by O'Kane and Schroeder, a bill for an act relating to the taxation of services rendered or furnished by private employment agencies and executive search agencies under the state sales, service, and use tax.

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

House File 2048, by Black, Diemer, McIntee and Haverland, a bill for an act relating to conservation easements.

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

House File 2049, by Poncy, a bill for an act relating to injury to a dog trained for use in law enforcement and providing a penalty.

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

House File 2050, by Norland and Stromer, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

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

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on December 27, 1983 and is on file in the office of the Chief Clerk:

December 27, 1983

Mr. Joseph O'Hern, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa 1983, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1983 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,
WILLIAM KRAHL
State Comptroller

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

CHAPTER 25A GENERAL TORT CLAIMS APPROVED BY STATE APPEAL BOARD, 1983

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-10679-69	Dale A. Davis Leather work missing from Iowa State Penitentiary.	\$ 144.00	\$ 75.00
T-010-70	Richard Lee Clough Guitar was damaged during transfer from Anamosa to Fort Madison.	135.00	75.00
T-033-70	Larry M. Erickson Boat and trailer damaged by boat ramp at East Okoboji.	108.15	108.15
T-061-70	Bob & Shelly Kaassen Daughter fell into a pit latrine at North Twin Lakes State Park.	20,000.00	3,500.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-391-70	Christopher Michael Salazar Pants missing from laundry at Riverview Release Center.	25.00	25.00
T-410-70	Timothy Gusman Personal property missing while in custody of State Penitentiary officials.	978.02	200.00
T-475-70	Teresa Lucille Peel \$25.00 missing from business office of Correctional Institution for Women.	25.00	25.00
T-518-70	Charles Knapp Personal property missing while in custody of officials at Fort Madison.	535.00	535.00
T-521-70	Elaine Jane Trotter \$10.00 missing from business office of Correctional Institution for Women.	10.00	10.00
T-555-70	Michael Jerome Holman Television lost while in custody of officials at State Penitentiary.	107.00	107.00
T-556-70	Louis Crago Personal property lost while in custody of State Penitentiary officials.	602.95	250.00
T-573-70	Gene Dryer Clothing missing from laundry at Clarinda.	27.49	27.49
T-596-70	Kenneth Wayne Williams Personal property missing while in custody of State Penitentiary officials.	172.00	172.00
T-607-70	Kevin A. Kirker Conservation Commission employee ran over sleeping bag while mowing at Lake Okoboji.	25.00	25.00
T-613-70	Glenn Harrison Jeans lost in laundry at Riverview Release Center.	23.95	23.95
TE-614-70	Rick Eugene Runnells Ring lost while in possession of State Penitentiary officials.	93.00	93.00
T-625-70	Mike Todd Pilkington Shirt missing from laundry at Riverview Release Center.	4.50	4.50
T-631-70	Tibben-Craig Builders Window broken by rock thrown by Conservation Commission mower. No safety shield was being used.	36.00	36.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-632-70	Smith Lumber Window broken by rock thrown by Conservation Commission mower. No safety shield was being used.	56.05	56.05
T-633-70	John A. Hayes Damage to property by a Commission for the Blind vehicle.	135.00	135.00
T-634-70	Robert Hudson Clothing lost by laundry at Riverview Release Center.	200.00	50.00
TE-675-70	Joleen Folkerts Car window broken by rock thrown from mower at Fort Dodge Armory.	68.58	68.58
T-697-70	William Paul Wilson Paint drifted onto car parked at Greenwood State Hospital-School.	50.00	50.00
T-699-70	Christopher R. Slotten Payment of medical bills relating to a fall at Dolliver State Park.	5,001.85	5,000.00
TE-706-70	Jack McCune Personal property lost at Fort Madison.	300.00	88.00
T-707-70	Richard Warren Spence Injuries received at State Penitentiary.	10,000.00	500.00
TE-714-70	William C. Johnson Personal property lost at Fort Madison.	16.35	16.35
T-732-70	Rob B. Heslop Typewriter missing after transfer to Iowa State Penitentiary.	115.87	115.87
T-743-70	Paul Caldwell Jones Watch broken by staff member at Security Medical Facility.	25.00	25.00
T-746-70	Bernice E. Sonnicksen Injured when skylight fell on her in Varied Industries Building at the Iowa State Fair Grounds.	3,000.00	1,163.59
T-754-70	Charles Kimm Wages garnished in error.	215.25	169.00
T-761-70	Carlston Fredericke Donald Personal property lost at Fort Madison.	Undetermined	50.00
T-762-70	Tony J. Quintero Art supplies lost during transfer to Fort Madison.	629.20	100.00

<u>Claim Number</u>	<u>Name of Claimant</u> <u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-779-70	Adrian A. Angelsburg Truck damaged by security gate at University of Iowa.	387.00	387.00
T-797-70	Donald E. Corley Jeans lost in laundry at Clarinda.	15.00	15.00
T-814-70	Dan C. Smith Jeans lost in laundry at Clarinda.	20.00	20.00
T-816-70	Merlin Charles Long Personal property lost while in possession of officials at the State Penitentiary.	2,205.00	300.00
T-827-70	Kendall DeWitt Jacket ruined by wet paint at rest area on I-380.	66.95	66.95
T-839-70	Bradley Joe McKnight Jeans missing from laundry at River-view Release Center.	20.00	20.00
T-880-70	Laurence Haywood Rex, Jr. Personal property missing while in custody of the State.	27.88	27.88
T-884-70	John Leroy Barrett Ring lost during transfer to the State Penitentiary.	1,170.00	50.00
T-900-70	Richard Keller Calculator lost by officials at Iowa State Penitentiary.	248.00	210.34
T-902-70	Vicky A. Dutton Mirror broken by corrections at Mitchellville.	10.00	10.00
TE-933-70	Timothy Gordon Lyon Personal property lost while in possession of officials at Fort Madison.	135.00	50.00
T-934-70	Jeffrey Dean Marvin Glasses lost by Cherokee Mental Health Institute.	151.50	151.50
T-935-70	Doug Nelson Personal property missing from Clarinda.	19.93	11.57
T-937-70	Donald J. Bogler Shirt lost while in custody of officials at Clarinda.	7.50	7.50
T-942-70	Mike L. Delezene Jeans lost while in laundry at River-view Release Center.	30.00	30.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-954-70	Maurice Wilson \$20.00 lost during transfer from Story County jail to Fort Madison.	20.00	20.00
T-980-70	Dwaine A. Toran Personal property damaged and lost by staff at Clarinda.	28.00	28.00
T-1000-70	Glenn Larson Clothing lost in laundry at Riverview Release Center.	27.00	27.00
TE-1012-70	Dannie L. Petty Necklace lost during transfer to Iowa State Penitentiary.	1,500.00	50.00
T-1134-70	Donald Duane Ochs Shoes lost while in possession of officials at Anamosa.	55.00	30.00
T-1156-70	Bruce Marking Ceramic statue broken by a custodian at the University of Iowa.	25.00	25.00
T-1157-70	Jeffrey James Skipton Reimbursement of \$13.60 taken in error from his account at the Iowa Security Medical Facility.	13.60	13.60
TE-1201-70	William G. Credidio Doctors at the University of Iowa Dental Clinic pulled tooth number 16 instead of number 15.	6,500.00	2,000.00
T-1212-70	Arthur Hildenbrandt False teeth missing while claimant was being treated at the Mental Health Institute.	510.00	485.00
T-1225-70	Theodore Winfield Carter Clothing missing from laundry at Riverview Release Center.	96.00	96.00
T-1248-70	Elsie Mae Coe Reimbursement for tiling work necessary after the Conservation Commission rerouted a tile line.	296.13	296.13
TE-1251-70	Mrs. Henry Bomgaars Reimbursement of medical expenses incurred after a fall at the Spirit Lake Fish Hatchery.	90.50	50.50
T-1259-70	Jerry Joe Everett Personal property lost while in the care of Fort Madison officials.	79.00	75.00
T-1260-70	Richard Collier Slacks ruined by the laundry at Riverview Release Center.	31.00	31.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-1274-70	Kenneth William Eberhardt Trailer damaged by mower at Clear Lake State Park Campground.	351.00	351.00
T-1278-70	David J. Budzinski Car damaged by paint overspray while parked at Camp Dodge.	148.00	148.00
T-1281-70	Sheryl Ann Bacon Car damaged by paint overspray while parked at Camp Dodge.	146.04	146.04
T-1299-70	Steven Rohret Car damaged when a metal trash cart rolled off the dock at University Hospitals.	181.36	181.36
T-1364-70	Gerald W. Fuhrman Automobile damaged by a mower at the Mental Health Institute.	130.96	130.96
T-1487-70	Dorothy L. Tapley Reimbursement of medical expenses due to a fall at the Medium Security Unit at Mount Pleasant.	224.25	224.25

**CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1983**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-026-70-T	Auto Owners Insurance Co. Auto accident caused by an excessive amount of sand on roadway during a DOT repair operation.	\$ 2,683.27	\$ 1,341.64
H-052-70-T	Effie Isabel Hammer Vehicle damaged by rocks thrown from use of an air compressor during road maintenance.	177.00	177.00
H-064-70-T	David Glenn Paarmann Misaligned outlet pipe caused water back up and storage problem on claimant's property.	5,546.91	5,258.53
H-090-70-T	Batcheler Enterprises, Inc. Bean crop damaged by Tordon Beads sprayed for weed control.	169.33	75.00
H-092-70-T	Carilyn Joann Booker Medical expenses and damage to bicycle caused by a raised traffic counter cable.	369.00	369.00
H-107-70-T	Harold W. Shearer Fruit trees damaged from DOT spraying operation.	810.00	270.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-136-70-T	Donald Kozik & Virgil Kozik Reimbursement for tile replacement necessary after work done on Highway 21 in Benton County.	97.07	97.07
H-156-70-T	Dr. David V. Grimes Compensation for tiling necessary after "soil borrow" by the DOT during reconstruction of Highway 9.	3,889.75	3,889.75
H-161-70-T	Clarence Miller Tile line destroyed during reconstruction of Highway 9 near Thompson.	Undetermined	940.00
H-162-70-T	Union Insurance Group as Subrogee of I. Marie Olson Property damage and personal injury from accident caused by grass blocking visibility at intersection.	2,450.00	2,450.00
H-165-70-T	Stanley B. Schroeder Bean crop damaged by Tordon Beads used by DOT for weed control.	250.00	250.00
H-175-70-T	James R. Fettkether Vehicle damaged by rocks thrown from use of an air compressor during road maintenance.	608.33	608.33
H-182-70-T	Northwestern Bell Telephone Co. Buried cable damaged during maintenance work on Highway 183 near Crescent.	241.76	241.76
H-202-70-T	Lyle C. Aanes & David L. Aanes Hay bales and protective tarp damaged when moved by DOT.	265.50	265.50
H-211-70-T	Raymond P. Clarahan Tire ruined by expansion plate located on a bridge on Highway 22 near Wellman.	51.02	51.02
H-221-70-T	Edward W. Beidler Cattle lost and expenses connected with the loss caused by removal of a fence on his property by a DOT contractor.	1,730.00	1,730.00
H-228-70-T	Northwestern Bell Telephone Co. Toll cable severed by DOT when cleaning a creek channel.	823.49	823.49
H-233-70-T	Richard Johnson Windshield broken by concrete when driving through a construction zone.	180.07	180.07
H-237-70-T	Mutual Fire & Automobile Co. as Subrogee for Donald Sackett Friedman Damage incurred when a DOT sign blew into side of automobile.	487.08	487.08

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-243-70-T	Mr. Fred D. Rupp Windshield cracked by a rock thrown by air hose during road repair.	194.41	194.41
H-252-70-T	Marilyn Adams Damage to automobile by pothole on I-80.	454.82	345.40
H-264-70-T	Thad Raymond Boyington Damage to automobile from fill material on Highway 3.	349.29	349.29
H-272-70-T	Willie B. Gwinn Motor home damaged by a sign leaning onto travel portion of Highway 14.	296.04	296.04
H-279-70-T	Fireman's Fund Insurance Companies Damage to insured's tires and wheels by a pothole.	422.89	422.89
H-284-70-T	City of What Cheer Damage to water line by a DOT maintenance crew.	235.55	235.55
H-285-70-T	Louis Schafer, Jr. Cedar tree was removed from claimant's property without his knowledge or consent.	98.00	98.00
H-289-70-T	Albert Hein Farm Reimbursement for retiling costs and crop damage due to incorrect drainage tiles after construction project.	10,286.45	10,286.45
H-290-70-T	Hamilton County Reimbursement for retiling costs due to incorrect drainage tiles after construction project.	5,452.17	5,452.17
H-304-70-T	Floyd Ritnour Garden vegetables were damaged by 24D sprayed by the DOT.	240.00	240.00
H-313-70-T	Billy Wayne Scrivner Expenses incurred after auto was damaged passing through a construction area.	127.74	127.74
H-315-70-T	Maurice Johnson Bean crop damaged by Tordon Beads sprayed by the DOT.	585.60	585.60
H-318-70-T	Leonard W. Dunn Damage to garden caused by DOT crew spraying weeds.	2,500.00	417.01
H327-70-T	Richard Whitmore Damage to property and home caused by inadequate drainage ditch after construction of Highway 67 bypass.	3,862.33	3,862.33

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-328-70-T	Richard Schickling Damage to property and home caused by inadequate drainage ditch after construction of Highway 67 bypass.	3,049.69	3,049.69
H-329-70-T	Timothy P. Saschsen Maier Damage to property and home caused by inadequate drainage ditch after construction of Highway 67 bypass.	1,305.24	1,305.24
H-341-70-T	Egon Jensen Overgaard Potato crop damaged by herbicide sprayed by DOT maintenance.	86.70	86.70
H-342-70-T	Catherine A. Schmitt Rock damage to automobile caused by excessive gravel on Highway 141.	493.97	493.97
H-348-70-T	Allen D. Newton Soy beans damaged by Tordon Beads.	400.80	400.80
H-349-70-T	Harold Alex Stricker Soy beans damaged by Tordon Beads.	286.98	286.98
H-350-70-T	Daniel Mark Sullivan Soy beans damaged by Tordon Beads.	573.30	504.90
H-351-70-T	Marianne Weiss Damage to automobile caused by pothole on Highway 7 near Barnum.	233.80	233.80
H-353-70-T	Lloyd Ralph Decker Soy beans damaged by Tordon Beads.	212.17	212.17
H-354-70-T	Leonard Dietrich Tree and garden damaged by herbicide used in the area by the DOT.	125.00	125.00
H-355-70-T	Robert L. Schmidt Two tires ruined by a pothole on Merle Hay Road in Des Moines.	216.02	216.02
H-356-70-T	Edward Wells Baughman Damage to truck caused when a steel beam flipped up from the bridge floor on Highway 156 west of Bussey.	463.32	463.32
H-365-70-T	Weaver Construction Co. Damage to vehicle caused from accident due to lack of signal visors to reduce reflection on traffic signals.	134.10	134.10
H-371-70-T	Rodger Martin Beans damaged by Tordon Beads sprayed by DOT.	557.55	557.55
H-374-70-T	Paul R. Winter Compensation for tiling necessary after "soil borrow" by the DOT during construction of Highway 9.	3,420.00	3,420.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-387-70-T	Michael Albert Olson Damage to car from paint splattered by DOT painting crew.	123.20	123.20
H-390-70-T	Lewis Farms, Ltd. Alfalfa crop damaged by Tordon Beads sprayed by DOT.	262.40	262.40

**CHAPTER 25A - TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1983**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-10736-69	Dorothy Angerer, Admin. Estate of Mary Frances Ayers Wrongful Death (Settlement)	\$ 750,000.00	\$ 72,500.00
T-4682-68	Eva L. Armstrong &	76,000.00	
T-4681-68	Roy R. Armstrong Property Damages & Personal Injury (Settlement)	76,000.00	6,000.00
T-4550-68	William Blair Personal Injury (Judgment)	101,900.00	10,000.00
T-3167-67	Melvyn D. Bollman Personal Injury (Settlement)	100,000.00	5,000.00
T-10319-69	Frank W. Brogan	80,000.00	
T-10320-69	Personal Injury	75,000.00	
TE-10322-69	(Settlement)	80,000.00	1,000.00
TE-10324-69		75,000.00	
TE-9919-69	Kelsey Louis Burkheimer Personal Injury (Settlement)	3,000,000.00	49,500.00
T-864-70	Debra Burnett Personal Injury (Settlement)	35,000.00	6,000.00
T-10187-69	Ross T. Campbell Personal Injury (Settlement)	1,000,000.00	667.00
T-10226-69	Lee Ann deGrazia Personal Injury (Settlement)	Undetermined	225,000.00
T-3720-67	Stephen Craig Dubberke Personal Injury (Settlement)	50,000.00	1,600.00
T-10167-69	Ralph R. Elbert Personal Injury (Settlement)	45,000.00	10,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-6599-69	Gregory C. Hanson Property Damages (Settlement)	1,471.43	500.00
T-10065-69	Richard E. & Helen L. Johnson Property Damages (Settlement)	10,000.00	2,000.00
T-5982-68	Kathleen S. Kral Personal Injury (Settlement)	1,500,000.00	15,000.00
TE-6386-69	Donald Lincoln Personal Injury (Judgment)	125,000.00	65,658.90
T-6504-69	Virgil Morgan Personal Injury (Settlement)	250,000.00	750.00
T-9770-69	James Olson Personal Injury (Settlement)	Undetermined	1,500.00
T-116-70	Dale Pfeiff Personal Injury (Settlement)	Undetermined	25,000.00
T-6688-69	Chester C. Robbins, Jr. Property Damages (Settlement)	10,660.30	7,000.00
TE-4790-68	Eleanora Ross Personal Injury (Settlement)	35,000.00	7,500.00
TE-4902-68	Frederick Schwartz	188,511.78	
T-4903-68	Personal Injury	188,511.78	
TE-4904-68	(Settlement)	130,310.08	72,500.00
T-4905-68		130,310.08	
T-6655-69	State Automobile & Casualty Underwriters Property Damages (Settlement)	6,080.00	6,000.00
TE-4900-68	K. S. Sun, M.D., PC &	12,115.51	
T-4901-68	The Travelers Insurance Co. Property Damages & Personal Injury (Settlement)	12,115.51	4,000.00
TE-4906-68	Elizabeth T. Sun &	1,001,650.00	120,000.00
T-4907-68	1st Federal State Bank Wrongful Death (Settlement)	1,001,650.00	129,666.00
TE-10398-69	Norman Teer Personal Injury (Settlement)	500,000.00	1,100.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-767-70	Betty M. & Herbert Warrick Personal Injury (Settlement)	12,724.40	11,000.00
T-9941-69	Harold Willenborg Personal Injury (Judgment)	1,500.00	9,000.00
T-9743-69	Robert Zoernig Personal Injury (Settlement)	2,500,000.00	120,000.00
H-830-69-T	Larry Gene Balster Personal Injury (Settlement)	302,075.00	116,480.82 20,257.53
H-900-69-T	James Henry Beck Personal Injury & Property Damages (Settlement)	150,680.00	25,000.00
H-1270-69-T	Donald Leo Bollig Personal Injury (Settlement)	750,000.00	2,500.00
H-816-69-T	Kevin Clauson Personal Injury (Settlement)	50,000.00	2,000.00
H-1164-69-T	Estate of Ruby Joan Erickson Wrongful Death (Settlement)	500,000.00	10,000.00
H-896-70-T	Michael F. Flannegan Property Damages (Judgment)	40,000.00	12,100.00
H-1204-69-T	Bernard J. Harmeyer, dba Harmeyer Construction Personal Injury & Wrongful Death (Settlement)	1,900,000.00	10,000.00
H-1083-69-T	Katharine Jaquith Property Damages (Settlement)	935.00	550.00
H-1160-69-T	Roscoe Loehr, Sr., Admin. Estate of Mildred Loehr Wrongful Death	200,000.00	42,000.00
H-1161-69-T	Roscoe Loehr, Sr.	50,850.00	
H-1162-69-T	Roscoe Loehr, Jr. (Settlement)	75,000.00	
H-1137-69-T	Marilyn L. Martin Property Damages (Judgment)	37,000.00	25,500.00
H-807-68-T	Jerry M. Morrow Personal Injury (Settlement)	50,000.00	2,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-1055-69-T	Darlene M. Pearson Personal Injury	50,000.00	
H-1058-69-T	Virgil S. Pearson (Settlement)	10,000.00	213,033.23
H-1248-69-T	Raymond C. Rueckert Personal Injury (Settlement)	75,000.00	15,750.00
H-1264-69-T	Estate of Louis Schroeder Wrongful Death (Settlement)	Undetermined	46,250.00
H-1265-69-T	Clara Schroeder	Undetermined	
H-1218-69-T	Siemer Plumbing & Heating Property Damages (Settlement)	24,219.34	3,000.00
H-674-68-T	Kelly A. Solem Personal Injury (Settlement)	160,000.00	2,000.00
H-075-70-T	DeLane Stenjem Property Damages (Settlement)	2,956.17	1,464.00
H-417-67-T	Janet J. Stroh Personal Injury (Settlement)	180,000.00	24,000.00
H-796-68-T	Ronald Struebin for the Estate of Joel F. Struebin Property Damages & Wrongful Death (Settlement)	500,500.00	12,000.00
H-795-68-T	Kathleen S. Potter for the Estate of James K. Potter	504,643.20	
H-1146-69-T	Kelly Ann Waller, Mary J. Waller & Ronald R. Waller Personal Injury (Settlement)	Undetermined	11,000.00
H-737-68-T	Deborah Jean Welch	51,300.00	25,000.00
H-738-68-T	John Phillip Welch Personal Injury & Property Damages (Settlement)	750,000.00	
H-046-70-T	Gerald D. & Patricia Whited Property Damages & Personal Injury (Judgment)	1,927.23	1,927.23

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on December 27, 1983 and is on file in the office of the Chief Clerk.

December 27, 1983

Mr. Joseph O'Hern, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

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

These include 43 claims of a general nature that have been denied by the State Appeal Board during the year 1983.

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

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, 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>
5729-68-25	Schwans Sales Enterprises, Inc. Marshall, Minnesota Prorate refund.	\$ 556.50	Disapproved
5816-68-25	Bluffs Escrow & Appraising Council Bluffs, Iowa Revenue stamp refund.	13.42	Disapproved
6101-69-25	Michael Safranek Winona, Minnesota Outdated claim for maintenance.	340.00	Disapproved
9945-69-25	NCR Corporation St. Paul, Minnesota Outdated invoice for equipment rental.	1,607.54	Disapproved
769-70-25	Eldon Wenger Beaver, Iowa Motor fuel refund.	40.30	Disapproved
810-70-25	Lee Anderson Humeston, Iowa License fee refund.	15.00	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
833-70-25	Villisca Municipal Power Plant Villisca, Iowa License fee refund.	225.09	Disapproved
846-70-25	Herbert J. Bauer Chariton, Iowa Documentary stamp refund.	26.40	Disapproved
907-70-25	Creighton Health Professions Center Omaha, Nebraska Outdated invoices for services provided to a client of the Department of Social Services.	818.00	Disapproved
926-70-25	Dallas & Mavis Forwarding Co., Inc. South Bend, Indiana Vehicle registration fee refund.	5,478.50	Disapproved
973-70-25	Ambiant Systems, Ltd. Toronto, Ontario, Canada Outdated invoice for shipping charges.	253.70	Disapproved
988-70-25	Bob Tolle Spencer, Iowa Payment for medical fees.	111.00	Disapproved
1014-70-25	J. D. Westhoff Transfer New Vienna, Iowa Vehicle registration refund.	527.58	Disapproved
1015-70-25	Mehmert Tiling, Inc. Lime Springs, Iowa Vehicle registration refund.	95.93	Disapproved
1017-70-25	Cyril A. Ruffcorn Mondamin, Iowa Vehicle license fee refund.	16.00	Disapproved
1030-70-25	Raymond Lewis Watson Montezuma, Iowa Vehicle license fee refund.	40.00	Disapproved
1051-70-25	Joe Minard Construction, Inc. Waterloo, Iowa Revenue stamp refund.	44.96	Disapproved
1073-70-25	Donald E. Witthauer Council Bluffs, Iowa Vehicle registration refund.	Undetermined	Disapproved
1077-70-25	Ron Weymiller & Son Trucking New Albin, Iowa Vehicle registration refund.	423.75	Disapproved
1080-70-25	First Assembly of God Church Washington, Iowa Vehicle registration refund.	20.00	Disapproved
1084-70-25	DLT, Inc. Muscatine, Iowa Fuel tax credit refund.	136.33	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1085-70-25	Lou Rathjen, dba United Sales & Leasing Ida Grove, Iowa Fuel tax credit refund.	306.98	Disapproved
1086-70-25	Raymond L. Foley Belle Plaine, Iowa Fuel tax refund.	397.70	Disapproved
1095-70-25	Jerry D. Nelson Terril, Iowa Vehicle registration refund.	494.25	Disapproved
1096-70-25	James Arthur Neves APO New York Vehicle registration refund.	Undetermined	Disapproved
1106-70-25	Heyl Truck Lines, Inc. Akron, Iowa License fee refund.	788.25	Disapproved
1172-70-25	Butch Thede Lake City, Iowa Vehicle registration refund.	258.97	Disapproved
1215-70-25	Norwest Bank Des Moines National Association Des Moines, Iowa Garnishment.	465.79	Disapproved
1223-70-25	Alan J. Massman West Union, Iowa Storage fee refund.	25.50	Disapproved
1234-70-25	Kenneth D. Benhart Des Moines, Iowa Vehicle registration refund.	117.00	Disapproved
1245-70-25	Daryl M. Baker, dba Baker Truck Line Livermore, Iowa Vehicle license fee refund.	675.24	Disapproved
1255-70-25	Community Opportunities, Inc. Carroll, Iowa Outdated expenses for Health Department contract #60-166.	1,105.12	Disapproved
1271-70-25	Herbie Kay Nelson Forest City, Iowa License fee refund.	15.75	Disapproved
1365-70-25	Eugene Krabbenhoft Davenport, Iowa Vehicle registration refund.	777.50	Disapproved
1379-70-25	Ahern-Pershing Office Supplies Des Moines, Iowa Outdated billing for office supplies.	113.92	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1380-70-25	R. Horsch Davenport, Iowa Vehicle registration refund.	5.00	Disapproved
1393-70-25	James R. Van Denover Oelwein, Iowa Watchmaking license refund.	25.00	Disapproved
1402-70-25	Edmund W. Larson Red Oak, Iowa Watchmaking license refund.	25.00	Disapproved
1436-70-25	Palmer J. Moeller Schleswig, Iowa License fee refund.	281.34	Disapproved
1447-70-25	Carl L. Lindblom Iowa City, Iowa Watchmaking license refund.	25.00	Disapproved
1456-70-25	Curt Wahle Wyland McClelland, Iowa License refund.	76.00	Disapproved
1482-70-25	K. L. Kunath Spencer, Iowa Watchmaking license refund.	25.00	Disapproved
1494-70-25	Steven Kunze Crooks, South Dakota License plate refund.	21.00	Disapproved

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Leader's Administrative Assistant	William C. Maloney	26-5	P-FT	1/04/84
Caucus Secretary I	Nylene Dory	13-1 + 2 + 2	P-FT	1/06/84
Secretary II	Ruby J. Briar	15-1 + 2	S-O	1/09/84
Administrative Assistant II	Penny Lu Brown	15-1	S-O	1/09/84

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary II	Janis Bowden	15-1 + 1	S-O	1/09/84
Secretary I	Lynne Carey	13-1 + 1	S-O	1/09/84
Secretary I	Margaret A. Dohrer	13-1	S-O	1/09/84
Secretary II	Betty J. Dunn	15-4 + 2	S-O	1/09/84
Secretary I	Janet Eakins	13-1 + 1	S-O	1/09/84
Secretary I	Theresa M. Ferin	13-1 + 1	S-O	1/09/84
Secretary I	Gertrude E. Fogarty	13-1 + 1	S-O	1/09/84
Secretary I	Barbara A. Hancock	13-1 + 1	S-O	1/09/84
Secretary I	Jean P. Harkin	13-1 + 1	S-O	1/09/84
Secretary I	Dolores M. Horton	13-1 + 1	S-O	1/09/84
Secretary I	Thomas M. Isenhart	13-1 + 1	S-O	1/09/84
Secretary I	Linda J. Johnson	13-2 + 1	S-O	1/09/84
Secretary I	Jacqueline M. Kibbie	13-1	S-O	1/09/84
Secretary II	Joan A. Kiernan	15-1 + 1	S-O	1/09/84
Secretary I	Daniel A. Kueper	13-1	S-O	1/09/84
Secretary I	Prudence Leachman	13-1	S-O	1/09/84
Secretary I	Kathryn A. Murphy	13-1 + 1	S-O	1/09/84
Secretary I	Maureen A. Nichols	13-1 + 1	S-O	1/09/84
Secretary I	Mary Ann Ringgenberg	13-1 + 1	S-O	1/09/84
Secretary I	Diana Root	13-1 + 2	S-O	1/09/84
Secretary I	Connie L. Ryan	13-1 + 1	S-O	1/09/84
Secretary I	Machelle R. Shaffer	13-1 + 1	S-O	1/09/84
Secretary II	Peggy H. Ward	15-1 + 2	S-O	1/09/84
Secretary I	Maureen G. Wilt	13-1 + 1	S-O	1/09/84

FEY of Scott, Chair

On motion by Norland of Worth, the House was recessed at 9:13 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SPONSOR ADDED
(House File 2019)

Varn of Johnson requested to be added as a sponsor of House File 2019.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 516 Judiciary and Law Enforcement

Relating to the treatment of persons on work release at the university hospitals.

S.B. 517 Judiciary and Law Enforcement

Relating to the waiver of presentence investigations for class "B", "C", and "D" felonies.

S.B. 518 Judiciary and Law Enforcement

Relating to the penalty for theft by a check written on insufficient funds.

S.B. 519 Judiciary and Law Enforcement

Relating to the definition of burglary and attempted burglary.

S.B. 520 Judiciary and Law Enforcement

Extending the time for the board of directors of a judicial district department of correctional services to file its annual report.

S.B. 521 Judiciary and Law Enforcement

Relating to the appeal of orders of hearing officers.

S.B. 522 Judiciary and Law Enforcement

Relating to the counties' duty to comply with state requests for temporary confinement of alleged violators of conditions of work release and parole.

S.B. 523 Judiciary and Law Enforcement

Relating to home work release.

S.B. 524 Judiciary and Law Enforcement

Relating to the violation of probation and providing a penalty.

S.B. 525 Judiciary and Law Enforcement

Relating to the protection of children by amending Iowa's child abuse and child-in-need-of-assistance laws.

S.B. 526 Judiciary and Law Enforcement

Relating to the minimum educational requirements for chiefs of police departments in cities having a population over fifty thousand.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 501), authorizing an area education agency to issue warrants and anticipatory warrants and providing for the repayment of interest.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON TRANSPORTATION

House File 417, a bill for an act requiring political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

Fiscal Note is required.

Recommended Do Pass.

House File 508, a bill for an act to eliminate annual registration plates for motor fuel transporters and providing that persons without motor fuel tax permits have certain duties and responsibilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5001** January 10, 1984.

House File 586, a bill for an act relating to restricting the motor vehicle operating privileges of an individual required to show proof of financial responsibility and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENT FILED

H-5001

H.F. 508

Committee on
Transportation

On motion by Norland of Worth, the House was adjourned at 3:28 p.m., until 9:00 a.m., Thursday, January 12, 1984.

JOURNAL OF THE HOUSE

Fourth Calendar Day—Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 12, 1984

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

Prayer was offered by the Reverend Paul Akin, pastor of the United Methodist Church, Belmond.

The Journal of Wednesday, January 11, 1984, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald McHose, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varn of Johnson, on request of Sturgeon of Woodbury; Hoffmann-Bright of Muscatine, on request of Stromer of Hancock.

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 9, 1984, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, providing for a joint convention on January 17, 1984, in observance of the Capitol Centennial.

Also: That the Senate has on January 9, 1984, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 103, providing for a joint convention on January 19, 1984, and inviting the Chief Justice to deliver his condition of the judicial department message.

Also: That the Senate has on January 11, 1984, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, providing for an amendment to the Joint Rules of the Seventieth General Assembly.

K. MARIE THAYER, Secretary

SENATE CONCURRENT RESOLUTION 101
By Committee on Rules and Administration

1 A Senate Concurrent Resolution relating to the
2 joint rules.
3 *Be It Resolved by the Senate, the House Concurring,*
4 That rule 17 of the joint rules of the house and
5 senate approved in House Concurrent Resolution 2,
6 adopted January 17, 1983, be amended to read as
7 follows:

8 Rule 17

9 Fiscal Notes

10 A fiscal note shall be attached to any bill or
11 joint resolution which reasonably could have an annual
12 effect of at least one hundred thousand dollars or
13 a combined total effect within five years after
14 enactment of five hundred thousand dollars or more
15 on the aggregate revenues, expenditures or fiscal
16 liability of the state or its subdivisions. ~~However,~~
17 ~~notwithstanding the fiscal limitations stated in this~~
18 ~~rule, any bill referred to a finance committee of~~
19 ~~either house shall have a fiscal note attached to~~
20 ~~it when reported out of the finance committee. This~~
21 rule does not apply to appropriation and ways and
22 means measures where the total effect is stated in
23 dollar amounts.

24 The preliminary determination of whether the bill
25 appears to require a fiscal note shall be made by
26 the legislative service bureau which shall send a
27 copy of the request to the legislative fiscal bureau
28 unless the requestor specifies the request is to be
29 confidential. Upon completion of the bill draft,
30 the legislative service bureau shall immediately send

Page 2

1 a copy to the legislative fiscal director for review.
2 If the legislative fiscal bureau confirms that a
3 fiscal note is required, the words "FISCAL NOTE
4 REQUIRED" shall be prominently stamped on the bill
5 jacket.

6 When a committee reports a bill to the floor, the
7 committee shall state in the report whether a fiscal
8 note is or is not required.

9 The fiscal note shall be printed on the bill before
10 introduction if practicable; and the secretary of
11 the senate or chief clerk of the house shall attach
12 the fiscal note to the bill as soon as it is available.

13 The legislative fiscal director shall prepare the
14 fiscal note within a reasonable time after receiving
15 the request and necessary information. A copy of

16 the fiscal note shall be filed by the legislative
17 fiscal director, for distribution, with the secretary
18 of the senate or the chief clerk of the house unless
19 within one legislative day a request for a revised
20 fiscal note is filed with the legislative fiscal
21 director. The legislative fiscal director may request
22 the cooperation of the state comptroller or any state
23 department or agency. If a fiscal note is prepared
24 by the comptroller or any state department or agency
25 at the request of the fiscal director, that fact shall
26 be stated in the note.

27 Each fiscal note shall state in dollars the
28 estimated effect of the bill on the revenues,
29 expenditures, and fiscal liability of the state during
30 the first five years after enactment. The information

Page 3

1 shall specifically note the fiscal impact for the
2 first two years following enactment and the anticipated
3 impact for the succeeding three years. Sources of
4 funds for expenditures under the bill shall be stated,
5 including federal funds. If the fiscal director
6 cannot make an accurate estimate, the director shall
7 state the best available estimate or shall state that
8 no dollar estimate can be made and state concisely
9 the reason.

10 The fiscal note shall be attached or printed in
11 the bill following the explanation or shall be printed
12 in the daily clip sheet.

13 A revised fiscal note may be requested by a
14 committee chair or a sponsor of the bill if the fiscal
15 effect of the bill has been changed by adoption of
16 an amendment. However, a request for a revised fiscal
17 note shall not delay action on a bill unless so ordered
18 by the presiding officer of the house in which the
19 bill is under consideration.

20 If a date for adjournment has been set, then a
21 constitutional majority of the house in which the
22 bill is under consideration may waive the fiscal note
23 requirement during the three days prior to the date
24 set for adjournment.

Laid over under Rule 25.

HOUSE FILE 503 WITHDRAWN

Cochran of Webster asked and received unanimous consent to withdraw House File 503 from further consideration by the House.

SECOND CONFERENCE COMMITTEE REPORT FILED

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

House File 359, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities.

JOSEPH O'HERN
Chief Clerk of the House

On motion by Norland of Worth, the House was recessed at 9:18 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2051, by Halvorson of Clayton, a bill for an act crediting certain earned interest to the unemployment compensation trust fund.

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

House File 2052, by Shoultz, a bill for an act requiring coverage for expenses relating to cleft lip, cleft palate, and other congenital facial anomalies under health insurance contracts.

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

House File 2053, by Running, a bill for an act to allow an employee covered under an employer's group health and accident policy to maintain membership in the group and coverage during a temporary layoff or an approved leave of absence.

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

House File 2054, by Parker and Chiodo, a bill for an act relating to the administrative and judicial review of real property tax assessments.

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

House File 2055, by Van Camp, a bill for an act relating to the issuance of citations to minors.

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

House File 2056, by Chiodo, a bill for an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, and providing a penalty, and providing that revenue generated shall be distributed to the general fund.

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

House File 2057, by Chiodo, a bill for an act requiring financial institutions to credit deposits to accounts on the same calendar day the deposit is made.

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

House File 2058, by Chiodo, a bill for an act requiring persons accepting consumer savings accounts to provide certain information regarding the terms of the savings accounts, and providing civil penalties.

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

House File 2059, by Schneklath, a bill for an act relating to arrests for failure to appear for certain violations.

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

House File 2060, by Schnekloth and Van Maanen, a bill for an act to increase the capitalization rate from seven to nine percent in valuing agricultural land for property tax purposes.

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

House File 2061, by Rosenberg, a bill for an act relating to the submission of voter registration forms.

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

House File 2062, by Sturgeon, a bill for an act providing for a moratorium on certain disconnections of gas and electricity by regulated public utilities from October 1 to April 1 for residents age sixty or over and making civil penalties applicable.

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

House File 2063, by Groth, a bill for an act relating to the sale of Iowa state industries products.

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

House File 2064, by Groth, a bill for an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, and providing a penalty, and providing that revenue generated shall be distributed to school districts.

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

House File 2065, by Chiodo, a bill for an act limiting gas or electric service deposits.

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

House File 2066, by O'Kane, a bill for an act providing for payments in each fiscal year of homestead tax credits, agricultural land tax credits, livestock tax credits, military tax credits, and personal property tax credits to the respective county treasurers by the state comptroller.

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

House File 2067, by Connors, a bill for an act establishing an age limit for participants in amateur boxing.

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

House File 2068, by Gronstal, a bill for an act requiring certain public utilities to include in each of their ads a listing of the percentage of the ad's expenses which are to be charged to customers and the percentages which are to be charged to the stockholders.

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

House File 2069, by Peick and Baxter, a bill for an act prohibiting allocation of more than two children per seat on certain school buses.

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

House File 2070, by Rosenberg, a bill for an act relating to the crime of incest and providing a penalty.

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

House File 2071, by Woods, a bill for an act to provide for the transportation commission to submit the results of the quadrennial need study to the general assembly by January 1 of the year in which the quadrennial need study becomes effective.

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

House File 2072, by committee on appropriations, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools, reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and making appropriations funds for these capital projects for the fiscal year beginning July 1, 1984, and funding the driver's license program from the primary road fund.

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

HOUSE FILES 216, 299 AND 651 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House Files 216, 299, and 651 from further consideration by the House.

HOUSE FILES 170 AND 174 WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw House Files 170 and 174 from further consideration by the House.

COMMITTEE APPOINTMENTS

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

Halvorson, Rod N.	From Education Appropriations Subcommittee to State Government Appropriations Subcommittee.
Zimmerman, Jo Ann	From State Government Appropriations Subcommittee to Education Appropriations Subcommittee.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 527 Human Resources

Relating to the regulation of radiation machines and radioactive materials and providing a civil penalty for violations.

S.B. 528 Human Resources

Relating to the establishment of well-elderly clinics in each county of the state.

SUBCOMMITTEE ASSIGNMENTS

House File 43 (Reassigned)

Local Government: Peick, Chair; Royer and Sherzan.

House File 60

Small Business and Commerce: Swartz, Chair; Diemer, Groninga, Halvorson of Clayton and Sturgeon.

House File 61 (Reassigned)

Ways and Means: Chiodo, Chair; McKean and Schnekloth.

House File 92 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Lageschulte.

House File 93 (Reassigned)

Labor and Industrial Relations: Connors, Chair; Schnekloth and Sherzan.

House File 99

Ways and Means: Rosenberg, Chair; Chiodo, Groninga, McKean and Schnekloth.

House File 183 (Reassigned)

Local Government: O'Kane, Chair; Connors and Menke.

House File 188

Small Business and Commerce: Gronstal, Chair; McIntee and Skow.

House File 189

Small Business and Commerce: Gronstal, Chair; McIntee and Skow.

House File 190

Small Business and Commerce: Oxley, Chair; Hummel and Knapp.

House File 224 (Reassigned)

Local Government: O'Kane, Chair; Renaud and Torrence.

House File 235

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 258

Small Business and Commerce: Gronstal, Chair; McIntee and Skow.

House File 310 (Reassigned)

Small Business and Commerce: Swartz, Chair; Halvorson of Clayton and Skow.

House File 322 (Reassigned)

Local Government: Lloyd-Jones, Chair; Menke and Peick.

House File 338 (Reassigned)

Local Government: Lloyd-Jones, Chair; Menke and Peick.

House File 356 (Reassigned)

Labor and Industrial Relations: Miller, Chair; Gronstal and Halvorson of Clayton.

House File 376

Small Business and Commerce: Swartz, Chair; Halvorson of Clayton and Skow.

House File 378

Local Government: Connors, Chair; Hermann and Lloyd-Jones.

House File 385 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Lageschulte.

House File 389 (Reassigned)

Local Government: Sherzan, Chair; Black, Grandia, Lloyd-Jones and Torrence.

House File 422

Small Business and Commerce: Baxter, Chair; Skow and Renken.

House File 426 (Reassigned)

Labor and Industrial Relations: Sherzan, Chair; Hermann and Ollie.

House File 438 (Reassigned)

Ways and Means: Groninga, Chair; Brammer and Carpenter.

House File 443

Local Government: Cooper, Chair; Lageschulte and Oxley.

House File 470 (Reassigned)

Local Government: Sherzan, Chair; Renaud and Royer.

House File 539

Agriculture: Blanshan, Chair; Hughes and Rensink.

House File 540

Labor and Industrial Relations: Connors, Chair; Brammer and Corey.

House File 543

Labor and Industrial Relations: Running, Chair; Gronstal and Halvorson of Clayton.

House File 550 (Reassigned)

Local Government: O'Kane, Chair; Hermann and Poncy.

House File 560

Labor and Industrial Relations: Ollie, Chair; Corey and Groth.

House File 561

Agriculture: Carter, Chair; Anderson, Davitt, Muhlbauer and Stueland.

House File 573

Judiciary and Law Enforcement: Schroeder, Chair; Hammond and Parker.

House File 579

Judiciary and Law Enforcement: Brammer, Chair; Corey and Miller.

House File 585

Local Government: O'Kane, Chair; Royer and Sherzan.

House File 595

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 598

Judiciary and Law Enforcement: Chapman, Chair; Brammer and McKean.

House File 642

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2002

Education: Buhr, Chair; Carpenter and Carter.

House File 2006

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2009

Agriculture: Copenhaver, Chair; Halvorson of Webster and Pellett.

House File 2011

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2023

Energy: Shoultz, Chair; Osterberg and Torrence.

House File 2027

Agriculture: Fogarty, Chair; Koenigs and Van Maanen.

House File 2041

Ways and Means: Gronstal, Chair; Cochran and Schroeder.

House File 2044

Agriculture: Cochran, Chair; Anderson, Davitt, De Groot, Gruhn, Pellett, Skow and Zimmerman.

House File 2045

Agriculture: Muhlbauer, Chair; Bennett, Blanshan, Carter and Handorf.

Senate File 159 (Reassigned)

Local Government: Sherzan, Chair; Grandia and Spear.

Senate File 307

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Senate File 404 (Reassigned)

Ways and Means: Doderer, Chair; Carpenter and Gronstal.

Senate File 511

Agriculture: Halvorson of Webster, Chair; Copenhaver, De Groot, Handorf and Hughes.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 52 (Reassigned)

Local Government: O'Kane, Chair; Hermann and Peick.

Study Bill 53 (Reassigned)

Local Government: Lloyd-Jones, Chair; Hermann and Spear.

Study Bill 54 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Lageschulte.

Study Bill 55 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Lageschulte.

Study Bill 56 (Reassigned)

Local Government: O'Kane, Chair; Buhr and Lageschulte.

Study Bill 79 (Reassigned)

Local Government: Connors, Chair; Hermann and Lloyd-Jones.

Study Bill 172 (Reassigned)

Local Government: Black, Chair; Cooper and Royer.

Study Bill 500

Education: Carter, Chair; Maulsby and Shoultz.

Study Bill 501

Education: Jay, Chair; Connolly and Van Gerpen.

Study Bill 503

Transportation: Woods, Chair; Cooper, Harbor, Koenigs and Lageschulte.

Study Bill 504

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Hermann, Mullins, Peick, Ollie, Rensink, Van Gerpen and Zimmerman.

Study Bill 505

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Hermann, Mullins, Peick, Ollie, Rensink, Van Gerpen and Zimmerman.

Study Bill 506

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Hermann, Mullins, Peick, Ollie, Rensink, Van Gerpen and Zimmerman.

Study Bill 510

Local Government: O'Kane, Chair; Connors and Hermann.

Study Bill 511

Local Government: Lloyd-Jones, Chair; Hermann and Spear.

Study Bill 512

Local Government: Lloyd-Jones, Chair; Hermann and O'Kane.

Study Bill 513

Local Government: Menke, Chair; Cooper and Royer.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools, reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and making appropriations funds for these capital projects for the fiscal year beginning July 1, 1984, and funding the driver's license program from the primary road fund.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 169, a bill for an act establishing a time limit for completion of audits of units of local government.

Fiscal Note is not required.

Recommended Amend and Do Pass in accordance with amendment H-3292, filed on March 18, 1983 and found on pages 2288 and 2289 of the 1983 House Journal, January 11, 1984.

COMMITTEE ON RULES AND ADMINISTRATION

House Resolution, a resolution to amend the House Rules.

Fiscal Note is not required.

Recommended Do Pass January 11, 1984.

On motion by Norland of Worth, the House adjourned at 2:17 p.m., until 10:00 a.m., Monday, January 16, 1984.

JOURNAL OF THE HOUSE

Eighth Calendar Day—Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 16, 1984

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

Prayer was offered by Reverend Everett Laning, Head of the Department of Sociology and Human Services, Simpson College, Indianola.

The Journal of Thursday, January 12, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harold Moessner, M.D., Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Handorf of Marshall, on request of Lageschulte of Bremer and Blanshan of Greene on request of Gruhn of Dickenson, both for the morning session.

INTRODUCTION OF BILLS

House File 2073, by De Groot, a bill for an act relating to the establishment of an export trade division within the Iowa development commission.

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

House File 2074, by O'Kane and Shoultz, a bill for an act relating to paid legal holidays designated by the state executive council for state employees.

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

House File 2075, by Woods, a bill for an act to amend the Iowa pari-mutuel wagering Act.

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

House File 2076, by Shoultz, a bill for an act authorizing a county to use eminent domain to acquire an existing landfill.

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

House File 2077, by Chiodo, a bill for an act prohibiting the sale or installation of a nonelectrical unvented space heater and providing penalties.

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

House File 2078, by Van Camp, a bill for an act to allow a property owner in a secondary road assessment district who elects to retire the special assessment over a ten-year period to pay an amount in any year in excess of the amount due.

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

House File 2079, by Rosenberg, a bill for an act raising the maximum age for admission to and retention in the Iowa juvenile home.

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

House File 2080, by Haverland, a bill for an act requiring retail dealers to provide self-service refueling service for disabled persons, and providing a penalty.

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

House File 2081, 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 2082, by Black, Diemer and Haverland, a bill for an act authorizing the payment of state inheritance tax liability by the transfer of property to a private nonprofit organization to be used for public purposes.

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

House File 2083, by Jay, a bill for an act relating to real property legalizing Acts.

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

House File 2084, by Schnekloth and Van Maanen, a bill for an act relating to the minimum depth of pipelines.

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

House File 2085, by Black, Diemer, McIntee, Grandia and Haverland, a bill for an act relating to fencing law for railroad rights of way owned by a state agency or political subdivision of the state and used for public recreation or conservation.

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

House File 2086, by Rosenberg, a bill for an act requiring that driver education courses include additional specialized instruction in the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle.

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

House File 2087, by Rosenberg, a bill for an act relating to parental financial responsibility for the acts of children.

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

CONSIDERATION OF BILLS Regular Calendar

House File 586, a bill for an act relating to restricting the motor vehicle operating privileges of an individual required to show proof of financial responsibility and providing a penalty, with report of committee recommending passage was taken up for consideration.

Fey 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. 586)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Hammond
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Blanshan	Carter	Davitt	Halvorson, R. N.
Handorf	Jay	Jochum	Krewson

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 508**, a bill for an act to eliminate annual registration plates for motor fuel transporters and providing that persons without motor fuel tax permits have certain duties and responsibilities, deferred and placed on the unfinished business calendar on April 5, 1983 and returned to committee on January 9, 1984, with reports of committee recommending amendment and passage.

Woods of Polk offered the following amendment H—3295 filed by him and moved its adoption:

H—3295

- 1 Amend House File 508 as follows:
- 2 1. Page 2, line 27, by inserting after the word
- 3 "refund" the words "of more than five hundred dollars".

Amendment H—3295 was adopted.

Muhlbauer of Crawford offered the following amendment H—3514 filed by him and moved its adoption:

H—3514

- 1 Amend House File 508 as follows:
- 2 1. Page 3, line 4, by striking the word "and"
- 3 and inserting in lieu thereof the word "and".
- 4 2. Page 3, line 5, by striking the word and figure
- 5 "section 324.52" and inserting in lieu thereof the
- 6 figure "324.52".
- 7 3. Page 3, line 8, by striking the word "and"
- 8 and inserting in lieu thereof the word "and".
- 9 4. Page 3, line 9, by striking the word and figure
- 10 "section 324.52," and inserting in lieu thereof the
- 11 figure "324.52,".

Amendment H—3514 was adopted.

Woods of Polk offered the following amendment H—5001 filed by the committee on transportation and moved its adoption:

H—5001

- 1 Amend House File 508 as follows:
- 2 1. Page 3, by striking lines 21 through 24 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. . . . Section 805.8, subsection 2, paragraph
- 5 p, Code Supplement 1983, is amended to read as follows:
- 6 p. For violations of ~~sections 324.14, section~~
- 7 ~~324.52 or 324.74, subsections 2 and 6, the scheduled~~
- 8 ~~fine is ten dollars."~~

The committee amendment H—5001 was adopted.

Woods of Polk offered the following amendment H—3367 filed by him:

H-3367

- 1 Amend House File 508 as follows:
- 2 1. Page 3, line 25, by striking the figure "324.36"
- 3 and inserting in lieu thereof the figure "326.36".

Woods of Polk offered the following amendment H-5002, to amendment H-3367, filed by him from the floor and moved its adoption:

H-5002

- 1 Amend amendment H-3367 to House File 508 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "thereof" the following: "the figures "326.36, 326.37,"."

Amendment H-5002 was adopted.

On motion by Woods of Polk, amendment H-3367, as amended, was adopted.

Muhlbauer 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. 508)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running

Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Blanshan	Handorf	Jay	Jochum
Krewson			

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

**ADOPTION OF THE REPORT OF THE SECOND
CONFERENCE COMMITTEE
(House File 359)**

O'Kane of Woodbury called up for consideration the report of the second conference committee on House File 359 as follows and moved the adoption of the second conference committee report and the amendments contained therein:

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 359**

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

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 359, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, respectfully make the following report:

1. That the Senate recedes from its amendment, S-3564, to House File 359, as passed by the House.

2. That House File 359, as passed by the House, is amended as follows:

1. Page 1, line 18, by inserting after the word "ice." the following: "If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence which afford a reasonable basis for measuring the amount of the claimant's actual damages, and the

amount of actual damages shall not be determined by speculation, conjecture, or surmise."

ON THE PART OF THE HOUSE:

JAMES D. O'KANE, Chair
 FLORENCE BUHR
 DORIS PEICK
 ROBERT GRANDIA
 BOB RENKEN

ON THE PART OF THE SENATE:

C. W. "BILL" HUTCHINS, Chair
 ALVIN MILLER
 ARNE WALDSTEIN
 RICHARD VANDE HOEF

Roll call was requested by Schroeder of Pottawattamie and McKean of Jones.

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

The ayes were, 63:

Arnould	Baxter	Bennett	Black
Brammer	Buhr	Carl	Carter
Connolly	Cooper	Copenhaver	Corey
Davitt	Diemer	Fey	Fogarty
Groninga	Groth	Gruhn	Hammond
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Knapp
Koenigs	Lloyd-Jones	Lonergan	McIntee
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Peick	Pony	Renaud
Renken	Rensink	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 30:

Anderson	Branstad	Carpenter	Chapman
Chiodo	Clark	Daggett	De Groot
Doderer	Grandia	Gronstal	Halvorson, R. A.
Hanson	Harbor	Lageschulte	Maulsby
McKean	Menke	Mullins	Pavich
Pellett	Royer	Schneklath	Schroeder
Stromer	Stueland	Tofte	Van Camp
Van Maanen	Welden		

Absent or not voting, 7:

Blanshan	Cochran	Connors	Halvorson, R. N.
Handorf	Jochum	Krewson	

The motion prevailed and the report was adopted.

O'Kane 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. 359)

The ayes were, 78:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Buhr	Carl
Carpenter	Carter	Chiado	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Diemer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Hammond	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	McIntee	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 19:

Branstad	Chapman	Clark	Cochran
Davitt	De Groot	Doderer	Grandia
Gronstal	Halvorson, R. N.	Hanson	Harbor
Maulsby	McKean	Pavich	Schneklloth
Schroeder	Van Camp	Welden	

Absent or not voting, 3:

Blanshan	Handorf	Jochum
----------	---------	--------

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

HOUSE FILE 297 WITHDRAWN

Welden of Hardin asked and received unanimous consent to withdraw House File 297 from further consideration by the House.

HOUSE FILE 168 WITHDRAWN

Koenigs of Mitchell asked and received unanimous consent to withdraw House File 168 from further consideration by the House.

HOUSE FILES 501 AND 520 WITHDRAWN

Sullivan of Van Buren asked and received unanimous consent to withdraw House Files 501 and 520 from further consideration by the House.

HOUSE RESOLUTION 101

By Committee on Rules and Administration

- 1 A House Resolution relating to the rules of the House.
 2 *Be It Resolved by the House of Representatives,*
 3 That the rules of the House as approved in House
 4 Resolution 3, adopted January 20, 1983, be amended
 5 as follows:
 6 1. That rule 25 be amended to read as follows:
 7 Rule 25
 8 Consideration of Resolutions
 9 Action on a resolution, except a memorial
 10 resolution, or a proposition requesting information
 11 from a state official shall not be taken until one
 12 day after the resolution has been printed in the
 13 journal and placed on the members' desks. After the
 14 resolution is adopted, the chief clerk shall transmit
 15 certified copies and have the resolution printed in
 16 the bound journal. A resolution may be printed in
 17 the daily journal upon the approval of the speaker
 18 after consultation with the minority leader.
 19 2. That rule 33 be amended to read as follows:
 20 Rule 33
 21 Finance Committee
 22 All bills approved by the appropriations or ways
 23 and means committees which could have an annual effect
 24 of at least one hundred thousand dollars or a combined
 25 total effect within five years after enactment of
 26 five hundred thousand dollars or more on the aggregate
 27 revenues, expenditures or fiscal liability of the
 28 state or its subdivisions, and all bills dealing with
 29 the financing of public education, shall be referred
 30 to the finance committee. The finance committee may

Page 2

1 introduce bills and may refer a bill back to the
 2 committee from which the bill has been reported with
 3 a stipulation that the bill be returned to the finance
 4 committee by a time established. The bill shall be
 5 returned to the finance committee by the time
 6 established or it shall automatically be returned
 7 to the finance committee.

8 The Prior to March 15, the finance committee shall
 9 not amend a bill until the bill has been referred
 10 back to a committee and returned, after which the
 11 bill may be amended by the finance committee. On
 12 or after March 15, the finance committee may file
 13 amendments to a bill without referring a bill back
 14 to a committee. A bill originating in the finance
 15 committee is not required to be referred to the
 16 appropriations committee or the ways and means
 17 committee under Rule 32. A bill referred to the
 18 finance committee shall have a fiscal note attached
 19 to it when reported out of the finance committee.

20 3. That rule 35 be amended to read as follows:

Rule 35

Debate Calendars

21
 22
 23 The majority floor leadership shall cause a weekly
 24 debate calendar to be prepared and distributed to
 25 the house members by the chief clerk. The weekly
 26 debate calendar shall be available by noon on the
 27 last session day of any week when floor action by
 28 the house is scheduled for the next week the last
 29 regular calendar of the preceding week with an addendum
 30 by noon of that day consisting of bills that are read

Page 3

1 in on that day as reported out of committee. Any
 2 bill, except an appropriations, ways and means or
 3 finance committee bill not listed on the weekly debate
 4 calendar shall not be considered by the house during
 5 the week covered by the weekly debate calendar.

6 The majority floor leadership shall cause to be
 7 prepared and distributed to the members at the opening
 8 of each session day when floor action is scheduled,
 9 a daily debate calendar consisting of bills and joint
 10 resolutions from the weekly debate regular calendar
 11 setting forth the number, title, and order of
 12 consideration of bills and joint resolutions for the
 13 next session day that floor action is scheduled.

14 4. That rule 46 be amended to read as follows:

Rule 46

Status of Bills Following
 First Regular Session

15
 16
 17

18 Except as provided in Rule 3 of the joint rules
 19 all bills introduced in the first regular session
 20 of a general assembly which have not been withdrawn,
 21 defeated, or indefinitely postponed, shall at the
 22 opening of the second regular session be rereferred
 23 to a committee. Within seven days after the first
 24 committee meeting after the convening of the second
 25 regular session, committees shall either authorize
 26 the chair to refer such bills and resolutions to a
 27 subcommittee for consideration or report them out
 28 to the floor and place them on the calendar.

29 5. That rule 49 be amended to read as follows:

30 Rule 49

Page 4

1 Study Bills

2 A study bill is any matter which a member of the
 3 house wishes to have considered by a standing
 4 committee, other than appropriations, and which has
 5 not been included in a previously introduced bill.
 6 Upon taking possession of a study bill, the committee
 7 chair shall notify the speaker and then submit three
 8 copies of the bill to the chief clerk's legal counsel's
 9 office for numbering.

10 A study bill shall bear the name of the member
 11 who wishes to have the bill considered. A study bill
 12 submitted for committee consideration by a state
 13 agency or board shall bear the name of the state
 14 agency or board. A committee chair may submit a study
 15 bill in the name of that committee ~~to that committee.~~

16 A study bill not prepared by the legislative service
 17 bureau may be submitted to a standing committee, but
 18 shall not be considered by the full committee unless
 19 reviewed and typed in proper form by the legislative
 20 service bureau.

21 6. That rule 74 be amended to read as follows:

22 Rule 74

23 Reconsideration

24 a. A motion to reconsider may be made only by
 25 a member who voted on the prevailing side of the
 26 question sought to be reconsidered.

27 b. A motion to reconsider may be made not later
 28 than adjournment on the day following the day of the
 29 action sought to be reconsidered. Where the floor
 30 manager voted on the prevailing side, he or she has

Page 5

1 the prior right to make the motion, until adjournment
 2 on the day of the action sought to be reconsidered.

3 c. A motion to reconsider made following the one
 4 hundred fourteenth calendar day of the first regular
 5 session, or the ninety-fourth calendar day of the
 6 second regular session, shall be taken up when made.
 7 A motion made at any other time may be taken up prior
 8 to the third day succeeding the day of the action
 9 sought to be reconsidered only if called up by the
 10 mover, and after the second day succeeding the day
 11 of the action sought to be reconsidered if called
 12 up by any member.

13 d. The making of a motion to reconsider takes
 14 precedence over all other questions.

15 e. No motion to reconsider passage or adoption,
 16 or failure, of any bill or joint resolution, shall
 17 prevail unless it shall obtain a constitutional
 18 majority. Where passage, adoption or failure is
 19 reconsidered, questions on amendments may then be
 20 reconsidered, and shall be disposed of without delay.

21 f. A motion that the motion to reconsider be laid
 22 on the table is in order. The effect of laying the
 23 motion to reconsider on the table is to cause the
 24 bill or joint resolution to proceed on its regular
 25 course immediately.

26 g. In the event that a motion to reconsider is
 27 pending at the end of the first session or any
 28 extraordinary session of any general assembly, or
 29 the general assembly adjourns sine die, and the motion
 30 to reconsider has not been voted upon by the house,
 31 the motion shall be determined to have failed.

Laid over under Rule 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2045, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

K. MARIE THAYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 16, 1984. Had I been present, I would have voted "aye" on House Files 508 and 586.

JAY of Appanoose

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
Harlan W. Van Gerpen	220

Respectfully submitted,

RALPH ROSENBERG, Chair
RODNEY N. HALVORSON
RUHL MAULSBY

PRESENTATION OF VISITOR

Muhlbauer of Crawford presented to the House the Honorable Frank Crabb, former member of the House representing Crawford County.

COMMUNICATIONS RECEIVED

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

BOARD OF REGENTS

A copy of the State Board of Regents Ten-Year Building Program, 1984-1994, pursuant to Chapter 262A.3, Code of Iowa.

COMMISSION ON THE AGING

The Annual Report of the Iowa Commission on the Aging for Fiscal Year 1983, pursuant to Chapter 249B.4, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 529 Transportation

Exempting road workers from the traffic laws.

S.B. 530 Human Resources

Relating to the entity responsible for designation of the proper detention facilities needed when transferring inmates.

S.B. 531 Human Resources

Relating to duties and responsibilities of probation officers.

S.B. 532 Human Resources

Removing the requirement that hearing officers appointed to review the conduct of inmates in institutions under the Iowa department of corrections be independent, as long as they are impartial.

S.B. 533 Human Resources

Removing restrictions on the length of time an inmate may be placed on work release.

S.B. 534 Human Resources

Relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

S.B. 535 Human Resources

Relating to transition legislation for the Iowa department of corrections.

S.B. 536 Human Resources

Relating to the confidentiality of Iowa department of corrections records and providing a penalty.

S.B. 537 Human Resources

Relating to the findings of a complaint filed against a health care facility.

S.B. 538 Human Resources

Repealing the chapter relating to hospital survey and construction.

S.B. 539 State Government

Relating to the establishment of the commission on family life.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON FINANCE

House File 2072, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools, reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and making appropriations funds for these capital projects for the fiscal year beginning July 1, 1984, and funding the driver's license program from the primary road fund.

Fiscal Note is not required.

Recommended: **Do Pass** January 16, 1984.

COMMITTEE ON WAYS AND MEANS

House File 2050, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

Fiscal Note is not required.

Committee Action: **Failed to Pass** January 12, 1984.

AMENDMENTS FILED

H—5003	H.F.	582	McIntee of Black Hawk
			Tabor of Jackson
			Maulsby of Calhoun
			McKean of Jones
			Miller of Woodbury
			Paulin of Plymouth
			Varn of Johnson
H—5004	H.F.	2004	Schnekloth of Scott
			Paulin of Plymouth
			Miller of Woodbury
			De Groot of Lyon

On motion by Norland of Worth, the House adjourned at 10:47 a.m., until 9:00 a.m., Tuesday, January 17, 1984.

JOURNAL OF THE HOUSE

Ninth Calendar Day — Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 17, 1984

The House met pursuant to adjournment, Speaker pro tempore Connors in the chair.

Prayer was offered by Reverend Clifford Isaacson, pastor of the First United Methodist Church, Algona.

The Journal of Monday, January 16, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Binkard, D.O., Des Moines.

INTRODUCTION OF BILL

House Joint Resolution 2002, by Zimmerman, Harbor, Baxter, Connors and Schroeder, a joint resolution proposing the formation of an organization for the purpose of initiating restoration projects for the Iowa state capitol.

Read first time and referred to committee on state government.

COMMITTEE TO NOTIFY THE SENATE

Parker of Jasper 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 Parker of Jasper, Chair; Muhlbauer of Crawford, and Carpenter of Polk.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Parker of Jasper, 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 Des Moines Children's Choir, consisting of sixth, seventh and eighth grade students, entertained those present in the chamber by singing.

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

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

JOINT CONVENTION (Capitol Centennial Commemoration)

In accordance with House Concurrent Resolution 102, duly adopted, the joint convention was called to order, President pro tempore Miller presiding.

Senator Junkins of Lee 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 and the President pro tempore announced a quorum present and the joint convention duly organized.

Connors of Polk asked and received unanimous consent to take up for immediate consideration the following Extraordinary Resolution and moved its adoption:

SEVENTIETH GENERAL ASSEMBLY

EXTRAORDINARY RESOLUTION

By Representatives: Anderson, Arnould, Avenson, Baxter, Bennett, Black, Blanshan, Brammer, Branstad, Buhr, Carl, Carpenter, Carter, Chapman, Chiodo, Clark, Cochran, Connolly, Connors, Cooper, Copenhaver, Corey, Daggett, Davitt, De Groot, Diemer, Doderer, Fey, Fogarty, Grandia, Groninga, Gronstal, Groth, Gruhn, R. N. Halvorson, R. A. Halvorson, Hammond, Handorf, Hanson, Harbor, Haverland, Hermann, Hoffmann-Bright, Holveck, Hughes, Hummel, Jay, Jochum, Knapp, Koenigs, Krewson, Lageschulte, Lloyd-Jones, Lonergan, Maulsby, McIntee, McKean, Menke,

Miller, Muhlbauer, Mullins, Norland, O'Kane, Ollie, Osterberg, Oxley, Parker, Paulin, Pavich, Peick, Pellett, Poncy, Renaud, Renken, Rensink, Rosenberg, Royer, Running, Schnekloth, Schroeder, Sherzan, Shoultz, Skow, Spear, Stromer, Stueland, Sturgeon, Sullivan, Swartz, Swearingen, Tabor, Tofte, Torrence, Van Camp, Van Gerpen, Van Maanen, Varn, Welden, Woods and Zimmerman;

By Senators: Anderson, Briles, Brown, Bruner, Carr, Coleman, Colton, Deluhery, Dieleman, Doyle, Drake, Gallagher, Gentleman, Gettings, Goodwin, Gratias, Hall, Hester, Holden, Holt, Horn, Hulse, Hultman, Husak, Hutchins, Jensen, Junkins, Kinley, Lind, Mann, A. Miller, C. Miller, Nystrom, Palmer, Priebe, Readinger, Rife, Ritsema, Rodgers, Schwengels, Slater, Small, Soorholtz, Taylor, Tieden, Vande Hoef, Van Gilst, Waldstein, Wells and Welsh

1 *Whereas*, the Seventieth General Assembly has retraced the steps of
2 our predecessors of the Twentieth General Assembly, and

3 *Whereas*, in so doing we herewith open a second century of
4 deliberations within this great Statehouse, and

5 *Whereas*, through accident of time and the elect of our suffrage,
6 we one hundred fifty men and women speak with the
7 voices of three thousand one hundred ninety-three
8 senators and representatives who have shared the legacy
9 of its vast and durable walls for one hundred years, and

10 *Whereas*, each of us has rejoiced in entering these halls and
11 chambers to conduct our deliberations, and

12 *Whereas*, our predecessors, convened in this chamber on January 17,
13 1884, prayed with hope and confidence that future
14 generations would, in their words, "recall and celebrate
15 the wisdom and virtues of their ancestors who in the
16 nineteenth century erected and occupied this solid mansion
17 of the state," *Now Therefore*,

18 *Be It Resolved*, That the Seventieth General Assembly meets today to
19 recall that first prayer beneath these domes, and to
20 celebrate the wisdom of all of our antecedent
21 colleagues whose virtue was to build for the future
22 with a vision of what Iowa would do and of what Iowa
23 would become, and

24 *Be It Further Resolved*, That we begin a second century by
25 renewing their early prayer and by the pledging to
26 build for Iowa as they have built this house of
27 government—so that our legacy shall be law that is
28 laid in the cement of honesty and built by the rule
29 of fidelity and constructed with the wisdom to serve
30 those who are to come after us.

The motion prevailed and the Extraordinary Resolution was adopted.

COMMITTEE TO GREET AND ESCORT CENTENNIAL DELEGATION

Senator Junkins of Lee moved that a committee of six, three members from the House and three members from the Senate, be appointed to greet and escort the Centennial Delegation.

The motion prevailed and the President pro tempore appointed as such committee Senators Junkins of Lee, Hultman of Montgomery, and Miller of Des Moines, on the part of the Senate, and Representatives Connors of Polk, Norland of Worth and Stromer of Hancock, on the part of the House.

The Joint convention stood at ease until the fall of the gavel.

The committee appointed and the members of the joint convention proceeded to the Soldiers' and Sailors' Monument at the south of the capitol building, which was the site of the Old Brick Capitol previously used by the General Assembly.

In a reenactment of 1884, a horse and carriage procession, which had departed from the Kirkwood Hotel, arrived at the monument and was greeted by the committee. Those departing from the carriage included Governor Terry E. Branstad, Lieutenant Governor Robert T. Anderson, House Speaker Donald Avenson, Supreme Court Chief Justice W. W. Reynoldson, and former Governors of Iowa, Robert D. Ray, Robert Fulton, Harold E. Hughes, Norman Erbe and Robert Blue.

The colors were advanced by the Iowa National Guard and musical accompaniment was provided by the Clarinda High School Band.

The members of the General Assembly lined the south walkway and the officials from the carriages accompanied by the committee led the procession to the first floor rotunda.

The joint convention resumed session, President pro tempore Miller presiding.

Prayer was offered in Gaelic and English by Father John Ryan, pastor of St. Theresa's Catholic Church, Des Moines, Iowa.

The joint convention stood at ease and, led by the Color Guard, President Anderson and Speaker Avenson, the members of the General Assembly and Centennial Delegation, proceeded up the Grand Staircase into the House chamber.

The joint convention reconvened, President Anderson in the chair.

The following honored guests were escorted into the House chamber:

Members of the Executive Council: Robert H. Lounsberry, Secretary of Agriculture; Tom Miller, Attorney General; Richard D. Johnson, State Auditor, and Mrs. Johnson; Michael L. Fitzgerald, Treasurer of State, and Mrs. Fitzgerald; and Mary Jane Odell, Secretary of State.

Chief Justice W. W. Reynoldson, Chief Judge Leo Oxberger, and members of the Iowa Supreme Court and the Iowa Court of Appeals.

The Honorable Charles E. Grassley, United States Senator from Iowa and wife, Barbara.

The Honorable Robert D. Blue, Governor of Iowa, 1945-1949.

The Honorable Norman A. Erbe, Governor of Iowa, 1961-1963, and Mrs. Erbe.

The Honorable Robert D. Fulton, Governor of Iowa, 1969, and Mrs. Fulton.

The Honorable Robert D. Ray, Governor of Iowa, 1969-1983.

The Honorable Harold Hughes, Governor of Iowa, 1963-1969, and Mrs. Hughes.

The Honorable Terry E. Branstad, Governor of Iowa, and Mrs. Branstad.

The Iowa National Guard presented the Colors and the Des Moines Children's Choir led the members of the joint convention in the singing of the National Anthem.

President Anderson presented the Honorable Harold E. Hughes, former Governor and United States Senator from Iowa, who delivered the following address:

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

As we gather here today on this historic occasion, I wondered what actually might be said here this morning that would, in fact, represent the feelings that we all share together about this past 100 years. And, as I began to research the possibilities about what might be said, I went back to a copy of the Palimpsest dated in 1921, and in that I saw something that, even more importantly, I would like to share with you this morning about Iowa in the beginning.

The natural resources of Iowa are often sold but the story of their creation is not so familiar. It is as though rich mens' sons were using their heritage with never a thought as to how it came to be theirs. The character and ability to amass a great fortune are not developed in a single generation. Nor were the rich mineral deposits, the soil, and the flora and the fauna of Iowa made ready for man in a moment. Only through incomprehensible stretches of time have the forces of nature wrought the miracle of things as they are.

So, the story of Iowa began when the earth first started forth in its orbit. Astronomers tell us that a long time elapsed before the Archean rocks were formed and it was ages later when the dawn of life occurred. "Eons have passed since then while the world turned 'in the lathe of time'. All sorts of creatures have sprung into existence, fulfilled their mission and passed into oblivion. Only the rocks have endured since the world was formed."

If the age of Iowa was conceived as a mile, the era of humankind would be less than a yard.

The history of Iowa before the advent of man is clearly recorded in the hills and the valleys, the rocky place and the rich black loam of the prairies in which we live.

The story begins when Iowa was under the sea, at a time when the noblest inhabitants were algae and worms. It was then that the Sioux Falls granite was laid down on the floor of the ocean and after a great while, the sea receded, but in time the land was again submerged and the history of the next ten thousand centuries or more is told by the sandstone cliffs in Allamakee County.

At last a new age dawned when the principal upbuilding forces were the primeval molluscs that deposited their calcium carbonate shells in the shallow arms of the ocean. By imperceptible accretions the Ordovician limestones of northeastern Iowa were formed. In a similar manner, but at a later epoch, shell by shell the Anamosa limestone grew. It was thousands of years that fled by and it was not until the age of the fishes that the crinoids and molluscs preserved the record of their times in the bluffs of the Cedar and Iowa rivers. The lofty peaks of the Rockies were rising when the sea, which ever and anon has flooded the land that now is called Iowa, retreated to the southward and has never returned.

The climate of the Tertiary time was temperate. There were flowers for the first time, and with them came the bees and butterflies and sheltered nooks for the buds of spring buried deep beneath the ground.

The first glaciation was followed by an interval of temperate climate, but the ice age was only beginning.

Again and again the glaciers crept down from the north, twice all over Iowa, and on three other occasions, part of this region was covered. The earliest glaciers laid down the impervious subsoil of clay while the later ones mingled powdered rock with the muck and the peat of the interglacial periods to make the loam for fertile Iowa farms.

Probably a hundred thousand years have fled since the last glacier visited north central Iowa, but the region is still too young to be properly drained, so nature has assisted with dredges and tile. It was during the glacial period that man came into existence, but no man trod Iowa soil until the last glacier was gone.

Compared with the inconceivable eons of time since the first Iowa rocks were formed, it was only as yesterday that the ancient mound builders flourished.

The Book, of the beginning, says, "In the beginning God created the heaven and the earth and the earth was without form and void." And, that "the spirit of God moved upon the face of the earth and that God said, 'Let there be light', and there was light." As we see from the recorded history and study of what it was that we have been given—a bounty that we probably have little appreciated and probably less understood. And, as we see the great debates now about the conservation that is essential to preserve, that for future generations must exist, then we must also realize the heritage that has been given to us as the wealthy children of a divine creator, to be the stewards of, throughout the generation of our time.

As we review the history of the last one hundred years which is just a second on the rest of the stage, then we must realize what we are about and, as I researched this Iowa history of 1852, I read an article by Thomas F. Drummond which begins in Des Moines in the early 1880's. "The population at that time was about twenty-three thousand and as always, there was a tremendous amount of hustle. Each Saturday afternoon the whole town came downtown and paraded Walnut Street going east as far as Billy Moore's Opera House and Fourth Street across from the Kirkwood Hotel and as far west as Hosper's Academy of Music. This later showhouse was at Eighth and Walnut and as a youngster, and in a small interior, I saw some of the great stage celebrities of that era. One in particular being the pleasing young comedian Faye Templeton. It goes on with great interest in what was taking place in that day and time when this Capitol was nearing completion as the Capitol Building. A later paragraph says that the Wabash Railroad was building into Des Moines at that time, and one day Tom Given, whose father was Judge Josiah Given, got an idea. We would have a 'looksee' at the new Capitol Building, and the course of the erection of the building. So, over we went, arriving at the noon hour with the workmen gone to lunch, so we explored and soon we were up at the foot of the Great Dome. The giant steel ribs were already in place and in the center of the red circle were the big timbers with boards nailed on to serve as ladders. So, up we went and at the top of the highest point that would support our weight, we rested and looked.

Plainly to the southeast we saw smoke from the locomotive on the Wabash a few miles away. We then left Des Moines in the fall of 1882 and never since have seen the Capitol Building or the city."

This is a view of a young lad coming to this knoll and climbing a pole to the large steel roof of the unfinished Capitol and gazing to the southeast to see the smoke of an engine of the Wabash Railroad taking place.

Nearing completion as the Capitol was, in that time, and of course looking to the future, we must have difficulty in realizing that the decade that had just preceded the completion of this structure had seen an increase in population in Iowa of approximately four hundred thousand souls. The population increase from the early 1850's through the year 1900 was an amazingly staggering increase in each decade that would be shocking to us in these times.

I would like to say, just by way of reminding us this morning as we look at these flags again, that for the majority of the people of the United States, especially those in the States and Territories created by the national government, the United States flag has typified the sense of new consciousness or ideals in the sovereignty of the United States. There was little demand for state flags in early days. The Civil War had a positive opposition since state patriotism was looked upon as a threat to this union. In no other state, probably, was there a greater indifference to the significance of a state flag than in Iowa, due perhaps to the fact that the state was settled largely from other states and established its state government during the period of dissension preceding the Civil War. Largely, however, there developed in certain groups a sentiment for a state flag and as early as 1913, an attempt was made to secure the adoption of a state banner by legislative action. A commission was appointed but it failed to report in 1915 and was instructed to continue its work and report to the General Assembly in 1917. At this session, the commission reported that in their opinion Iowa should have a flag, but, they found no suitable design and the legislature adjourned without further action.

In the meantime, the United States entered the World War, and it was expected that the Iowa men would fight in state regiments as they had in former wars and this emphasized the desirability of a state flag to designate the Iowa units. The organization most interested in this matter was the Iowa Society of the Daughters of the American Revolution which was already prepared to design a flag. On May 11, 1917, the organization, Mrs. Prentiss, Chairwoman of the Society's flag committee, and a number of other interested persons appeared before the State Council of National Defense and presented a flag and asked that it be adopted as the state flag for use by the Iowa soldiers in World War I. The Council approved the plan without much discussion and thereupon the Daughters of the American Revolution had a number of flags manufactured and presented one to each of the Iowa National Guard Regiments, one of which was the 168th United States Infantry which was already in France. The use of state flags was soon rendered almost impossible by the War Department assigning troops into military units without regard to their states.

The flag designed was an entirely white field, but, before anyone manufactured the flags, a vertical blue stripe next to the pole and a similar red stripe on the outer side leaving the white field approximately as wide as the two colored stripes; and on this symbol of white was a representation of an eagle carrying in his beak a blue banner on which was printed, "Our Liberties We Prize and Our Rights We Will Maintain" and the word "Iowa." As most, there seems to have been little enthusiasm for the new state flag, but less opposition to it. In its official status, the members of the General Assembly, edicts in 1921, by law approved on March 29, that the flag sponsored by the Daughters of the American Revolution would be the official banner of the State of Iowa. They were not very enthusiastic about the flag in those years, and I would like to say that as we look at other things and I looked at the motto of the State of Iowa, "Our Liberties We Prize and Our Rights We Will Maintain" and some of the other ways that these things developed through the years.

I was supposed to review for you this morning the progressive history of the last century as it related to legislative action in this building. Through that period of time, for the ladies in the room, I might add, the Iowa General Assembly came close on two occasions; once, I believe, in 1884, when one house passed a resolution giving women the right to vote while the Senate defeated the motion and therefore, it remained in abeyance for a lot of years afterward. Once again, in about 1913, the House of

Representatives, I believe, again voted to give women the right to vote and for a period of time they were allowed to vote on the matters pertaining to taxation so there were two separate balloting procedures; one for the women and one for the men, carried out on certain issues in different places. Again, the Senate defeated the right of women to vote, so it remained until 1920, before women were finally given the right to vote by outside intervention, before we acted in this body to see that those of the female sex had the right to vote along with those of the male sex.

Over the years, Iowa has been concerned deeply and patriotically with the affairs; not just of what happens in this state, but of this nation and even abroad in the world. We have made great and wonderful contributions.

I reviewed the legislative history with the assistance of George Mills, and I want to thank him this morning, because I was furnished with the voluminous research which George had done on the Acts down through the years of the General Assembly that related to progress in the last one hundred years. They were, in fact, so great that it was exceedingly difficult for me to try to even develop a few. I decided to go through the Acts of the General Assembly over the century and bring out the fact that we had met the needs of our people with progress and have defended the rights of the number one industry of Iowa which is agriculture; that we have pitched in and worked together in times of stress; that we have been patriotic in times of war and fought for our nation and our state; that we have been a state that is willing to arbitrate; that we have defended the rights of the individual ethnic groups; and we have been deeply concerned with the affairs of the civil rights and human rights of all people.

It has been a real pleasure for me to have had the opportunity to be involved in the affairs of this state for over half of the last one hundred years we are celebrating.

If you politely call me middle-aged, I would have to live beyond the age of Moses to qualify for that. And, at this point, I am planning to do that.

I do not want any of you Republicans thinking you are getting rid of me yet. We Democrats don't get this podium very often, and when we get it, we are going to do the best we can while we are here. And, knowing that there are more Republicans that are going to follow me today than Democrats, I am going to be very cautious about anything I say. When they had the five former Governors crowded in one little — whatever that was we were riding in when we came up here — this morning, with the charcoal heaters in the floor, and as they shut the door, Bob Ray said to a very hairy individual, "please loan me your hair for the ride up to the Capitol". While we were sitting in there they stopped the buggy and put a window down, we said we wished they would leave it closed as we were freezing, and they said they were afraid they would gas us in there with that heater. Bob Fulton said what a mighty celebration there would be in the Statehouse if they opened the door and five dead Governors rolled out.

I know that all of you in the General Assembly think occasionally that we have been smoking something a little strange, and if by inhaling those fumes on the way up here I am not making too much sense this morning, I will attribute it to that fact.

It is a pleasure to join together with these former Governors of the State of Iowa, former members of the Iowa General Assembly, the historians and all who have contributed to the judiciary and the Congress of the United States to make this republic as great as it is, and especially, this particular building. Those of us who have had the opportunity to travel the country and the world, and who have seen the architectural design and studied the Capitols of the various states and nations in the world, can say to you the citizens of Iowa, that we can be proud and pleased of the foresight of our own government. We can be proud of the heritage that we have as Iowans. As we assemble this morning those of us who truly love Iowa and I know that all of us who live here do; I have never met any Iowans who have left Iowa and have been unable to return, who cannot remember Iowa with fondness and love and heritage.

I want to especially thank you on this occasion for your love, your affection and your kindness to us and our family. You have been especially meaningful to us and we have even been fondly treated by those who have at times past, even though friendly, were strongly in opposition to the views that we have politically. But, I have never, on any occasion, doubted the heart of the individuals that I have seen here and the effort and the time in which they have stood to fulfill the constitutional requirements and the honor of the office they have.

I personally thank you and I would like to thank the members of this state who have gone on before us in this past century, who have labored in this fine Capitol in the legislative, executive and judicial branches—to maintain the freedom that we are all a part of; to preserve the soil and heritage that we have; the right to worship God in the way we desire; the freedom to speak freely with one another; to maintain a life of glowing happiness; and may our children and our children's children have that same opportunity.

Thank you very much.

President Anderson presented the Honorable Terry E. Branstad, Governor of Iowa, who addressed the joint convention as follows:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, Senator Grassley, State Officials, Senators and Representatives, Former Governors, Distinguished Guests and Friends. . .

I am so pleased that all of you are here to celebrate both a centennial and a beginning of the second century for this beloved building.

Governor Hughes, I wish I would have known that story about the flags and we would have never gotten into license plate slogans. We need to learn those lessons of history and that isn't one that I had learned.

Just one week ago today, I stood here and delivered my Condition of the State Message. I discussed our achievements in 1983 and our aspirations for 1984. Today is an occasion when we discuss our achievements over the past 100 years and our aspirations for the coming 100 years.

Former Governor Hughes has given us an insight into Iowa's past from the perspective of one who helped to shape it. There is value in looking back. Lessons from the past continue to educate—showing us our strengths and our weaknesses and guiding us as we head into the future.

In order to identify a clearer image of what the years ahead may hold, we ought to focus now on Iowa fundamentals—those timeless, reliable traits that make us a distinctive people.

Foremost, we are a productive people. We work with diligence, patience and intelligence. And what we produce, grow, and glean from the earth feeds an ever more hungry world.

Much of the global population depends on our skills, our resources, our willingness to approach the future with foresight and courage.

Just last week, we began taking some far-reaching, courageous steps. In my Condition of the State Message, I recommended \$10 million for an Iowa World Trade Center. While this is less than one-half of one percent of next year's budget, these funds will serve us well.

Just as the new Historical Building will commemorate Iowa's heritage, the World Trade Center will help to dramatically define Iowa's future. It will demonstrate to the world that, when it comes to agriculture, we mean business.

The Iowa World Trade Center will create thousands of jobs. It will also capitalize on our assets—our innovative research and development facilities, our excellent educational institutions, our progressive private sector leadership and most of all, the productivity of our people and our land. Each of these will become a cornerstone for Iowa's prosperity in the 21st century.

The Iowa World Trade Center will add a physical presence to our position in the international marketplace. We must also work to enhance our social and cultural presence in the world community.

For several years, we as a state have enjoyed the many benefits of our sister-state relations with Yamanashi, Japan and Yucatan, Mexico. Just last year, we formalized a sister-state relationship with the Hebei Province in the People's Republic of China.

Today, I am announcing the formation of an umbrella organization for these contacts, the Iowa Sister-State Friendship Committee. The new Friendship Committee will include members from the current sister-state committees.

I have asked former Governor Bob Ray to serve as chairman, and I am delighted that he has accepted this assignment. Under Governor Ray's skillful leadership, we can better coordinate our many international efforts.

The Iowa Sister-State Friendship Committee will truly strengthen and extend our relationships with other countries. This effort will promote goodwill and understanding among people throughout the world.

Given the unrest that exists in the world today, this is a step in the right direction.

Given the peril that exists in the world today, the mission for peace is the most critical challenge we face.

While those who bear swords wield so much power, we who use plowshares must not yield to fear. When we feed the hungry of the world, we sustain the hope for peace.

As the need for food becomes more acute, and as the forces marshalled against peace grow more ominous, we must summon the best that is within us. We must rely upon our resilience and call upon our compassion.

This 100-year-old house of state provides a fitting backdrop for these qualities. Our open government reflects an open people. Our caring government reflects a caring people.

In the future, the strength and honesty and generosity of Iowans will continue to be an example to the nation. And the views of Iowa voters will be important to the nation. In fact, one month from now, America's eyes and ears will again be centered on Iowa as our precinct caucuses start the long process of selecting a President.

Today, as we consider the past and contemplate the future, it is appropriate to ask, what future generations will say of our decisions? What will our great-grandchildren say when they celebrate the Bicentennial of this glistening Golden Dome? Will they say that our actions added luster to the light of freedom that shines from that Dome?

To aid their judgment, we should give them a gift from those who have the greatest stake in Iowa's future—our children. We will bury a time capsule near the Capitol this spring. In that time capsule, we should seal a collection of writings—a series of essays describing what it means to be an Iowan, and what living in the American Heartland means to the young at heart and the young in hope. The essays should be written by Iowa students—elementary through high school.

The collection will illustrate for future readers how we perceived ourselves and the issues that were important to us. Perhaps the essays will highlight our interest in the environment—in saving our soil and water. They may talk about our efforts to find new sources of energy. They could well look at educational excellence and the need for healthy lifestyles for all ages.

The essays will preserve the vibrancy of young minds. They will be tangible proof of the billion-dollar investment we Iowans make every year in educating our young. This collection will be a contribution to historians in the year 2084—a record of the hopes and dreams of Iowans in 1984.

We can only guess what creative thoughts will spring forth from our talented students. Perhaps one will even match the simple eloquence of the late Iowa poet James Hearst, who once wrote: "I have tried always to be aware that the earth, seed and weather, plus human skill and knowledge, are the true roots of creation."

In the next 100 years, we can strive to save this earth. We can develop new strains of seed. We might even be able to affect changes in the weather. All of this is possible.

But more important, we should work on that human skill and knowledge that Hearst wrote about—refining, improving, enhancing our skill and knowledge each and every day. That too, is possible here in Iowa.

In the years and decades ahead, the young and the old, the weak and the strong, the disillusioned and those that dream, will again turn to us here in the Heartland.

They will find that our best cash crop is not corn or soybeans, that our most valuable commodity is not cattle or hogs, that our finest product isn't tractors or combines. They will find that our best crop, our most valuable commodity, our finest product is our people. They will always find in Iowans a reaffirmation of our stability and character and all that is best in the human condition.

I am confident that Iowans will continue to reach from the past and from their hearts, with wise minds and steady hands, to create a future full of promise and possibility.

We are capable of that and so much more.

Thank you.

The honored guests were escorted to the center aisle of the chamber for a series of photographs to be taken of the joint convention and then escorted from the House chamber. Musical accompaniment was provided by the Clarinda High School band.

Norland of Worth moved that the joint convention recess at 11:25 a.m., until 1:00 p.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 11:30 a.m., until the fall of the gavel.

AFTERNOON SESSION

The House reconvened at 12:55 p.m., Speaker Avenson in the chair.

COMMITTEE TO NOTIFY THE SENATE

Parker of Jasper 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: Parker of Jasper, Chair; Muhlbauer of Crawford and Carpenter of Polk.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Parker of Jasper, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

The joint convention reconvened at 1:00 p.m., President Anderson in the chair.

Members of the Iowa National Guard escorted former Governors of Iowa Robert D. Ray, Robert Fulton, Norman Erbe, Robert Blue and Speaker pro tempore Connors of Polk to the Speaker's station.

President Anderson presented the Honorable Robert D. Ray, who delivered the following address:

Celebrating the 100th Anniversary of this beautiful Capitol makes this an exciting day in the history of our state—not just because the building is 100 years old but because it is the seat of Iowa government—a free government—a place to protect the rights of people and which gives them the greatest freedom possible to pursue their happiness, and I am happy to have the opportunity to participate in this special day.

But I must tell you that I have made more appearances as a Governor before Iowa Legislatures more official times than any other Governor in our history. And each time after I spoke the press ferreted out those who would criticize what I had just said. Well, I want you to know if they come to you today feel free to say whatever you please and it won't bother me at all.

When a person leaves public office interesting things happen to him. The proverbial happened to me. A lady came up to me one day and said, "Didn't you use to be Bob Ray?"

I appreciate those of you who have come back after lunch to hear my comments and the remarks of the other former Governors. I have never been exactly sure what my topic is. I was first told that Harold Hughes was going to cover the first 100 years and Terry Branstad would follow with the present and the future. That doesn't leave a whole lot.

Then later I was assigned the topic, "Iowa as a National leader in structural aspects of innovation process of government." Now that I am no longer in Government I'm having trouble understanding that type of language.

So, I will take a little license with my remarks. One thing is for sure—today is another important day in the history of this wonderful building and great state. I'm mindful of Abraham Lincoln's admonition when he said, "Fellow citizens, we cannot escape history" and the similar warning, "Those who do not learn from history are doomed to repeat the mistakes of the past."

You have been reading and hearing today about the man who shook off personal tragedy to become, in truth, the father of this building. Except for him this Capitol might never have been built—or built somewhere else. I'm referring, of course, to John L. Kasson.

John Kasson came to Iowa from Vermont at the time Governor James Grimes was at the forefront of organizing the Republican Party. Kasson was Lincoln's Iowa Manager in the 1860 election and was appointed the first Assistant Postmaster General. Two years later he was elected to Congress from Iowa. He supported Abe Lincoln and his policy of conciliation toward the South which Andrew Johnson followed after Lincoln's assassination. Kasson's association with the increasingly unpopular President Johnson plunged him into deep political trouble. Radical Republicans were in control and they were determined to punish the defeated secessionists and they set out to purge Kasson and Grimes, then a U.S. Senator, but Grimes was protected because he had a second six year term. To defeat John Kasson they also capitalized on the divorce action that was brought against him at about the same time. In that mid-Victorian era even a garden type divorce action would have created a tough problem for a politician but in this case his wife who came from a very prominent and powerful family accused him of being infected with a social disease. So after his defeat he went to Europe—but his life took on a strange twist. The Polk County Republicans, intent on winning approval for the badly needed new Capitol building in Des Moines, nominated and elected him to a seat in the Iowa House of Representatives.

They selected the right man for he served three terms in the Legislature and was the field marshal of the new capitol forces. After serving in the Legislature and four more terms in Congress and many diplomatic roles, he described the struggle for the present Capitol building as the "longest, continued and bitterest parliamentary battle" in which he ever took part.

As you know to win approval in the 1870 session for an appropriation, he had to call on a priest friend to round up the winning vote from a house member the opposition had tried to immobilize with booze.

And, the story goes on. He was able to eventually replace a partisan, inefficient, unwieldy commission with a small, effective commission. At the time of the dedication he said this about the commission members, "not one act of speculation or spoliation, not one coin wasted or vainly spent had defaced the bright record" of the capitol's construction. Its walls, he said, had been laid "in cement of honesty, and built by the rules of fidelity." That set the stage for this celebration today.

A hundred years later, this place is the embodiment of our shared past, our shared present, and our shared future—and, most of all, as the embodiment of our shared values and our shared vision of what human life ought to be and can be made. What is it that, at our best, we Iowans believe? I hear us saying, at our best, that the purpose of government is the happiness of the people.

The best in our Iowa heritage proclaims our devotion to human rights. The first permanent white resident of this land—French-speaking Julian Dubuque—lived at peace in friendship, for more than twenty years, with his Native American neighbors, who—at his death—erected a mausoleum to shelter the remains of their friend, whom they affectionately called "Little Night." A little more than two decades later, noble Chief Black Hawk crossed the Mississippi to Iowa to spend his last years in peace here and to tell his white acquaintances: "The earth is now yours; keep it as we did; it will produce you good crops." Still later, descendants of Black Hawk's followers, the Mesquakies, by their own herculean efforts made their way back to Iowa from exile in Kansas and set up—with encouragement from Governor Grimes and the legislature—a unique community in Tama County that has survived for a century and a quarter.

Iowa's acceptance of diversity has not been confined to Native Americans. The very first case to come before the Supreme Court of the newly organized Iowa Territory pierced to the heart of the human rights issue. It refused to return to a Missouri slave master, a slave named Ralph and new hopes were born for all people in bondage.

Governor Grimes said, "a blessed thing that there is no ebb to the principles and progress of freedom; it is always at flood-tide."

The seeds of human rights sown by James Grimes and his pioneer fellow Iowans have brought us a rich harvest.

This building epitomizes Iowa's sense of attunement to human life everywhere. The founders of our commonwealth were not natives; they were migrants from the eastern and southern parts of the United States and from overseas.

John Kasson, lived in Vermont, Virginia, Massachusetts and Missouri—he worked in Washington, D.C. and journeyed throughout Europe, the Middle East, Egypt and, on official business, to such far-off places as Samoa and the Congo.

It was Paris, France, where Senator Grimes searched in vain to find help for his health. Senator Grimes was the one who got out of his sick bed to cast the deciding vote which kept President Andrew Johnson from being impeached.

The reason for mentioning this is that within the walls of this building echos proof of the truth that Iowa is, and always has been, a part of a global human fellowship currently being dramatized by the present keen interest in the development of a world trade center. This would bring us, if we had it, in contact with the peoples of the world. Of course, it would benefit us in Iowa, but it would also give us new horizons for contributing to a better fed and safer world.

We have long believed we do our best, feel our best and are at our best when we recognize others, understand the plight of others, and are willing to share with others.

In 1892, during the first decade of this building's life, an Iowa editor—B. F. Tillinghast—led a resounding campaign to supply Iowa foodstuffs for the relief of a crushing famine in czarist Russia. Tillinghast assembled 250 boxcars of Iowa corn for shipment to the starving subjects of the czar, and subsequently was honored—at a glittering convention in the Russian capital of St. Petersburg. During the First World War, Iowa-born Herbert Hoover who became President of the United States won universal acclaim for his brilliant leadership of relief activities for civilian victims of that conflict.

Iowans in 1959 made a gift of hogs and tons of grain to Yamanashi, Japan following a typhoon that was disasterous to their agriculture. They expressed their gratitude by presenting to us the Japanese bell located on these Capitol grounds. This event led to the first sister state arrangement between an American State and a Japanese prefecture.

I saw at Christmas Time, 1979, the results of the generosity of Iowans when truck loads of grain went into Cambodia to save the lives of starving people.

There has been a myriad of contributions Iowans have made in so many ways which have affected the lives of people everywhere in this country and often the entire world. Name the category and you can find a leader from Iowa over this past century.

The most prestigious award Iowa gives is the Iowa Award itself presented by the Centennial Commission. The winners to date are a good cross section of what I am talking about.

1. Herbert Hoover—Secretary of Commerce—first president of the United States born west of the Mississippi—humanitarian.
2. Henry A. Wallace—Famous plant geneticist—Secretary of Commerce—Secretary of Agriculture—Vice President of the United States.
3. Jay N. Darling—Twice a Pulitzer Prize winner—one of the greatest cartoonists ever—especially well known for his conservation efforts.
4. Dr. James Van Allen—Discoverer of the Van Allen Belt—and heavy contributor to the space program.
5. Dr. Frank Spedding—Made a substantial contribution in the field of nuclear energy.
6. Mamie Eisenhower—Wife of President Eisenhower, an example for family life.

7. Dr. Karl King—Band Master and great composer of band music.
8. Dr. Norman Borlaug—Nobel Prize recipient for his Green Revolution.
9. Msg. Luigi Ligutti—Took his depression-era experiments from Granger, Iowa to a role of global agricultural statesmanship for the Vatican.
10. And, the newest member, Dr. George Gallup—Developer of the Institute of American Public Opinion.

Yes, Iowa has produced a century of winners; a President of the United States and another one who got his start through WHO radio, Ronald Reagan; a Vice President; several U.S. Supreme Court Justices; a United States Senator, William Allison, who served 35 years in that body and another 8 years in the House of Representatives; and a Speaker of the House of Representatives, David Henderson. This was during the "Golden Age" for Iowa. "Tama Jim" Wilson was the Secretary of Agriculture. He served in the Presidents' Cabinet longer than anyone else ever has. Leslie Shaw was the Secretary of the Treasury and a brilliant orator was Jonathan Dolliver in the House of Representatives.

This list could certainly go on. But I like the impact Iowans have had on this country in other ways.

George Foerstner, the father of the Amana Colonies. F. L. Maytag, who gave us Maytag appliances. Craig Schaeffer—the Schaeffer pen. Dusenbergs and their classic cars, Arthur Collins, Fritz Norris, Roy Carver, E. T. Meredith and that list goes on and on.

There are sports heroes, fast ball, Hall of Famer, Bob Feller, Olympic Gold Medal winner, Dan Gable, Heisman Trophy Winner Nile Kinnick, Johnny Bright—all America from Drake whose jaw was broken in a racial incident in an Oklahoma game, and a hero who played less than one game of football, Jack Trice. I'm pleased with those who have had the courage to memorialize his name at Iowa State University.

Artists: Grant Wood with his American Gothic style and today's Maurice Lazansky.

Noted novelists: Edna Ferber and McKinley Kanter, a Pulitzer Prize winner. Paul and Hauling Nieh Engle, of the International Writing Program.

Entertainers: The Lane Sisters, Donna Reed, Cloris Leachman, Jean Seberg, John Wayne, Roger Williams, others who lived here, Gary Cooper, Johnny Carson, Andy Williams, Art Linkletter, and, of course, our President, Ronald Reagan.

Miss Universe—Carol Morris from Ottumwa
Miss America—Who was born in Iowa, Rebecca King

In the field of music there is Meredith Wilson and his famous music man, Swing Band Leader Glen Miller, Bix Beiderbecke.

We have had our military leaders: I couldn't begin to name them all. Let's start with Grenville M. Dodge who commanded the 4th Infantry in the Civil War to Admiral William Leahy, the Chief of Staff of the Navy in World War II and Chief of Staff of the Air Force, General John D. Ryan. There were Generals Herron and Mac Nider and Admirals Remy and others who deserve mention. Presently serving in one of our Nation's top military positions is a four-star General, Richard Lawson. And, the real heroes are the 63 Iowa Medal of Honor Winners. Iowans have always answered the call to defend this Country in record numbers.

We gave the Country its strongest Labor Leader, John L. Lewis, who organized the United Mine Workers of America.

But perhaps we can be most proud on this day of reflection when we think of the occurrences such as:

George Washington Carver, the famed geneticist who was given the opportunity to succeed here in Iowa at a private college, Simpson and at a state college, Iowa State.

The fact that the University of Iowa was the first co-educational state university in America. The first woman to be admitted to the practice of law in the United States was Belle Mansfield, valedictorian at Iowa Wesleyan.

The legendary Carrie Chapman Catt who was one of the first women superintendants in this country, Superintendent of the Mason City School District when this building was dedicated and truly a national leader in the long successful fight for women suffrage.

And, our own Mary Louise Smith, who was the first woman in history to chair a national political party convention and to head the Republican Party. George Mills and Bob Burlingame—Great historians.

Iowans truly have been leaders.

Twice in a twenty-year period, dramatic figures from opposite ends of the international power spectrum have paid significant visits to Iowa. Still fresh in mind is the visit of Pope John Paul in early October, 1979. More faded is the memory of another memorable visit to Iowa, made in 1959, by Nikita Krushchev, then leader of the Soviet Union.

So for more than 100 years, Iowa has been on the path way of world events. Now, when this planet is dangerously over-armed and under-nourished—when an arms race no country can afford or win is crowding out neglected social needs—when a stockpile of more than 50,000 nuclear weapons ticks like the knell of doom for all humanity, I repeat to you what I said in my final message as Governor, just a year ago:

"Ponder for a moment the vulnerability of every Iowan due to the peril of nuclear arms. The arms race can never be won. Yet the super-powers keep pouring billions of dollars into. . . weapons of destruction, instead of instruments of peace."

The peril is even greater on January 17, 1984, than it was when I spoke those words on January 11, 1983. Today, in the embrace of this great building, this fun celebration, this building which we want to preserve as a temple of Iowa life for centuries to come let us keep the problems we grapple with daily in perspective — and offer support as we can to put an end to the arms race before it puts an end to us.

Ralph Waldo Emerson wrote, "This time, like all times, is a good time if we know what to do with it".

Thank you!

President Anderson introduced Governors Fulton, Erbe and Blue who individually addressed the joint convention with brief remarks.

President Anderson appointed Senators Anderson of Black Hawk and Gratiot of Floyd and Representatives Menke of O'Brien and Lloyd-Jones of Johnson to escort the honored guests from the House chamber.

The Sergeant-at-Arms escorted the Justices of the Supreme Court and Judges of the Court of Appeals from the House chamber.

President Anderson then introduced Speaker pro tempore Connors of Polk who recognized members of the Pioneer Lawmakers and current legislators assembled for reminiscences and review of issues debated by the General Assemblies during the last 100 years.

Ms. Kate Kasten offered a portrayal of Susan B. Anthony for the joint convention.

A tape of a song entitled "Iowa Waltz" by Greg Brown of Early, Iowa was played for those present.

Lloyd-Jones of Johnson moved that the joint convention be now dissolved at 3:58 p.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 509, a bill for an act to require registration with the secretary of state of certain schools that maintain or conduct courses of instruction.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1984.

COMMITTEE ON HUMAN RESOURCES

House File 2006, a bill for an act relating to the release of a child attending a child day care facility by the facility at the end of the period of the day during which the child is under the facility's care.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5005** January 16, 1984.

Committee Bill (Formerly Study Bill 527), relating to the regulation of radiation machines and radioactive materials and providing a civil penalty for violations.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 16, 1984.

COMMITTEE ON NATURAL RESOURCES

House File 602, a bill for an act repealing the requirement for a study to determine the percentage of motor fuel tax collected that derives from motor fuel used in watercraft.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1984.

AMENDMENTS FILED

H-5005	H.F.	2006	Committee on Human Resources
H-5006	H.F.	2002	Hermann of Scott
H-5007	Rules and Administration Committee Report		Schroeder of Pottawattamie

On motion by Lloyd-Jones of Johnson, the House adjourned at 3:59 p.m., until 9:00 a.m., Wednesday, January 18, 1984.

CAPITOL CENTENNIAL EVENTS

Centennial commemorative items on sale - 9:00 a.m. — 11:30 p.m.
Open Houses by various Capitol offices - 11:30 a.m. — 4:30 p.m.

Entertainment provided by:

Central Iowa Polka Association, Des Moines
Clarinda High School Band, Clarinda
Dan Hunter, Folk Singer, Des Moines
Des Moines Big Band
Des Moines Children's Choir, Des Moines
Dutch Family Singers, Pella
Gateway Dancers, Des Moines
Grand View College Folk Dancers (Scandinavian), Des Moines
Ingersoll Dinner Theater, Des Moines
Iowa Dance Theater, Des Moines
Iowa National Guard - Flag Presentation
Italian Culture Club, Des Moines
Jim Clark, Singer, Altoona
Los Bailadores Mestizos Dancers, Des Moines
Oxford Junction Polka Band, Oxford Junction
Scottish Heritage Society Pipes and Drums, Des Moines.
Smithsonian Social Orchestra
Southeast Warren High School, Liberty Center
The Dance Place, West Des Moines
The Des Moines Ballet, Des Moines
Union Baptist Church Mass Choir, Des Moines
Valley High School Jazz Band, West Des Moines

Church Service - 4:15 p.m., First Lutheran Church, Des Moines
Gala Ball - 8 p.m. — midnight, Rotunda, First Floor of the Capitol

JOURNAL OF THE HOUSE

Tenth Calendar Day—Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 18, 1984

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

Prayer was offered by Hugh Stone, pastor of the Mitchellville United Methodist Church, Mitchellville.

The Journal of Tuesday, January 17, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Glen Hanson, M.D., Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Varn of Johnson.

INTRODUCTION OF BILLS

House File 2088, by Schroeder, a bill for an act to allow a person holding a reversionary interest in railroad property to file a verified claim at any time to claim the reversionary interest, including the legalizing of certain claims which were not timely filed after July 4, 1965.

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

House File 2089, by Sullivan, a bill for an act relating to the investment of retirement funds.

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

House File 2090, by Koenigs, a bill for an act to allow certain use tax revenues to be loaned to the special railroad facility fund to match private investment capital when the private investment capital is actually available to purchase Chicago, Rock Island and Pacific railroad right-of-way and transferring use tax revenue already transferred to the special railroad facility fund to the road use tax fund.

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

House File 2091, by Daggett, a bill for an act relating to the executive council's establishment of a health benefit plan to provide economic incentives for state employees to stay well.

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

House File 2092, by Haverland, a bill for an act relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships, providing that proposed wards are entitled to representation, revising provisions governing the powers and duties of guardians and conservators, including requirements for reporting, and eliminating special provisions for guardians of mentally retarded persons.

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

House File 2093, by Spear, a bill for an act relating to assistance for funeral expenses of recipients of aid to dependent children and state supplemental assistance to blind, disabled and aged persons.

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

House File 2094, by Chiodo, a bill for an act relating to advertising by public utilities.

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

House File 2095, by Chiodo, a bill for an act relating to reports of the operations review division of the Iowa state commerce commission.

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

House File 2096, by Rosenberg, a bill for an act striking the exception to original jurisdiction of the juvenile court for cases concerning violations by children of the law prohibiting possession of alcohol or beer by a minor.

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

House File 2097, by Rosenberg, a bill for an act relating to access by a non custodial parent to information concerning the child.

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

House File 2098, by Baxter, a bill for an act relating to locations where nonresident fur dealers may conduct business.

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

House File 2099, by Rosenberg, Muhlbauer, Mullins, Sturgeon, Shultz, Osterberg, Buhr, Gruhn, Jay, Arnould, Fey, Lloyd-Jones, Swartz, Blanshan and McKean, a bill for an act relating to the collection and dissemination of information regarding hazardous substances and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules more restrictive than, but consistent with, federal requirements.

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

House File 2100, by Cochran and Maulsby, a bill for an act relating to the location and operation of anhydrous ammonia plants and defining nuisance as the term relates to the plants.

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

SENATE MESSAGE CONSIDERED

Senate File 2045, by Junkins and Hultman, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

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

HOUSE FILE 223 WITHDRAWN

Varn of Johnson asked and received unanimous consent to withdraw House File 223 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 January 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 253, a bill for an act relating to qualifications for and exemptions from juror service.

Also: That the Senate has on January 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 309, a bill for an act relating to the distance a person without an operator's license may move a farm tractor or implement of husbandry to farmland for conducting farm operations.

Also: That the Senate has on January 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 442, a bill for an act relating to access to library records by criminal justice agencies.

Also: That the Senate has on January 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 451, a bill for an act relating to enforcement of license discipline by the board of medical examiners.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:22 a.m., until 11:45 a.m.

The House reconvened, Speaker pro tempore Connors of Polk in the chair.

INTRODUCTION OF BILL

House File 2101, by committee on education, a bill for an act authorizing an area education agency to issue warrants and anticipatory warrants and providing for the payment of interest.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 442, by committee on judiciary, a bill for an act relating to access to library records by criminal justice agencies.

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

On motion by Arnould of Scott, the House was recessed at 11:58 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

COMMUNICATION RECEIVED

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

DEPARTMENT OF HEALTH

A report on Creating a Health Data Commission, filed by the State Department of Health, pursuant to Chapter 27, Acts of the Seventieth General Assembly, First Regular Session.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 540 Local Government**

Relating to the liability of a county or city under the Iowa competition law.

S.B. 541 State Government

Relating to the funding of substance abuse programs and services.

S.B. 542 State Government

To establish a commission on family life.

S.B. 543 Energy

Relating to hazardous substances.

S.B. 544 Energy

Relating to the regulation of hazardous waste and the provision of penalties.

S.B. 545 Energy

Relating to the authority of the Department of Water, Air and Waste Management over used oil.

S.B. 546 Energy

Relating to the authority of the Department of Water, Air and Waste Management over underground tanks for storage of petroleum products and investigation of hazardous conditions.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2045, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

Fiscal note is not required.

Recommended **Do Pass** January 18, 1984.

Pursuant to House Rule 33, Senate File 2045 was referred to the committee on Finance.

AMENDMENTS FILED

H-5008	H.R.	101	Harbor of Mills
			Stromer of Hancock
H-5009	H.F.	2072	Welden of Hardin
H-5010	H.F.	2072	Jochum of Dubuque
H-5011	H.F.	2072	Cochran of Webster

H-5012	H.F. 2101	Daggett of Taylor Groth of Buena Vista
H-5013	H.F. 2072	Carpenter of Polk
H-5014	H.F. 2072	Welden of Hardin Mullins of Kossuth Branstad of Winnebago Stueland of Clinton Hummel of Benton
		Hoffmann-Bright of Muscatine Bennett of Ida Menke of O'Brien Harbor of Mills
H-5015	H.F. 2072	Schroeder of Pottawattamie

On motion by Norland of Worth, the House adjourned at 4:08 p.m., until 9:00 a.m., Thursday, January 19, 1984.

JOURNAL OF THE HOUSE

Eleventh Calendar Day—Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 19, 1984

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Reverend Dennis Marx, Area Bible Fellowship Church, Clearfield.

The Journal of Wednesday, January 18, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, M.D., Schleswig.

PETITION FILED

The following petition was received and placed on file:

By Peick of Linn, from one hundred thirty-three constituents of the 52nd District favoring House File 2069.

INTRODUCTION OF BILLS

House File 2102, by O'Kane, a bill for an act relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel.

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

House File 2103, by Baxter, a bill for an act relating to nonresident fur dealers.

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

House File 2104, by Chapman, a bill for an act requiring the use of protective headgear by motorized bicycle operators under seventeen years of age and relating to the sale of such headgear and providing a penalty.

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

House File 2105, by Chapman, a bill for an act relating to the suspension or revocation of a license to practice a profession or occupation for violation of continuing education requirements adopted under chapter 258A.

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

House File 2106, by Clark, a bill for an act relating to the creation of a full-time board of parole.

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

House File 2107, by Rosenberg, a bill for an act relating to voluntary foster care placements by the department of human services and approval of the placements by the juvenile court.

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

House File 2108, by Pavich, a bill for an act to allow certain elections to be conducted by mail ballots.

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

House File 2109, by Osterberg, Haverland, Arnould, Ollie, Lonergan, Peick and Hammond, a bill for an act relating to driver's license revocations of persons who have been convicted of a violation of section 321.281.

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

SPECIAL PRESENTATION

1984 Iowa Junior Miss

Swearingen of Keokuk escorted to the Speaker's station and presented to the House the 1984 Iowa Junior Miss, Shannon Streeby from Agency, Iowa, the daughter of David and Carolyn Streeby.

Shannon attends Cardinal High School in Eldon where she is active in athletics, music and dramatics maintaining an "A" average scholastically. She plans to attend Iowa State University this fall where she will major in engineering. She will represent Iowa at the National Junior Miss Pageant in Mobile, Alabama in June.

Shannon addressed the House briefly and the House rose and expressed its welcome.

COMMITTEE TO NOTIFY THE SENATE

Osterberg 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: Osterberg of Linn, Chair; Hammond of Story and Diemer of Black Hawk.

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

The House resumed session at 9:45 a.m., Speaker Avenson in the chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Osterberg 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 Parliamentarian of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Parliamentarian 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 103, duly adopted, the joint convention was called to order, President Anderson presiding.

Senator Junkins moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed.

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

Senator Junkins of Lee moved that a committee of four, consisting of two members from the Senate and two members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee: Senators Goodwin of Clinton and Hutchins of Audubon, on the part of the Senate; and Representatives Lloyd-Jones of Johnson and Renken of Grundy, on the part of the House.

Senator Junkins of Lee 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 Mann of Polk, Chair; Colton of Woodbury and Ritsema of Sioux, on the part of the Senate; and Representatives Jay of Appanoose, Chapman of Linn and McKean of Jones, on the part of the House.

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

Members of the Executive Council were escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon Chief Justice W. W. Reynoldson and escorted him to the Speaker's station.

President Anderson then presented Chief Justice W. W. Reynoldson who delivered the following Condition of the Judicial Department Message:

MR. PRESIDENT, MR. SPEAKER, GOVERNOR BRANSTAD, SENATORS,
REPRESENTATIVES, STATE OFFICIALS, AND FELLOW IOWANS:

Your week's activities successfully marking the one hundredth birthday of this building inspired us to search the archives for our related judicial roots. We learned the law library was finished and occupied in 1882, but the courtroom was not formally opened until June 8, 1886. We take understandable pride in our courtroom and chambers, and invite you down to visit us at any time. Our quarters can be appreciated even more when viewed against the rough and rustic backdrop of those times. In the period 1883-1889, lynch mobs were active, with violent deaths resulting in Adams, Audubon, Bremer, Cass, Decatur, Hardin, Madison, Shelby, Taylor and Wapello Counties. Fourteen years after the courtroom dedication, Chief Justice Given, a rugged veteran of twenty-two Civil War battles who scorned streetcars, was still riding his cream-colored horse from his home at Tenth and Walnut Streets in Des Moines to his office in the Capitol. History does not tell us what the parking facilities were in those days, but we like to think that the grass is a little greener near our corner of the building.

Remaining from that 1886 courtroom dedication is a fascinating printed speech by former Justice Thomas S. Wilson, who by that time also had served in the Eleventh and Twelfth General Assemblies, and on the district bench. Wilson was a legendary figure whose career by 1886 had spanned all of Iowa's judicial history. He was only twenty-five in 1838 when President Van Buren appointed him and Charles Mason and Joseph Williams to the supreme court of the Iowa Territory.

The first session of the supreme court of the territory of Iowa was held in Burlington on November 26, 1838. It is reported the three justices sat on a raised platform in "the parlor of a tavern." Forty-eight years later, Wilson, participating in the dedication of the present courtroom, must have marveled at the improved environment.

It was Justice Wilson who issued the writ of habeas corpus that released the slave, Ralph, from the hands of the bounty hunters who were about to return him from Dubuque to his Missouri master. In 1839, Chief Justice Mason, whose portrait and work chair grace our court chambers, wrote the famous first decision of the court, In the Matter of Ralph, declaring that "[p]roperty, in the slave, cannot exist without the existence of slavery; the prohibition of the latter annihilates the former, and, this being destroyed, he becomes free." We Iowans can take great pride in the Ralph decision, especially when it is contrasted with the United States Supreme Court's 1856 Dred Scott opinion, holding that the United States Constitution's cloak of protection covered the white race alone.

The concepts of liberty, equality and justice launched with the Ralph case have been safeguarded since by Wilson — and a host of other Iowa judges. In 1868, the Iowa justices struck down the "separate but equal" concept in public education, eighty-six years before the United States Supreme Court reached the same result in Brown v. Board of Education.

In 1873, the Iowa justices ruled that a black female passenger on a river boat could not be discriminated against with respect to accommodations. This conclusion, they held, was "planted on the broad and just ground of the equality of all [persons] before the law, which is not limited by color, nationality, religion or condition in life."

Iowa, in 1869, was the first state to admit a female to the practice of law. In 1975, the Iowa Supreme Court struck down, as sexually discriminatory, a school district's regulations requiring pregnant teachers to take mandatory leave, without disability benefits, no later than the end of the fifth month of pregnancy. We persisted in this ruling in a 1978 case, despite an intervening United States Supreme Court decision reaching a contrary result.

The appellate decisions that enforce and ensure freedom, justice and equality for all Iowans are the rulings printed in the books. But the same rights have been protected no less by Iowa's trial judges. Iowa's trial bench has its own long, proud history, commencing with those pioneer judges who forded rivers and followed "blind paths" to hold court in log cabins and crude jails. In those days, the appearance of the judge and the lawyers, riding circuit, was a major attraction. We are told that the people who came, "remained several days after the court had gone, amusing themselves by wrestling, running foot and horse races [and] swapping horses." Today, Iowa's trial judges are still on the circuit, busier than ever, traveling over a million miles per year in all kinds of weather and road conditions, to bring justice to Iowa's rural counties.

Years hence, when the history of Iowa's judicial system is again recounted, it will be seen that the judicial branch in our times was on the brink of collapse, bowed down by a massive onslaught of cases. It was saved only through the vision and support of farsighted legislators and governors. This close and cooperative effort among its three branches of government has permitted Iowa to assume and maintain national leadership in judicial improvements and reforms. An appendix, attached to the written message I leave today, briefly summarizes many significant steps taken by statute and court order since 1962 — all within the legislative careers of several of the present members of this assembly. Four landmark innovations deserve special mention.

The first came in 1962 when Iowa voters ratified a constitutional amendment, twice passed by the legislature, providing for merit selection of both Supreme Court and District judges. In that year Iowa and Nebraska became the first two states to select all of their general jurisdiction trial and appellate judges on the basis of merit — nominated by bipartisan commissions, appointed by the Governor, and retained or rejected on their record by the voters. Although thirty-five states now have adopted merit selection and tenure for some judges, only thirteen states use a merit plan for selecting all general jurisdiction trial and appellate judges. In other states judges are often required to solicit and accept large contributions from the lawyers and special interest litigants who appear before them, and to spend time and energy off the bench campaigning, despite the fact they can promise only to follow the state and federal constitutions and laws and to treat litigants fairly and impartially. All Iowans should treasure the system that was envisioned and put in place here over two decades ago.

Another giant step forward became effective July 1, 1973, after the legislature adopted the Unified Trial Court Act. Abolished were the Justice of Peace Courts, Mayor's Courts, Municipal Courts, Superior Courts and Police Courts. Thereafter, all judicial officers were state employees, and for the first time all trial judges were structured into one District Court.

Thirdly, in 1976, at a time when Iowans with cases on appeal were subjected to a twenty-two month wait from the time their appeals were made ready until their cases could be heard by the supreme court, the legislature by statute provided for the Iowa Court of Appeals. In your last session you created one additional seat on that court. This position has been filled by a fine judge, Rosemary Shaw Sackett, and the court of appeals exceeded all prior annual efforts by deciding 555 appeals in 1983.

Finally, in the first session of this Seventieth General Assembly, after four years of careful study and with the agreement of Governor Branstad, you set in motion an historic, courageous and progressive innovation with the adoption of Senate File 495, the court reform and funding bill—a step unmatched by any other state legislature in 1983. All Iowans have to give you credit and commendation for the vision you demonstrated in a year of economic reversals. This bill, as you know, provides local property tax relief while phasing in the state funding of various court-related offices and functions. When fully implemented, the plan will provide for full state funding of the state court system.

When the supreme court endorsed the court reorganization bill for legislative consideration, we were convinced it was in the public interest. We knew parts of the proposed legislation would be controversial, and we realized it would and should be sharply debated. Along with nearly all Americans, judges believe in and are proud of the legislative process, so we were neither surprised nor disappointed by the tenacity of those who opposed, as well as those who favored, the measure. The debate on all sides was a constructive experience for those of us who serve the people through the judicial branch of government.

The time and effort you devoted in considering Senate File 495 have made the judicial branch all the more determined to fulfill our pledge to implement this reform with all possible efficiency, and on schedule. Since October 1, 1983, jury fees have been paid by the state, and the state since July 1, 1983, has received its 20 percent share of court revenues. Shorthand reporters will be paid by the state commencing July 1, 1984; court attendants commencing January 1, 1985. I am glad to report there has been widespread cooperation between judicial officers, court administrators, district court clerks, and county supervisors and auditors in studying and making necessary adjustments to county budgets.

Pursuant to your legislative directive, the supreme court has established a personnel classification system and a pay plan for court employees. We also have established statewide committees to devise standards and procedures for the orderly transition of juvenile probation officers and district court clerks from county to state employment.

Another provision of Senate File 495 requires me to include in this message our budget recommendations. In the past year we have lived within the appropriation you provided. Recognizing the shortfall in projected state revenues, we, like the other branches of government, are committed to help balance the state budget. We have monitored our expenditures closely, and we believe the judiciary again will be able to revert a significant portion of our allocation to the state treasury.

Our request for next fiscal year's funding has been tempered to support you in the difficult task you face this session. Our consolidated budget request is submitted to you now, as a separate document associated with our written message. Our intent is to hold the course with minor adjustments for some unavoidable costs, for one additional employee in our clerk's office, and for additional secretarial assistance for the expanded court of appeals.

We also are requesting the minimal funding required to bring our support staff personnel onto a pay plan equivalent to that of other state employees in similar positions. This will make it possible to establish and implement comparable worth directives pursuant to your Senate File 495 mandate, using as a basis your study of similar state positions.

We have included in the budget a separate schedule to implement your commitment, made to the counties and to Iowa's property taxpayers, to assume state funding of the court system on the schedule you established last year. As already mentioned, the components scheduled to be funded in the next fiscal year are shorthand reporters and court attendants. We are pleased that Governor Branstad's proposed state budget recommends that these positions be included in your appropriations for the next fiscal year. To ease the financial burden, we have been able to cut a half-million dollars from your fiscal note projecting the cost of next year's obligation.

We believe we have spared you the most difficult decisions involving our budget. It is already pared. Including the cost adjustments in assuming state court funding just referred to, we have cut approximately \$2,457,000 from last year's request. With this deletion we are asking trial judges to continue to cope, as best they can, with a burden of cases that remains impossibly heavy, and with little prospect of additional judges or additional support personnel for another year. We do this recognizing the potentially demoralizing effect it may have on our hardworking judges. Our primary obligation this year, however, must be to present to you a budget cut to our most basic needs. Thus we offer this budget, trusting that in better economic times you will build upon it, ultimately funding the optimum level of judicial services expected and deserved by the citizens of Iowa.

My allotted time draws to a close, and there is no opportunity to explore other mutual interests: Our joint efforts with respect to the Iowa Rules of Evidence, which have been well received by bench and bar; the limitations on the concept of a user-funded trial court system; your experiments with dispute resolution centers; the continuing need to make Iowa's judicial retirement system actuarially sound; the problems of sentencing disparity; the concern that must be accorded the rights of crime victims; our efforts to curb juvenile delinquency and to interest young people in the processes of law and the peaceful resolutions of controversies through the design and development of a statewide educational program for all grades on the role and function of law and society, coupled with the joint efforts of the bench, The Iowa State Bar Association and the Iowa Center for Law-Related Education in a statewide high school mock trial competition; and the proposed rule changes we will submit for your approval in the areas of evidence, civil and criminal procedure, and hospitalization of substance abusers.

These interests and many others are mutual because we all serve the same people. In so serving, the Iowa Constitution assigns us different roles. In discharging those responsibilities, I am sure each branch grows in understanding and in respect for the other branches.

And so in closing, I ask you to reflect with me for a moment on the assigned role and responsibility of the judicial department. From frontier days to modern times it has daily served its necessary purposes, sometimes faltering and stressed by its burden, but often performing so well that it is accepted without noting its high endeavors, vital functions, and minimal cost.

"The great ideals of liberty and equality," wrote Justice Cardozo, "are preserved against the assaults of opportunism, the expediency of the passing hour, the erosion of small encroachments, the scorn and derision of those who have no patience with general principles, by enshrining them in constitutions, and consecrating to the task of their protection a body of defenders."

Such defenders are often lonely and frequently unpopular. Supporting the judicial branch will not make headlines, or garner landslide votes, or invoke blood-surg-ing applause.

From the 1962 legislative session through the 1983 session of this General Assembly, however, the legislative branch, following its assigned responsibility, has taken the necessary measures to insure Iowans their most priceless heritage: the right to justice. In the difficult days that lie ahead, we know you will follow that high tradition.

Thank you very much.

Chief Justice W. W. Reynoldson was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

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

The House reconvened, Speaker Avenson 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 January 18, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 449, a bill for an act relating to licensing private investigative agencies and private security agencies, and providing a penalty.

Also: That the Senate has on January 18, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanor's sentence.

K. MARIE THAYER, Secretary

On motion by Connors of Polk, the House was recessed at 10:20 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2072, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools, reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and making appropriations funds for these capital projects for the fiscal year beginning July 1, 1984, and funding the driver's license program from the primary road fund, was taken up for consideration.

The House stood at ease at 2:51 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2072 at 3:16 p.m., Speaker Avenson in the chair.

Cochran of Webster offered the following amendment H-5011 filed by him:

H-5011

- 1 Amend House File 2072 as follows:
- 2 1. Page 2, by striking lines 12 through 18.

Connolly of Dubuque offered the following amendment H-5019, to amendment H-5011, filed by him from the floor and moved its adoption:

H-5019

- 1 Amend amendment H-5011 to House File 2072 as follows:
- 2 1. Page 1, by striking line 2 and inserting in lieu
- 3 thereof the following:
- 4 "1. Page 2, line 12, by striking the words "primary
- 5 road fund" and inserting in lieu thereof the words
- 6 "road use tax fund"."

Amendment H-5019 lost.

Cochran of Webster moved the adoption of amendment H-5011.

Roll call was requested by Cochran of Webster and Schroeder of Pottawattamie.

On the question "Shall amendment H-5011 be adopted?"

The ayes were, 36:

Black	Carl	Cochran	Cooper
Daggett	Davitt	De Groot	Fogarty
Grandia	Groth	Gruhn	Halvorson, R. N.
Handorf	Hermann	Hoffmann-Bright	Hummel
Koenigs	Lageschulte	Maulsby	McKean
Menke	Miller	Muhlbauer	Oxley
Renken	Rensink	Royer	Running
Schroeder	Shoultz	Skow	Sullivan
Swearingen	Van Camp	Van Maanen	Welden

The nays were, 62:

Anderson	Arnould	Baxter	Bennett
Brammer	Branstad	Buhr	Carpenter
Carter	Chapman	Chiодо	Clark
Connolly	Connors	Copenhaver	Corey
Diemer	Doderer	Fey	Groninga
Gronstal	Hammond	Hanson	Harbor
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Krewson	Lloyd-Jones
Lonergan	McIntee	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Rosenberg	Schneklath
Sherzan	Spear	Stromer	Stueland
Sturgeon	Swartz	Tabor	Tofte
Torrence	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 2:

Blanshan

Halvorson, R. A.

Amendment H—5011 lost.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5009 filed by him on January 18, 1984.

Jochum of Dubuque offered the following amendment H—5010, filed by him and moved its adoption:

H—5010

- 1 Amend House File 2072 as follows:
- 2 1. Page 8, line 16, by striking the figure "61,000"
- 3 and inserting in lieu thereof the figure "61,600".

Amendment H—5010 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5015 filed by him:

H—5015

- 1 Amend House File 2072 as follows:
- 2 1. Page 9, by inserting after line 16 the following
- 3 new sections:
- 4 "Sec. . Section 307B.23, Code 1983, is amended
- 5 to read as follows:
- 6 307B.23 SPECIAL RAILROAD FACILITY FUND. There
- 7 is created in the office of the ~~state~~ treasurer of
- 8 ~~state~~ a "special railroad facility fund". This fund
- 9 shall include moneys credited to this fund under
- 10 sections 307.29, and 435.9, ~~324A-9~~, and other funds
- 11 which by law may be credited to the special railroad
- 12 facility fund. The moneys in the special railroad
- 13 facility fund are hereby appropriated to and for the
- 14 purposes of the authority as provided in this chapter.
- 15 The funds in the special railroad facility fund shall
- 16 ~~are not be considered~~ as a part of the general fund
- 17 of the state, ~~shall are not be~~ subject to appropriation
- 18 for any other purpose by the general assembly, and
- 19 in determining a general fund balance shall not be
- 20 included in the general fund of the state but shall
- 21 remain in the special railroad facility fund to be

22 used for the purposes set forth herein in this section.
23 The state treasurer of state shall act as custodian
24 of the fund and disburse amounts contained in it as
25 directed by the authority. The state treasurer is
26 authorized to of state may invest the funds deposited
27 in the special railroad facility fund at the direction
28 of the authority and subject to any limitations
29 contained in the bond proceedings. The income from
30 such the investment shall be credited to and deposited
31 in the special railroad facility fund. This fund
32 shall be administered by the authority and may be
33 used to purchase or upgrade railroad right of way
34 and trackage facilities or to purchase general or
35 limited partnership interests in a partnership formed
36 to purchase, upgrade, or operate railroad right of
37 way and trackage facilities, to pay or secure
38 obligations issued by the authority, to pay
39 obligations, judgments, or debts for which the
40 authority becomes liable in its capacity as a general
41 partner, or for any other use authorized under this
42 chapter.

43 Any moneys credited to the special railroad facility
44 fund under ~~sections~~ section 435.9 and ~~324A.9~~ shall
45 be deposited in a separate account within the special
46 railroad facility fund. The authority may issue
47 obligations under this chapter which are secured
48 solely by the moneys to be deposited in that separate
49 account and the holders or owners of any such
50 obligations shall have no rights to payment of bond

Page 2

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

12 Sec. . Section 324A.1, Code 1983, is amended
13 to read as follows:

14 324A.1 PURPOSE. The purpose of this chapter is
15 to impose an excise tax upon the use sale within this
16 state of fuel to power railway vehicles.

17 Sec. . Section 324A.3, Code 1983, is amended
18 to read as follows:

19 324A.3 TAX IMPOSED. For the privilege of operating

20 railway vehicles in this state, an An excise tax is
 21 imposed at the rate of three eight cents per gallon
 22 beginning October 1, 1981 and is imposed at the rate
 23 of eight cents per gallon beginning July 1, 1982 upon
 24 the use sale of fuel for the propulsion of a railway
 25 vehicle to a railroad company within the state. The
 26 tax attaches at the time of use the sale and shall
 27 be paid monthly to the department by the railroad
 28 company using the fuel person collecting the tax.
 29 At such time If the Iowa railway finance authority
 30 department deems it necessary, it may require that
 31 fuel dispensed sold to a railroad company in this
 32 state shall only be through meters which have been
 33 approved for accuracy by the Iowa railway finance
 34 authority department and sealed by the authority
 35 department. The authority department may contract
 36 the responsibility for approving and sealing meters
 37 to the department of agriculture. Fuel dispensed
 38 through sealed meters shall be presumed taxable unless
 39 the railroad company proves otherwise.

40 Sec. . Section 324A.4, Code 1983, is amended
 41 to read as follows:

42 324A.4 RAILROAD COMPANY LICENSE. A person
 43 responsible for collection of the tax imposed on fuel
 44 sold to a railroad company and responsible for paying
 45 the tax imposed by this chapter shall obtain a license
 46 from the department. To obtain a license a railroad
 47 company person shall file an application with the
 48 department which shall include the following
 49 information:

50 1. The name of the railroad company purchasing

Page 3

1 the fuel.

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

4 3. A list of each location where fuel will be
 5 dispensed is sold to a railroad company on a regular
 6 basis.

7 4. Other information the director of revenue
 8 requires.

9 Sec. . Section 324A.5, Code 1983, is amended
 10 by striking the section and inserting in lieu thereof
 11 the following:

12 324A.5 MONTHLY REPORT—TAX PAYMENTS. A person
 13 licensed to sell fuel to a railroad company shall
 14 file a report with the department. The report shall
 15 be filed by the end of the month following the month
 16 of the sale of the fuel. The report shall include
 17 the number of gallons sold to a railroad company,

18 the amount of taxes collected and any other information
 19 the director of revenue requires. The report shall
 20 be accompanied by a payment equal to the tax due.

21 Sec. . Section 324A.7, Code 1983, is amended
 22 to read as follows:

23 324A.7 RECORDS RETAINED. Records reasonably
 24 required by the department shall be retained by the
 25 railroad company for three years.

26 Sec. . Section 324A.9, Code 1983, is amended
 27 to read as follows:

28 324A.9 DEPOSIT OF REVENUES. The net proceeds
 29 of the excise tax imposed on the use sale of fuel
 30 in railway vehicles sold to a railroad company and
 31 any penalties collected under this chapter shall be
 32 credited to the special railroad facility fund
 33 established in section 307B.23 general fund of the
 34 state.

35 Sec. . Chapter 324A, Code 1983, is amended
 36 by adding the following new section:

37 NEW SECTION. 324A.10 EFFECTIVE DATE. The excise
 38 tax imposed upon the sale of fuel to a railroad company
 39 by this chapter is effective on the first day of the
 40 month following enactment for all fuel sold to a
 41 railroad company on or after that date."

42 2. Page 9, by inserting after line 21 the following
 43 new unnumbered paragraph:

44 "NEW UNNUMBERED PARAGRAPH. Unobligated funds or
 45 unencumbered funds credited to the special railroad
 46 facility fund under section 324A.9 shall be credited
 47 to the general fund of the state on the effective
 48 date of this Act."

49 3. Renumber sections and correct internal
 50 references as are necessary in accordance with this

Page 4

1 amendment.

Schroeder of Pottawattamie offered the following amendment
 H-5016, to amendment H-5015, filed by him from the floor and
 moved its adoption:

H-5016

1 Amend the Schroeder amendment, H-5015, to House
 2 File 2072 as follows:

3 1. Page 2, line 21, by striking the word "eight"
 4 and inserting in lieu thereof the word "fifteen".

Amendment H-5016 was adopted.

Jochum of Dubuque rose on a point of order that amendment H—5015 was not germane.

The Speaker ruled the point well taken and amendment H—5015 not germane.

Schroeder of Pottawattamie moved that the rules be suspended to consider amendment H—5015, as amended.

A non-record roll call was requested.

The ayes were 36, nays 56.

The motion lost.

Carpenter of Polk asked and received unanymous consent to temporarily defer action on amendment H—5013.

Welden of Hardin offered the following amendment H—5014 filed by Welden, et al.:

H—5014

- 1 Amend House File 2072 as follows:
- 2 1. Page 9, by inserting after line 33 the following
- 3 new section:
- 4 "Sec. . APPROPRIATIONS FOR FISCAL YEAR 1983-
- 5 84 REDUCED.
- 6 1. Funds appropriated from the general fund of
- 7 the state before January 1, 1984, by the general
- 8 assembly which are available for allocation during
- 9 the fiscal year beginning July 1, 1983, are reduced
- 10 by two and eight-tenths percent. However, the two
- 11 and eight-tenths percent reduction does not apply
- 12 to the following appropriated funds:
- 13 a. Funds appropriated after January 1, 1984, for
- 14 expenditure during the fiscal year beginning July
- 15 1, 1983, or appropriated funds reduced after January
- 16 1, 1984, and before the effective date of this Act.
- 17 b. Funds appropriated pursuant to section 2.12,
- 18 to the legislative fiscal bureau, to the legislative
- 19 service bureau, to the Code editor, and to the office
- 20 of citizens' aide.
- 21 c. Funds appropriated to the judicial department
- 22 of state government.
- 23 d. Funds appropriated pursuant to sections 426.1
- 24 and 427.17.

25 e. Funds appropriated by 1983 Iowa Acts, chapter
 26 195, sections 1 through 7 and section 15, subsection
 27 2, paragraph "a" and subsection 3.

28 f. Funds appropriated by 1983 Iowa Acts, chapter
 29 198, section 2, subsection 2, paragraph "c".

30 g. Funds appropriated by 1983 Iowa Acts, chapter
 31 202, section 11, subsection 2.

32 2. The two and eight-tenths percent reduction
 33 provided for in subsection 1 shall be carried out
 34 uniformly and proportionately in the same manner as
 35 specified in section 8.31. The reduction of the funds
 36 appropriated and available for the fiscal year
 37 beginning July 1, 1983 and ending June 30, 1984, shall
 38 not exceed two and eight-tenths percent because
 39 compliance with this Act and executive action taken
 40 before the effective date of this Act.

41 3. Funds which become available as a result of
 42 the two and eight-tenths percent reduction as provided
 43 in subsection 1 shall revert to the general fund of
 44 the state."

45 2. Renumber sections and correct internal
 46 references as are necessary in accordance with this
 47 amendment.

48 3. Amend the title, line 1, by inserting after
 49 the word "appropriations" the words and figures "by
 50 reducing certain appropriations for the fiscal year

Page 2

1 beginning July 1, 1983 by two and eight-tenths
 2 percent,".

Welden of Hardin offered the following amendment H—5018, to amendment H—5014, filed by him from the floor and moved its adoption:

H—5018

1 Amend amendment H—5014 to House File 2072 as follows:
 2 1. Page 1, line 38, by adding after the word "because"
 3 the word "of".

Amendment H—5018 was adopted.

Welden of Hardin moved the adoption of amendment H—5014, as amended.

Roll call was requested by Tabor of Jackson and Welden of Hardin.

On the question "Shall amendment H—5014, as amended, be adopted?"

The ayes were, 38:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	Dè Groot
Diemer	Grandia	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 58:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Loneragan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Zimmerman	Mr. Speaker		

Absent or not voting, 4:

Blanshan	Halvorson, R. A.	Pavich	Woods
----------	------------------	--------	-------

Amendment H—5014, as amended, lost.

Carpenter of Polk offered the following amendment H—5013 filed by her:

H—5013

- 1 Amend House File 2072 as follows:
- 2 1. Page 9, by inserting after line 31 the
- 3 following:
- 4 "Sec. The amount of the unobligated balance

5 in the general fund of the state on June 30, 1984,
6 as certified by the state comptroller by September
7 10, 1984, not to exceed thirteen million seven hundred
8 eighteen thousand six hundred eighty-seven (13,718,687)
9 dollars, is appropriated to the department of public
10 instruction for general state financial aid to merged
11 areas for the fiscal year beginning July 1, 1984
12 pursuant to 1983 Iowa Acts, chapter 197, section 8,
13 subsection 12, paragraph "a". Any amount appropriated
14 under this section shall be subtracted from the amount
15 appropriated for the fiscal year beginning July 1,
16 1984 in 1983 Iowa Acts, chapter 197, section 8,
17 subsection 12, paragraph "a."
18 2. By numbering and renumbering sections as
19 necessary.

Carpenter of Polk offered the following amendment H-5017, to amendment H-5013, filed by her from the floor and moved its adoption:

H-5017

1 Amend amendment H-5013 to House File 2072 as
2 follows:
3 1. Page 1, lines 6 and 7 by striking the word
4 and figure "September 10" and inserting in lieu thereof
5 the word and figure "October 15".
6 2. Page 1, line 11, by striking the words and
7 figures "beginning July 1, 1984" and inserting in
8 lieu thereof the following: "ending June 30, 1984".
9 3. Page 1, by striking lines 16 and 17 and
10 inserting in lieu thereof the following: "1984, as
11 provided in section 1, unnumbered paragraph 3 of this
12 Act." "

Amendment H-5017 was adopted.

Osterberg of Linn in the chair at 3:59 p.m.

Carpenter of Polk moved the adoption of amendment H-5013, as amended.

Roll call was requested by Lageschulte of Bremer and Schneklath of Scott.

On the question "Shall amendment H-5013, as amended, be adopted?"

The ayes were, 40:

Anderson	Bennett	Branstad	Buhr
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Handorf	Harbor
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Maulsby	McIntee	McKean
Menke	Miller	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Shoultz	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Weiden

The nays were, 56:

Arnould	Avenson	Baxter	Black
Brammer	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Gruhn	Halvorson, R. N.	Hammond	Hanson
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
Lonergan	Muhlbauer	Norland	O'Kane
Ollie	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Mr. Speaker (Osterberg)

Absent or not voting, 4:

Blanshan	Grandia	Groth	Halvorson, R. A.
----------	---------	-------	------------------

Amendment H—5013, as amended, lost.

Speaker Avenson in the chair at 4:06 p.m.

The following amendment H—5020 filed by Jochum of Dubuque from the floor was adopted by unanimous consent:

H—5020

- 1 Amend House File 2072 as follows:
- 2 1. Title page, by striking line 5, and inserting in
- 3 lieu thereof the following: "1983 and appropriating
- 4 funds for capital".

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

On the question "Shall the bill pass?" (H.F. 2072)

The ayes were, 71:

Arnould	Baxter	Bennett	Black
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Copenhaver
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Holveck	Hughes	Jay	Jochum
Knapp	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Peick	Pellett
Poney	Renaud	Rensink	Rosenberg
Royer	Schnekloth	Sherzan	Shoultz
Spear	Stromer	Swartz	Swearingen
Tabor	Tofte	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 26:

Anderson	Branstad	Cooper	Corey
Daggett	Groth	Hoffmann-Bright	Hummel
Koenigs	Maulsby	McKean	Menke
Miller	Muhlbauer	Oxley	Renken
Running	Schroeder	Skow	Stueland
Sturgeon	Sullivan	Torrence	Van Camp
Van Maanen	Welden		

Absent or not voting, 3:

Blanshan	Grandia	Halvorson, R. A.
----------	---------	------------------

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 RESOLUTION 101

Fey of Scott called up for consideration House Resolution 101, relating to the rules of the House, filed on January 16, 1984 and found on pages 85 through 88 of the House Journal.

Harbor of Mills offered the following amendment H—5008 filed by him and Stromer of Hancock and moved its adoption:

H—5008

- 1 Amend House Resolution 101 as follows:
- 2 1. Page 3, line 10 by striking the words "weekly
- 3 debate regular" and inserting in lieu thereof the
- 4 words "weekly debate".

Amendment H—5008 was adopted.

On motion by Fey of Scott of House Resolution 101, as amended, was adopted.

HOUSE FILE 629 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 629 from further consideration by the House.

HOUSE FILE 282 WITHDRAWN

Van Gerpen of Black Hawk asked and received unanimous consent to withdraw House File 282 from further consideration by the House.

HOUSE FILES 32 AND 656 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House Files 32 and 656 from further consideration by the House.

MOTION TO RECONSIDER (House Resolution 101)

I move to reconsider the vote by which House Resolution 101, as amended, was adopted by the House on January 19, 1984.

STROMER of Hancock

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 547 Transportation

Relating to the authority of the transportation regulation authority

in authorizing a railroad corporation to acquire property by eminent domain.

S.B. 548 Transportation

To allow the operation of articulated buses not exceeding sixty feet in length on the public streets and highways.

S.B. 549 Transportation

To establish a public transit assistance fund.

S.B. 550 Transportation

To provide for the placement of validation stickers on only the rear registration plate for certain motor vehicles.

S.B. 551 Transportation

To repeal the special length and weight provisions of motor vehicles operated in the border cities of the state.

S.B. 552 Human Resources

Relating to the selection and operation of foster care review committees under the department of human services.

S.B. 553 Human Resources

Revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of human services.

S.B. 554 Human Resources

Relating to the administration of mental health and mental retardation programs.

S.B. 555 Human Resources

Relating to dispensing of generically equivalent drugs.

S.B. 556 Human Resources

Relating to basic emergency medical care including the creation of a basic emergency medical care council, authorization of ambulance services, and certification of basic emergency medical technicians-ambulance, providing a penalty, and providing an effective date.

S.B. 557 Local Government

Relating to the payment of the costs of the registration of public bonds or obligations of a city.

S.B. 558 Education

Relating to the collection of tuition by a school corporation resulting from an appointment of a guardian and requiring notification to the school corporation of a petition filed relating to such guardianship.

S.B. 559 Education

Relating to school special elections and providing an effective date.

S.B. 560 Labor and Industrial Relations

Establishing an Iowa job training and coordination program and making an appropriation.

SUBCOMMITTEE ASSIGNMENTS**House File 61 (Reassigned)**

Ways and Means: Rosenberg, Chair; Chiodo, McKean, Schnekloth and Groninga.

House File 209 (Reassigned)

Energy: Groninga, Chair; McIntee and Shultz.

House File 257 (Reassigned)

State Government: Pavich, Chair; Hanson and Renaud.

House File 272 (Reassigned)

Energy: Hughes, Chair; Black and Paulin.

House File 318 (Reassigned)

Small Business and Commerce: Chiodo, Chair; Chapman, Diemer, Halvorson of Clayton, Parker, Schroeder and Swartz.

House File 422 (Reassigned)

Small Business and Commerce: Gronstal, Chair; Baxter, Diemer, Renken and Skow.

House File 465

Small Business and Commerce: Gronstal, Chair; Holveck and McIntee.

House File 490

Transportation: Fey, Chair; Osterberg and Van Maanen.

House File 481

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 498

Transportation: Lageschulte, Chair; Cooper and Muhlbauer.

House File 515

Small Business and Commerce: Swartz, Chair; Diemer, Groninga, Halvorson of Clayton and Sturgeon.

House File 530

Local Government: Sherzan, Chair; Grandia and Spear.

House File 535

Transportation: Woods, Chair; Cooper and Corey.

House File 542

Transportation: Renaud, Chair; Pellett and Woods.

House File 589

Transportation: Koenigs, Chair; Harbor and Miller.

House File 590

State Government: Carpenter, Chair; Blanshan, Lloyd-Jones, Pavich and Swearingen.

House File 591

State Government: Hammond, Chair; Lloyd-Jones, Rensink, Tofte and Woods.

House File 599

Transportation: Van Camp, Chair; Miller and Pavich.

House File 600

Transportation: Woods, Chair; Koenigs and Welden.

House File 2004

Local Government: Cooper, Chair; Connors and Menke.

House File 2005

Local Government: Running, Chair; Hermann and Peick.

House File 2010

Ways and Means: Doderer, Chair; Lageschulte and Oxley.

House File 2017

Ways and Means: Tabor, Chair; Groninga and Schneklath.

House File 2018

Local Government: O'Kane, Chair; Spear and Swearingen.

House File 2019

Labor and Industrial Relations: Brammer, Chair; Grandia and Peick.

House File 2022

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2024

Local Government: Cooper, Chair; Royer and Torrence.

House File 2029

Ways and Means: Cochran, Chair; Connolly and De Groot.

House File 2030

Ways and Means: Copenhaver, Chair; Chiodo and Bennett.

House File 2031

Labor and Industrial Relations: Sherzan, Chair; Parker and Schnekloth.

House File 2033

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2034

Ways and Means: Tabor, Chair; Daggett, and Koenigs.

House File 2036

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2037

Ways and Means: Koenigs, Chair; McKean and Tabor.

House File 2038

Ways and Means: Schnekloth, Chair; Holveck and Fey.

House File 2042

Ways and Means: Connolly, Chair; Davitt and Pavich.

House File 2043

Local Government: Spear, Chair; Sherzan and Tofte.

House File 2051

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House File 2053

Small Business and Commerce: Skow, Chair; Halvorson of Clayton and Parker.

House File 2057

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 2058

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 2060

Ways and Means: O'Kane, Chair; Chiodo and Renken.

House File 2062

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2065

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2066

Ways and Means: Osterberg, Chair; De Groot and O'Kane.

House File 2068

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2072

Finance: Jochum, Chair; Arnould and Halvorson of Clayton.

House File 2073

Agriculture: Cochran, Chair; Anderson, Davitt, De Groot, Gruhn, Pellett, Skow and Zimmerman.

House File 2076

Local Government: O'Kane, Chair; Grandia and Running.

House File 2078

Ways and Means: Anderson, Chair; Osterberg and Varn.

House File 2082

Ways and Means: Rosenberg, Chair; Clark and Gronstal.

House File 2084

Agriculture: Copenhaver, Chair; De Groot, Fogarty, Halvorson of Webster and Pellett.

House File 2099

Energy: Rosenberg, Chair; Jay, Mullins, Osterberg and Paulin.

Senate File 190

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

Senate File 521 (Reassigned)

Ways and Means: Swartz, Chair; O'Kane and Renken.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 511

Local Government: Lloyd-Jones, Chair; Royer and Spear.

Study Bill 512

Local Government: Lloyd-Jones, Chair; Royer and Spear.

Study Bill 513

Local Government: Menke, Chair; Black, Cooper, Royer and Tofte.

Study Bill 514

Labor and Industrial Relations: Sturgeon, Chair; Brammer and Corey.

Study Bill 528

Human Resources: Carl, Chair; Arnould, Copenhaver, Daggett, Fey, Hammond, Hermann, Lonergan and Rensink.

Study Bill 529

Transportation: Koenigs, Chair; Cooper and Corey.

Study Bill 530

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 531

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 532

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 533

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 534

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 535

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 536

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 537

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 538

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 539

State Government: Swartz, Chair; Blanshan, Carl, Carpenter and Swearingen.

Study Bill 540

Local Government: O'Kane, Chair; Hermann and Lloyd-Jones.

Study Bill 541

State Government: Swartz, Chair; Buhr, De Groot, Krewson and Renaud.

Study Bill 542

State Government: Swartz, Chair; Blanshan, Carl, Carpenter and Swearingen.

Study Bill 543

Energy: Osterberg, Chair; Baxter, Clark, Jay and Royer.

Study Bill 544

Energy: Osterberg, Chair; Mullins and Van Camp.

Study Bill 545

Energy: Hughes, Chair; Groninga and Van Gerpen.

Study Bill 546

Energy: Black, Chair; Anderson and Muhlbauer.

AMENDMENT FILED

H—5021

H.F. 2039

Spear of Lee

On motion by Norland of Worth, the House adjourned at 4:30 p.m. until 10:00 a.m., Monday, January 23, 1984.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 23, 1984

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

Prayer was offered by the Reverend Ron VanderHart pastor of the Adelpic Calvary Baptist Church, Runnells.

The Journal of Thursday, January 19, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jeffrey Lenz, M.D., Des Moines.

PETITION FILED

The following petition was received and placed on file:

By Peick of Linn, from ninety-seven constituents of the 52nd District, favoring House File 634.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shultz of Black Hawk, until his arrival, on request of Ollie of Clinton; McIntee of Black Hawk, for the morning session, on request of Stromer of Hancock; Royer of Page, for the morning session, on request of Van Gerpen of Black Hawk; Jay of Appanoose, until his arrival, on request of Groth of Buena Vista; McKean of Jones, for the morning session, on request of Kfrewson of Polk.

INTRODUCTION OF BILLS

House File 2110, by committee on human resources, a bill for an act relating to the regulation of radiation machines and radioactive materials and providing a civil penalty for violations.

Read first time and placed on the calendar.

House File 2111, by Norland, a bill for an act authorizing cities to issue revenue bonds to refund general obligation bonds if they were issued or the proceeds were expended for certain city projects.

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

House File 2112, by Sherzan, a bill for an act to create the crime of shoplifting, provide penalties and establish special provisions governing evidence in shoplifting cases.

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

House File 2113, by Pavich, Hanson, Tofte and Woods, a bill for an act regulating deferred compensation plans for employees of the state of Iowa and requiring that at least seventy-five percent of the deferred amount shall be invested in Iowa.

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

House File 2114, by Sherzan, a bill for an act to provide preference to residents in awarding contracts for public improvements in certain situations.

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

House File 2115, by Sturgeon, a bill for an act to limit the amount of funds certain candidate's committees may accept from certain political committees and subjecting violators to a penalty.

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

House File 2116, by Cooper and Daggett, a bill for an act relating to alternatives to farm unit soil conservation plans.

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

House File 2117, by Chiodo and Knapp, a bill for an act requiring repair or replacement of a new motor vehicle which does not conform to express warranties and providing a penalty.

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

House File 2118, by Sturgeon, a bill for an act requiring certain public utilities to include in each of their ads a statement stating whether the ad's expenses are to be charged to customers and whether the ad's expenses are to be charged to the stockholders.

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

House File 2119, by Van Gerpen, a bill for an act relating to self-service motor vehicle washing equipment.

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

House File 2120, by Van Gerpen, a bill for an act relating to the disposal of used oil and providing a penalty for violations.

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

House File 2121, by Chapman, a bill for an act adopting the uniform comparative fault Act in relation to actions to recover damages for injury or death of persons or harm to property.

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

SENATE MESSAGES CONSIDERED

Senate File 253, by Priebe, a bill for an act relating to qualifications for and exemptions from juror service.

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

Senate File 309, by Coleman and Priebe, a bill for an act relating to the distance a person without an operator's license may move a farm tractor or implement of husbandry to farmland for conducting farm operations.

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

Senate File 449, by committee on state government, a bill for an act relating to licensing private investigative agencies and private security agencies, and providing a penalty.

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

Senate File 451, by committee on judiciary, a bill for an act relating to enforcement of license discipline by the board of medical examiners.

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

Senate File 480, by committee on judiciary, a bill for an act relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanant's sentence.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 602, a bill for an act repealing the requirement for a study to determine the percentage of motor fuel tax collected that derives from motor fuel used in watercraft, with reports of committee recommending passage was taken up for consideration.

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. 602)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga

Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Maulsby	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Running	Schneklath	Schroeder	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Blanshan	Doderer	Jay	Jochum
Lonergan	McIntee	McKean	Royer
Shoultz			

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

House File 509, a bill for an act to require registration with the secretary of state of certain schools that maintain or conduct courses of instruction, with reports of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 509)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Fey	Fogarty	Grandia

Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Maulsby	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Doderer	Jay	Jochum	Lonergan
McIntee	McKean	Royer	Shoultz

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

House File 2101, a bill for an act authorizing an area education agency to issue warrants and anticipatory warrants and providing for the payment of interest, was taken up for consideration.

Daggett of Taylor offered the following amendment H-5012 filed by him and Groth of Buena Vista and moved its adoption:

H-5012

- 1 Amend House File 2101 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "74A.7." the following: "This subsection shall not
- 4 be construed to authorize a board to levy a tax."

Amendment H-5012 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2101)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Schneklath
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabar	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Doderer	Jochum	Loneragan	McIntee
McKean	Royer	Shoultz	

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

House File 2006, a bill for an act relating to the release of a child attending a child day care facility by the facility at the end of the period of the day during which the child is under the facility's care, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth offered the following amendment H-5005 filed by the committee on human resources and moved its adoption:

H-5005

1 Amend House File 2006 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 237A.3, Code 1983, is amended
5 by adding the following new subsection after subsection
6 3 and renumbering the subsequent subsection:
7 NEW SUBSECTION. 4. The department shall adopt
8 rules requiring registered family day care homes and
9 group day care homes to maintain in each child's
10 individual file the names of persons to whom the homes
11 can expect to release custody of the child."
12 2. Title page, by striking lines 1 through 4 and
13 inserting in lieu thereof the words "An Act requiring
14 the department of human services to adopt rules
15 relating to the release of a child from a registered
16 family day care home or group day care home."

The committee amendment H-5005 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2006)

The ayes were, 82:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Davitt
De Groot	Diemer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Jay	Jochem	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Rensink
Rosenberg	Running	Schnekloth	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 12:

Bennett	Branstad	Daggett	Grandia
Handorf	Harbor	Hummel	Maulsby
Paulin	Renken	Schroeder	Welden

Absent or not voting, 6:

Doderer	Loneragan	McIntee	McKean
Royer	Shultz		

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 (House File 509)

I move to reconsider the vote by which House File 509 passed the House on January 23, 1984.

HANSON of Delaware

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	Ken Sullivan, Judy Daubenmier
Quad City Times	Michael Owen
Iowa Newspaper Association	Harrison Weber, Bill Monroe
Waterloo Courier	Bob Case
United Press International	John Peterson, Michael Maine, Gary Weber
Des Moines Register	Dewey Knudson, Tom Witosky, David Yepsen, James R. Healey, Ken Fuson, David Elbert
Associated Press	Mike Glover, Roger Munns, Tom Seery, Mark Mittelstadt

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	Anne Hawkins, Donna Smith, Dave Warner, John Houghton, Craig Parsons, Michele Burgad, Glenn McLain
Iowa Legislative News Service	Jo VonStein, Alice Hickman, Susan Barbieri
WHO Radio	Bill Brewer, Cornell Fowler, Lore McManus, Dave Hansen
Newscenter 13	Brooks Humphreys, Mike Borland, Matt Hoffmann, Rod Wermager, Cortney Kintzer, John Windschitl, Steve Carns, Mike Day, Todd Jones, Jerry Jay Hymen, Mike Cunnings
KWWL TV	Linda Knowles, Ron Boster
Iowa Radio Network	Elizabeth Walter
KRNT Radio	Julie Rutz, Pam Dixon, Marie Dilg, Roger Summit, Dan McPherson
WOI AM	Allison A. Hadley
WOI TV	Marcia K. Cady, Blake Bruner, Jon Merritt, Race Morganrogh, JoAnn Merrigan, Carol Scherf

CERTIFICATES OF RECOGNITION

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

- 1984-1 Wayne A. Faupel — Retiring after 53 years of service to the state.
- 1984-2 Donald W. (Doc) Wiebold — Retiring after 20 years of service to the state.
- 1984-3 Clarinda High School Band — Participating in the centennial of the Iowa capitol January 17, 1984 and in the dedication of the capitol building on January 17, 1884.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON FINANCE

Senate File 2045, a bill for an act to increase the membership of the tax study committee from nine to eleven members.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 1984.

On motion by Norland of Worth, the House adjourned at 11:15 a.m., until 9:00 a.m., Tuesday, January 24, 1984.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 24, 1984

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

Prayer was offered by Sister Maureen Whalen, of the Sisters of Charity of the Blessed Virgin Mary, Dubuque, who are celebrating the 150th anniversary of their Order including 140 years in Iowa. She was accompanied by Sister Mary Frances.

The Journal of Monday, January 23, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Edward Schelonka, M.D., Des Moines.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Clark, Hammond, Hanson, McKean, O'Kane, Krewson and Parker, a joint resolution proposing an amendment to the Constitution of the State of Iowa to the legislative branch of state government to a unicameral system.

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

House Joint Resolution 2004, by Spear, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the requirement of indictment for criminal offenses.

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

House File 2122, by Stueland, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

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

House File 2123, by Osterberg, Arnould, Chiodo, Gronstal, Krewson and Parker, a bill for an act to prohibit public utilities from charging customers for the cost of reading a meter.

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

House File 2124, by Sherzan, a bill for an act repealing the sunset clause of the crime victim reparation program.

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

House File 2125, by Skow, a bill for an act relating to the selection criteria for community development block grants.

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

House File 2126, by Pavich and Maulsby, a bill for an act relating to the membership of legislative visitation committees.

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

House File 2127, by Chiodo, a bill for an act to transfer the responsibility for security of the state capitol complex from the department of public safety to the legislative council.

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

House File 2128, by Sullivan, a bill for an act relating to the operation of a vessel, water skis, surfboard or similar device while under the influence of an alcoholic beverage or drug and providing penalties.

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

House File 2129, by Clark, a bill for an act relating to the violation of a custodial order, and applying a penalty.

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

House File 2130, by Clark, a bill for an act relating to the removal of a child from the state by a custodial parent and providing a penalty.

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

House File 2131, by Clark, a bill for an act relating to the enforcement of visitation and custody orders and decrees and providing a penalty.

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

House File 2132, by Gronstal, a bill for an act concerning public utility regulation by providing additional time for the commerce commission to complete its rate proceedings and by providing a moratorium on certain disconnections of gas and electricity with civil penalties applicable.

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

House File 2133, by Schroeder, a bill for an act relating to the imposition of an excise tax at the rate of eight cents per gallon upon fuel sold to a railroad company and making the Act retroactive.

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

House File 2134, by Fogarty, a bill for an act relating to maintenance of a drainage district ditch, drain or laterals by landowners.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on Thursday, January 19, 1984, passed the following joint resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2, ratifying a proposed amendment to the Constitution of the United States to provide for representation of the District of Columbia in the congress.

Also: That the Senate has on January 23, 1984, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 103, congratulating Governor Terry E. Branstad and his wife Christine, on the birth of their new son, Marcus Andrew Branstad.

K. MARIE THAYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 103

Norland of Worth asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 103 as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 103

By Junkins and Hultman

- 1 A concurrent resolution congratulating Governor and
- 2 Mrs. Terry Branstad on the birth of their son.
- 3 *Whereas*, at 6:05 a.m., Sunday, January 22, 1984,
- 4 Marcus Andrew Branstad was born; and
- 5 *Whereas*, Marcus Andrew Branstad is the first baby
- 6 born to an Iowa governor since Martha Electa Briggs
- 7 was born to Iowa's first governor, Ansell Briggs,
- 8 in 1847; and
- 9 *Whereas*, the third child of Governor and Mrs.
- 10 Branstad is doing well as are both the mother and
- 11 father; *Now Therefore*,
- 12 *Be It Resolved by the Senate, the House Concurring,*
- 13 That Governor and Mrs. Terry Branstad are congratulated
- 14 by the Senate and House of Representatives of the
- 15 Iowa General Assembly and all members of the Senate
- 16 and House look forward to Marcus Andrew Branstad
- 17 joining the members of his family at Terrace Hill.

The motion prevailed and the resolution was adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 561 Ways and Means

To increase the fees for operator's and chauffeur's licenses and crediting the fees to the road use tax fund.

S.B. 562 Ways and Means

Relating to the rate of tax on motor fuel and special fuel.

S.B. 563 Ways and Means

To increase the rate of the barrel tax.

S.B. 564 Ways and Means

Relating to taxation by updating references to the Internal Revenue Code for individual and corporate income tax, franchise tax and inheritance tax and making the Act retroactive.

S.B. 565 Human Resources

To permit an adult to direct the withholding of life-sustaining procedures when the adult is in a terminal condition and providing a penalty.

S.B. 566 Human Resources

Relating to a medical reimbursement for certain patients residing in a skilled nursing facility and making an appropriation.

S.B. 567 Small Business and Commerce

Relating to the expansion of deposits held by bank holding companies and providing for a regional banking area for the midwestern region of the United States and providing reciprocity to out-of-state bank holding companies within that region.

S.B. 568 Local Government

Providing that county zoning regulations may apply to farm houses.

S.B. 569 Small Business and Commerce

Relating to the maximum finance charges on open-end consumer credit accounts.

S.B. 570 State Government

To increase benefits for retirees who receive Iowa old age survivor's insurance benefits and teachers who retired prior to July 4, 1953.

S.B. 571 State Government

Relating to length of service for payment of Iowa public employment service benefits.

S.B. 572 State Government

To sunset landscape architectural examiners.

S.B. 573 State Government

To change the salary range of the director of the department of corrections.

S.B. 574 State Government

Relating to the election laws by providing certain dates for special elections, the elimination of elections for township trustees and clerks, the number of signatures required for filing nomination petitions for nonparty candidates, the elimination of blank party rows on election ballots, the reduction of sample ballots for publication, and certain technical corrections to the voting laws and providing effective dates.

S.B. 575 State Government

To require disclaimers on political advertisements and subjecting violators to a penalty.

S.B. 576 State Government

Relating to the certification required on voter registration forms, and reducing a penalty.

S.B. 577 State Government

Relating to compensation received by state national guard members for death incurred, injury received, or illness contracted while in active state service in line of duty.

S.B. 578 State Government

Relating to the appointment of a hearing officer for disciplinary licensing hearings.

S.B. 579 State Government

Relating to the acquisition of land or real estate by the Iowa national guard or the Iowa air national guard.

S.B. 580 State Government

Relating to pay scale standards for members of the Iowa national guard.

S.B. 581 State Government

To amend the Iowa pari-mutuel wagering Act.

S.B. 582 State Government

To allow graduates of foreign schools or colleges of pharmacy who are otherwise qualified to apply for a license to practice pharmacy.

S.B. 583 Ways and Means

Relating to the rate of tax on motor fuel and special fuel.

S.B. 584 Ways and Means

Relating to the granting of tax credits to business firms which invest in programs providing community services, crime prevention, education and job training to individuals, or neighborhood assistance.

S.B. 585 Ways and Means

To eliminate the county auditor's annual property valuation and tax report to the department of revenue.

S.B. 586 Ways and Means

Relating to the extraordinary property tax credit or rent reimbursement by providing for the confidential status of certain information contained in a claim and permitting the director of revenue to devise credit and reimbursement tables with amounts rounded to the nearest even whole dollar.

S.B. 587 Ways and Means

Relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections.

S.B. 588 Ways and Means

Relating to the apportionment of net income for purposes of the corporate income tax, with a retroactive effective date.

S.B. 589 Ways and Means

To repeal the sales and use tax on newsprint and ink.

S.B. 590 Ways and Means

Relating to the filing of refund claims resulting from the carryback of net operating losses or net capital losses for tax years ending on or before December 31, 1978 for personal and corporate and franchise tax purposes and making the Act retroactive.

S.B. 591 Ways and Means

Relating to liability for the payment of the sales, services, and use tax and the filing of sales, services, and use tax returns.

S.B. 592 Ways and Means

Relating to the computation of interest on overpayments arising from the carryback of a net operating loss or net capital loss for individual and corporate income and franchise tax purposes.

S.B. 593 Ways and Means

Relating to the definition of retail sale for purposes of the state sales, services and use tax.

S.B. 594 Ways and Means

Relating to allowance of a tax credit for a solar hot water system and making the Act retroactive.

S.B. 595 Education

Relating to a candidacy for election to an area education agency board.

S.B. 596 Small Business and Commerce

Relating to the powers of state-chartered savings and loan associations.

S.B. 597 Small Business and Commerce

Relating to the procedure required for a savings and loan association chartered in another state or country to transact business in Iowa.

S.B. 598 Small Business and Commerce

Providing for a transfer of fiduciary accounts among affiliates.

S.B. 599 Small Business and Commerce

Requiring the Iowa development commission to form an informal advisory group on exports.

S.B. 600 Small Business and Commerce

Making an appropriation to the center for industrial research and service at Iowa state university of science and technology for the purpose of funding the small business development centers.

S.B. 601 Small Business and Commerce

Relating to the granting of a partial property tax exemption for the actual value added by the new construction of or the improvements to single-family residences.

S.B. 602 State Government

Relating to internal expense reporting and payroll procedures in the office of the auditor of state.

S.B. 603 Human Resources

Amending the definition of "child abuse" for purposes of reporting, investigation, and rehabilitation to include permitting a child to engage in prostitution and sexually exploiting a child in certain other ways.

S.B. 604 Human Resources

Repealing the hospital licensing and hospital construction chapters of the Code.

**REREFERRED TO COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT
(House File 2054)**

The Speaker announced that House File 2054, previously referred to the committee on **ways and means**, was rereferred to the committee on **judiciary and law enforcement**.

**REREFERRED TO COMMITTEE ON AGRICULTURE
(House File 2100)**

The Speaker announced that House File 2100, previously referred to the committee on **natural resources**, was rereferred to the committee on **agriculture**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, January 23, 1984. Had I been present, I would have voted "aye" on House Files 509, 602, 2006 and 2101.

McINTEE of Black Hawk

COMMUNICATION RECEIVED

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

CITIZENS' AIDE/OMBUDSMAN

A report of Legislative Recommendations by the Citizens' Aide/Ombudsman office, pursuant to Section 601G.16, 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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 531), relating to duties and responsibilities of probation officers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 23, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 475, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

Fiscal Note is required.

Recommended **Do Pass** January 23, 1984.

Committee Bill (Formerly House File 2058), requiring persons accepting consumer savings accounts to provide certain information regarding the terms of the savings accounts, and providing civil penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 1984.

COMMITTEE ON TRANSPORTATION

House File 266, a bill for an act to include rural transit services which receive state or federal funds within the definition of Iowa urban transit systems for the purpose of obtaining motor fuel and special fuel tax exemptions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H - 5022**, January 23, 1984.

AMENDMENT FILED

H-5022

H.F. 266

Committee on
Transportation

On motion by Norland of Worth, the House adjourned at 9:22 a.m., until 9:00 a.m., Wednesday, January 25, 1984.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 25, 1984

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

Prayer was offered by the Reverend Leslie Boone, pastor of the Westminister United Presbyterian Church, Des Moines.

The Journal of Tuesday, January 24, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald J. Tesdall, M.D., Des Moines.

INTRODUCTION OF BILLS

House File 2135, by Menke, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year.

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

House File 2136, by Gronstal, Krewson, Clark, Mullins, Doderer, Connors and Sturgeon, a bill for an act relating to the licensing and regulation of social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

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

House File 2137, by Connolly, a bill for an act to allow a person who is an instructor at a licensed school of cosmetology to serve on the board of cosmetology examiners.

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

House File 2138, by Peick, a bill for an act to provide that a person whose beer or liquor control license is suspended or revoked is not ineligible for a gambling license.

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

House File 2139, by Hammond, Haverland, Ollie, Buhr, Osterberg, Rosenberg, Holveck and McKean, a bill for an act relating to sexual abuse in the third degree by removing the exception for persons who are cohabiting as husband and wife.

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

House File 2140, by Carpenter, a bill for an act requiring nonsmoking areas in food service establishments.

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

House File 2141, by Osterberg, Fey, Rosenberg and Shultz, a bill for an act creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions and the management and cleanup of abandoned or uncontrolled hazardous waste disposal sites.

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

House File 2142, by Handorf, a bill for an act relating to the use of flashing blue lights on motor vehicles of volunteer ambulance service personnel.

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

House File 2143, by Hughes, a bill for an act relating to physical education requirements for high school students.

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

House File 2144, by Harbor and Schroeder, a bill for an act relating to pari-mutuel racing by restricting the activities of members, employees, or appointees of the state racing commission, strengthening the investigatory powers of the commission, and restricting the permissible activities of applicants for licenses from the commission, and providing penalties.

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

House File 2145, by Spear and Sullivan, a bill for an act relating to certain vacancies on the board of directors of a school corporation.

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

House File 2146, by Harbor, a bill for an act relating to residence in election precincts for specific elections.

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

House File 2147, by Sturgeon, a bill for an act to limit the acceptance of contributions from political committees by candidate's committees and subjecting violators to a penalty.

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

House File 2148, by Shultz, a bill for an act allowing a designee of a school superintendent to certify a student's special need for a restricted license for travel to and from school.

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

House File 2149, by Gronstal, a bill for an act prohibiting rate-regulated public utilities from including in their charges or rates to customers certain portions of executive salaries.

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

House File 2150, by Black, Diemer, McIntee, Grandia and Haverland, a bill for an act relating to community grants for historical, ethnic, and cultural heritage programs.

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

House File 2151, by Black, Skow and Lageschulte, a bill for an act relating to the manufacture and placement of traps designed to kill fur-bearing animals.

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

House File 2152, by Fey, a bill for an act relating to the impeachment of a witness by evidence of conviction of a crime.

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

House File 2153, by Brammer, a bill for an act relating to the contracting by cities for psychological services and the establishment of procedures for the counseling of law enforcement officers.

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

House File 2154, by Brammer, a bill for an act relating to the psychological testing of law enforcement and corrections officers.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 23, 1984, adopted the second conference committee report and passed House File 359, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities.

Also: That the Senate has on January 23, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 658, a bill for an act relating to the direct deposits of revenue and special assessments collected by the county treasurer.

Also: That the Senate has on January 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 497, a bill for an act relating to activities of the citizens' aide and members of the citizens' aide staff.

Also: That the Senate has on January 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2021, a bill for an act relating to the tolling of a statute of limitations when restitution is ordered.

K. MARIE THAYER, Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 20, 1984 and is on file in the office of the Chief Clerk:

January 20, 1984

Mr. Joseph O'Hern, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

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

These include 6 claims of a general nature. This supplements our filing of December 27, 1983.

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

Very truly yours,
RICHARD D. JOHNSON
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, 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>
1378-70-25	Heritage Farms, Ltd. Lester, Iowa Corporate license fee refund	\$ 105.00	Disapproved
1414-70-25	Daniel Brant, dba Brant Agri-Business, Ltd. Anthon, Iowa Vehicle registration refund	66.00	Disapproved
1451-70-25	Betty A. Alexander Carthage, Illinois License fee refund	20.25	Disapproved
1487-70-25	Dubuque Packing Co. Dubuque, Iowa Fuel tax refund	555.06	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1501-70-25	Lord Electric Co., Inc. West Chicago, Illinois Motor vehicle fuel refund	3,981.57	Disapproved
1515-70-25	B & C Transfer Charles N. Caskey, Owner Sioux City, Iowa Vehicle registration refund	121.80	Disapproved

SPONSOR ADDED
(House Files 2129, 2130 and 2131)

Carl of Poweshiek requested to be added as a sponsor of House Files 2129, 2130 and 2131.

REFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 266)

The Speaker announced that House File 266, presently on the **regular calendar**, was referred to the committee on **ways and means**.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

A report of the 1983 Iowa Airport Sufficiency Ratings by the Iowa Department of Transportation, pursuant to Section 328.12(12), 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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 573, a bill for an act providing for the disposition of personal property in the possession of the department of public safety.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1984.

House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1984.

House File 598, a bill for an act relating to altering, defacing, or removing a serial or identification mark or number and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1984.

House File 601, a bill for an act relating to appeal of bond set after parole revocation.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1984.

Senate File 442, a bill for an act relating to access to library records by criminal justice agencies.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5027**, January 24, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 93, a bill for an act allowing employees to choose the care given under worker's compensation medical benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5026**, January 24, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 378, a bill for an act relating to veteran preference in public employment and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1984.

Senate File 159, a bill for an act authorizing the establishment and maintenance of an emergency warning system within townships.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5023**, January 24, 1984.

Committee Bill (Formerly Study Bill 513), to increase the filing or recording fee collected by the county recorder.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 257, a bill for an act relating to fire safety, and liquefied petroleum gas fuel and natural gas transportation, and liquefied petroleum gas heaters, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5025**, January 24, 1984.

Senate File 190, a bill for an act relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5024**, January 24, 1984.

Committee Bill (Formerly Study Bill 542), to establish a commission on children, youth and families.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1984.

AMENDMENTS FILED

H—5023	S.F.	159	Committee on Local Government
H—5024	S.F.	190	Committee on State Government
H—5025	H.F.	257	Committee on State Government
H—5026	H.F.	93	Committee on Labor and Industrial Relations
H—5027	S.F.	442	Committee on Judiciary and Law Enforcement
H—5028	S.F.	413	Schneklath of Scott
H—5029	H.F.	169	Running of Linn

H—5030	H.F.	473	Hammond of Story Clark of Cerro Gordo Rosenberg of Story
H—5031	H.F.	224	Muhlbauer of Crawford
H—5032	S.F.	414	Schnekloth of Scott

On motion by Norland of Worth, the House adjourned at 9:21 a.m., until 9:00 a.m., Thursday, January 26, 1984.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day—Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 26, 1984

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

Prayer was offered by Father Carl Leveling, pastor of St. Paul's Catholic Church, Burlington.

The Journal of Wednesday, January 25, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Schmitt, M.D., Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich of Pottawattamie; Fogarty of Palo Alto on request of Koenigs of Mitchell.

INTRODUCTION OF BILLS

House File 2155, by Corey, a bill for an act extending the income tax refund and rebate setoff procedure to overpayments of unemployment compensation benefits.

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

House File 2156, by Carpenter and Black, a bill for an act relating to valuation of and qualification as a fruit-tree or a forest reservation for property tax purposes.

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

House File 2157, by Skow and Daggett, a bill for an act relating to the administration of property tax laws.

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

House File 2158, by Miller, a bill for an act relating to the exemption of law enforcement officials from the licensing requirements for private detectives.

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

House File 2159, by O'Kane, a bill for an act relating to tort law by 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 and by creating a definition of gross negligence for the purposes of tort claims against the state or against a governmental subdivision.

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

House File 2160, by Lageschulte, a bill for an act to increase the time of suspension of a liquor control license or beer permit on conviction for selling alcoholic beverages or beer to a minor.

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

House File 2161, by Swartz, a bill for an act relating to the legal age for consumption of alcoholic beverages and beer, the transportation of open containers of alcoholic beverages and beer, and the sale of alcoholic beverages and beer and providing penalties.

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

House File 2162, by Pavich, a bill for an act to allow cities and school districts to hold elections on Saturday or Sunday.

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

House File 2163, by Cooper, Royer, Handorf, Skow and Muhlbauer, a bill for an act relating to the issuing of birth, marriage, and death certificates.

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

House File 2164, by Shultz, Rosenberg, Chapman and Baxter, a bill for an act relating to the duties and responsibilities of a peace officer to a victim of domestic abuse and providing a penalty.

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

House File 2165, by Carter, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract, and to provide for its termination.

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

House File 2166, by Connors, a bill for an act relating to contracts between licensed hospitals and health maintenance organizations.

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

House File 2167, by Cooper, a bill for an act relating to the cost of permanent soil and water conservation practices constructed under administrative order with public cost-sharing funds.

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

House File 2168, by Menke, a bill for an act relating to the minimum cover over pipelines.

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

House File 2169, by Baxter, 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**.

SENATE MESSAGES CONSIDERED

Senate File 497, by committee on judiciary, a bill for an act relating to activities of the citizens' aide and members of the citizens' aide staff.

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

Senate File 2021, by Ritsema, a bill for an act relating to the tolling of a statute of limitations when restitution is ordered.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 24, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 111, a bill for an act relating to reseeding the topsoil of open ditches with prairie grass seed.

Also: That the Senate has on January 24, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 162, a bill for an act relating to the age of termination of education for children requiring special education.

K. MARIE THAYER, Secretary

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following changes in the classification, grades and steps of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Administrative Assistant II	Daniel A. Kueper	15-1	S-O	1/09/84
Administrative Assistant II	Jacqueline M. Kibbie	15-1	S-O	1/09/84
Administrative Assistant II	Maureen Wilt	15-1	S-O	1/13/84
Administrative Assistant II	Lynne D. Carey	15-1	S-O	1/13/84
Secretary II	Linda J. Johnson	15-2 + 2	S-O	1/13/84
Secretary II	Mark Lambert	15-1 + 1	S-O	1/13/84
Secretary II	Jean P. Harkin	15-1 + 2	S-O	1/09/84

FEY of Scott, Chair

On motion by Norland of Worth, the House was recessed at 9:17 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 3:13 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 169, a bill for an act establishing a time limit for completion of audits of units of local government, with report of committee recommending amendment and passage was taken up for consideration.

Running of Linn offered the following amendment H—3292 filed by the committee on local government and moved its adoption:

H—3292

- 1 Amend House File 169 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "audit." the words "At the request of a county the
- 4 executive council may extend the one year time
- 5 limitation imposed by this paragraph upon a finding
- 6 that the extension is necessary and not contrary to
- 7 the public interest and that the failure to meet the
- 8 deadline was not intentional."
- 9 2. Page 1, line 10, by inserting after the word
- 10 "audit." the words "At the request of a political
- 11 subdivision subject to this section, the executive
- 12 council may extend the one year time limitation imposed
- 13 by this paragraph upon a finding that the extension
- 14 is necessary and not contrary to the public interest
- 15 and that the failure to meet the deadline was not
- 16 intentional."

The committee amendment H—3292 was adopted.

Running of Linn offered the following amendment H—5029 filed by him and raised the point of order that with the adoption of the committee amendment H—3292, amendment H—5029 was out of order.

H—5029

- 1 Amend House File 169 as follows:
- 2 1. Page 1, line 4, by striking the words "one
- 3 year" and inserting in lieu thereof the words "fifteen
- 4 months".
- 5 2. Page 1, line 9, by striking the words "one
- 6 year" and inserting in lieu thereof the words "fifteen
- 7 months".

The Speaker ruled the point well taken and amendment H—5029 out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Torrence of Muscatine on request of Hoffmann-Bright of Muscatine; Schnekloth of Scott on request of Halvorson of Clayton; Hammond of Story on request of Holveck of Polk, all for the remainder of the day.

Running 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. 169)

The ayes were, 83:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Davitt	De Groot
Diemer	Doderer	Fey	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
McIntee	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie

Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Rensink	Rosenberg	Running
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 11:

Anderson	Bennett	Branstad	Daggett
Grandia	Handorf	Maulsby	Renken
Royer	Van Maanen	Welden	

Absent or not voting, 6:

Fogarty	Hammond	Harbor	McKean
Schneklath	Torrence		

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

Senate File 2045, a bill for an act to increase the membership of the tax study committee from nine to eleven members, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2045)

The ayes were, 80:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Davitt	De Groot	Diemer	Doderer
Fey	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lloyd-Jones	Lonergan
McIntee	Miller	Muhlbauer	Mullins

Norland	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 14:

Bennett	Daggett	Grandia	Handorf
Krewson	Lageschulte	Maulsby	Menke
O'Kane	Pellett	Renken	Rensink
Schroeder	Van Maanen		

Absent or not voting, 6:

Fogarty	Hammond	Harbor	McKean
Schnekloth	Torrence		

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

HOUSE FILE 657 WITHDRAWN

Connolly of Dubuque asked and received unanimous consent to withdraw House File 657 from further consideration by the House.

SPONSOR ADDED (House File 418)

Muhlbauer of Crawford requested to be added as a sponsor of House File 418.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 605 Ways and Means

Subjecting an executory contract for the sale of land and the assignment of such a contract to the state real estate transfer tax.

S.B. 606 Education

To establish a board of educational examiners to issue certificates to teachers and to prescribe their duties.

S.B. 607 Human Resources

Establishing a comprehensive long term care and community based services program for the elderly within the commission on the aging, and making an appropriation.

S.B. 608 Natural Resources

Relating to the authority of the department of water, air and waste management over public water supply systems.

S.B. 609 Natural Resources

Relating to the authority of the Department of Water, Air and Waste Management establishing uniform enforcement remedies and amending existing enforcement remedies.

S.B. 610 Natural Resources

Relating to the authority of the Department of Water, Air and Waste Management over wastewater disposal systems.

S.B. 611 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.

S.B. 612 Judiciary and Law Enforcement

Establishing comparative negligence as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property.

S.B. 613 Judiciary and Law Enforcement

Establishing comparative negligence as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property.

S.B. 614 Judiciary and Law Enforcement

Establishing comparative negligence as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property.

S.B. 615 Judiciary and Law Enforcement

Modifying the definitions and schedules of controlled substances.

S.B. 616 Judiciary and Law Enforcement

Establishing court jurisdiction over certain non-residents in paternity and child support cases.

S.B. 617 Judiciary and Law Enforcement

Relating to assaults against or interference with a correctional officer and providing a penalty.

S.B. 618 Judiciary and Law Enforcement

Relating to the issuance of arrest warrants for work release violators or escapees.

S.B. 619 Judiciary and Law Enforcement

Relating to escape by misdemeanants from custody and the use of deadly force, and providing a penalty.

S.B. 620 Local Government

Repealing a subsection of the section dealing with the collection of delinquent railway taxes.

S.B. 621 State Government

Relating to the administration and benefits of certain public retirement systems and to make an appropriation.

S.B. 622 State Government

To provide for the development of a proposal to reduce upper-level management positions in certain state agencies.

S.B. 623 Agriculture

To require research by the department of agronomy at the Iowa state university of science and technology on the production of horticultural crops for fresh markets and processing.

S.B. 624 Agriculture

Relating to license fees, inspection fees, and other fees charged by the commerce commission under chapters 542 and 543.

S.B. 625 Agriculture

To establish the Iowa grain indemnity authority.

S.B. 626 Local Government

Relating to county finance by deleting or amending incorrect references to county funds and making amendments to resolve conflicts in county finance laws.

S.B. 627 Small Business and Commerce

Relating to the investment of funds for the institutions under control of the Board of Regents.

S.B. 628 State Government

Relating to the requirements that certain buildings be designed by registered architects.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2004**

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 8 (Reassigned)

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 56

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 134

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 143 (Reassigned)

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 186

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 205 (Reassigned)

Local Government: Lloyd-Jones, Chair; Royer and Spear.

House File 208 (Reassigned)

Energy: Shoultz, Chair; Osterberg and Torrence.

House File 236

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 246

Small Business and Commerce: Jochum, Chair; Halvorson of Clayton and Parker.

House File 274

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 306

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 328

Transportation: Renaud, Chair; Pellett and Woods.

House File 332

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 348

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 372

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 383 (Reassigned)

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 405 (Reassigned)

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 413

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 435

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 445 (Reassigned)

Ways and Means: Tabor, Chair; Daggett and Koenigs.

House File 450

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 467

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 499

Judiciary and Law Enforcement: Doderer, Chair; Miller and Schroeder.

House File 513

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 524

Judiciary and Law Enforcement: Holveck, Chair; Halvorson of Clayton and Miller.

House File 537

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

House File 552

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

House File 580

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2001

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2003

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2007

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2013

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2021

Judiciary and Law Enforcement: Chapman, Chair; Corey and Holveck.

House File 2025

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2026

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2040

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2046

Judiciary and Law Enforcement: Jay, Chair; Knapp and McKean.

House File 2047

Ways and Means: Tabor, Chair; Schroeder and O'Kane.

House File 2049

Judiciary and Law Enforcement: Miller, Chair; Corey and Haverland.

House File 2055

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2059

Judiciary and Law Enforcement: McKean, Chair; Corey and Holveck.

House File 2061

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 2063

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2067

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2069

Transportation: Miller, Chair; Cooper and Corey.

House File 2070

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2071

Transportation: Cooper, Chair; Muhlbauer and Pellett.

House File 2074

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2076 (Reassigned)

Local Government: Sherzan, Chair; Grandia and Running.

House File 2077

Small Business and Commerce: Holveck, Chair; Hoffmann-Bright and Lonergan.

House File 2079

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

House File 2080

Transportation: Miller, Chair; Koenigs and Van Camp.

House File 2081

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 2083

Judiciary and Law Enforcement: McIntee, Chair; Holveck and Paulin.

House File 2086

Education: Haverland, Chair; Hughes and Swearingen.

House File 2087

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2088

Judiciary and Law Enforcement: Chapman, Chair; Corey and Varn.

House File 2089

Labor and Industrial Relations: Running, Chair; Gronstal and Halvorson of Clayton.

House File 2090

Transportation: Koenigs, Chair; Fogarty and Harbor.

House File 2091

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2092

Judiciary and Law Enforcement: Varn, Chair; Haverland and McIntee.

House File 2093

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2094

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2095

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2096

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2097

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2100

Agriculture: Hughes, Chair; Muhlbauer and Stueland.

House File 2102

Ways and Means: Pavich, Chair; Davitt and Maulsby.

House File 2104

Transportation: Renaud, Chair; Pavich and Van Camp.

House File 2105

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2106

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2107

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2108

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 2109

Judiciary and Law Enforcement: Jay, Chair; Knapp and McKean.

House File 2111

Local Government: Peick, Chair; Royer and Sherzan.

House File 2112

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2113

Labor and Industrial Relations: Gronstal, Chair; Brammer, Halvorson of Clayton, Hummel and Peick.

House File 2114

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2115

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

House File 2116

Agriculture: Copenhaver, Chair; Halvorson of Webster and Pellett.

House File 2117

Small Business and Commerce: Knapp, Chair; Chiodo and Hummel.

House File 2118

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2120

Energy: Hughes, Chair; Groninga and Van Gerpen.

House File 2121

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

House File 2122

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2123

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2124

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

House File 2125

Local Government: O'Kane, Chair; Hermann and Lloyd-Jones.

House File 2128

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2129

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

House File 2130

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2131

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2132

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2134

Agriculture: Blanshan, Chair; Copenhaver and Van Maanen.

House File 2135

Education: Jay, Chair; Groth and Swearingen.

House File 2136

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2137

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2138

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2141

Energy: Osterberg, Chair; Royer, Shoultz and Van Camp.

House File 2143

Education: Hughes, Chair; Jay and Krewson.

House File 2145

Education: Hughes, Chair; Carl and Swearingen.

House File 2146

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 2147

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

House File 2149

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2163

Local Government: Buhr, Chair; Cooper and Grandia.

Senate Joint Resolution 9

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Senate File 176 (Reassigned)

State Government: Chapman, Chair; Swartz and Swearingen.

Senate File 309

Transportation: Cochran, Chair; Koenigs and Lageschulte.

Senate File 414

Small Business and Commerce: Jochum, Chair; Halvorson of Clayton and Parker.

Senate File 420

Small Business and Commerce: Swartz, Chair; Diemer, Groninga, Halvorson of Clayton and Sturgeon.

Senate File 467 (Reassigned)

Education: Daggett, Chair; Krewson and Zimmerman.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 154

State Government: Van Maanen, Chair; Swearingen and Tofte.

Study Bill 163

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 197

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 245

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 287

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 292 (Reassigned)

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 502

Small Business and Commerce: Gronstal, Chair; Hummel, Jochum, Oxley and Renken.

Study Bill 514

Labor and Industrial Relations: Sturgeon, Chair; Brammer and Corey.

Study Bill 516

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 517

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 518

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 519

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 520

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 521

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 522

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 523

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 524

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 547

Transportation: Davitt, Chair; Lloyd-Jones and Van Maanen.

Study Bill 548

Transportation: Lloyd-Jones, Chair; Corey and Osterberg.

Study Bill 549

Transportation: Renaud, Chair; Pavich and Welden.

Study Bill 550

Transportation: Woods, Chair; Lageschulte and Renaud.

Study Bill 551

Transportation: Miller, Chair; Bennett and Fey.

Study Bill 552

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

Study Bill 553

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

Study Bill 554

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 555

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 556

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 557

Local Government: Connors, Chair; Lloyd-Jones and Menke.

Study Bill 558

Education: Shoultz, Chair; Branstad and Jay.

Study Bill 559

Education: Carl, Chair; Menke and Spear.

Study Bill 560

Labor and Industrial Relations: Ollie, Chair; Corey, Hermann, Parker and Sturgeon.

Study Bill 561

Ways and Means: Copenhaver, Chair; Holveck and Maulsby.

Study Bill 563

Ways and Means: Swartz, Chair; Holveck and McKean.

Study Bill 564

Ways and Means: Doderer, Chair; Carpenter, Diemer, Gronstal and Rosenberg.

Study Bill 565

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 566

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 567

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

Study Bill 568

Local Government: Lloyd-Jones, Chair; Royer and Spear.

Study Bill 569

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

Study Bill 570

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 571

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 572

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 573

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 574

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

Study Bill 575

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

Study Bill 576

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

Study Bill 577

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 578

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 579

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 580

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 582

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 584

Ways and Means: Copenhaver, Chair; Lageschulte and Pavich.

Study Bill 585

Ways and Means: Brammer, Chair; Diemer and Doderer.

Study Bill 586

Ways and Means: Schneklath, Chair; Davitt and Schroeder.

Study Bill 587

Ways and Means: Rosenberg, Chair; Renken and Varn.

Study Bill 588

Ways and Means: Varn, Chair; Carpenter and Fey.

Study Bill 589

Ways and Means: Schneklath, Chair; Brammer and Doderer.

Study Bill 590

Ways and Means: Fey, Chair; McKean and Osterberg.

Study Bill 591

Ways and Means: Anderson, Chair; Bennett and Swartz.

Study Bill 592

Ways and Means: Groninga, Chair; Lageschulte and Oxley.

Study Bill 593

Ways and Means: Groninga, Chair; Lageschulte and Oxley.

Study Bill 594

Ways and Means: Doderer, Chair; Carpenter, Diemer, Gronstal and Rosenberg.

Study Bill 595

Education: Hughes, Chair; Branstad and Zimmerman.

Study Bill 602

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 603

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

Study Bill 604

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 606

Education: Groth, Chair; Carl, Haverland, Maulsby, Menke, Van Gerpen and Varn.

Study Bill 607

Human Resources: Carl, Chair; Arnould, Copenhaver, Daggett, Fey, Hammond, Hermann, Lonergan and Rensink.

Study Bill 611

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

Study Bill 612

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

Study Bill 613

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

Study Bill 614

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

Study Bill 615

Judiciary and Law Enforcement: Haverland, Chair; Holveck and Paulin.

Study Bill 616

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Study Bill 617

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 618

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 619

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 620

Local Government: Lloyd-Jones, Chair; Cooper and Renken.

Study Bill 621

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 622

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 623

Agriculture: Carter, Chair; Hughes, Rensink, Skow and Stueland.

Study Bill 624

Agriculture: Fogarty, Chair; Bennett, Gruhn, Handorf and Koenigs.

Study Bill 625

Agriculture: Koenigs, Chair; Blanshan, De Groot, Muhlbauer and Van Maanen.

Study Bill 626

Local Government: Black, Chair; Grandia and Royer.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 595), relating to a candidacy for election to an area education agency board.

Fiscal Note is required.

Recommended Amend and Do Pass January 25, 1984.

COMMITTEE ON HUMAN RESOURCES

Senate File 345, a bill for an act authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5034**, January 25, 1984.

Committee Bill (Formerly Study Bill 535), relating to transition legislation for the Iowa department of corrections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2062, a bill for an act providing for a moratorium on certain disconnections of gas and electricity by regulated public utilities from October 1 to April 1 for residents age sixty or over and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5036**, January 25, 1984.

House File 2065, a bill for an act limiting gas or electric service deposits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5035**, January 25, 1984.

House File 2068, a bill for an act requiring certain public utilities to include in each of their ads a listing of the percentage of the ad's expenses which are to be charged to customers and the percentages which are to be charged to the stockholders.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1984.

AMENDMENTS FILED

H-5033	H.F.	111	Senate Amendment
H-5034	S.F.	345	Committee on
			Human Resources
H-5035	H.F.	2065	Committee on Small
			Business and Commerce

H-5036	H.F.	2062	Committee on Small Business and Commerce
H-5037	H.F.	573	Miller of Woodbury
H-5038	H.F.	93	Halvorson of Clayton
			Branstad of Winnebago
			Handorf of Marshall
			Hummel of Benton
			Schnekloth of Scott
H-5039	H.R.	101	Stromer of Hancock
			Lloyd-Jones of Johnson

On motion by Norland of Worth, the House adjourned at 4:43 p.m., until 10:00 a.m., Monday, January 30, 1984.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 30, 1984

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Reverend Eugene Soland, pastor of the Elkhorn Lutheran Church, Elkhorn.

The Journal of Thursday, January 26, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Besendorfer, M.D., Des Moines.

PETITION FILED

The following petition was received and placed on file:

By Connors of Polk, from twenty-one constituents favoring a bill in favor of a state lottery.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Diemer of Black Hawk, until his arrival, on request of Van Gerpen of Black Hawk; Daggett of Taylor on request of Van Maanen of Mahaska; Davitt of Warren, until his arrival, on request of Cochran of Webster; Skow of Guthrie, for a portion of the day, on request of Black of Jasper.

INTRODUCTION OF BILLS

House File 2170, by committee on human resources, a bill for an act relating to duties and responsibilities of probation officers.

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

House File 2171, by Daggett, a bill for an act authorizing the board of supervisors to waive the payment of penalty and interest on delinquent property taxes for reasons of severe economic conditions.

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

House File 2172, by Sturgeon, a bill for an act relating to the surety bond required for an employment agency license.

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

House File 2173, by Hughes, a bill for an act to prescribe a procedure for determining the residence of pupils.

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

House File 2174, by Chiodo, a bill for an act to regulate interest rates on life insurance policy loans.

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

House File 2175, by McIntee, Diemer, Schroeder, Van Gerpen, Parker and Chiodo, a bill for an act to provide a maximum statute of limitations for certain actions arising out of improvements to real property.

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

House File 2176, by Muhlbauer, Daggett, Cooper, Fogarty, Skow, Pellett, Harbor and Royer, a bill for an act to create a valuation review commission and to provide for its powers and duties.

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

House File 2177, by Harbor, Cooper and Royer, a bill for an act to provide resale rights to a holder of a farm implements or parts franchise upon termination of the franchise.

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

House File 2178, by Parker, a bill for an act relating to annual increases in aid-to-families-with-dependent-children grants.

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

House File 2179, by Lloyd-Jones, a bill for an act relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage.

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

House File 2180, by Corey, a bill for an act relating to vehicle requirements by allowing a county treasurer to transfer title by operation of law in the county of the new owner's residence, and making odometer statement requirements affect model years after the tenth year prior to the current registration year.

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

House File 2181, by Harbor, a bill for an act relating to the time of mailing absentee ballots to members of the armed forces.

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

House File 2182, by Varn, Schroeder, Parker and Harbor, a bill for an act authorizing the dissemination of criminal history data to certain youth service agencies.

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

House File 2183, by Rosenberg, a bill for an act relating to the licensing of business entities engaging in the removal or encapsulation of asbestos and providing penalties.

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

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, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2036, a bill for an act relating to the false use of a financial instrument.

Also: That the Senate has on January 25, 1984, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, designating February 11, 1984, as Freedom Fest 1984 celebrating Iowans' freedom from dependency on alcohol and other drugs.

K. MARIE THAYER, Secretary

The House stood at ease at 10:08 a.m., until the fall of the gavel.

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

CONSIDERATION OF BILLS

Regular Calendar

Senate File 159, a bill for an act authorizing the establishment and maintenance of an emergency warning system within townships, with reports of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3564 filed by the committee on local government on April 7, 1983 and found on pages 2343 and 2344 of the 1983 House Journal.

Sherzan of Polk offered the following amendment H—5023 filed by the committee on local government and moved its adoption:

H—5023

- 1 Amend Senate File 159 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 32 through 34 and
- 4 inserting in lieu thereof the words "value of the
- 5 taxable property for ~~those purposes the services~~
- 6 authorized or required under section 359.42 and in
- 7 any township which has a common boundary with".
- 8 2. Page 2, by striking lines 3 through 6 and
- 9 inserting in lieu thereof the words "of assessed value
- 10 of taxable property for ~~fire protection service or~~
- 11 ~~ambulance service purposes or for both purposes the~~
- 12 services authorized or required under section 359.42."

13 3. Page 2, by striking lines 8 and 9 and inserting
 14 in lieu thereof the following: "~~section is~~
 15 ~~insufficient to provide fire protection service and~~
 16 ~~ambulance service the services authorized or required~~
 17 under section 359.42."

18 4. Page 2, by striking lines 14 and 15 and
 19 inserting in lieu thereof the following: "to provide
 20 the ~~ambulance service services~~. The township trustees
 21 ~~may divide the township~~".

22 5. Page 2, by striking lines 22 through 24 and
 23 inserting in lieu thereof the following: "tax
 24 districts for the purpose of providing ~~fire protection~~
 25 ~~service the services authorized or required under~~
 26 section 359.42 and may levy a".

27 6. Page 2, by striking line 26 and inserting in
 28 lieu thereof the following: "a tax district for ~~fire~~
 29 ~~protection the authorized or required services~~ shall
 30 not exceed the tax".

The committee amendment H—5023 was adopted.

Black of Jasper asked for unanimous consent to withdraw the following amendment H—3763 filed by Skow of Guthrie on April 14, 1983:

H—3763

1 Amend Senate File 159 as passed by the Senate,
 2 as follows:

3 1. Page 1, line 12, by inserting after the word
 4 "trustees" the words "of a township which has a common
 5 boundary with a city having a population of one hundred
 6 eighty thousand or more".

7 2. Page 1, by striking lines 32 through 34 and
 8 inserting in lieu thereof the words "value of the
 9 taxable property for those purposes and in any township
 10 which has a common boundary with".

11 3. Page 2, by striking lines 8 and 9 and inserting
 12 in lieu thereof the following: "~~section is~~
 13 ~~insufficient to provide fire protection service and~~
 14 ~~ambulance service the services authorized or required~~
 15 under section 359.42."

16 4. Page 2, by striking lines 14 and 15 and
 17 inserting in lieu thereof the following: "to provide
 18 the ~~ambulance service services~~. The township trustees
 19 ~~may divide the township~~".

20 5. Page 2, by striking lines 22 through 24 and
 21 inserting in lieu thereof the following: "tax
 22 districts for the purpose of providing ~~fire protection~~

23 service the services authorized or required under
24 section 359.42 and may levy a".

25 6. Page 2, by striking line 26 and inserting in
26 lieu thereof the following: "a tax district for ~~fire~~
27 protection the authorized or required services shall
28 not exceed the tax".

29 7. Amend the title, line 2, by inserting after
30 the word "townships" the words "having a common
31 boundary with a city having a population of one hundred
32 eighty thousand or more".

Objection was raised.

Black of Jasper moved to withdraw amendment H—3763.

Division of the amendment was requested as follows: Lines 3 through 6 and lines 29 through 32 amendment H—3763A; lines 7 through 28 amendment H—3763B.

With the adoption of the committee amendment H—5023, amendment H—3763B was out of order.

On the motion to withdraw amendment H—3763A, roll call was requested by Schroeder of Pottawattamie and Pellett of Cass.

On the question "Shall amendment H—3763A be withdrawn?"

The ayes were, 50:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Knapp	Koenigs	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Spear	Sturgeon	Sullivan
Swartz	Tabors	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 39:

Anderson	Bennett	Branstad	Carpenter
Clark	Cooper	Corey	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright

Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Van Camp
Van Gerpen	Van Maanen	Welden	

Absent or not voting, 11:

Copenhaver	Daggett	Davitt	Doderer
Fey	Jochum	Lloyd-Jones	Lonergan
Miller	Skow	Torrence	

The motion prevailed and amendment H-3763A was withdrawn.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fey of Scott, Copenhaver of Buchanan and Lonergan of Boone on request of Arnould of Scott; Torrence of Muscatine on request of Hoffmann-Bright of Muscatine, all until their arrival.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on Senate File 159.

House File 2110, a bill for an act relating to the regulation of radiation machines and radioactive materials and providing a civil penalty for violations, was taken up for consideration.

Zimmerman 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. 2110)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
De Groot	Diemer	Doderer	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Menke	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Pony
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Copenhaver	Daggett	Davitt	Fey
Jochum	Loneragan	Miller	Torrence

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

SPONSOR ADDED
(House File 2136)

Renaud of Polk requested to be added as a sponsor of House File 2136.

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 30th day of January, 1984: House Files 162 and 359.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, January 30, 1984. Had I been present, I would have voted "aye" on House File 2110.

FEY of Scott

COMMUNICATION RECEIVED

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

COMMISSION ON AGING

A report on the State Elderly Services Program, pursuant to Chapter 249B.16, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

Study Bill 629 Education

Permitting certain teachers at the Iowa school for the deaf and Iowa braille and sight-saving school to be eligible for certain repayment criteria for loan programs.

Study Bill 630 State Government

Relating to Chapter 68A, Iowa Public Records Law.

Study Bill 631 State Government

Relating to the licensure of dietitians and nutritionists.

Study Bill 632 Human Resources

Eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services.

Study Bill 633 Transportation

Relating to the rate of tax on motor fuel, gasohol, and special fuel and including 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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2044), to establish a meat export research center at Iowa state university of science and technology and containing an appropriation.

Fiscal note is not required.

Recommended Amend and Do Pass January 26, 1984.

Committee Bill (Formerly House File 2045), to require research by the department of agronomy at the Iowa state university of science and technology on alternative crops which have potential to be effectively grown in Iowa and making an appropriation.

Fiscal note is not required.

Recommended Amend and Do Pass January 26, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2049, a bill for an act relating to injury to a dog trained for use in law enforcement and providing a penalty.

Fiscal note is not required.

Without Recommendation and amendment H—5042 January 30, 1984.

Committee Bill (Formerly Study Bill 615), modifying the definitions and schedules of controlled substances.

Fiscal note is not required.

Recommended Amend and Do Pass January 26, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 540, a bill for an act relating to the definitions of an employer and employee in chapter 91A.

Fiscal note is not required.

Recommended **Do Pass** January 26, 1984.

House File 2019, a bill for an act to protect state employees from personnel actions as reprisals for providing information to legislators or disclosing waste, mismanagement, or violations of law, and subjecting violators to a penalty.

Fiscal note is not required.

Recommended **Do Pass** January 26, 1984.

House File 2031, a bill for an act stipulating collective bargaining representation for employees of a district board of correctional services.

Fiscal note is not required.

Recommended **Do Pass** January 26, 1984.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 216, 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.

Fiscal note is not required.

Committee Action **Failed to Pass** January 26, 1984.

Committee Bill (Formerly Study Bill 510), providing for the investment of idle public funds and creating a local government investment pool.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 26, 1984.

Committee Bill (Formerly Study Bill 512), relating to publication of notice for zoning actions taken under chapter 414.

Fiscal note is not required.

Recommended **Do Pass** January 26, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 591, a bill for an act prohibiting the general assembly from passing any bill that uses gender as the basis for differential treatment.

Fiscal note is not required.

Recommended **Do Pass** January 26, 1984.

AMENDMENTS FILED

H-5040	H.F.	257	Spear of Lee
H-5041	H.F.	257	Schroeder of Pottawattamie
H-5042	H.F.	2049	Committee on Judiciary and Law Enforcement
H-5043	H.F.	266	Koenigs of Mitchell
H-5044	H.F.	2113	Pavich of Pottawattamie
H-5045	S.F.	345	Harbor of Mills

On motion by Norland of Worth, the House adjourned at 12:08 p.m., until 9:00 a.m., Tuesday, January 31, 1984.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day—Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 31, 1984

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

Prayer was offered by Dr. Christopher Daniel, pastor of the United Methodist Church, Douds.

The Journal of Monday, January 30, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stephen C. Smith, M.D., Indianola.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich of Pottawattamie; Lloyd-Jones of Johnson on request of Carpenter of Polk; Branstad of Winnebago and Pellett of Cass on request of Stromer of Hancock.

INTRODUCTION OF BILLS

House File 2184, by committee on local government, a bill for an act relating to publication of notice for zoning actions taken under chapter 414.

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

House File 2185, by committee on education, a bill for an act relating to a candidacy for election to an area education agency board.

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

House File 2186, by committee on human resources, a bill for an act relating to transition legislation for the Iowa department of corrections.

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

House File 2187, by committee on local government, a bill for an act to increase the filing or recording fee collected by the county recorder.

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

House File 2188, by committee on agriculture, a bill for an act to require research by the department of agronomy at the Iowa state university of science and technology on alternative crops which have potential to be effectively grown in Iowa and making an appropriation.

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

House File 2189, by committee on state government, a bill for an act creating a commission on children, youth, and families and providing its purpose and duties.

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

SENATE MESSAGES CONSIDERED

Senate File 2036, by Ritsema, a bill for an act relating to the false use of a financial instrument.

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

Senate Concurrent Resolution 102, by Junkins and Hultman, a concurrent resolution designating February 11, 1984 as Freedom Fest 1984 celebrating Iowans' freedom from dependency on alcohol and other drugs.

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 26, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2042, a bill for an act abolishing the council on child abuse information.

Also: That the Senate has on January 26, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2050, a bill for an act relating to the election and terms of office of sanitary district trustees.

Also: That the Senate has on January 26, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2082, a bill for an act relating to the confidentiality of Iowa department of corrections records and providing a penalty.

Also: That the Senate has on January 26, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2084, a bill for an act relating to transition legislation for the Iowa department of corrections.

Also: That the Senate has on January 26, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2086, a bill for an act relating to the liability of an auctioneer who sells personal property subject to a security interest.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER PREVAILED
(House Resolution 101 Adopted as Amended)

Fey of Scott called up for consideration the motion to reconsider House Resolution 101 filed by Stromer of Hancock on January 19, 1984 and asked and received unanimous consent to reconsider the vote by which House Resolution 101, a resolution amending the House rules, was adopted by the House on January 19, 1984.

Stromer of Hancock offered the following amendment H—5039 filed by him and Lloyd-Jones of Johnson and moved its adoption:

H—5039

- 1 Amend House Resolution 101 as follows:
- 2 1. Page 4, by inserting after line 15, the following:
- 3 "Final committee action on a study bill shall not be
- 4 taken until at least one day following the notation of
- 5 the study bill committee assignment in the house journal."

Amendment H—5039 was adopted.

On motion by Fey of Scott, the resolution, as amended, was adopted.

HOUSE FILE 2050 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw House File 2050 from further consideration by the House.

SPONSOR ADDED (House File 2011)

Zimmerman of Dallas requested to be added as a sponsor of House File 2011.

APPOINTMENT OF COMMITTEE ON STATE GOVERNMENT STANDING SUBCOMMITTEES

Swartz of Marshall, chair of the committee on state government, announced the appointment of the following standing subcommittees of the committee on state government:

CAMPAIGN FINANCES

Halvorson of Webster, Chair
Carl
Carpenter
Swartz
Van Maanen

ELECTION LAWS

Arnould, Chair
Buhr
Hoffmann-Bright
Swartz
Swearingen

GOVERNMENT ECONOMY

Swartz, Chair
Blanshan
Carpenter
Gruhn
Hoffmann-Bright

IOWA PUBLIC RECORDS LAW

Buhr, Chair
Arnould
Halvorson of Webster
Hoffmann-Bright
Rensink

IPERS

Blanshan, Chair
Carpenter
Halvorson of Webster
Hammond
Swearingen

LIQUOR

Renaud, Chair
Chapman
De Groot
Hanson
Woods

PROFESSIONAL LICENSING

Chapman, Chair
Gruhn
Hanson
Pavich
Van Maanen

COMMUNICATION RECEIVED

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

IOWA DEVELOPMENT COMMISSION

An annual report of the activities of the Small Business Division during the previous fiscal year, pursuant to Chapter 169.19(1), 1983 Acts of the Seventieth General Assembly, First Regular Session.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 634 Labor and Industrial Relations

To allow limited child modeling under the child labor laws.

S.B. 635 Agriculture

Relating to the cost factors of drainage district improvements which require formal bid letting procedures.

S.B. 636 Ways and Means

Relating to income tax checkoffs for the state capitol restoration fund, state historical building fund and fish and game protection fund.

S.B. 637 Ways and Means

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. 638 Local Government

Relating to county libraries.

S.B. 639 Transportation

Relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House File 2124, a bill for an act repealing the sunset clause of the crime victim reparation program.

Fiscal Note is required.

Recommended Do Pass January 30, 1984.

COMMITTEE ON NATURAL RESOURCES

House File 2008, a bill for an act relating to penalties assessed on delinquent canoe renewal registrations.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5047, January 30, 1984.

House File 2048, a bill for an act relating to conservation easements.

Fiscal Note is not required.

Recommended Do Pass January 30, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 189, a bill for an act requiring state banks and state savings and loan associations to acquire and maintain account insurance on their deposits.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5046, January 30, 1984.

COMMITTEE ON TRANSPORTATION

House File 2071, a bill for an act to provide for the transportation commission to submit the results of the quadrennial need study to the general assembly by January 1 of the year in which the quadrennial need study becomes effective.

Fiscal Note is not required.

Recommended Do Pass January 30, 1984.

Committee Bill (Formerly Study Bill 529), to exempt road workers from the traffic laws.

Fiscal Note is not required.

Recommended Do Pass January 30, 1984.

Committee Bill (Formerly Study Bill 550), to provide for the placement of validation stickers on only the rear registration plate for certain motor vehicles.

Fiscal Note is required.

Recommended Amend and Do Pass January 30, 1984..

RESOLUTIONS FILED

HCR 104, by Hummel, to provide for a study of teacher compensation.

Referred to committee on **education**.

HCR 105, by Schroeder, requesting that House File 359 be returned by the governor for further consideration.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5046	H.F.	189	Committee on Small Business and Commerce
H-5047	H.F.	2008	Committee on Natural Resources
H-5048	H.F.	2068	Schnekloth of Scott
H-5049	S.F.	442	Doderer of Johnson McIntee of Black Hawk

On motion by Norland of Worth, the House adjourned at 9:27 a.m., until 9:00 a.m., Wednesday, February 1, 1984.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 1, 1984

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

Prayer was offered by the Reverend Gerald A. Stevens, pastor of the Community Church of Hudson, Hudson.

The Journal of Tuesday, January 31, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Polle, M.D., Des Moines.

INTRODUCTION OF BILLS

House File 2190, by Grandia, a bill for an act relating to the interconnection of private drainage ways.

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

House File 2191, by Baxter, a bill for an act to permit the assessor to allow a time extension of thirty days beyond July 1 for filing a claim for the homestead tax credit.

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

House File 2192, by Woods, a bill for an act to allow the operation of a motor scooter by a person who has a motor vehicle operator's license not valid for the operation of a motorcycle.

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

House File 2193, by Sturgeon, a bill for an act relating to the penalty for driving with a license revoked.

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

House File 2194, by Peick, a bill for an act relating to the reporting of receipts by the county treasurer.

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

House File 2195, by Brammer, a bill for an act authorizing a tax levy for a city public library.

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

House File 2196, by Cochran, Gruhn, Blanshan, Skow, Fogarty, Koenigs, Davitt, Muhlbauer, Hughes, Carter, Copenhaver, Zimmerman and Halvorson of Webster, a bill for an act appropriating funds to the Iowa family farm development authority.

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

House File 2197, by Rosenberg, a bill for an act providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants.

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

House File 2198, by Peick, a bill for an act requiring the successful completion of an alcohol and drug course before the issuance of a motor vehicle operator's license to a person under the age of eighteen and providing an effective date.

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

House File 2199, by Renken, Hermann, Corey, Hanson, Harbor, Schroeder, Anderson, Tofte, Van Maanen, Welden, Handorf, Lageschulte, Paulin, Grandia, Schneklath, Rensink, Daggett and Royer, a bill for an act relating to posting of employee rights and subjecting violators to a penalty.

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

House File 2200, by Gruhn, a bill for an act permitting residents of residential care facilities to acquire high school equivalency diplomas.

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

House File 2201, by committee on agriculture, a bill for an act to establish a meat export research center at Iowa state university of science and technology and containing an appropriation.

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

House File 2202, by committee on transportation, a bill for an act to exempt road workers from the traffic laws.

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

House File 2203, by De Groot, Pellett, Diemer, Hermann, Schneklath, Van Gerpen, Torrence, Shoultz, Gruhn, Cochran, Fey, Skow and Van Camp, a bill for an act creating foster care review boards, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty.

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

SENATE MESSAGES CONSIDERED

Senate File 2042, by Bruner, a bill for an act abolishing the council on child abuse information.

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

Senate File 2050, by Holt, a bill for an act relating to the election and terms of office of sanitary district trustees.

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

Senate File 2082, by committee on state government, a bill for an act relating to the confidentiality of Iowa department of corrections records and providing a penalty.

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

Senate File 2084, by committee on state government, a bill for an act relating to transition legislation for the Iowa department of corrections.

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

Senate File 2086, by committee on state government, a bill for an act relating to the liability of an auctioneer who sells personal property subject to a security interest.

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 30, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 74, a bill for an act relating to visitation at state correctional institutions by certain public officials and leaders of a religious community.

Also: That the Senate has on January 30, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2035, a bill for an act relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant.

Also: That the Senate has on January 30, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2053, a bill for an act specifying the number of affirmative votes of the board of directors of the Iowa product development corporation that are necessary before action may be taken by the board.

Also: That the Senate has on January 30, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2054, a bill for an act relating to the violation of a custodial order, and applying a penalty.

K. MARIE THAYER, Secretary

PRESENTATION OF VISITORS

Muhlbauer of Crawford presented to the House foreign exchange students Muti Sutojo from Indonesia and Gustavo Vaquera from Argentina, accompanied by Duane and JoAnn Feltz from Harlan, Iowa.

**RESOLUTION ENROLLED, SIGNED AND SENT TO
SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 1st day of February, 1984: House Joint Resolution 2.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 640 Agriculture

Relating to the establishment of agricultural areas in counties that have adopted zoning ordinances.

S.B. 641 Agriculture

Relating to the payment of special assessments of drainage districts.

S.B. 642 Agriculture

Providing an appropriation for development of a horticultural crops marketing program.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 590, a bill for an act relating to the requirements that certain buildings be designed by registered architects.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H - 5050, January 31, 1984.

Committee Bill (Formerly Study Bill 244), to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 31, 1984.

AMENDMENTS FILED

H-5050	H.F.	590	Committee on State Government
H-5051	H.F.	540	Schroeder of Pottawattamie
H-5052	H.F.	257	Pavich of Pottawattamie Schroeder of Pottawattamie
H-5053	S.F.	190	Swearingen of Keokuk Chapman of Linn Rensink of Sioux Van Maanen of Mahaska Carpenter of Polk Hoffmann-Bright of Muscatine
H-5054	S.F.	345	Schroeder of Pottawattamie
H-5055	S.F.	345	Schroeder of Pottawattamie
H-5056	S.F.	345	Schroeder of Pottawattamie
H-5057	S.F.	345	Schroeder of Pottawattamie
H-5058	S.F.	190	Rensink of Sioux De Groot of Lyon Hoffmann-Bright of Muscatine
H-5059	S.F.	345	Schroeder of Pottawattamie
H-5060	S.F.	159	Skow of Guthrie Sherzan of Polk Schroeder of Pottawattamie Harbor of Mills Corey of Louisa
H-5061	S.F.	345	Muhlbauer of Crawford Hanson of Delaware Carter of Henry Gruhn of Dickinson Cooper of Lucas
H-5062	S.F.	345	Schroeder of Pottawattamie
H-5063	S.F.	345	Schroeder of Pottawattamie

On motion by Norland of Worth, the House adjourned at 9:20 a.m., until 9:00 a.m., Thursday, February 2, 1984.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 2, 1984

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

Prayer was offered by Reverend Wallace Gaines, pastor of the Antioch Baptist Church, Waterloo.

The Journal of Wednesday, February 1, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stanton Danielson, M.D., Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Stromer of Hancock.

INTRODUCTION OF BILLS

House File 2204, by Corey, a bill for an act relating to requirements to obtain an operator's license.

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

House File 2205, by Hughes, a bill for an act providing that a school district or corporation is not required to employ a superintendent.

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

House File 2206, by Sturgeon, a bill for an act relating to the administration of the funds allocated for older workers under federal law.

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

House File 2207, by Fogarty, a bill for an act relating to the annexation of land located within a rural water district or association.

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

House File 2208, by Spear and Carter, a bill for an act relating to the private employment of correctional inmates.

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

House File 2209, by Groth, a bill for an act requiring state agencies to enter into agreements with soil conservation districts for the control of soil erosion on state land under the agencies' control.

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

House File 2210, by Sullivan, a bill for an act relating to the regulation of firearms by political subdivisions.

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

House File 2211, by Chiodo, a bill for an act making changes in the practice act relating to physical therapy.

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

House File 2212, by committee on transportation, a bill for an act to provide for the placement of validation stickers on only the rear registration plate for certain motor vehicles.

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

House File 2213, by committee on small business and commerce, a bill for an act requiring persons accepting consumer savings accounts to provide certain information regarding the terms of the savings accounts, and providing civil penalties.

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

House File 2214, by Carpenter, 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 referred to committee on **small business and commerce.**

House File 2215, by Welden, a bill for an act relating to the authorization for the state of Iowa to become indebted by issuing general obligation bonds; the appropriation of the proceeds from the bonds to provide funding for the construction of a world trade center in Des Moines; the imposition of a direct annual tax in an amount sufficient to pay the principal of and interest on the bonds issued; and to call for an election to approve the issuance of and direct annual tax for the bonds.

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

House File 2216, by Clark and Bennett, a bill for an act relating to the use of juvenile records.

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

SENATE MESSAGES CONSIDERED

Senate File 2035, by Doyle, a bill for an act relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant.

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

Senate File 2053, by Doyle, a bill for an act specifying the number of affirmative votes of the board of directors of the Iowa product development corporation that are necessary before action may be taken by the board.

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

Senate File 2054, by Gentleman, a bill for an act relating to the violation of a custodial order, and applying a penalty.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 31, 1984, passed the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2001, proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and the lieutenant governor.

K. MARIE THAYER, Secretary

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 105

Schroeder of Pottawattamie called up for consideration House Concurrent Resolution 105, requesting that House File 359 be returned by the governor for further consideration, and moved its adoption.

Roll call was requested by Pellett of Cass and Schroeder of Pottawattamie.

On the question "Shall the resolution be adopted?" (HCR 105)

The ayes were, 33:

Anderson	Arnould	Bennett	Branstad
Carpenter	Chapman	Connors	Doderer
Fogarty	Grandia	Gronstal	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hummel	McKean	Muhlbauer
Mullins	Oxley	Paulin	Pavich
Renken	Royer	Schnekloth	Schroeder
Stromer	Swearingen	Tofte	Van Camp
Weiden			

The nays were, 53:

Baxter	Black	Brammer	Buhr
Carl	Carter	Cochran	Connolly
Cooper	Copenhaver	Corey	Daggett
De Groot	Diemer	Fey	Groninga
Gruhn	Hammond	Haverland	Holveck
Hughes	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Ollie	Osterberg

Parker	Peick	Pellett	Poncy
Renaud	Rensink	Rosenberg	Running
Sherzan	Shoultz	Spear	Stueland
Sturgeon	Swartz	Tabor	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 14:

Blanshan	Chiodo	Clark	Davitt
Groth	Halvorson, R. N.	Jay	Jochum
Maulsby	McIntee	Menke	Skow
Sullivan	Torrence		

The resolution lost.

HOUSE FILE 258 WITHDRAWN

Gronstal of Pottawattamie asked and received unanimous consent to withdraw House File 258 from further consideration by the House.

On motion by Norland of Worth, the House was recessed at 9:20 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Torrence of Muscatine, for February 2 and 3, 1984, on request of Hoffmann-Bright of Muscatine.

CONSIDERATION OF BILLS

Regular Calendar

House File 598, a bill for an act relating to altering, defacing, or removing a serial or identification mark or number and providing penalties, was taken up for consideration.

Brammer 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. 598)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Cochran	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Blanshan	Clark	Connolly	Torrence
----------	-------	----------	----------

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 159**, a bill for an act authorizing the establishment and maintenance of an emergency warning system within townships, deferred on January 30, 1984.

Skow of Guthrie offered the following amendment H — 5060 filed by Skow, et al., and moved its adoption:

H-5060

- 1 Amend Senate File 159 as passed by the Senate,
 2 as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "trustees" the words "of a township which has a common
 5 boundary with a city having a population of one hundred
 6 eighty thousand or more".
 7 2. Amend the title, line 2, by inserting after
 8 the word "townships" the words "having a common
 9 boundary with a city having a population of one hundred
 10 eighty thousand or more".

Amendment H-5060 was adopted.

Sherzan 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. 159)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Cochran	Connors	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 6:

Branstad	Cooper	Maulsby	Renken
Rensink	Van Maanen		

Absent or not voting, 3:

Clark

Connolly

Torrence

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

Senate File 345, a bill for an act authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions and providing a penalty, with reports of committee recommending amendment and passage was taken up for consideration.

Zimmerman of Dallas offered the following amendment H—5034 filed by the committee on human resources:

H—5034

- 1 Amend Senate File 345, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 2 and 3, by striking the words
- 4 "or a medical practitioner" and inserting in lieu
- 5 thereof the words ", physician, dentist, podiatrist,
- 6 or veterinarianian".
- 7 2. Page 1, line 6, by striking the words "or
- 8 medical practitioner" and inserting in lieu thereof
- 9 the words ", physician, dentist, or podiatrist".
- 10 3. Page 1, line 11, by striking the word "medical".
- 11 4. Page 1, line 12, by striking the word "medical".
- 12 5. Page 1, by striking lines 13 through 18 and
- 13 inserting in lieu thereof the following:
- 14 "3. A physician's assistant or registered nurse
- 15 may supply when pharmacist services are not reasonably
- 16 available or when it is in the best interests of the
- 17 patient, on the direct order of the supervising
- 18 physician, a quantity of properly packaged and labeled
- 19 prescription drugs, controlled substances, or
- 20 contraceptive devices necessary to complete a course
- 21 of therapy. However, a remote clinic, staffed by
- 22 a physician's assistant or registered nurse, where
- 23 pharmacy services are not reasonably available, shall
- 24 secure the regular advice and consultation of a
- 25 pharmacist regarding the distribution, storage, and
- 26 appropriate use of such drugs, substances, and
- 27 devices."
- 28 6. Page 1, line 20, by inserting after the word
- 29 "drugs" the words "and devices".
- 30 7. Page 1, by striking lines 23 through 28.
- 31 8. Page 1, by striking line 34.
- 32 9. By renumbering as necessary.

Lloyd-Jones of Johnson in the chair at 3:28 p.m.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5055, to the committee amendment H—5034, filed by him on February 1, 1984.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5056, to the committee amendment H—5034, filed by him on February 1, 1984.

Lonergan of Boone offered the following amendment H—5071, to the committee amendment H—5034, filed by her from the floor:

H—5071

1 Amend amendment, H—5034, to Senate File 345, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "1. Page 1, by inserting after line 12 the
7 following:
8 "This subsection shall not apply to physicians
9 who regularly dispensed from their office during the
10 year 1983." "

Zimmerman of Dallas rose on a point of order that amendment H—5071 was not germane.

The Speaker ruled the point well taken and amendment H—5071 not germane.

McKean of Jones offered the following amendment H—5073, to the committee amendment H—5034, filed from the floor by McKean, Hermann and Lonergan and moved its adoption:

H—5073

1 Amend the amendment, H—5034, to Senate File 345,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "1. Page 1, by inserting after line 12 the
7 following:
8 "This subsection shall not apply to physicians
9 who dispense from an office located more than ten
10 miles from a pharmacy if the office provides dispensing
11 services to the public on at least a one-hour on-call
12 basis twenty-four hours a day, seven days a week." "

Amendment H—5073 lost.

Speaker Avenson in the chair at 3:46 p.m.

Schroeder of Pottawattamie offered the following amendment H—5059, to the committee amendment H—5034, filed by him and moved its adoption:

H—5059

- 1 Amend the amendment, H—5034, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 14 and inserting in
- 5 lieu thereof the following:
- 6 “3. A physician's assistant, registered nurse,
- 7 licensed practical nurse, or a staff assistant of
- 8 a practitioner or another qualified individual under
- 9 the practitioner's direction or supervision”.

A non-record roll call was requested.

The ayes were 24, nays 66.

Amendment H—5059 lost.

Connors of Polk in the chair at 4:22 p.m.

Muhlbauer of Crawford offered the following amendment H—5061, to the committee amendment H—5034, filed by Muhlbauer, et al.:

H—5061

- 1 Amend the amendment, H—5034, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 14 and inserting in
- 5 lieu thereof the following:
- 6 “3. A physician's assistant, registered nurse,
- 7 or staff assistant designated by a physician”.

A non-record roll call was requested.

The ayes were 30, nays 56.

Amendment H—5061 lost.

Mullins of Kossuth offered the following amendment H-5068, to the committee amendment H-5034, filed from the floor by Mullins, Hermann and Muhlbauer and moved its adoption:

H-5068

- 1 Amend the amendment, H-5034, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 21 through 27 and
- 5 inserting in lieu thereof the words "of therapy."

Amendment H-5068 lost.

Speaker Avenson in the chair at 4:51 p.m.

Harbor of Mills asked and received unanimous consent to withdraw amendment H-5045, to the committee amendment H-5034, filed by him on January 30, 1984.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5063, to the committee amendment H-5034, filed by him on February 1, 1984.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5057, to the committee amendment H-5034, filed by him on February 1, 1984.

Division of the committee amendment H-5034 was requested as follows:

Lines 3 through 29 and lines 31 and 32, amendment H-5034A; line 30, amendment H-5034B.

On motion by Zimmerman of Dallas, the committee amendment H-5034A was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on the committee amendment H-5034B for the consideration of amendment H-3617.

Mullins of Kossuth offered the following amendment H-3617 filed by her:

H—3617

- 1 Amend Senate File 345, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 23 through 28 and
- 4 inserting in lieu thereof the following:
- 5 "5. Notwithstanding subsection 1, a physician's
- 6 assistant supervised by a physician as provided in
- 7 chapter 148C may dispense prescription drugs and
- 8 controlled substances upon the order of the physician.
- 9 Subsection 2 does not apply to physicians' assistants
- 10 under this subsection."
- 11 2. By renumbering as necessary.

Schroeder of Pottawattamie offered the following amendment H—5072, to amendment H—3617, filed by him from the floor and moved its adoption:

H—5072

- 1 Amend the amendment, H—3617, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 10 the
- 5 following:
- 6 "Subsection 2 shall not apply to physicians who
- 7 regularly dispensed prescription drugs, including
- 8 controlled substances, from their office during the
- 9 calendar year 1983."

Amendment H—5072 lost.

Mullins of Kossuth moved the adoption of amendment H—3617.

A non-record roll call was requested.

The ayes were 29, nays 59.

Amendment H—3617 lost.

The House resumed consideration of the committee amendment H—5034B.

Zimmerman of Dallas moved the adoption of the committee amendment H—5034B.

A non-record roll call was requested.

The ayes were 71, nays 14.

The committee amendment H-5034B was adopted, placing out of order the following amendments:

H-3641 (to page 1, line 13) filed by Lonergan of Boone and Parker of Jasper on April 11, 1983 and found on page 2353 of the 1983 House Journal.

H-3635 (to page 1, line 15) filed by Schroeder of Pottawattamie on April 11, 1983 and found on page 2351 of the 1983 House Journal.

H-3637 (to page 1, line 15) filed by Mullins, et al., on April 11, 1983 and found on page 2352 of the 1983 House Journal.

H-3633 (to page 1, lines 23 and 24) filed by Schroeder of Pottawattamie on April 11, 1983 and found on page 2350 of the 1983 House Journal.

Zimmerman of Dallas offered amendment H-3559 filed by the committee on human resources and requested division as follows:

H-3559

- 1 Amend Senate File 345, as amended, passed and
- 2 reprinted by the Senate, as follows:

H-3559A

- 3 1. Page 1, line 20, by inserting after the word
- 4 "drugs" the words "and devices".
- 5 2. Page 1, line 23, by inserting after the word
- 6 "assistant" the words "not staffing a remote clinic".

H-3559B

- 7 3. Page 1, by inserting after line 28 the
- 8 following:
- 9 "A physician's assistant who staffs a remote clinic
- 10 which does not have pharmacy services reasonably
- 11 available may issue, upon the specific order of the
- 12 supervising physician, no more than a seven-day supply
- 13 of a prescription drug or controlled substance."

Zimmerman of Dallas asked and received unanimous consent to withdraw the committee amendment H-3559A.

Zimmerman of Dallas asked and received unanimous consent to withdraw the committee amendment H-3559B.

Parker of Jasper asked and received unanimous consent to withdraw amendments H—3640 and H—3642 filed by him on April 11, 1983 and found on pages 2352 and 2353 of the 1983 House Journal.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—3638 filed by Mullins, et al., on April 11, 1983 and found on page 2352 of the 1983 House Journal.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—3639 filed by him and Parker of Jasper on April 11, 1983 and found on page 2352 of the 1983 House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5054 filed by him on February 1, 1984.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5062 filed by him on February 1, 1984.

Muhlbauer of Crawford offered the following amendment H—3447 filed by him and moved its adoption:

H—3447

- 1 Amend Senate File 345 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 28 the
- 4 following:
- 5 " . Notwithstanding subsections 2, 3, and 5,
- 6 a medical practitioner who dispenses prescription
- 7 drugs, including but not limited to controlled
- 8 substances, may delegate nonjudgmental dispensing
- 9 functions to staff assistants if the nearest pharmacy
- 10 is seven or more miles from the medical practitioner's
- 11 office."

Roll call was requested by Muhlbauer of Crawford and Paulin of Plymouth.

On the question "Shall amendment H—3447 be adopted?"

The ayes were, 35:

Anderson	Bennett	Blanshan	Brammer
Corey	Doderer	Fogarty	Grandia
Groth	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hughes	Hummel
Knapp	Koenigs	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Muhlbauer	Mullins	Oxley	Paulin
Schnekloth	Schroeder	Skow	Sturgeon
Van Maanen	Welden	Woods	

The nays were, 63:

Arnould	Baxter	Black	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Daggett
Davitt	De Groot	Diemer	Fey
Groninga	Gronstal	Gruhn	Halvorson, R. N.
Hammond	Haverland	Hoffmann-Bright	Holveck
Jay	Jochum	Krewson	Lageschulte
Miller	Norland	O'Kane	Ollie
Osterberg	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Sherzan	Shoultz	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Varn	Zimmerman	Mr. Speaker	

Absent or not voting, 2:

Clark Torrence

Amendment H—3447 lost.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—3634 filed by him on April 11, 1983 and found on page 2351 of the 1983 House Journal.

Zimmerman 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. 345)

The ayes were, 76:

Anderson	Arnould	Baxter	Bennett
Black	Branstad	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Harbor	Haverland	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Krewson	Lageschulte	Maulsby
McIntee	Menke	Miller	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 21:

Blanshan	Brammer	Carpenter	Copenhaver
Doderer	Handorf	Hanson	Hermann
Knapp	Koenigs	Lloyd-Jones	Lonergan
McKean	Muhlbauer	Mullins	Oxley
Peick	Poncy	Schnekloth	Van Maanen
Welden			

Absent or not voting, 3:

Chiodo	Clark	Torrence
--------	-------	----------

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

SENATE FILE 190 DEFERRED

Senate File 190, a bill for an act relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 190 be deferred and that the bill retain its place on the calendar.

INTRODUCTION OF BILLS

House File 2217, by committee on education, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties.

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

House File 2218, by committee on transportation, a bill for an act relating to the rate of tax on motor fuel, gasohol, and special fuel and including an appropriation.

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, 1984. Had I been present, I would have voted "aye" on House File 598 and Senate File 159.

CONNOLLY of Dubuque

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 2nd day of February, 1984: House File 658.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 2, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 162, an act relating to the age of termination of education for children requiring special education.

House File 359, an act relating to the duties and liabilities of persons with respect to public places located within cities.

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 1984 Annual Report, pursuant to Chapter 601.8, Code of Iowa.

CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY

The first segment of the five (5) year Criminal and Juvenile Justice Plan, pursuant to Chapter 80C.4, Code of Iowa.

DEPARTMENT OF HEALTH

The 1984 State Radiation Safety Program Plan, pursuant to Chapter 136B.4, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 643 Natural Resources**

Relating to residency for the purpose of purchasing licenses issued by the state conservation commission.

S.B. 644 Local Government

Relating to the location of a family home used for the care of developmentally disabled persons.

S.B. 645 Judiciary and Law Enforcement

Relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties.

S.B. 646 Judiciary and Law Enforcement

Relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse.

S.B. 647 Judiciary and Law Enforcement

Relating to the form of probate inventory.

S.B. 648 Judiciary and Law Enforcement

Making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent.

S.B. 649 Judiciary and Law Enforcement

Relating to the accrual of prejudgment interest after a refusal to accept an offer to confess judgment.

S.B. 650 Judiciary and Law Enforcement

Relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

S.B. 651 Judiciary and Law Enforcement

Relating to the protection of lienholders' and certificate holders' advancements.

S.B. 652 Judiciary and Law Enforcement

Relating to the certification of documents and providing a penalty.

S.B. 653 Judiciary and Law Enforcement

To make nonsubstantive corrections to the Code.

S.B. 654 Judiciary and Law Enforcement

Providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

S.B. 655 Judiciary and Law Enforcement

To require counties to assume the cost of confining probationers pending completion of arrangements for probation and pending disposition of revocation proceedings.

S.B. 656 State Government

To provide additional retirement benefits under the Iowa public employees' retirement system for department of transportation peace officers and to make an appropriation.

S.B. 657 Small Business and Commerce

Requiring all electric public utilities to establish a central control center for dispatch of electrical energy.

S.B. 658 Small Business and Commerce

Relating to the annual meetings of shareholders of state banks.

S.B. 659 Small Business and Commerce

Relating to the location of the principal place of business and offices of a state bank.

S.B. 660 Small Business and Commerce

Relating to charges by small loan and industrial loan licensees, by providing for an alternative delinquency charge and a bad check charge and authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage or deed of trust upon real property.

S.B. 661 Education

To provide a procedure for boards of directors of school districts to lower their actual unspent balances.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 606), to establish a board of educational examiners to issue certification to teachers and to prescribe their duties.

Fiscal Note is required.

Recommended Amend and Do Pass February 1, 1984.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2085), relating to fencing law for railroad rights of way owned by a state agency or political subdivision of the state and used for public recreation or conservation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2095, a bill for an act relating to reports of the operations review division of the Iowa State commerce commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5064**, February 1, 1984.

Committee Bill (Formerly House File 2117), requiring repair or replacement of a new motor vehicle which does not conform to express warranties and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1984.

Committee Bill (Formerly House File 2132), concerning public utility regulation by providing additional time for the commerce commission to complete its rate proceedings and by providing a moratorium on certain disconnections of gas and electricity with civil penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1984.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 548), to allow the operation of articulated buses not exceeding sixty feet in length on the public streets and highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1984.

Committee Bill (Formerly Study Bill 633), relating to the rate of tax on motor fuel, gasohol, and special fuel and including an appropriation.

Fiscal Note is required.

Recommended **Without Recommendation and amendment** February 1, 1984.

AMENDMENTS FILED

H-5064	H.F.	2095	Committee on Small Business and Commerce
H-5065	H.F.	595	Miller of Woodbury
H-5066	S.F.	190	Jay of Appanoose
H-5067	S.F.	190	Swartz of Marshall
H-5075	H.F.	2062	Chiodo of Polk
H-5076	H.F.	2068	McIntee of Black Hawk
H-5077	H.F.	2022	Gronstal of Pottawattamie
H-5078	H.F.	2019	Schnekloth of Scott
			Corey of Louisa
			Sturgeon of Woodbury
			Pavich of Pottawattamie
			Brammer of Linn
			Varn of Johnson
H-5079	S.F.	442	Miller of Woodbury
H-5080	H.F.	2093	Spear of Lee
H-5081	H.F.	2041	Cochran of Webster
H-5082	S.F.	190	Paulin of Plymouth
H-5083	S.F.	190	Paulin of Plymouth
H-5084	H.F.	2062	Corey of Louisa
H-5085	S.F.	190	Tabor of Jackson
H-5086	S.F.	190	Lageschulte of Bremer

On motion by Norland of Worth, the House adjourned at 5:41 p.m., until 9:00 a.m., Friday, February 3, 1984.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 3, 1984

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

Prayer was offered by the Reverend Morrie Steffenson, retired pastor of the First United Methodist Church, Marion.

The Journal of Thursday, February 2, 1984 was approved.

INTRODUCTION OF BILLS

House File 2219, by committee on state government, a bill for an act to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day.

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

House File 2220, by committee on local government, a bill for an act providing for the investment of idle public funds and creating a local government investment pool.

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

House File 2221, by Daggett, a bill for an act relating to the operation of all-terrain vehicles subject to penalties provided by law.

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

House File 2222, by Van Maanen, a bill for an act relating to the budget year for secondary roads.

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

House File 2223, by Cooper, a bill for an act to require highway authorities to submit annual road construction programs to county soil conservation district commissioners for review and recommendations relating to soil erosion controls and drainage controls.

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

House File 2224, by Spear, a bill for an act relating to the adoption of graduation requirements by school districts.

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

House File 2225, by Mullins, Chapman, Osterberg, De Groot, McKean, Anderson, Krewson, Hammond, Hanson, Renken, Paulin, Groninga, Buhr, Holveck, Parker, Spear and Doderer, a bill for an act expanding the regulatory information service established by the Iowa development commission to include directory materials on information sources for employment opportunities to aid employers of new or potential employees to find employment for the employees' spouses.

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

House File 2226, by Blanshan, a bill for an act exempting the sale, use, and servicing of and parts for farm machinery and equipment from the state sales, services, and use tax and funding the exemption with moneys in the agricultural land credit fund.

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

House File 2227, by Halvorson of Clayton, a bill for an act establishing uniform procedures for employers and groups of employers which wish to self-insure their workers' compensation and employer's liability obligations, and providing penalties.

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

House File 2228, by Woods, a bill for an act relating to the appointment and qualification of magistrates.

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

House File 2229, by committee on judiciary and law enforcement, a bill for an act modifying the definitions and schedules of controlled substances and providing a penalty.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 257, a bill for an act relating to fire safety, and liquefied petroleum gas fuel and natural gas transportation, and liquefied petroleum gas heaters, and providing penalties, with reports of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H—3293 filed by the committee on state government on March 18, 1983 and found on page 2289 of the 1983 House Journal.

Pavich of Pottawattamie offered the following amendment H—5025 filed by the committee on state government and moved its adoption:

H—5025

- 1 Amend House File 257 as follows:
- 2 1. Page 2, line 30, by inserting after the word
- 3 "orally" the words "followed by a written order".
- 4 2. Page 2, by striking lines 34 through page 3,
- 5 line 24.
- 6 3. Page 5, by striking lines 4 through 8 and
- 7 inserting in lieu thereof the following: "on the
- 8 left rear and right front bumpers of the vehicle a
- 9 standard abbreviation or symbol, approved by the
- 10 department of public safety, which indicates liquefied
- 11 petroleum gas fuel or natural gas is a fuel source
- 12 for the vehicle."
- 13 4. Page 5, by adding after line 8 the following:
- 14 "2. The owner of the vehicle which is fueled by
- 15 natural gas or liquefied petroleum gas shall be
- 16 responsible for the placement of the approved
- 17 abbreviation or symbol on the vehicle."
- 18 5. By renumbering the sections and subsections
- 19 to conform with this amendment.

The committee amendment H—5025 was adopted.

Spear of Lee offered the following amendment H—5040, filed by him and moved its adoption:

H-5040

- 1 Amend House File 257 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "city" the words "or township".

Amendment H-5040 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5041 filed by him on January 30, 1984.

Pavich of Pottawattamie offered the following amendment H-5052, filed by Pavich and Schroeder and moved its adoption:

H-5052

- 1 Amend House File 257 as follows:
- 2 1. Page 2, lines 23 and 24, by striking the words
- 3 "a trained fire official" and inserting in lieu thereof
- 4 the words "trained in fire prevention safety
- 5 standards".

Amendment H-5052 was adopted.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H-3465 filed by Pavich, et al., on March 30, 1983 and found on page 2239 of the 1983 House Journal.

Pavich 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. 257)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth

Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Torrence

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

House File 601, a bill for an act relating to appeal of bond set after parole revocation, with report of committee recommending passage was taken up for consideration.

Rosenberg 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. 601)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cannolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson

Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sheridan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 3:

Grandia Handorf Van Maanen

Absent or not voting, 1:

Torrence

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

House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony, with report of committee recommending passage was taken up for consideration.

Miller of Woodbury offered the following amendment H—5065 filed by him and moved its adoption:

H—5065

- 1 Amend House File 595 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "misdemeanor" the words "or less than five years has
- 4 elapsed since the date of the previous felony
- 5 conviction".

Amendment H—5065 was adopted.

Rosenberg 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. 595)

The ayes were, 64:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Connolly	Connors
Cooper	Copenhaver	Corey	Davitt
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Lonergan	Muhlbauer	Norland
Ollie	Osterberg	Parker	Paulin
Pavich	Peick	Renaud	Rosenberg
Running	Schroeder	Sherzan	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 33:

Anderson	Bennett	Blanshan	Branstad
Clark	Cochran	Daggett	De Groot
Grandia	Handorf	Hanson	Hermann
Hoffmann-Bright	Hummel	Lageschulte	Maulsby
McIntee	McKean	Menke	Miller
Mullins	O'Kane	Oxley	Pellet
Poncy	Renken	Rensink	Schneklath
Skow	Stueland	Van Gerpen	Van Maanen
Welden			

Absent or not voting, 3:

Royer	Shoultz	Torrence
-------	---------	----------

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 190**, a bill for an act relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties, deferred on February 2, 1984.

The House stood at ease at 9:47 a.m., until the fall of the gavel.

The House resumed session at 10:20 a.m., Speaker Avenson in the chair.

Arnould of Scott offered the following amendment H-5024, filed by the committee on state government and moved its adoption:

H-5024

- 1 Amend Senate File 190 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the word
- 4 "provision" and inserting in lieu thereof the word
- 5 "section".

The committee amendment H-5024 was adopted.

Swearingen of Keokuk offered amendment H-5053, filed by Swearingen, et al., and requested division as follows:

H-5053

- 1 Amend Senate File 190 as amended, passed and re-
- 2 printed by the Senate as follows:

H-5053A

- 3 1. Page 1, line 1, by striking the words "A per-
- 4 son who" and inserting in lieu thereof the following:
- 5 "A person who is employed by a public employer as
- 6 that term is defined in section 20.3, subsection 1
- 7 and who".

H-5053B

- 8 2. Page 1, line 5, by inserting after the word
- 9 "office" the following: ". An employer need not
- 10 grant such leave to an employee for a period which
- 11 during employment exceeds a cumulative total of six
- 12 years."

Swearingen of Keokuk moved the adoption of amendment H-5053A.

A non-record roll call was requested.

The ayes were 34, nays 60.

Amendment H-5053A lost.

Hummel of Benton offered the following amendment H—5090, to amendment H—5053B, filed by him from the floor and moved its adoption:

H—5090

- 1 Amend amendment H—5053 to Senate File 190 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 11 and 12 and inserting
- 4 in lieu thereof the following: "during employment exceeds
- 5 one term of office to which the employee is elected,"

A non-record roll call was requested.

The ayes were 32, nays 49.

Amendment H—5090, to amendment H—5053B, lost.

Running of Linn in the chair at 10:52 a.m.

Swearingen of Keokuk moved the adoption of amendment H—5053B.

Roll call was requested by Swearingen of Keokuk and Hummel of Benton.

On the question "Shall amendment H—5053B be adopted?"

The ayes were, 47:

Anderson	Baxter	Bennett	Black
Branstad	Carl	Carpenter	Carter
Chapman	Clark	Copenhaver	Corey
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hummel	Krewson	Lageschulte
Maulsby	McIntee	McKean	Menke
Mullins	Paulin	Pellet	Renken
Rensink	Royer	Schneklath	Schroeder
Spear	Stromer	Stueland	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	

The nays were, 49:

Arnould	Blanshan	Brammer	Buhr
Chiodo	Cochran	Connolly	Connors
Cooper	Davitt	Doderer	Fey

Fogarty	Groninga	Gronstal	Gruhn
Halvorson, R. N.	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lloyd-Jones	Lonergan	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Sherzan	Shoultz	Skow	Sturgeon
Sullivan	Swartz	Woods	Zimmerman
Mr. Speaker (Running)			

Absent or not voting, 4:

Avenson	Daggett	Groth	Torrence
---------	---------	-------	----------

Amendment H—5053B lost.

Paulin of Plymouth offered the following amendment H—5082 filed by him and moved its adoption:

H—5082

- 1 Amend Senate File 190 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "earned." the following: "At the time of making the
- 5 application the employee must agree to return to the
- 6 employment at the conclusion of the leave of absence
- 7 for a period of at least one year. If the employee
- 8 does not fulfill the agreement, the employee shall
- 9 be liable for any damages sustained by the employer."

Amendment H—5082 lost.

Lageschulte of Bremer offered amendment H—5086 filed by him as follows:

H—5086

- 1 Amend Senate File 190, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "granted" the words "if six months notice is given
- 5 by the employee".

Rensink of Sioux offered the following amendment H—5089, to amendment H—5086, filed by him from the floor and moved its adoption:

H—5089

- 1 Amend amendment H—5086 to Senate File 190 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "employee" the following "and the employee has maintained
- 5 the skills necessary to perform the duties required in
- 6 the position to which the person is to be reinstated".

Amendment H—5089 was adopted.

Speaker Avenson in the chair at 11:27 a.m.

Lageschulte of Bremer moved the adoption of amendment H—5086, as amended.

Roll call was requested by Lageschulte of Bremer and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5086, as amended, be adopted?"

The ayes were, 37:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellet
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Loneragan	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poney	Renaud

Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 5:

Daggett	Groth	Miller	O'Kane
Torrence			

Amendment H—5086, as amended, lost.

Rensink of Sioux offered the following amendment H—5058 filed by Rensink, et al., and moved its adoption:

H—5058

- 1 Amend Senate File 190 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 1, line 15 by striking the words "leave
- 4 of absence was granted." and inserting in lieu thereof
- 5 the following: "leave of absence was granted provid-
- 6 ing the returning employee has maintained the skills
- 7 necessary to perform the duties required in the posi-
- 8 tion to which the person is to be reinstated."

Amendment H—5058 lost.

Tabor of Jackson offered the following amendment H—5085, filed by him and moved its adoption:

H—5085

- 1 Amend Senate File 190 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 1, line 16, by inserting after the word "more"
- 4 the following: "full-time".

Amendment H—5085 was adopted.

Swartz of Marshall offered the following amendment H—5067, filed by him and moved its adoption:

H—5067

- 1 Amend Senate File 190 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 20 and 21, by striking the words
- 4 "issuance or".

Amendment H—5067 was adopted.

Paulin of Plymouth offered the following amendment H—5083, filed by him and moved its adoption:

H—5083

- 1 Amend Senate File 190 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 1, by inserting after line 21 the follow-
- 4 ing: "This section does not require an employer to
- 5 reemploy the employee if a job position of the same
- 6 type, description or classification that the employee
- 7 vacated is no longer in existence, and another employee
- 8 has not been employed in a job position of the same
- 9 type, description or classification that the employee
- 10 vacated within six months prior to the time the employee
- 11 wishes to return."

Roll call was requested by Paulin of Plymouth and Tofte of Winneshiek.

On the question "Shall amendment H—5083 be adopted?"

The ayes were, 40:

Anderson	Bennett	Black	Branstad
Carpenter	Clark	Corey	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Maulsby	McIntee
McKean	Menke	Muhlbauer	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 55:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Huges	Jay	Jochum
Koenigs	Krewson	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich

Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Skow	Spear
Sturgeon	Sullivan	Swartz	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 5:

Daggett	Groth	Knapp	Shoultz
Torrence			

Amendment H—5083 lost.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5066 filed by him on February 2, 1984.

Halvorson of Webster in the chair at 12:05 p.m.

Speaker Avenson in the chair at 12:25 p.m.

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

On the question "Shall the bill pass?" (S.F. 190)

The ayes were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhagen	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Lonegan	Miller	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 40:

Anderson	Bennett	Branstad	Carl
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Doderer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McIntee	McKean	Menke

Muhlbauer	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Spear	Stromer	Stueland
Van Camp	Van Gerpen	Van Maanen	Welden

Absent or not voting, 2:

Tofte Torrence

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

MOTIONS TO RECONSIDER
(House File 595)

I move to reconsider the vote by which House File 595 passed the House on February 3, 1984.

CONNORS of Polk

(Senate File 190)

I move to reconsider the vote by which Senate File 190 passed the House on February 3, 1984.

SWEARINGEN of Keokuk

PASSED ON FILE
(Senate File 2054)

The Speaker announced that Senate File 2054, previously referred to committee on **judiciary and law enforcement**, was **passed on file**.

PRESENTATION OF VISITORS

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

Three members of the Boy Scout Troop 136, Milo, accompanied by Lila Konrad and Connie Penick. By Davitt of Warren.

Three members of Cub Scout Pack 103, Norwalk, accompanied by Jack Mayberry. By Davitt of Warren.

Twenty-seven fourth grade students from Des Moines Christian School, Des Moines, accompanied by Mrs. Oldham. By Connors and Holveck of Polk.

STUDY BILL COMMITTEE ASSIGNMENT**S.B. 662 Ways and Means**

Relating to the taxation of engraving, photography, retouching, printing, and binding under the state sales, services, and use tax.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2002**

State Government: Tofte, Chair; Gruhn and Woods.

House File 75

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 210

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 248

State Government: Lloyd-Jones, Chair; Hammond and Hanson.

House File 262

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 266 (Reassigned)

Ways and Means: Koenigs, Chair; Anderson and Chiodo.

House File 407

Local Government: Sherzan, Chair; Menke and Poncy.

House File 453

Small Business and Commerce: Oxley, Chair; Knapp and Renken.

House File 478 (Reassigned)

Local Government: Sherzan, Chair; Grandia and Spear.

House File 2004 (Reassigned)

Local Government: Cooper, Chair; Connors, Menke, Sherzan and Swearingen.

House File 2012

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2041 (Reassigned)

Ways and Means: Gronstal, Chair; Carpenter, Cochran, Daggett and Groninga.

House File 2052

Small Business and Commerce: Skow, Chair; Holveck and Hummel.

House File 2054

Judiciary and Law Enforcement: Varn, Chair; Halvorson of Clayton and Tabor.

House File 2126

State Government: Rensink, Chair; Gruhn and Pavich.

House File 2133

Ways and Means: Connolly, Chair; Copenhaver and Schroeder.

House File 2139

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2140

State Government: Lloyd-Jones, Chair; Hammond and Hanson.

House File 2142

Transportation: Renaud, Chair; Cooper and Pellett.

House File 2148

Transportation: Koenigs, Chair; Pavich and Van Maanen.

House File 2152

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2153

Judiciary and Law Enforcement: Knapp, Chair; Miller and Paulin.

House File 2154

Judiciary and Law Enforcement: Knapp, Chair; Miller and Paulin.

House File 2155

Ways and Means: Rosenberg, Chair; Clark and O'Kane.

House File 2156

Ways and Means: Groninga, Chair; Carpenter and Daggett.

House File 2157

Ways and Means: Groninga, Chair; Carpenter and Daggett.

House File 2158

Judiciary and Law Enforcement: Knapp, Chair; Miller and Paulin.

House File 2159

Judiciary and Law Enforcement: Jay, Chair; Chapman, Halvorson of Clayton, McIntee, Parker, Schroeder and Varn.

House File 2160

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2161

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2162

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 2163 (Reassigned)

Local Government: Buhr, Chair; Cooper, Grandia, Lloyd-Jones and Royer.

House File 2164

Judiciary and Law Enforcement: Clark, Chair; Doderer and Paulin.

House File 2165

Education: Carter, Chair; Carpenter and Poncey.

House File 2166

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

House File 2167

Agriculture: Halvorson of Webster, Chair; Copenhaver and Pellett.

House File 2168

Agriculture: Copenhaver, Chair; De Groot, Fogarty, Halvorson of Webster and Pellett.

House File 2169

Ways and Means: Pavich, Chair; McKean and Gronstal.

House File 2171

Local Government: Lloyd-Jones, Chair; Poncy and Royer.

House File 2172

Labor and Industrial Relations: Peick, Chair; Corey and Miller.

House File 2173

Education: Shoultz, Chair; Branstad and Jay.

House File 2174

Small Business and Commerce: Chiodo, Chair; Halvorson of Clayton and Skow.

House File 2175

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2176

Ways and Means: Varn, Chair; Maulsby and Swartz.

House File 2178

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2179

Judiciary and Law Enforcement: Clark, Chair; Doderer and Paulin.

House File 2180

Transportation: Muhlbauer, Chair; Cooper and Corey.

House File 2181

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

House File 2182

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2183

Labor and Industrial Relations: Parker, Chair; Branstad and Poncy.

House File 2190

Agriculture: Gruhn, Chair; Fogarty and Rensink.

House File 2191

Ways and Means: Pavich, Chair; Davitt and De Groot.

House File 2194

Local Government: Running, Chair; Peick and Royer.

House File 2195

Local Government: Renaud, Chair; Menke and Spear.

House File 2196

Agriculture: Skow, Chair; Bennett, Handorf, Muhlbauer and Zimmerman.

House File 2203

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Hermann, Mullins, Ollie, Peick, Rensink, Van Gerpen and Zimmerman.

House File 2211

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

House File 2218

Ways and Means: Schnekloth, Chair; Doderer and Tabor.

Senate Concurrent Resolution 102

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

Senate File 400 (Reassigned)

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Senate File 413

Small Business and Commerce: Baxter, Chair; Hummel and Parker.

Senate File 497

State Government: Lloyd-Jones, Chair; Doderer and Krewson.

Senate File 2042

State Government: Carl, Chair; Arnould and Carpenter.

Senate File 2050

Local Government: Hermann, Chair; Menke and Spear.

Senate File 2082

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Senate File 2084

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Senate File 2086

State Government: Gruhn, Chair; Krewson and Swartz.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 596

Small Business and Commerce: Gronstal, Chair; Chapman and McIntee.

Study Bill 597

Small Business and Commerce: Gronstal, Chair; Chapman and McIntee.

Study Bill 605

Ways and Means: Connolly, Chair; Schroeder and Swartz.

Study Bill 623 (Reassigned)

Agriculture: Carter, Chair; Bennett, Blanshan, Hughes, Muhlbauer, Rensink, Skow and Stueland.

Study Bill 629

Education: Spear, Chair; Handorf and Ollie.

Study Bill 630

State Government: Buhr, Chair; Arnould, Halvorson of Webster, Hoffmann-Bright and Rensink.

Study Bill 631

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 633

Transportation: Renaud, Chair; Harbor, Koenigs, Lageschulte and Woods.

Study Bill 635

Agriculture: Koenigs, Chair; Muhlbauer and Van Maanen.

Study Bill 636

Ways and Means: Cochran, Chair; Holveck and Renken.

Study Bill 637

Ways and Means: Brammer, Chair; Bennett and Connolly.

Study Bill 638

Local Government: Lageschulte, Chair; Connors and Spear.

Study Bill 639

Transportation: Van Camp, Chair; Fogarty and Pavich.

Study Bill 640

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

Study Bill 641

Agriculture: Gruhn, Chair; Anderson and Fogarty.

Study Bill 642

Agriculture: Carter, Chair; Bennett, Blanshan, Hughes, Muhlbauer, Rensink, Skow and Stueland.

Study Bill 644

Local Government: Connors, Chair; Buhr and Torrence.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 623), to require research by the Iowa agricultural experimental station at the Iowa state university of science and technology on the production of horticultural crops for fresh markets and processing.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2129, a bill for an act relating to the violation of a custodial order, and applying a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5087** February 2, 1984.

Committee Bill (Formerly Study Bill 516), relating to the treating of persons on work release at the university hospitals.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1984.

Committee Bill (Formerly Study Bill 517), relating to the waiver of presentence investigations for class "B", "C", and "D" felonies.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 2, 1984.

Committee Bill (Formerly Study Bill 520), relating to extending the time for the board of directors of a judicial district department of correctional services to file its annual report.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1984.

Committee Bill (Formerly Study Bill 521), relating to the appeal of orders of hearing officers.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1984.

Committee Bill (Formerly Study Bill 522), relating to the counties' duty to comply with state requests for temporary confinement of alleged violators of conditions of work release and parole.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1984.

Committee Bill (Formerly House File 2097), relating to access by a noncustodial parent to information concerning the child.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 2111, a bill for an act authorizing cities to issue revenue bonds to refund general obligation bonds if they were issued or the proceeds were expended for certain city projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5088** February 2, 1984.

Committee Bill (Formerly Study Bill 557), relating to public bonds and obligations by correcting references and providing for payment of the costs of registration.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 1984.

COMMITTEE ON STATE GOVERNMENT

House Joint Resolution 2002, a joint resolution proposing the formation of an organization for the purpose of initiating restoration projects for the Iowa state capitol.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5092** February 2, 1984.

House File 2126, a bill for an act relating to the membership of legislative visitation committees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5091** February 2, 1984.

COMMITTEE ON WAYS AND MEANS

House File 266, a bill for an act to include rural transit services which receive state or federal funds within the definition of Iowa urban transit systems for the purpose of obtaining motor fuel and special fuel tax exemptions.

Fiscal Note is required.

Recommended **Do Pass** February 2, 1984.

AMENDMENTS FILED

H-5087	H.F. 2129	Committee on Judiciary and Law Enforcement
H-5088	H.F. 2111	Committee on Local Government
H-5091	H.F. 2126	Committee on State Government
H-5092	H.J.R. 2002	Committee on State Government
H-5093	H.F. 540	Spear of Lee

On motion by Norland of Worth, the House adjourned at 12:45 p.m., until 10:00 a.m., Monday, February 6, 1984.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 6, 1984

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

Prayer was offered by Reverend Jack Hooten, pastor of the Sharon United Methodist Church, Cedar Rapids.

The Journal of Friday, February 3, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, M.D., Lake City.

PETITION FILED

The following petition was received and placed on file:

By Connors of Polk, from twenty-three constituents favoring a state lottery.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Torrence of Muscatine, for the week of February 6, 1984, on request of Hoffmann-Bright of Muscatine.

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 2001, by Junkins and Hultman, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

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

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 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2005, a bill for an act relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty.

K. MARIE THAYER, Secretary

The House stood at ease at 10:18 a.m., until the fall of the gavel.

The House resumed session at 11:42 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell, until his arrival, on request of Hughes of Union.

On motion by Arnould of Scott, the House was recessed at 11:43 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk on request of Norland of Worth; Baxter of Des Moines, until her arrival, on request of Varn of Johnson; Lonergan of Boone on request of Arnould of Scott.

CONSIDERATION OF BILLS

Regular Calendar

House File 2170, a bill for an act relating to duties and responsibilities of probation officers, was taken up for consideration.

Hermann 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. 2170)

The ayes were, 94:

Anderson	Arnould	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Baxter	Haverland	Krewson	Lonergan
Paulin	Torrence		

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

Senate File 475, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—3746 filed by him on April 13, 1983 and found on page 2366 of the 1983 House Journal.

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

On the question "Shall the bill pass?" (S.F. 475)

The ayes were, 95:

Anderson	Arnould	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Baxter	Haverland	Krewson	Lonergan
Torrence			

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

House File 2031, a bill for an act stipulating collective bargaining representation for employees of a district board of correctional services, with report of committee recommending passage was taken up for consideration.

Sherzan 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. 2031)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 3:

Haverland

Lonergan

Torrence

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

House File 2068, a bill for an act requiring certain public utilities to include in each of their ads a listing of the percentage of the ad's expenses which are to be charged to customers and the percentages which are to be charged to the stockholders, with report of committee recommending passage was taken up for consideration.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5048 filed by him on January 31, 1984.

Gronstal of Pottawattamie offered the following amendment H—5076 filed by him and Schnekloth of Scott and moved its adoption:

H—5076

- 1 Amend House File 2068 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "utility." the following: "This paragraph does not
- 4 apply to a utility's product or service that is or
- 5 becomes subject to competition as determined by the
- 6 commerce commission."

Amendment H—5076 was adopted.

Gronstal 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. 2068)

The ayes were, 73:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Davitt	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Royer	Running	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 23:

Anderson	Bennett	Corey	Daggett
De Groot	Grandia	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel

Krewson
Paulin
Schnekloth

Lageschulte
Pellett
Stueland

Maulsby
Renken
Welden

Menke
Rensink

Absent or not voting, 4:

Branstad

Haverland

Lonergan

Torrence

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

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 6th day of February, 1984: House File 74.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 6, 1984, he approved and transmitted to the Secretary of State the following bill:

House File 658, an act relating to the direct deposits of revenue and special assessments collected by the county treasurer.

PRESENTATION OF VISITOR

Maulsby of Calhoun presented to the House Foreign Exchange Student Marcio Sanchez, from Brazil, who is presently attending Westview High School, Lake City. He was accompanied by Dr. Ashton McCrary, Lake City.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 663 Small Business and Commerce

Requiring telephone companies to provide a listing of directory

assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory.

S.B. 664 State Government

Relating to the management of state government forms.

S.B. 665 State Government

To allow the Iowa beer and liquor control department to establish by rule fines up to ten thousand dollars to be levied against licensees and permittees for violations of the law.

S.B. 666 Education

To establish the Iowa educational excellence program and to make appropriations.

S.B. 667 Local Government

Relating to the salaries of deputy county officers.

S.B. 668 Agriculture

To provide a method to establish the price of grain held by the commerce commission when acting as a receiver to determine the interests of creditors.

S.B. 669 Natural Resources

To limit the setting of snares and subjecting violators to a penalty.

S.B. 670 Natural Resources

Relating to boat registrations and changing registration fees.

CERTIFICATES OF RECOGNITION

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

1984-4

Thomas Jefferson High School of Council Bluffs Gymnastics Team — winning state championship

- 1984-5 Holy Family Church of Council Bluffs — celebrating 75th anniversary of its founding
- 1984-6 Sharon Lee of Altoona — Iowa Teacher of Year

JOSEPH O'HERN
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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

House File 2218, a bill for an act relating to the rate of tax on motor fuel, gasohol, and special fuel and including an appropriation.

Fiscal Note is required.

Without Recommendation February 6, 1984.

Pursuant to House Rule 33, House File 2218 was referred to the committee on Finance.

COMMITTEE ON FINANCE

House File 2218, a bill for an act relating to the rate of tax on motor fuel, gasohol, and special fuel and including an appropriation.

Fiscal Note is required.

Recommended Do Pass February 6, 1984.

AMENDMENTS FILED

H—5094	H.F. 2220	Running of Linn Swearingen of Keokuk Hermann of Scott Renaud of Polk Connors of Polk
--------	-----------	--

H—5095

H.F. 540

Connors of Polk
Halvorson of Clayton

On motion by Norland of Worth, the House adjourned at 4:48 p.m., until 9:00 a.m., Tuesday, February 7, 1984.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 7, 1984

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

Prayer was offered by the Reverend Roy Pasley, pastor of the First Baptist Church, Boone.

The Journal of Monday, February 6, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stanley Roberts, D.O., Des Moines.

INTRODUCTION OF BILLS

House File 2230, by committee on natural resources, a bill for an act relating to the duty to fence along former railroad rights of way.

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

House File 2231, by committee on small business and commerce, a bill for an act concerning public utility regulation by providing additional time for the commerce commission to complete its rate proceedings.

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

House File 2232, by committee on transportation, a bill for an act to allow the operation of articulated buses not exceeding sixty-one feet in length on the public streets and highways.

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

House File 2233, by committee on agriculture, a bill for an act to require research by the Iowa agricultural experimental station at the Iowa state university of science and technology on the production of horticultural crops for fresh markets and processing, and to

require the Iowa cooperative extension service in agriculture and home economics to disseminate educational material relating to horticultural crops and providing appropriations.

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

House File 2234, by committee on small business and commerce, a bill for an act requiring repair or replacement of a new motor vehicle which does not conform to express warranties.

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

House File 2235, by Swartz, a bill for an act to provide for a refund of the sales, services, and use tax paid on industrial machinery and equipment and for a limitation on the refund, and providing a penalty.

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

House File 2236, by Krewson, a bill for an act exempting from the sales, services, and use tax the gross receipts from the sales, furnishing or service of gas and electricity for residential use.

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

House File 2237, by Carl, a bill for an act providing that the interest penalty on delinquent property taxes is tied to the prime rate and authorizing the county board of supervisors to waive the payment of the interest penalty on delinquent property taxes for reasons of an extended period of unemployment.

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

House File 2238, by Buhr, Sherzan and Parker, a bill for an act relating to the authority of the Iowa law enforcement academy director and the law enforcement academy council to establish standards of professional conduct and continuing education requirements and to enforce the standards and requirements.

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

House File 2239, by Daggett, a bill for an act increasing the bonding capacity of the Iowa housing finance authority and its small business loan program.

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

House File 2240, by Corey, Pellett, Bennett, Halvorson of Clayton, Lageschulte, Rensink and Paulin, a bill for an act relating to unemployment compensation by recomputing maximum weekly benefit amounts, by modifying the attachment and reattachment eligibility requirements, by affecting benefit amounts in certain disqualification and employer-closing cases, by modifying eligibility requirements in job bumping, educational interim, voluntary quit, and waiting-week cases, by modifying certain burden of proof requirements, by modifying certain special contribution rate requirements, by transferring employer charges in certain voluntary quit cases, by affecting the election to become a reimbursable employer, by modifying the interest payable on delinquent employer accounts, by affecting the procedures for levying against the funds of governmental entities, by modifying certain administrative penalties, by setting off overpayments against income tax refunds and delinquent contributions against benefits to employers, by restricting expenditures from the special employment security contingency fund, by making technical and conforming changes to chapter 96, and by providing effective dates.

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

House File 2241, by Woods, a bill for an act relating to the rules and procedures involved in the appeal of a misdemeanor.

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

SENATE MESSAGE CONSIDERED

Senate File 2005, by Mann, a bill for an act relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty.

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 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2089, a bill for an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty.

Also: That the Senate has on February 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2102, a bill for an act relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority.

Also: That the Senate has on February 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2104, a bill for an act relating to the collections of fines and penalties by a county attorney.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:22 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 3:28 p.m., until the fall of the gavel.

The House resumed session at 4:50 p.m., Speaker Avenson in the chair.

QUORUM CALL

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2184, a bill for an act relating to publication of notice for zoning actions taken under chapter 414, was taken up for consideration.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2184)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Weiden
Woods	Zimmerman	Mr. Speaker	

The nays were, 2:

Paulin Schroeder

Absent or not voting, 3:

Grandia Hughes Torrence

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

House File 2124, a bill for an act repealing the sunset clause of the crime victim reparation program, with report of committee recommending passage was taken up for consideration.

Sherzan 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. 2124)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 3:

Grandia	Krewson	Welden
---------	---------	--------

Absent or not voting, 2:

Hughes	Torrence
--------	----------

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

House File 2212, a bill for an act to provide for the placement of validation stickers on only the rear registration plate for certain motor vehicles, was taken up for consideration.

Woods 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. 2212)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Hughes Torrence

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 266, a bill for an act to include rural transit services which receive state or federal funds within the definition of Iowa urban transit systems for the purpose of obtaining motor fuel and special fuel tax exemptions, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5022 filed by the committee on transportation:

H—5022

1 Amend House File 266 as follows:

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

4 "Section 1. Section 324.3, subsection 4, Code
5 Supplement 1983, is amended to read as follows:

6 4. Motor fuel used in the operation of an Iowa
7 urban transit system or regional transit system.
8 Any fuel sold to an Iowa urban transit system or
9 regional transit system which is used for any a purpose
10 other than as specified in section 324.57, subsection
11 subsections 9 and 11, shall is not be exempt from
12 the tax.

13 Sec. 2. Section 324.35, unnumbered paragraphs
14 3 and 4, Code 1983, are amended to read as follows:

15 No tax is imposed under this division on special
16 fuel used in the operation of an Iowa urban transit
17 system or regional transit system, except that any
18 special fuel sold to an Iowa urban transit system
19 or regional transit system which is used for any a
20 purpose other than as specified in section 324.57,
21 subsection subsections 9 and 11, shall is not be
22 exempt from the tax.

23 A tax shall not be imposed under this division
24 and the provisions of sections 324.34, 324.36, and
25 324.38 shall are not be applicable if special fuel
26 is sold to the state, any of its agencies, an Iowa
27 urban transit system, regional transit system or any
28 political subdivision of the state when the special
29 fuel is delivered into storage tanks, regardless of
30 size, and all of the special fuel is used for public
31 purposes.

32 Sec. 3. Section 324.57, Code 1983, is amended
33 by adding the following new subsection:

34 **NEW SUBSECTION. 11.** "Regional transit system"
35 means a public transit system serving one county or
36 all or part of a multicounty area whose boundaries

37 correspond to the same boundaries as those of the
 38 regional planning areas designated by the governor,
 39 except as agreed upon by the department. Each county
 40 board of supervisors within the region is responsible
 41 for determining the service and funding within its
 42 county. However, the administration and overhead
 43 support services for the overall regional transit
 44 system shall be consolidated into one existing or
 45 new agency to be mutually agreed upon by the
 46 participating members. Privately chartered bus
 47 services and uses other than providing services that
 48 are open and public on a shared ride basis shall not
 49 be construed to be a regional transit system.
 50 Sec. 4. Section 325.1, Code 1983, is amended by

Page 2

1 adding the following new subsection:
 2 NEW SUBSECTION. 10. "Regional transit system"
 3 means a public transit system serving one county or
 4 all or part of a multicounty area whose boundaries
 5 correspond to the same boundaries as those of the
 6 regional planning areas designated by the governor,
 7 except as agreed upon by the department. Each county
 8 board of supervisors within the region is responsible
 9 for determining the service and funding within its
 10 county. However, the administration and overhead
 11 support services for the overall regional transit
 12 system shall be consolidated into one existing or
 13 new agency to be mutually agreed upon by the
 14 participating members. Privately chartered bus
 15 services and uses other than providing services that
 16 are open and public on a shared ride basis shall not
 17 be construed to be a regional transit system.
 18 Sec. 5. Section 325.6, subsection 3, Code 1983,
 19 is amended to read as follows:
 20 3. A motor carrier regional transit system
 21 providing primarily passenger service for elderly,
 22 handicapped and other transportation disadvantaged
 23 transportation-disadvantaged persons shall be is
 24 exempt from certification requirements of this section
 25 if it satisfies each of the following requirements:
 26 . a. The motor carrier regional transit system is
 27 not a corporation organized for profit under the laws
 28 of Iowa or any other state or the motor carrier
 29 regional transit system is a governmental organization.
 30 b. The motor carrier regional transit system
 31 receives any operating funds from federal, state or
 32 local government sources.
 33 c. The motor carrier regional transit system does
 34 not duplicate a transportation service provided by

35 a motor carrier regional transit system issued a
 36 certificate of convenience and necessity.
 37 Each motor carrier regional transit system exempt
 38 under the provisions of this subsection shall obtain
 39 a permit from the department, which shall be
 40 nontransferable. Such carriers shall comply with
 41 all safety, insurance and other rules of the department
 42 pertaining to a publicly funded transit system."

Koenigs of Mitchell offered the following amendment H—5043, to the committee amendment H—5022, filed by him and moved its adoption:

H—5043

1 Amend amendment H—5022 to House File 266 as follows:
 2 1. Page 2, by striking lines 22 and 23 and inserting
 3 in lieu thereof the following: "handicapped and other
 4 transportation disadvantaged persons as defined in section
 5 601J.1 shall be is".

Amendment H—5043 was adopted.

On motion by Koenigs of Mitchell, the committee amendment H—5022, as amended, was adopted.

The following amendment H—5102 filed by Woods of Polk from the floor was adopted by unanimous consent:

H—5102

1 Amend House File 266 as follows:
 2 1. Title page, by striking line 1, and inserting
 3 in lieu thereof the following: "An Act to define
 4 regional transit systems and to include regional systems
 5 which receive state".

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

On the question "Shall the bill pass?" (H.F. 266)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter

Chapman	Chiodo	Clark	Cochran
Cannolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Hughes Torrence

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 2019, a bill for an act to protect state employees from personnel actions as reprisals for providing information to legislators or disclosing waste, mismanagement, or violations of law, and subjecting violators to a penalty, with report of committee recommending passage was taken up for consideration.

Sturgeon of Woodbury offered the following amendment H-5078 filed by Sturgeon, et al.:

H-5078

- 1 Amend House File 2019 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "assembly" the words ", the legislative service bureau,
- 4 the legislative fiscal bureau, or the respective
- 5 caucus staffs of the general assembly,".

Schroeder of Pottawattamie rose on a point of order that amendment H—5078 was not germane.

The Speaker ruled the point not well taken and amendment H—5078 germane.

Sturgeon of Woodbury moved the adoption of amendment H—5078.

Roll call was requested by Schroeder of Pottawattamie and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5078 be adopted?"

The ayes were, 59:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Hanson	Haverland	Holveck	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
McIntee	McKean	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poney	Renaud	Rosenberg	Running
Sherzan	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 36:

Bennett	Blanshan	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Harbor
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Lonergan	Maulsby	Menke
Mullins	Paulin	Pellet	Renken
Rensink	Royer	Schnekloth	Schroeder
Stromer	Stueland	Swearingen	Tofte
Van Camp	Van Gerpen	Van Maanen	Welden

Absent or not voting, 5:

Anderson	Branstad	Hughes	Shoultz
Torrence			

Amendment H—5078 was adopted.

Brammer 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. 2019)

The ayes were, 87:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Haverland	Hermann	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Gerpen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 11:

Daggett	Handorf	Harbor	Hoffmann-Bright
Maulsby	Menke	Pellett	Renken
Schroeder	Tofte	Van Maanen	

Absent or not voting, 2:

Hughes	Torrence
--------	----------

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

HOUSE FILES 189 AND 2048 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 189 and 2048 be deferred and that the bills retain their place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union on request of Norland of Worth.

House File 2229, a bill for an act modifying the definitions and schedules of controlled substances and providing a penalty, was taken up for consideration.

Haverland 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. 2229)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammier	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammord
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Harbor	Hughes	Swartz	Torrence
--------	--------	--------	----------

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 595)

Connors of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony, filed by him on February 3, 1984.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 671 Agriculture

Relating to the frequency of inspection of grain dealers.

S.B. 672 Agriculture

Relating to the appointment of the commerce commission as a receiver and its duties and powers.

S.B. 673 Energy

To allow an individual income tax credit for expenditures for a solar domestic hot water system for use in a principal residence and making the Act retroactive.

S.B. 674 Finance

Relating to the authorization of the Iowa department of transportation to issue and become obligated for road use tax revenue bonds; to the creation of a highway bond fund in the office of the treasurer of state to be used to pay principal of and interest on the bonds; to the allocation of revenues in the road use tax fund to the highway bond fund, for the annual appropriation of the funds allocated to the highway bond fund for the payment of principal of and interest on the bonds; and to the deposit of the proceeds of the bonds in a separate account within the primary road fund and to the appropriation of the funds to the department of transportation for its use in funding road construction, reconstruction, and improvements, and related costs.

S.B. 675 Human Resources

Relating to the confidentiality of Iowa board of parole records, and providing penalties.

S.B. 676 State Government

Relating to the licensing of insurance agents.

S.B. 677 State Government

Relating to the computation of years of service for determining retirement benefits under the Iowa public employees' retirement system.

S.B. 678 Agriculture

Requiring the Iowa cooperative extension service in agriculture and home economics to research and develop computer programs to aid agriculture and to allow the Iowa agricultural experimental station to increase agricultural research and including appropriations.

S.B. 679 Agriculture

Relating to agricultural limestone fees.

S.B. 680 Judiciary and Law Enforcement

Relating to the priority of construction mortgage liens.

S.B. 681 Labor and Industrial Relations

Relating to the administration of work and training programs by the department of human services and the workers compensation coverage for work and training program participants.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 2086, a bill for an act requiring that driver education courses include additional specialized instruction in the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 6, 1984.

Committee Bill (Formerly Study Bill 629), relating to permitting certain teachers at the Iowa school for the deaf and Iowa Braille and sight-saving school to be eligible for certain repayment criteria for loan programs.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly House File 2174), to regulate interest rates on life insurance policy loans.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1984.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 639), relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1984.

RESOLUTION FILED

HCR 106, by Schroeder, relating to the purchase of a computer system.

Referred to committee on **state government**.

AMENDMENTS FILED

H-5096	H.F. 540	Schroeder of Pottawattamie
H-5097	H.F. 2095	Schroeder of Pottawattamie

H—5098	H.F. 2085	Koenigs of Mitchell
H—5099	H.F. 540	Schroeder of Pottawattamie
		Connors of Polk
H—5100	H.F. 2200	Gruhn of Dickinson
H—5101	H.F. 2048	Hummel of Benton
		Black of Jasper
H—5103	H.J.R. 2002	Tofte of Winneshiek
H—5104	H.F. 540	Halvorson of Clayton
		Connors of Polk
H—5105	H.F. 2220	O’Kane of Woodbury
		Schroeder of Pottawattamie
		Chiodo of Polk
		Rensink of Sioux
		Hermann of Scott

On motion by Norland of Worth, the House adjourned at 5:53 p.m., until 9:00 a.m., Wednesday, February 8, 1984.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day—Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 8, 1984

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

Prayer was offered by Reverend Ron Bryan, pastor of the Pleasant Plains Friends Church, Brighton.

The Journal of Tuesday, February 7, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Vasher, D.O., Ida Grove.

PETITION FILED

The following petition was received and placed on file:

By Cochran of Webster, from twenty-three constituents of the 14th District favoring Senate File 517, an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hughes of Union, for February 8 and 9, 1984, on request of Norland of Worth.

INTRODUCTION OF BILLS

House File 2242, by Schnekloth, a bill for an act to exempt the amount of social security benefits received from state income taxation.

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

House File 2243, by Baxter, a bill for an act providing that a person who provides assistance or advice in the abatement or attempted abatement or cleanup of a hazardous condition is not liable for damages resulting from the assistance or advice.

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

House File 2244, by Sturgeon, a bill for an act to require commercial establishments which hold a license or permit for the consumption of alcoholic beverages or beer on the premises to maintain a test machine for use by the establishment's patrons for breath analysis of blood alcohol content.

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

House File 2245, by McKean, a bill for an act relating to the computation of years of service for determining retirement benefits under the Iowa public employees' retirement system.

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

House File 2246, by Chapman, a bill for an act requiring school guidance counselors to disclose information relating to child abuse in giving testimony in court.

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

House File 2247, by Koenigs, Sherzan, Renaud, Groth, Cooper, Woods, Sullivan, Black, Running, and Groninga, a bill for an act relating to the reimbursement of law enforcement officer training costs incurred by cities.

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

House File 2248, by Renaud, a bill for an act permitting a real estate broker to retain interest earned on funds contained in a common trust account for the deposit of all down payments, earnest money deposits or other trust funds.

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

House File 2249, by O'Kane, a bill for an act authorizing a municipality that has enacted a tax increment financing ordinance to enter into an agreement with a developer of taxable property in an urban renewal project that sets a minimum actual value on the property after completion of the improvements to the property.

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

House File 2250, by Halvorson of Clayton, a bill for an act authorizing recomputation of employer contribution rates in cases where charges against a base period employer's account are solely due to benefits paid to an employee at a time when the employee was employed by the base period employer in the same employment as the base period.

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

House File 2251, by Chiodo, a bill for an act attempting to clarify that a state or federal mutual savings and loan association may convert to a state stock savings and loan association and then be acquired by another financial institution or a holding company.

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

House File 2252, by Stromer, a bill for an act relating to the requirements for a county board of supervisors to receive an allocation of an appropriation to the department of health for homemaker-home health aide services.

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

House File 2253, by Carl, a bill for an act relating to the responsibility for a person in a hospital-school or to a special unit and for a person receiving foster care and related services.

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

House File 2254, by Carl, a bill for an act creating a revolving fund for the establishment of child day care programs in a local school district and making an appropriation.

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

House File 2255, by Mullins, a bill for an act to provide additional weighting of one pupil for school districts participating in the supplementary weighting plan.

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

House File 2256, by Van Maanen, a bill for an act relating to the publication of salary payments to county officers and employees.

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

House File 2257, by Hanson, a bill for an act relating to the designation of fire protection service districts and ambulance service districts by the township trustees.

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

House File 2258, by Spear, a bill for an act relating to the commitment of children and certain adults either to the state training school or the appropriate adult correctional facility.

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

House File 2259, by Cochran, a bill for an act relating to contracts between landowners and utility companies for the placement of electric transmission lines.

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

House File 2260, by Stromer, a bill for an act relating to unemployment compensation benefits by requiring the payment of benefits at two week intervals, by recomputing the weekly benefit amount, by modifying the attachment and reattachment eligibility requirements, by disqualifying certain seasonal employees from benefits, and by making the waiting period permanent and effective July 1, 1984.

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

House File 2261, by Sturgeon, a bill for an act defining excess electric generating capacity.

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

House File 2262, by Swartz, a bill for an act relating to exports by imposing an Iowa world trade center fund excise tax upon the gross receipts from the sale of certain items subject to the state sales and services tax, providing that the revenues be used to pay construction, operating and maintenance costs incurred by the state in a world trade center and for promoting Iowa products for export, making an appropriation for that purpose and requiring the Iowa development commission to form an informal advisory group on exports.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 508, a bill for an act to eliminate annual registration plates for motor fuel transporters and providing that persons without motor fuel tax permits have certain duties and responsibilities.

Also: That the Senate has on February 6, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 523, a bill for an act to provide for reciprocity among the states on the license fee for fur buyers.

Also: That the Senate has on February 7, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2072, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools and funding the driver's license program from the primary road fund.

Also: That the Senate has on February 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 324, a bill for an act relating to skilled nursing care coverage provided by insurers and hospital and medical service corporations to hospitalized insureds and subscribers.

K. MARIE THAYER, Secretary

SPECIAL RECOGNITION

Connors of Polk asked and received unanimous consent to escort Frank Christen, former doorkeeper and assistant sergeant-at-arms for the House, to the Speaker's station for a special recognition.

A certificate of recognition as follows and a plaque were presented to Frank commending him for his many years of service and devotion to the House of Representatives.

CERTIFICATE OF RECOGNITION

STATE OF IOWA
House of Representatives

TO: Frank Christen
2505 - 45th Street
Des Moines, Iowa

Whereas, Frank Christen has served the Iowa House of Representatives the past seventeen years as doorkeeper and Assistant Sergeant-at-Arms; and

Whereas, he has served those seventeen years with diligence and cheerfulness;

Now Therefore, the 1984 session of the Iowa House of Representatives does hereby thank Frank Christen personally for his dedicated and faithful years of service to the State of Iowa and to wish him many healthy, happy years in retirement.

WITNESS OUR HANDS, this 8th day of February, 1984.

(Seal)

DONALD D. AVENSON
Speaker of the House of Representatives

JOSEPH O'HERN
Chief Clerk of the House of Representatives

The House rose and expressed its appreciation to Frank with a standing ovation.

On motion by Norland of Worth, the House was recessed at 9:27 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 12:03 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 1:44 p.m., until the fall of the gavel.

The House resumed session at 4:47 p.m., Speaker Avenson in the chair.

MOTION TO RECONSIDER

(House File 2184)

I move to reconsider the vote by which House File 2184 passed the House on Tuesday, February 7, 1984.

GRONSTAL of Pottawattamie

SPONSOR ADDED

(House File 2245)

Hermann of Scott requested to be added as a sponsor of House File 2245.

COMMUNICATION RECEIVED

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

PROFESSIONAL AND OCCUPATIONAL REGULATION COMMISSION

The 1983 Annual Report from the Professional and Occupational Regulation Commission, pursuant to section 2B.3(1), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 682 Small Business and Commerce**

Relating to equitable insurance for mental disorders.

S.B. 683 Small Business and Commerce

To appropriate funds for participation in a world trade center.

S.B. 684 Small Business and Commerce

Relating to the methods used by insurance companies in reporting annual statements to the commissioner of insurance.

S.B. 685 Small Business and Commerce

Relating to public utilities making civil penalties applicable and including an appropriation.

S.B. 686 Small Business and Commerce

Relating to the amount of securities required to be deposited by stock life insurance companies.

S.B. 687 Agriculture

Relating to tests and standards, motor vehicle fuel.

S.B. 688 Agriculture

Relating to noxious weeds listed in chapter 317.

S.B. 689 Agriculture

Relating to the authority of the department of water, air and waste management regarding the restoration, maintenance or improvement of a drainage district.

S.B. 690 Judiciary and Law Enforcement

Relating to the platting requirements upon the subdivision of a parcel of land.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 456, a bill for an act relating to expenditures for a local, nonprofit historical society or municipally-owned historical projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5109** February 7, 1984.

Senate File 2050, a bill for an act relating to the election and terms of office of sanitary district trustees.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 580, a bill for an act relating to the authority of licensing boards under the continuing education chapter.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1984.

House File 2067, a bill for an act establishing an age limit for participants in amateur boxing.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5110** February 7, 1984.

Senate Concurrent Resolution 102, a concurrent resolution designating February 11, 1984, as a day to celebrate freedom from alcohol and drug dependency.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1984.

AMENDMENTS FILED

H—5106	H.F. 523	Senate Amendment
H—5107	H.F. 2072	Senate Amendment
H—5108	H.F. 508	Senate Amendment
H—5109	H.F. 456	Committee on Local Government
H—5110	H.F. 2067	Committee on State Government
H—5111	H.F. 2217	Swearingen of Keokuk

H—5112	H.F.	2217	Swearingen of Keokuk
H—5113	H.F.	2230	Haverland of Polk
H—5114	H.F.	2217	Van Gerpen of Black Hawk
			Daggett of Taylor
H—5115	H.F.	2186	Schroeder of Pottawattamie
H—5116	H.F.	2187	Schroeder of Pottawattamie
H—5117	H.F.	2218	Welden of Hardin
			Schroeder of Pottawattamie
H—5118	H.F.	2217	Daggett of Taylor
H—5119	H.F.	2217	Shoultz of Black Hawk
H—5120	H.F.	2218	Halvorson of Webster
			Lloyd-Jones of Johnson
			Carter of Henry
			Muhlbauer of Crawford
			Branstad of Winnebago
			Royer of Page
			Halvorson of Clayton
H—5121	H.F.	2220	Chiodo of Polk
			Schroeder of Pottawattamie
			Renken of Grundy
			Baxter of Des Moines
			Royer of Page
H—5122	H.F.	2220	Renken of Grundy
H—5123	H.F.	2220	Renken of Grundy
			Schroeder of Pottawattamie
			Baxter of Des Moines
			Royer of Page
			Skow of Guthrie

On motion by Norland of Worth, the House adjourned at 5:01 p.m., until 9:00 a.m., Thursday, February 9, 1984.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 9, 1984

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

Prayer was offered by the Reverend Marvin Arnpriester, pastor of the First United Methodist Church, Carroll.

The Journal of Wednesday, February 8, 1984 was approved.

INTRODUCTION OF BILLS

House File 2263, by committee on small business and commerce, a bill for an act to regulate interest rates on life insurance policy loans.

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

House File 2264, by committee on judiciary and law enforcement, a bill for an act relating to access by a noncustodial parent to information concerning the child.

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

House File 2265, by committee on education, a bill for an act permitting certain teachers at the Iowa school for the deaf and Iowa braille and sight-saving school to be eligible for certain repayment criteria for loan programs.

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

House File 2266, by committee on transportation, a bill for an act relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale.

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

House File 2267, by committee on judiciary and law enforcement, a bill for an act relating to the waiver of presentence investigations for class "B", "C", and "D" felonies.

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

SENATE MESSAGES CONSIDERED

Senate File 2089, by committee on transportation, a bill for an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date.

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

Senate File 2102, by committee on agriculture, a bill for an act relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority.

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

Senate File 2104, by committee on judiciary, a bill for an act relating to the collections of fines and penalties by a county attorney.

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

RULE 31.8 SUSPENDED (House File 2218)

Norland of Worth asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, on House File 2218.

On motion by Norland of Worth, the House was recessed at 9:22 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Menke of O'Brien, for February 9 and 10, 1984, on request of Stromer of Hancock; Rensink of Sioux on request of Schneklath of Scott.

CONSIDERATION OF BILLS

Regular Calendar

House File 2220, a bill for an act providing for the investment of idle public funds and creating a local government investment pool, was taken up for consideration.

Renken of Grundy offered the following amendment H-5123 filed by Renken, et al.:

H-5123

- 1 Amend House File 2220 as follows:
- 2 1. Title page, lines 1 and 2, by striking the words
- 3 "and creating a local government investment pool".
- 4 2. Page 1, by striking lines 8 through 15.
- 5 3. Page 1, line 35, by striking the words "the local
- 6 government".
- 7 4. Page 2, line 1, by striking the words "investment
- 8 pool established in section 453A.6 or in".
- 9 5. Page 3, by striking lines 12 through 35.
- 10 6. By striking pages 4 through 5.
- 11 7. Page 6, by striking lines 1 and 2.
- 12 8. Page 6, lines 23 through 25, by striking the words
- 13 "the local government investment pool established under
- 14 section 453A.6 or in".
- 15 9. Page 7, lines 20 and 21, by striking the words
- 16 "the local government investment pool established under
- 17 section 453A.6 or in".
- 18 10. Page 10, lines 25 through 27, by striking the
- 19 words "and creates a local government investment pool to
- 20 be managed by the Treasurer of State which may be used
- 21 by local government in lieu of individual investments".

Schroeder of Pottawattamie offered the following amendment H-5124, to amendment H-5123, filed by him from the floor and moved its adoption:

H-5124

- 1 Amend the amendment, H-5123, to House File 2220,
- 2 as follows:
- 3 1. By striking lines 2 through 4 and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 1, line 7, by inserting a period after
- 6 the word "funds".
- 7 2. Page 1, by striking lines 8 through 15."
- 8 2. By striking lines 18 through 21 and inserting
- 9 in lieu thereof the following:
- 10 "10. Amend the title, lines 1 and 2, by striking
- 11 the words "and creating a local government investment
- 12 pool"."

Amendment H-5124 was adopted.

Renken of Grundy moved the adoption of amendment H-5123, as amended.

Roll call was requested by Harbor of Mills and Renken of Grundy.

Rule 76 was invoked.

On the question "Shall amendment H-5123, as amended, be adopted?"

The ayes were, 48:

Anderson	Baxter	Bennett	Black
Branstad	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Cooper
Copenhaver	Corey	Daggett	De Groot
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hoffmann-Bright	Hummel	Jay
Koenigs	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Muhlbauer	Mullins
Oxley	Paulin	Pellet	Renken
Royer	Schroeder	Skow	Stromer
Stueland	Sullivan	Swearingen	Tabor
Tofte	Van Camp	Van Maanen	Welden

The nays were, 47:

Blanshan	Brammer	Buhr	Chapman
Connolly	Connors	Davitt	Diemer
Doderer	Fey	Fogarty	Groninga

Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Hermann	Holveck
Jochum	Knapp	Krewson	Lloyd-Jones
Miller	Norland	O'Kane	Ollie
Osterberg	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Schnekloth	Sherzan	Shoultz	Spear
Sturgeon	Swartz	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 5:

Arnould	Hughes	Menke	Rensink
Torrence			

Amendment H—5123, as amended, was adopted.

O'Kane of Woodbury offered the following amendment H—5105 filed by O'Kane, et al., and moved its adoption:

H—5105

1 Amend House File 2220 as follows:

2 1. Page 1, line 27, by inserting after the word
3 "state" the words "including, but not limited to,
4 city utilities and combined utility systems established
5 under chapter 388, regional libraries established
6 under chapter 303B, and electric power agencies as
7 defined in section 28F.2".

8 2. Page 2, line 9, by inserting after the word
9 "Prime" the word "eligible".

10 3. Page 6, by inserting after line 2 the fol-
11 lowing:

12 "Sec. . NEW SECTION. 453A.8 SECURITY FOR
13 DEPOSIT OF PUBLIC FUNDS.

14 1. Before any deposit of public funds shall be
15 made by any public officer with any depository
16 institution in excess of the amount insured by federal
17 deposit insurance or federal savings and loan
18 insurance, the public officer shall obtain security
19 for the deposit by one or more of the following:

20 a. The depository institution may give to the
21 public officer a corporate surety bond of a surety
22 corporation approved by the treasury department of
23 the United States and authorized to do business in
24 this state, which bond shall be in an amount equal
25 to the public funds on deposit at any time. The bond
26 shall be conditioned that the deposit shall be paid
27 promptly on the order of the public officer making
28 the deposit and shall be approved by the officer
29 making the deposit.

30 b. The depository institution may deposit,
31 maintain, pledge and assign for the benefit of the
32 public officer in the manner provided in this chapter,
33 securities approved by the public officer, the market
34 value of which is not less than one hundred ten percent
35 of the total deposits of public funds placed by that
36 public officer in the depository institution. The
37 securities shall consist of:

38 (1) Direct obligations of, or obligations that
39 are insured as to principal and interest by, the
40 United States of America or any agency or
41 instrumentality of the United States of America.

42 (2) Public bonds or obligations of this state
43 or a political subdivision of this state.

44 (3) To the extent of the guarantee, loans,
45 obligations, or nontransferable letters of credit
46 upon which the payment of principal and interest is
47 fully secured or guaranteed by the United States of
48 America or any agency or instrumentality of the United
49 States of America.

50 2. If public funds are secured by both the assets

Page 2

1 of a depository institution and a bond of a surety
2 company, the assets and bond shall be held as security
3 for a rateable proportion of the deposit on the basis
4 of the market value of the assets and of the total
5 amount of the surety bonds.

6 Sec. NEW SECTION. 453A.9 DEPOSIT OF SECURI-
7 TIES.

8 1. Depository institutions which receive public
9 funds shall pledge securities owned by it as required
10 by this chapter in one of the following methods:

11 a. The securities shall be deposited with the
12 county, city, or other public officers at the option
13 of the officers.

14 b. The securities shall be deposited with a
15 financial institution having facilities for the
16 safekeeping of securities and doing business in the
17 state. A financial institution which receives
18 securities for safekeeping shall be liable to the
19 public officer to whom the securities are pledged
20 for any loss suffered by the public officer if the
21 financial institution relinquishes custody of the
22 securities contrary to the provisions of this chap-
23 ter or the instrument governing the pledge of the
24 securities.

25 c. The securities shall be deposited with the
26 federal reserve bank of Chicago, Illinois or the
27 federal home loan bank of Des Moines, Iowa.

28 d. The securities may be deposited by any
 29 combination of methods specified in paragraph "a",
 30 "b", and "c".

31 2. A deposit of securities shall not be made in
 32 any facility owned or controlled directly or indirectly
 33 by the financial institution which deposits the
 34 securities.

35 3. All deposits of securities, other than deposits
 36 of securities with the appropriate public officer,
 37 shall have a joint custody receipt taken for the
 38 securities with one copy delivered to the public
 39 officer and one copy delivered to the depository
 40 institution. Any depository institution pledging
 41 securities with a public officer may cause the
 42 securities to be examined in the officer's office
 43 to show the securities are placed with the officer
 44 as collateral security and are not transferable except
 45 upon the conditions provided in this chapter.

46 4. Upon written request from the appropriate
 47 public officer but not less than quarterly, a
 48 depository institution shall report the par value
 49 and the market value of any pledged collateral and
 50 the total deposits of public funds of that officer

Page 3

1 in the depository institution.

2 Sec. . NEW SECTION. 453A.10 CONDITION OF
 3 SECURITY. The condition of the surety bond or the
 4 deposit of securities, instruments, or a joint custody
 5 receipt, must be that the depository institution
 6 will promptly pay to the parties entitled public
 7 funds, including any interest on the funds, in its
 8 custody upon lawful demand and, when required by law,
 9 pay the funds to the public officer who made the
 10 deposit.

11 Sec. . NEW SECTION. 453A.11 WITHDRAWALS,
 12 EXCHANGES OF SECURITY.

13 1. Securities pledged pursuant to this chapter
 14 may be withdrawn on application of the pledging
 15 depository institution and upon approval of the public
 16 officer to whom the securities are pledged if the
 17 deposit of securities is no longer necessary to comply
 18 with this chapter, or is required for collection by
 19 virtue of its maturity or for exchange. The depository
 20 institution shall replace securities so withdrawn
 21 for collection or exchange.

22 2. In any exchange of deposited securities for
 23 new securities, the amount of security on deposit
 24 at any time shall not be decreased below that otherwise
 25 required by this chapter.

26 3. In the event of substitution or exchange of
27 securities, the holder or custodian of the securities
28 shall, on the same day, forward by certified mail,
29 return receipt requested, to the public officer and
30 the depository institution, a receipt specifically
31 describing and identifying both the substituted
32 securities and those released and returned to the
33 depository institution.

34 4. The public officer which deposits public funds
35 with a depository institution shall require, if the
36 market value of the securities deposited with or for
37 the benefit of the officer falls below one hundred
38 ten percent of the deposit liability to the public
39 officer, the deposit of additional security to bring
40 the total market value of the security to one hundred
41 ten percent of the amount of public funds held by
42 the depository.

43 Sec. . NEW SECTION. 453A.12 DEPOSITORY
44 INSTITUTION LIABILITY; PROCEDURE UPON DEFAULT; SALE
45 OF SECURITY.

46 1. The depository institution, and the security
47 given for the public funds in its hands, shall be
48 liable for payment in case the depository institution
49 shall fail to pay any check, draft, or warrant drawn
50 by the public officer or to account for any check,

Page 4

1 draft, warrant, order or certificate of deposit, or
2 any funds entrusted to it by the public officer.

3 2. The deposit of securities by a depository
4 institution pursuant to this chapter constitutes
5 consent by the depository institution to the
6 disposition of the securities in accordance with this
7 section.

8 3. When a depository institution is closed by
9 order of its primary regulatory agency, the public
10 officer shall demand and receive from each custodian
11 the securities pledged to secure deposits of public
12 funds and, with the advice and counsel of the committee
13 referred to in section 453.6, liquidate in an orderly
14 manner the securities or part of the securities as
15 determined advisable at public or private sale and
16 distribute the proceeds as provided in this section.

17 4. The claim of a public officer for purposes
18 of this section shall be the amount of the officer's
19 deposits plus interest to the date the funds are
20 distributed to the public officer at the rate the
21 depository institution agreed to pay on the funds
22 reduced by the portion of the funds which is insured
23 by federal deposit insurance.

24 5. The public officer shall remit to the depository
25 institution any of its collateral or the proceeds
26 of its collateral in excess of the amount so
27 distributable to public officers.

28 6. If the net proceeds of the collateral are
29 inadequate after all other available sources are
30 applied, to meet the total claims of the public
31 officials entitled to the proceeds, the public officers
32 may make claims against the depository institution
33 as general creditors.

34 Sec. . Section 175.6, subsection 9, Code 1983,
35 is amended to read as follows:

36 9. Subject to any agreement with bondholders or
37 noteholders, invest or deposit moneys of the authority
38 in any manner determined by the authority,
39 notwithstanding the provisions of chapters 452, 453,
40 453A or 454.

41 Sec. . Section 220.5, subsection 9, Code 1983,
42 is amended to read as follows:

43 9. Subject to any agreement with bondholders or
44 noteholders, invest or deposit moneys of the authority
45 in any manner determined by the authority,
46 notwithstanding the provisions of chapters 452, 453,
47 453A or 454.

48 Sec. . Section 307B.7, subsection 11, Code
49 Supplement 1983, is amended to read as follows:

50 11. Invest or deposit moneys of the authority,

Page 5

1 subject to any agreement with bondholders or
2 noteholders, in any manner determined by the authority,
3 notwithstanding the provisions of chapter 452, 453,
4 453A or 454."

5 4. Page 8, by inserting after line 23 the fol-
6 lowing:

7 "Sec. . Section 453.8, Code 1983, is amended
8 to read as follows:

9 453.8 LIABILITY OF PUBLIC OFFICERS. ~~No~~ An officer
10 referred to in section 453.1 shall not be liable for
11 loss of funds by reason of the insolvency of the
12 depository ~~bank~~ institution when said the funds have
13 been deposited or invested as ~~herein provided in this~~
14 chapter and chapter 453A. Any deposit or investment
15 in a lawful depository upon which interest is paid
16 to a governmental unit under the provisions of this
17 chapter shall be considered legal deposits for the
18 purposes of chapter 454."

19 5. By renumbering sections and internal references
20 to sections to conform to this amendment.

Amendment H—5105 was adopted.

Running of Linn offered the following amendment H—5094 filed by Running, et al., and moved its adoption:

H—5094

- 1 Amend House File 2220 as follows:
- 2 1. Page 1, by striking lines 30 and 31 and
- 3 inserting in lieu thereof the number "41."
- 4 2. Page 2, by inserting after line 27 the
- 5 following:
- 6 "4. The governing body of a local government shall
- 7 not invest money in a credit union in excess of the
- 8 amount covered by insurance of the national credit
- 9 union administration."
- 10 3. Page 2, by striking lines 33 and 34 and
- 11 inserting in lieu thereof the following: "insurance
- 12 corporation, the federal savings and loan insurance
- 13 corporation, or the national credit union
- 14 administration."

Amendment H—5094 was adopted.

Renken of Grundy offered the following amendment H—5122 filed by him:

H—5122

- 1 Amend House File 2220 as follows:
- 2 1. Page 1, by striking lines 29 through 31, and in-
- 3 serting in lieu thereof the words "organization which is
- 4 organized, chartered, or holding an authorization certif-
- 5 icate pursuant to chapter 524, or the National Bank Acts
- 6 (12 U.S.C. Section 21 et seq.) as amended to January 1,
- 7 1984."
- 8 2. Page 2, line 11, by inserting a period after the
- 9 word "institutions".
- 10 3. Page 2, by striking line 12.
- 11 4. Page 10, by striking lines 28 through 30.

Running of Linn offered the following amendment H—5126, to amendment H—5122, filed by him from the floor and moved its adoption:

H—5126

- 1 Amend the amendment, H—5122, to House File 2220
- 2 as follows:

- 3 1. Page 1, line 7, by inserting after the figure
- 4 "1984" the words and figure "or a credit union
- 5 organized under chapter 533 or under federal law".

Amendment H—5126 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5125, to amendment H—5122, filed by him from the floor and moved its adoption:

H—5125

- 1 Amend the amendment, H—5122, to House File 2220,
- 2 as follows:
- 3 1. Page 1, by striking line 11.

Amendment H—5125 was adopted.

On motion by Renken of Grundy, amendment H—5122, as amended, lost.

Chiodo of Polk offered the following amendment H—5121 filed by Chiodo, et al., and moved its adoption:

H—5121

- 1 Amend House File 2220 as follows:
- 2 1. Page 10, by striking lines 2 through 17, and in-
- 3 serting in lieu thereof the following:
- 4 Section . The treasurer of state shall close the
- 5 sinking fund created by section 454.1, Code 1983, within
- 6 120 days after the final disposition of all claims for
- 7 losses of public funds relating to the failure of the
- 8 Exchange Bank of Bloomfield, Iowa, and shall pay all sums
- 9 remaining in the sinking fund on that date to depository
- 10 institutions in Iowa within 90 days after the sinking
- 11 fund is closed ratably according to the amounts which
- 12 were assessed against the depository institutions during
- 13 1983 for the benefit of the sinking fund pursuant to
- 14 Chapter 454.
- 15 Section . Chapter 454, Code 1983, as amended by
- 16 Acts of the Seventieth General Assembly, 1983 Session,
- 17 is repealed.

Amendment H—5121 was adopted.

O'Kane 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. 2220)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonerган	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 4:

Daggett	Grandia	Handorf	Van Maanen
---------	---------	---------	------------

Absent or not voting, 4:

Hughes	Menke	Rensink	Torrence
--------	-------	---------	----------

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

RULE 35 SUSPENDED (House File 2218)

Norland of Worth asked for unanimous consent to suspend Rule 35, relating to the daily debate calendar, for the immediate consideration of House File 2218.

Objection was raised.

Norland of Worth moved that Rule 35, relating to the daily debate calendar, be suspended for the immediate consideration of House File 2218.

A non-record roll call was requested.

The ayes were 60, nays 34.

The motion prevailed and Rule 35 was suspended.

Ways and Means Calendar

House File 2218, a bill for an act relating to the rate of tax on motor fuel, gasohol, and special fuel and including an appropriation, with report of committee recommending passage was taken up for consideration.

Krewson of Polk in the chair at 2:07 p.m.

RULE 32 SUSPENDED

Norland of Worth asked for unanimous consent to suspend Rule 32 on House File 2218.

Objection was raised.

Norland of Worth moved to suspend Rule 32, relating to the commitment of ways and means bills, on House File 2218.

A non-record roll call was requested.

The ayes were 58, nays 36.

The motion prevailed and Rule 32 was suspended.

The House stood at ease at 2:11 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2218 at 2:59 p.m., Speaker Avenson in the chair.

Halvorson of Webster offered the following amendment
H-5120 filed by Halvorson of Webster, et al.:

H-5120

1 Amend House File 2218 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. . Section 312.2, Code Supplement 1983,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. The treasurer of state, before
7 making the allotments provided in this section, shall
8 credit monthly to the state department of
9 transportation funds sufficient in amount to pay the
10 costs of purchasing motor vehicle licenses, motor
11 vehicle license forms, supplies and materials and
12 labor costs for the operation and administration of
13 the driver's license program within the state
14 department of transportation.

15 Sec. . Section 321.191, unnumbered paragraph
16 1, Code 1983, is amended to read as follows:

17 The fee for an operator's license shall be five
18 ten dollars if issued for a period of two years, and
19 ten twenty dollars if issued for a period of four
20 years. The fee for a chauffeur's license shall be
21 ten twenty dollars if issued for a period of two
22 years, and twenty forty dollars if issued for a period
23 of four years. The fee for an instruction permit
24 shall be ~~three six~~ dollars, for a chauffeur's
25 instruction permit, ~~six~~ twelve dollars, for a temporary
26 driver's permit, five ten dollars and for a motorized
27 bicycle license, five ten dollars.

28 Sec. . Section 321.192, Code 1983, is amended
29 to read as follows:

30 321.192 DISPOSAL OF FEES. ~~Such~~ The license fees
31 shall be forwarded by the department to the treasurer
32 of state who shall ~~place same in credit the fees to~~
33 the general road use tax fund of the state, provided
34 that for each operator's and motorized bicycle license
35 issued by a county sheriff for which a license fee
36 is paid, the sheriff issuing the ~~same shall be entitled~~
37 to license may retain the sum of fifteen cents and
38 for each chauffeur's license, the sum of fifty cents,
39 which shall be credited to the county general fund."

40 2. Title page, line 1, by inserting after the
41 word "to" the following: "transportation funding
42 by increasing the fees for motor vehicle licenses
43 and by increasing".

44 3. Renumber sections as necessary.

Maulsby of Calhoun offered the following amendment H—5139, to amendment H—5120, filed by him from the floor and moved its adoption:

H—5139

- 1 Amend the Halvorson amendment, H—5120, to House
- 2 File 2218, as follows:
- 3 1. Page 1, line 27, by inserting after the word
- 4 "dollars." the following: "The fee for a motor vehicle
- 5 license by an applicant who is age sixty-five or older
- 6 shall be one-half the otherwise applicable fee."

Roll call was requested by Maulsby of Calhoun and McKean of Jones.

On the question "Shall amendment H—5139, to amendment H—5120, be adopted?"

The ayes were, 22:

Anderson	Bennett	Corey	Daggett
Davitt	Grandia	Handorf	Hoffmann-Bright
Maulsby	McIntee	McKean	Pellet
Renken	Royer	Schroeder	Stueland
Swearingen	Tofte	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 74:

Arnould	Baxter	Black	Blanshan
Brammer	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Haverland	Hermann	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Schneklath	Sherzan	Shoultz	Skow
Spear	Stromer	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 4:

Hughes Menke Rensink Torrence

Amendment H—5139 lost.

Halvorson of Webster moved the adoption of amendment H—5120.

Amendment H—5120 was adopted.

Welden of Hardin offered the following amendment H—5136 filed by him from the floor:

H—5136

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. . NEW SECTION. 306.45 ANNUAL STUDY
- 5 OF ROAD SYSTEM NEEDS. Commencing July 1, 1984, and
- 6 July 1 of each succeeding year, the state department
- 7 of transportation shall compute the percentage of
- 8 the average annual road system needs of all
- 9 jurisdictions as determined by the latest quadrennial
- 10 need study conducted by the department, that were
- 11 funded by the allocation of the road use tax fund
- 12 during the preceding fiscal year.
- 13 Sec. . Section 312.2, Code Supplement 1983,
- 14 is amended by adding the following new subsection:
- 15 NEW SUBSECTION. Commencing July 1, 1984, the
- 16 treasurer of state, before making allotments provided
- 17 in this section, shall annually allocate from the
- 18 road use tax fund to jurisdictions which have had
- 19 a street or road transferred into their jurisdictions
- 20 since January 1, 1978, the needs of such street or
- 21 road multiplied by the percentage of the jurisdiction's
- 22 average annual road system needs which were funded
- 23 by allocation from the road use tax fund during the
- 24 preceding fiscal year as determined under section
- 25 306.45. The allocation applies only to the streets
- 26 and roads where the state functional classification
- 27 has changed and the jurisdictional transfer has been
- 28 completed since January 1, 1978."
- 29 2. Page 3, by inserting before line 7 the
- 30 following:
- 31 "Sec. . Sections 306.43 and 306.44, Code 1983,
- 32 are repealed."
- 33 3. By renumbering sections as necessary.

Woods of Polk rose on a point of order that amendment H—5136 was not germane.

The Speaker ruled the point well taken and amendment H—5136 not germane.

Schroeder of Pottawattamie offered the following amendment H—5128 filed by him from the floor and moved its adoption:

H—5128

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, line 4, by striking the word "beginning"
- 3 and inserting in lieu thereof the word "beginning".
- 4 2. Page 1, line 5, by striking the word and figures
- 5 "July 1, 1984".
- 6 3. Page 2, line 11, by striking the words and
- 7 figures "beginning July 1, ~~1982~~ 1984" and inserting
- 8 in lieu thereof the words and figures "beginning July
- 9 1, 1982".
- 10 4. Page 3, by striking line 7 and inserting in
- 11 lieu thereof the following:
- 12 "Sec. . Sections 1 and 3 of this Act take
- 13 effect on the first day of the month following the
- 14 effective date of this Act.
- 15 Sec. . This Act, being deemed of immediate
- 16 importance, takes effect from and after its publication
- 17 in The Daily Nonpareil, a newspaper published in
- 18 Council Bluffs, Iowa, and in The Des Moines Register,
- 19 a newspaper published in Des Moines, Iowa."

Roll call was requested by Schroeder of Pottawattamie and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5128 be adopted?"

The ayes were, 13:

Anderson	Branstad	Corey	Diemer
Handorf	Harbor	Hoffmann-Bright	Hummel
Maulsby	Schroeder	Tofte	Van Camp
Welden			

The nays were, 80:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo

Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Daggett	Davitt
De Groot	Doderer	Fey	Fogarty
Grandia	Groning	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Haverland	Hermann	Holveck
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pävich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Shoultz	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 7:

Hughes	Menke	Rensink	Royer
Sherzan	Stromer	Torrence	

Amendment H—5128 lost.

Van Camp of Scott offered the following amendment H—5131 filed by him from the floor and moved its adoption:

H—5131

- 1 Amend House File 2218 as follows:
- 2 1. Page 2, line 10, by striking the words "fifteen
- 3 sixteen" and inserting in lieu thereof the word
- 4 "fifteen".

A non-record roll call was requested.

The ayes were 23, nays 60.

Amendment H—5131 lost.

Schroeder of Pottawattamie offered the following amendment H—5129 filed by him from the floor:

H—5129

- 1 Amend House File 2218 as follows:
- 2 1. Page 2, by inserting after line 25 the
- 3 following:

4 "Sec. . Section 911.2, Code 1983, is amended
 5 to read as follows:
 6 911.2 ~~TEN PERCENT~~ SURCHARGE. When a court imposes
 7 a fine or forfeiture for a violation of a state law,
 8 or of a city or county ordinance except an ordinance
 9 regulating the parking of motor vehicles, the court
 10 shall assess an additional penalty in the form of
 11 a surcharge equal to ~~ten percent~~ of the fine or
 12 forfeiture imposed. In the event of multiple offenses,
 13 the surcharge shall be based upon the total amount
 14 of fines or forfeitures imposed for all offenses.
 15 When a fine or forfeiture is suspended in whole or
 16 in part, the surcharge shall be reduced in proportion
 17 to the amount suspended. This section applies only
 18 with respect to criminal actions commenced on or after
 19 July 1, 1982."
 20 2. Page 2, line 26, by striking the words "road
 21 use tax fund" and inserting in lieu thereof the words
 22 "general fund of the state".
 23 3. Renumber sections and correct internal
 24 references as are necessary in accordance with this
 25 amendment.

Woods of Polk rose on a point of order that amendment H—5129 was not germane.

The Speaker ruled the point well taken and amendment H—5129 not germane.

Schroeder of Pottawattamie offered the following amendment H—5132 filed by him from the floor:

H—5132

1 Amend House File 2218 as follows:
 2 1. Page 2, by inserting after line 25 the
 3 following:
 4 "Sec. . Section 911.2, Code 1983, is amended
 5 to read as follows:
 6 911.2 ~~TEN PERCENT~~ SURCHARGE. When a court imposes
 7 a fine or forfeiture for a violation of a state law,
 8 or of a city or county ordinance except an ordinance
 9 regulating the parking of motor vehicles, the court
 10 shall assess an additional penalty in the form of
 11 a surcharge of three dollars or an amount equal to
 12 ten fifty percent of the fine or forfeiture imposed,
 13 whichever is greater. In the event of multiple
 14 offenses, the surcharge shall be based upon the total
 15 amount of fines or forfeitures imposed for all

16 offenses. When a fine or forfeiture is suspended
17 in whole or in part, the surcharge shall be reduced
18 in proportion to the amount suspended. This section
19 applies only with respect to criminal actions commenced
20 on or after July 1, 1982."
21 2. Page 2, line 26, by striking the words "road
22 use tax fund" and inserting in lieu thereof the words
23 "general fund of the state".
24 3. Renumber sections and correct internal
25 references as are necessary in accordance with this
26 amendment.

Woods of Polk rose on a point of order that amendment H-5132 was not germane.

The Speaker ruled the point well taken and amendment H-5132 not germane.

Welden of Hardin offered the following amendment H-5117 filed by him and Schroeder of Pottawattamie and moved its adoption:

H-5117

1 Amend House File 2218 as follows:
2 1. Page 2, line 26, by striking the word "There"
3 and inserting in lieu thereof the words "Except as
4 otherwise provided, there".
5 2. Page 3, by inserting after line 6 the following:
6 "Any unfunded liability for the peace officers'
7 retirement, accident and disability system provided
8 in chapter 97A which exists as of June 30, 1984, for
9 peace officers of the division of highway safety and
10 uniformed force shall remain an obligation to be
11 appropriated from the state general fund and moneys
12 from the road use tax fund are not appropriated for
13 such unfunded liability."

Amendment H-5117 was adopted.

Renaud 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 76 was invoked.

On the question "Shall the bill pass?" (H.F. 2218)

The ayes were, 54:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Branstad	Carpenter
Chapman	Chiodo	Clark	Connolly
Copenhaver	Diemer	Doderer	Fey
Groninga	Gronstal	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Jochum	Knapp
Koenigs	Krewson	Lloyd-Jones	Lonergan
McIntee	Mullins	Norland	Ollie
Parker	Pavich	Renaud	Rosenberg
Royer	Schneklath	Schroeder	Sherzan
Shoultz	Stromer	Swartz	Tabor
Tofte	Van Gerpen	Varn	Welden
Woods	Mr. Speaker		

The nays were, 42:

Black	Buhr	Carl	Carter
Cochran	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Fogarty
Grandia	Groth	Gruhn	Handorf
Holveck	Hummel	Jay	Lageschulte
Maulsby	McKean	Miller	Muhlbauer
O'Kane	Osterberg	Oxley	Paulin
Peick	Pellett	Poncy	Renken
Running	Skow	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Van Camp
Van Maanen	Zimmerman		

Absent or not voting, 4:

Hughes	Menke	Rensink	Torrence
--------	-------	---------	----------

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 2218)

Norland of Worth asked and received unanimous consent to immediately message House File 2218 to the Senate.

HOUSE FILE 2217 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2217 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House Joint Resolution 2002, a joint resolution proposing the formation of an organization for the purpose of initiating restoration projects for the Iowa state capitol, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winnieshiek offered the following amendment H—5092 filed by the committee on state government and moved its adoption:

H—5092

- 1 Amend House Joint Resolution 2002 as follows:
- 2 1. Page 1, by striking lines 14 through 18 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. The speaker of the house of
- 5 representatives and the president of the senate shall
- 6 appoint a joint ad hoc committee composed of five
- 7 members from each house representing both political
- 8 parties for the".

The committee amendment H—5092 was adopted.

Tofte of Winneshiek offered the following amendment H—5103 filed by him and moved its adoption:

H—5103

- 1 Amend House Joint Resolution 2002, as follows:
- 2 1. Page 1, line 1, by striking the words "will
- 3 be celebrating" and inserting in lieu thereof the word
- 4 "celebrated".

Amendment H—5103 was adopted.

Tofte of Winneshiek moved that the resolution be read a last time now and placed upon its passage which motion prevailed and the resolution was read a last time.

On the question "Shall the resolution be adopted and agreed to?" (HJR 2002)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia

Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Copenhaver	Hughes	Krewson	Menke
Rensink	Torrence		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 9, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 74, an act relating to visitation at state correctional institutions by certain public officials and leaders of a religious community.

Senate File 2045, an act to increase the membership of the Tax Study Committee from nine to eleven members.

PRESENTATION OF VISITOR

Tofte of Winneshiek presented the Honorable Walter Langland, former member of the House representing Winneshiek County.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 691 Ways and Means**

Relating to taxation by updating references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes, making coordinating amendments, and making the Act retroactive.

S.B. 692 Human Resources

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. 693 Finance

Relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development projects of a nonrecurring nature, providing for repeal of the Act, and providing an effective date.

S.B. 694 Natural Resources

To permit the state to own and operate a hazardous waste treatment or disposal facility only for the treatment and disposal of hazardous wastes generated by the state.

S.B. 695 Finance

Relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development projects of a nonrecurring nature, creating an economic development projects advisory board, providing for repeal of the Act, and providing an effective date.

AMENDMENTS FILED

H-5127	H.F.	2217	Swearingen of Keokuk
H-5133	H.F.	540	Schroeder of Pottawattamie
			Connors of Polk
H-5134	H.F.	2186	Schroeder of Pottawattamie
H-5135	H.F.	2217	Carpenter of Polk
H-5137	H.F.	2065	Carter of Henry
H-5141	H.F.	2217	Maulsby of Calhoun
			Hanson of Delaware
			Handorf of Marshall
			Renken of Grundy
			Branstad of Winnebago
H-5142	S.F.	309	Koenigs of Mitchell
H-5143	H.F.	2230	Hummel of Benton
			Cochran of Webster
H-5144	H.F.	378	Van Gerpen of Black Hawk
			Chiodo of Polk
			Branstad of Winnebago
			Koenigs of Mitchell
			Haverland of Polk
			Cooper of Lucas
			Schroeder of Pottawattamie
			Stromer of Hancock
H-5145	H.F.	2217	Krewson of Polk
H-5146	H.F.	2217	Van Gerpen of Black Hawk
H-5147	H.F.	2217	Groth of Buena Vista

On motion by Norland of Worth, the House adjourned at 4:20 p.m., until 9:00 a.m., Friday, February 10, 1984.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day—Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 10, 1984

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

Prayer was offered by Reverend Harold Sparks, pastor of the Williamsburg United Methodist Church, Williamsburg.

The Journal of Thursday, February 9, 1984 was approved.

ADOPTION OF SENATE CONCURRENT RESOLUTION 102

Renaud of Polk called up for consideration Senate Concurrent Resolution 102, designating February 11, 1984, as a day to celebrate freedom from alcohol and drug dependency, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:35 a.m., until the fall of the gavel.

The House resumed session at 12:08 p.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, was taken up for consideration.

Arnould of Scott in the chair at 12:33 p.m.

Krewson of Polk offered the following amendment H—5145 filed by him:

H—5145

- 1 Amend House File 2217 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 260.8 EVALUATIONS.
 5 The board of educational examiners shall adopt rules
 6 requiring that boards of directors of school districts
 7 employing administrators, supervisors, school service
 8 persons, and teachers, possessing certificates issued
 9 under this chapter, present evidence to the board
 10 of educational examiners that evaluation procedures
 11 for their employees, required under section 279.14,
 12 have been implemented."

Speaker Avenson in the chair at 1:08 p.m.

Krewson of Polk moved the adoption of amendment H—5145.

Roll call was requested by Schroeder of Pottawattamie and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5145 be adopted?"

The ayes were, 41:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Doderer	Grandia	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 56:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Haverland
Holveck	Hughes	Jay	Jechum
Knapp	Koenigs	Lonerger	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 3:

Menke

Miller

Torrence

Amendment H — 5145 lost.

Daggett of Taylor moved that House File 2217 be rereferred to the committee on education.

A non-record roll call was requested.

The ayes were 37, nays 59.

The motion lost.

(House File 2217 pending at adjournment.)

INTRODUCTION OF BILLS

House Joint Resolution 2005, by Schnekloth, McIntee, Welden, Grandia, Swearingen, Rensink, De Groot, Daggett, Paulin, Stromer, Tofte, McKean, Hummel, Royer, Lageschulte, Van Maanen, Corey, Branstad, Harbor, Renken, Maulsby, Bennett, Pellett, Diemer, Anderson, Hermann, Stueland, Handorf, Van Camp, Hoffmann-Bright, Krewson, Halvorson of Clayton and Van Gerpen, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to 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 2268, by Fogarty, a bill for an act relating to retirement benefits under the Iowa public employees' retirement system for members who retire before age sixty-five and have completed more than thirty years of service.

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

House File 2269, by Swearingen, a bill for an act relating to the control or eradication of the multiflora rose and making an appropriation.

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

House File 2270, by Holveck, Van Camp, Hammond and McKean, a bill for an act enabling the securities division of the department of insurance to reject the registration of an issuance of new securities if the issuance or sale is or would be unfair or inequitable to the purchasers or if the financial condition of the issuer affects or would affect the soundness of the securities.

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

House File 2271, by Daggett, a bill for an act relating to the valuation of agricultural land for property tax purposes.

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

House File 2272, by De Groot, Bennett and Harbor, a bill for an act to authorize certain motor trucks and motor homes to tow a four-wheeled trailer with a steering axle and more than one trailer or semitrailer or both, subject to penalties provided by law.

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

House File 2273, by Sturgeon and O'Kane, a bill for an act relating to the minimum jail term for a second offense under section 321.281.

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

House File 2274, by Black, a bill for an act relating to the designation of moneys to be paid to the state fish and game protection fund by a taxpayer on an income tax return.

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

House File 2275, by Carl, a bill for an act relating to the computation of benefits for service in excess of thirty years under the Iowa public employees' retirement system.

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

House File 2276, by Clark and Mullins, a bill for an act relating to computer crime and providing penalties.

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

SENATE MESSAGE CONSIDERED

Senate File 324, by Bruner, a bill for an act relating to skilled nursing care coverage provided by insurers and hospital and medical service corporations to hospitalized insureds and subscribers.

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

SPONSOR WITHDRAWN
(Amendment H-5144 to House File 378)

Sullivan of Van Buren requested to be withdrawn as a sponsor of amendment H-5144 to House File 378.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2001

State Government: Swearingen, Chair; Doderer and Swartz.

House File 434 (Reassigned)

Local Government: O'Kane, Chair; Lloyd-Jones and Menke.

House File 2015

State Government: Woods, Chair; Hanson and Swartz.

House File 2056

State Government: Woods, Chair; Hanson and Swartz.

House File 2064

State Government: Woods, Chair; Hanson and Swartz.

House File 2075

State Government: Woods, Chair; Hanson and Swartz.

House File 2144

State Government: Woods, Chair; Hanson and Swartz.

House File 2193

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2197

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2205

Education: Hughes, Chair; Carpenter and Poncy.

House File 2207

Local Government: Lloyd-Jones, Chair; Royer and Spear.

House File 2208

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

House File 2209

Agriculture: Blanshan, Chair; De Groot and Zimmerman.

House File 2210

Local Government: Renaud, Chair; Lloyd-Jones and Swearingen.

House File 2216

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2218

Finance: Connolly, Chair; Arnould and Branstad.

House File 2222

Local Government: Lageschulte, Chair; Buhr and Renken.

House File 2223

Agriculture: Gruhn, Chair; Anderson and Hughes.

House File 2224

Education: Spear, Chair; Carpenter and Poncy.

House File 2226

Agriculture: Muhlbauer, Chair; Bennett and Blanshan.

House File 2228

Judiciary and Law Enforcement: Hammond, Chair; Maulsby and McKean.

Senate File 2053

Small Business and Commerce: Groninga, Chair; Hanson and Skow.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study/Bill 525

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Study Bill 526

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

Study Bill 627

Small Business and Commerce: Chapman, Chair; Hoffmann-Bright and Holveck.

Study Bill 645

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

Study Bill 646

Judiciary and Law Enforcement: Doderer, Chair; Schroeder and Tabor.

Study Bill 647

Judiciary and Law Enforcement: Schroeder, Chair; Parker and Tabor.

Study Bill 648

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Corey and Haverland.

Study Bill 649

Judiciary and Law Enforcement: Chapman, Chair; Hammond and Varn.

Study Bill 650

Judiciary and Law Enforcement: Schroeder, Chair; Parker and Tabor.

Study Bill 651

Judiciary and Law Enforcement: McIntee, Chair; Holveck and Parker.

Study Bill 652

Judiciary and Law Enforcement: Holveck, Chair; Knapp and Paulin.

Study Bill 653

Judiciary and Law Enforcement: Schroeder, Chair; Chapman and McKean.

Study Bill 654

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Study Bill 655

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 657

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

Study Bill 658

Small Business and Commerce: Gronstal, Chair; Chapman and Schneklath.

Study Bill 659

Small Business and Commerce: Gronstal, Chair; Chapman and Schneklath.

Study Bill 660

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

Study Bill 661

Education: Groth, Chair; Daggett, Jay, Krewson and Ollie.

Study Bill 663

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

Study Bill 666

Education: Ollie, Chair; Handorf, Hughes, Krewson and Shoultz.

Study Bill 667

Local Government: Menke, Chair; Lloyd-Jones and Renaud.

Study Bill 668

Agriculture: Koenigs, Chair; Carter and Van Maanen.

Study Bill 671

Agriculture: Fogarty, Chair; Handorf and Skow.

Study Bill 672

Agriculture: Fogarty, Chair; Copenhaver and Stueland.

Study Bill 680

Judiciary and Law Enforcement: McIntee, Chair; Holveck and Parker.

Study Bill 690

Judiciary and Law Enforcement: Varn, Chair; Parker and Schroeder.

AMENDMENTS FILED

H-5148	H.F.	2217	Swearingen of Keokuk
H-5149	H.F.	2217	Van Gerpen of Black Hawk
H-5150	H.F.	2217	Swearingen of Keokuk
H-5151	H.F.	2217	Groth of Buena Vista
H-5152	H.F.	2217	Van Gerpen of Black Hawk
H-5153	H.F.	2217	Rosenberg of Story
			Hammond of Story
H-5154	H.F.	2217	Carpenter of Polk
H-5155	H.F.	2217	Carpenter of Polk
H-5156	H.F.	2062	McIntee of Black Hawk
			Hanson of Delaware
			Diemer of Black Hawk
			Hummel of Benton
			Krewson of Polk
H-5157	H.F.	2062	McIntee of Black Hawk
			Schroeder of Pottawattamie
			Renken of Grundy
			Hummel of Benton
			Krewson of Polk

H-5158	H.F. 456	O'Kane of Woodbury
H-5159	H.F. 590	Carpenter of Polk

On motion by Norland of Worth, the House adjourned at 1:38 p.m., until 10:00 a.m., Monday, February 13, 1984.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day—Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 13, 1984

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

Prayer was offered by the Reverend Herbert Schiller, pastor of the First Lutheran Church, Manchester.

The Journal of Friday, February 10, 1984 was approved.

PETITION FILED

The following petition was received and placed on file:

By Renaud of Polk, from two hundred thirty-three citizens of Council Bluffs favoring a local option law allowing border cities and counties to set earlier bar closing times and raising the legal drinking age to 21 years of age.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for February 13 and 14, 1984, and Torrence of Muscatine, for February 13, 14, and 15, 1984, on request of Hoffmann-Bright of Muscatine; Black of Jasper, for a portion of the morning session, on request of Skow of Guthrie; Carl of Poweshiek, for a portion of the morning session; Halvorson of Webster, for the morning session, on request of Groth of Buena Vista; and Jay of Appanoose, for the morning session, on request of Sullivan of Van Buren.

PRESENTATION OF 1984 EASTER SEAL CHILD

Poncy of Wapello escorted to the front of the Speaker's station and presented to the House, Joey Wagner from Ottumwa, 1984 Easter Seal Child, serving as Iowa ambassador for the Easter Seal Society.

Joey, who is 10 years old, was accompanied by her mother, Marla Wagner; sister, Wendy; great grandmother, Era Danielson; and former Governor Robert D. Ray, State Easter Seal Chair.

Governor Ray stated that Joey is an outstanding young lady who likes reading, swimming and science. Representative Poncy

presented Joey with a gift of a doll and she responded with her thanks.

The House responded with a warm welcome for Joey and her family.

INTRODUCTION OF BILLS

House File 2277, by Mullins, a bill for an act relating to damages payable to an employee if an employer breaks an agreement to cover the cost of the care and treatment of sickness or injury.

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

House File 2278, by Running, Shoultz, Renaud, Diemer, Varn and Oxley, a bill for an act prohibiting certain trade and vocational schools from engaging in the trades or vocations for which their students are trained, and providing a penalty.

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

House File 2279, by Peick, a bill for an act relating to regulation of taxicabs by cities.

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

House File 2280, by Running, a bill for an act to provide that candidates for seats in the general assembly may volunteer to abide by certain spending and contribution limits and qualify some of their contributors for an income tax credit.

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

House File 2281, by Blanshan, a bill for an act specifying conditions under which a qualified organization may conduct a raffle for a noncash prize without a limitation on the value of the prize and making penalties applicable.

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

House File 2282, by Holveck, a bill for an act to provide for the election of members of the Iowa state commerce commission and providing effective dates.

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

House File 2283, by Zimmerman, a bill for an act relating to how prices charged by retail dealers for motor vehicle fuel are to be displayed.

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

House File 2284, by Baxter and Chiodo, a bill for an act relating to agreements for indemnification by the state in the event of loss of or damage to certain art objects and artifacts borrowed by non-profit organizations or governmental entities for special exhibits.

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

House File 2285, by Stueland and Mullins, a bill for an act relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty.

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

House File 2286, by Royer, 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 other governmental assistance or governmental residential support or services, and by persons hospitalized in or receiving treatment at a state mental health institute or state hospital-school.

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

House File 2287, by Arnould, Zimmerman, Clark, Hammond, Varn, Poncy, Halvorson of Clayton, Fey, Pavich, Krewson, Gronstal, McKean, Mullins, Peick, McIntee, Baxter, Muhlbauer, Ollie, Lonergan, Van Gerpen, Connors, Sturgeon, Parker, Swartz, Copenhaver, Carl, Gruhn and Lloyd-Jones, a bill for an act creating the elderly housing coordination division within the commission on the aging, requiring the division to establish certain housing pilot projects and social and health services programs, amending certain zoning ordinances in counties and cities, and making an appropriation.

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

House File 2288, by Holveck, a bill for an act to authorize the use of studded snow tires on certain vehicles October 1 of each year to May 1 of the following year, subject to penalty provided by law.

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

House File 2289, by O'Kane and Sturgeon, a bill for an act requiring investor-owned utilities to purchase combustible gas from municipalities under certain circumstances and making civil penalties applicable.

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

House File 2290, by McIntee, Van Gerpen, Diemer, Chiodo, Schroeder and Parker, a bill for an act to provide a maximum statute of limitations for certain actions arising out of improvements to real property.

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

House File 2291, by Van Maanen, a bill for an act relating to the valuation of industrial property.

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

House File 2292, by Halvorson of Clayton, a bill for an act relating to unemployment compensation by modifying eligibility requirements in educational interim and business closing cases and disqualification requirements in certain apprenticeship cases, by modifying certain burden of proof requirements, by extending the period for appeal to a hearing officer, by affecting the election to become a reimbursable employer, by modifying certain administrative penalties, by setting off overpayments against income tax refunds, by modifying the interest and penalties payable on delinquent employer accounts, by affecting the procedures for levying against the funds of governmental entities, by establishing a shared-work program of partial benefits, by making technical, organizational, and conforming changes to chapter 96, and by providing effective dates.

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

House File 2293, by Holveck, Clark, Hammond and Tabor, a bill for an act relating to the competency of handicapped persons to serve as jurors.

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

House File 2294, by Carter, a bill for an act allowing employees of area education agencies and community colleges to use school credit cards upon authorization by their respective boards.

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

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, 1984, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 159, a bill for an act authorizing the establishment and maintenance of an emergency warning system within townships.

Also: That the Senate has on February 8, 1984, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 345, a bill for an act authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions and providing a penalty.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2002, a bill for an act relating to ownership rights to dies, molds, and forms.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2091, a bill for an act relating to the acquisition of legal settlement by persons hospitalized in or receiving treatment at a state mental health institute.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to the parental responsibility for actions of children.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2125, a bill for an act relating to the accrual of prejudgment interest after a refusal to accept an offer to confess judgment.

Also: That the Senate has on February 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2127, a bill for an act to require highway authorities to submit annual road construction programs to county soil conservation district commissioners for review and recommendations relating to soil erosion controls and drainage controls.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, pending at adjournment February 10, 1984.

Norland of Worth asked and received unanimous consent that House File 2217 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2126, a bill for an act relating to the membership of legislative visitation committees, with report of committee recommending amendment and passage, was taken up for consideration.

Rensink of Sioux offered the following amendment H-5091 filed by the committee on state government and moved its adoption:

H-5091

- 1 Amend House File 2126 as follows:
- 2 1. Page 1, by striking lines 22 and 23 and
- 3 inserting in lieu thereof the words "committee to
- 4 serve in place of that subcommittee's or standing

5 committee's chairperson or minority party ranking

6 member".

7 2. Page 1, line 24, by striking the word "place".

The committee amendment H—5091 was adopted.

Rensink 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. 2126)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Branstad	Buhr
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Black	Carl	Halvorson, R. N.	Jay
Mullins	Torrence		

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

House File 2189, a bill for an act creating a commission on children, youth, and families and providing its purpose and duties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2189)

The ayes were, 88:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 8:

Branstad	Grandia	Maulsby	Pellett
Renken	Schnekloth	Van Maanen	Welden

Absent or not voting, 4:

Halvorson, R. N.	Jay	Mullins	Torrence
------------------	-----	---------	----------

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

HOUSE INSISTS

Rosenberg of Story called up for consideration **House File 123**, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including fire fighters, persons providing emergency medical services, and penal and correctional facility staff, and providing penalties, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEE APPOINTED
(House File 123)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 123: Rosenberg of Story, Chair; Halvorson of Clayton, McKean of Jones, Miller of Woodbury and Renaud of Polk.

House File 2048, a bill for an act relating to conservation easements, with report of committee recommending passage was taken up for consideration.

Hummel of Benton offered the following amendment H—5101 filed by him and Black of Jasper and moved its adoption:

H—5101

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, line 4 by inserting after the word
- 3 "organization" the words "for public benefit".

Amendment H—5101 was adopted.

Halvorson of Clayton in the chair at 11:20 p.m.

Schroeder of Pottawattamie asked for unanimous consent to refer House File 2048 to the committee on judiciary and law enforcement.

Objection was raised.

Schroeder of Pottawattamie moved to refer House File 2048 to the committee on judiciary and law enforcement.

A non-record roll call was requested.

The ayes were 28, nays 58.

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. 2048)

The ayes were, 77:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Buhr
Carl	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Daggett	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Hammond
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Rosenberg	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Varn	Welden	Zimmerman
Mr. Speaker (Halvorson of Clayton)			

The nays were, 16:

Brammer	Branstad	Corey	Davitt
De Groot	Grandia	Handorf	Harbor
Hummel	Loneragan	Maulsby	Renken
Rensink	Royer	Schnekloth	Van Maanen

Absent or not voting, 7:

Carter	Halvorson, R. N.	Jay	Mullins
Swartz	Torrence	Woods	

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

On motion by Norland of Worth, the House was recessed at 12:15 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2062, a bill for an act providing for a moratorium on certain disconnections of gas and electricity by regulated public utilities from October 1 to April 1 for residents age sixty or over and making civil penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk in the chair at 4:28 p.m.

Sturgeon of Woodbury offered amendment H—5036 filed by the committee on small business and commerce as follows:

H—5036

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "council." the following: "The written statement
- 4 shall list the address and telephone number of the
- 5 local agency which is administering the customer's
- 6 low income home energy assistance program and the
- 7 weatherization assistance program."
- 8 2. Page 1, by striking line 19 and inserting in
- 9 lieu thereof the following: "November 1 through April
- 10 1 for a resident who is a "head of household", as
- 11 defined by law and who is age sixty".
- 12 3. Page 1, line 28, by inserting after the word
- 13 "service." the following: "This subsection applies
- 14 both to regulated utilities and to municipally-owned
- 15 utilities and unincorporated villages which own their
- 16 own distribution systems, and violations of this
- 17 subsection subject the utilities to civil penalties
- 18 under section 476.51, Code Supplement 1983."
- 19 4. Page 1, by striking lines 30 and 31 and
- 20 inserting in lieu thereof the following: "November
- 21 1 through April 1 for nonpayment of the customer's
- 22 account if a resident who is a "head of household",
- 23 as defined in section 422.4, subsection 11, and who
- 24 is age sixty or over resides in".
- 25 5. Amend the title, line 3, by striking the word
- 26 "October" and inserting in lieu thereof the word
- 27 "November".

McIntee of Black Hawk asked and received unanimous consent to temporarily defer action on amendment H—5156, to the committee amendment H—5036.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schroeder of Pottawattamie, for the remainder of the day, on request of Bennett of Ida.

McIntee of Black Hawk offered amendment H—5157, to the committee amendment H—5036, filed by McIntee, et al., as follows:

H—5157

1 Amend the Committee on Small Business and Commerce
2 amendment, H—5036, to House File 2062 as follows:

3 1. Page 1, by striking lines 8 through 11 and
4 inserting in lieu thereof the following:
5 " Page 1, by striking lines 19 through 22
6 and inserting in lieu thereof the following: "November
7 1 through April 1 for a resident who is a "head of
8 household", as defined by law, and who has been
9 certified to the public utility by the local agency
10 which is administering the low income home energy
11 assistance program and weatherization assistance
12 program as being eligible for either the low income
13 home energy assistance program or weatherization
14 assistance program, and that if such a resident resides
15 within the serviced residence, the customer should
16 promptly have the qualifying resident notify the local
17 agency which is administering the low income energy
18 assistance program and weatherization assistance
19 program. The commerce commission shall establish
20 rules"."

21 2. Page 1, by striking lines 12 through 27 and
22 inserting in lieu thereof the following:
23 " Page 1, by striking lines 28 through 32
24 and inserting in lieu thereof the following: "service.
25 This subsection applies both to regulated utilities
26 and municipally-owned utilities and unincorporated
27 villages which own their own distribution systems,
28 and violations of this subsection subject the utilities
29 to civil penalties under section 476.51.

30 A qualified applicant for the low income home
31 energy assistance program or the weatherization
32 assistance program who is also a "head of household",
33 as defined in section 422.4, subsection 11, shall
34 be promptly certified by the local agency administering
35 the applicant's program to the applicant's public
36 utility that the resident is a "head of household"
37 as defined in section 422.4, subsection 11, and is

38 qualified for the low income home energy assistance
 39 program or weatherization assistance program. The
 40 local agency shall also inform the applicant of the
 41 applicant's right to establish a reasonable payment
 42 plan with the public utility. Notwithstanding
 43 subsection 1, a public utility furnishing gas or
 44 electricity shall not disconnect service from November
 45 1 through April 1 to a residence which has a resident
 46 that has been certified under this paragraph."

47 . Title page, by striking line 3 and inserting
 48 in lieu thereof the following: "November 1 to April
 49 1 for certain residents and"."

50 3. Renumber as necessary.

Speaker Avenson in the chair at 5:08 p.m.

McIntee of Black Hawk moved the adoption of amendment
 H-5157, to the committee amendment H-5036.

Roll call was requested by Hanson of Delaware and Hoffmann-
 Bright of Muscatine.

On the question "Shall amendment H-5157, to the committee
 amendment H-5036, be adopted?"

The ayes were, 40:

Anderson	Bennett	Branstad	Carpenter
Clark	Copenhaver	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Hammond
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hummel	Jay	Krewson
Lageschulte	Maulsby	McIntee	McKean
Menke	Paulin	Pellett	Renken
Rensink	Royer	Running	Schnekloth
Stromer	Stueland	Swearingen	Tofte
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 57:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Corey	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Haverland	Holveck	Hughes	Jochum
Knapp	Koenigs	Lloyd-Jones	Loneragan

Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 3:

Mullins	Schroeder	Torrence
---------	-----------	----------

Amendment H—5157 lost.

Doderer of Johnson in the chair at 5:28 p.m.

McIntee of Black Hawk offered the following amendment H—5156, to the committee amendment H—5036, filed by McIntee, et al., and moved its adoption:

H—5156

1 Amend the Committee on Small Business and Commerce
 2 amendment, H—5036, to House File 2062 as follows:
 3 1. Page 1, by striking lines 8 through 11 and
 4 inserting in lieu thereof the following:
 5 " . Page 1, by striking lines 19 through 22
 6 and inserting in lieu thereof the following: "November
 7 1 through April 1 for a resident who is a "head of
 8 household", as defined by law, who is age sixty or
 9 over, and who has been certified to the public utility
 10 by the local agency which is administering the low
 11 income home energy assistance program and
 12 weatherization assistance program as being eligible
 13 for either the low income home energy assistance
 14 program or weatherization assistance program, and
 15 that if such a resident resides within the serviced
 16 residence, the customer should promptly have the
 17 qualifying resident notify the local agency which
 18 is administering the low income energy assistance
 19 program and weatherization assistance program. The
 20 commerce commission shall establish rules".
 21 2. Page 1, by striking lines 12 through 27 and
 22 inserting in lieu thereof the following:
 23 " . Page 1, by striking lines 28 through 32
 24 and inserting in lieu thereof the following: "service.
 25 This subsection applies both to regulated utilities
 26 and municipally-owned utilities and unincorporated
 27 villages which own their own distribution systems,

28 and violations of this subsection subject the utilities
 29 to civil penalties under section 476.51.

30 A qualified applicant for the low income energy
 31 assistance program or the weatherization assistance
 32 program who is also age sixty or over, and a "head
 33 of household", as defined in section 422.4, subsection
 34 11, shall be promptly certified by the local agency
 35 administering the applicant's program to the
 36 applicant's public utility that the resident is age
 37 sixty or over, is a "head of household" as defined
 38 in section 422.4, subsection 11, and is qualified
 39 for the low income home energy assistance program
 40 or weatherization assistance program. The local
 41 agency shall also inform the applicant of the
 42 applicant's right to establish a reasonable payment
 43 plan with the public utility. Notwithstanding
 44 subsection 1, a public utility furnishing gas or
 45 electricity shall not disconnect service from November
 46 1 through April 1 to a residence which has a resident
 47 that has been certified under this paragraph."

48 . Title page, by striking line 3 and inserting
 49 in lieu thereof the following: "November 1 to April
 50 1 for certain residents age sixty or over and".

Page 2

1 3. Renumber as necessary.

Roll call was requested by Hoffmann-Bright of Muscatine and Sturgeon of Woodbury.

On the question "Shall amendment H—5156, to the committee amendment H—5036, be adopted?"

The ayes were, 37:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	Menke	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Spear	Stromer	Stueland	Swearingen
Tofte	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 60:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl

Carter	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Lonergan	McKean	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Madam Speaker (Doderer)

Absent or not voting, 3:

Mullins Schroeder Torrence

Amendment H—5156 lost.

Sturgeon of Woodbury moved the adoption of the committee amendment H—5036.

A non-record roll call was requested.

The ayes were 70, nays 15.

The committee amendment H—5036 was adopted.

Chiodo of Polk offered the following amendment H—5075, filed by him and McIntee of Black Hawk, and moved its adoption:

H—5075

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "residence." the following: "The public utility shall
- 4 notify the local agency administering such resident's
- 5 low income home energy assistance program and
- 6 weatherization assistance program the name and address
- 7 of the resident. The agency shall contact the resident
- 8 to determine if the resident qualifies for the programs
- 9 and instruct the resident on how to apply for the
- 10 programs."

Amendment H—5075 was adopted.

Corey of Louisa offered the following amendment H—5084 filed by him and moved its adoption:

H—5084

1 Amend House File 2062 as follows:
 2 1. Page 1, by inserting after line 32 the
 3 following:
 4 "Sec. 2. Section 476.20, Code Supplement 1983,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 3A. A scheduled payment that
 7 has not been made within twenty days from the date
 8 the billing was sent to the customer is a delayed
 9 payment pursuant to section 476.54 even though the
 10 utility company cannot disconnect service pursuant
 11 to subsection 3. The public utility may charge up
 12 to one and one-half percent per month on the balance
 13 due."

Roll call was requested by Corey of Louisa and Hummel of Benton.

On the question "Shall amendment H—5084 be adopted?"

The ayes were, 35:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Groth	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hummel	Lageschulte	Maulsby
Menke	Paulin	Pellett	Renken
Rensink	Royer	Schneklath	Stromer
Stueland	Swartz	Swearingen	Tofte
Van Gerpen	Van Maanen	Welden	

The nays were, 61:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Fogarty	Groninga	Gronstal
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Lonergan	McIntee	McKean	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich

Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Tabor
Van Camp	Varn	Woods	Zimmerman
Madam Speaker (Doderer)			

Absent or not voting, 4:

Carter	Mullins	Schroeder	Torrence
--------	---------	-----------	----------

Amendment H—5084 lost.

Speaker Avenson in the chair at 6:24 p.m.

Sturgeon 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. 2062)

The ayes were, 59:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Krewson
Lloyd-Jones	Lonergan	McKean	Miller
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 37:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Koenigs	Lageschulte	Maulsby
McIntee	Muhlbauer	Paulin	Pellet
Renken	Rensink	Royer	Schneklath
Stromer	Stueland	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Van Maanen
Welden			

Absent or not voting, 4:

Menke

Mullins

Schroeder

Torrence

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 190)

Arnould of Scott called up for consideration the motion to reconsider Senate File 190, filed by Swearingen of Keokuk on February 3, 1984, and moved to reconsider the vote by which Senate File 190, a bill for an act relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties, passed the House and was placed on its last reading on February 3, 1984.

A non-record roll call was requested.

The yeas were 35, nays 59.

The motion to reconsider lost.

OBJECTION TO IMMEDIATE MESSAGE

Swartz of Marshall asked for unanimous consent to immediately message House File 2189 to the Senate.

Objection was raised.

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, previously deferred.

Daggett of Taylor offered the following amendment H-5118 filed by him:

H-5118

1 Amend House File 2217 as follows:

- 2 1. Page 1, line 30, by striking the words "One member
3 who does" and inserting in lieu thereof the words "Three
4 members who do".
5 2. Page 1, line 31, by striking the word "represents"
6 and inserting in lieu thereof the word "represent".

Halvorson of Clayton rose on a point of order and invoked Rule 33 on House File 2217, to refer the bill to the committee on finance.

The Speaker ruled the point well taken and Rule 33 in order.

Norland of Worth asked for unanimous consent to suspend Rule 33.

Objection was raised.

Norland of Worth moved to suspend Rule 33 on House File 2217.

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

On the question "Shall Rule 33 be suspended?"

The ayes were, 59:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Hahson	Haverland	Holveck	Hughes
Jay	Knapp	Koenigs	Lloyd-Jones
Lonergan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 35:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Harbor	Hermann	Hoffmann-Bright	Hummel
Krewson	Lageschulte	Maulsby	McIntee

McKean	Paulin	Pellett	Renken
Rensink	Royer	Schneklath	Stromer
Stueland	Swearingen	Tofte	Van Camp
Van Gerpen	Van Maanen	Welden	

Absent or not voting, 6:

Groninga	Jochum	Menke	Mullins
Schroeder	Torrence		

The motion prevailed and Rule 33 was suspended.

(House File 2217 and amendment H—5118 pending at adjournment.)

INTRODUCTION OF BILL

House File 2295, by committee on finance, a bill for an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development initiatives of a nonrecurring nature, creating an economic development initiatives advisory board, providing for repeal of the Act, and providing an effective date.

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

MOTIONS TO RECONSIDER

(House File 2048)

I move to reconsider the vote by which House File 2048 passed the House on February 13, 1984.

HANSON of Delaware

(House File 2048)

I move to reconsider the vote by which House File 2048 passed the House on February 13, 1984.

SCHROEDER of Pottawattamie

(House File 2048)

I move to reconsider the vote by which House File 2048 passed the House on February 13, 1984.

LLOYD-JONES of Johnson

(House File 2062)

We move to reconsider the vote by which House File 2062 passed the House on February 13, 1984.

CHAPMAN of Linn
DODERER of Johnson
BUHR of Polk

(Amendment H—5157 to House File 2062)

We move to reconsider the vote by which amendment H—5157 to House File 2062 failed to be adopted by the House on February 13, 1984.

CHAPMAN of Linn
DODERER of Johnson
BUHR of Polk

(House File 2189)

I move to reconsider the vote by which House File 2189 passed the House on February 13, 1984.

SWARTZ of Marshall

PRESENTATION OF VISITORS

Schroeder of Pottawattamie presented to the House the Honorable Arlyn Danker, former member of the House representing Pottawattamie County.

Clark of Cerro Gordo presented to the House Foreign Exchange Student, Annica Sandberg, from Stockholm, Sweden. She is presently attending Rudd-Rockford-Marble Rock High School, Rockford.

CERTIFICATE OF RECOGNITION

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

1984-7 Frank Christen — Congratulations and thanks for seventeen years of service to the state of Iowa and for a happy retirement. (See Page 319, 1984 House Journal.)

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 696 Small Business and Commerce**

Relating to rates, charges, schedules, and regulations allowed by certain rate-regulated public utilities which have excess electrical generating capacity.

S.B. 697 Transportation

To allow the voluntary discontinuance of a franchise by a motor vehicle dealer without the approval of the transportation regulation authority.

S.B. 698 Transportation

Relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations.

S.B. 699 Human Resources

Repealing the licensing and regulation of mobile homes and mobile home parks.

S.B. 700 Human Resources

Providing for the surrender and disposition of earnings of persons committed to residential treatment centers operated by judicial district departments of correctional services.

S.B. 701 Labor and Industrial Relations

Relating to damages payable to an employee if an employer breaks an agreement to cover the cost of the care and treatment of sickness or injury.

S.B. 702 State Government

Relating to access to government records and providing a penalty.

S.B. 703 State Government

Limiting the state's liability for inspections, limiting the state's duty to correct known and obvious dangers, limiting damage awards when losses are otherwise compensated, and limiting total state liability.

S.B. 704 State Government

Relating to the possession or consumption of beer or alcoholic beverages in a motor vehicle, upon a public street or highway, and providing a penalty.

S.B. 705 Agriculture

To suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

S.B. 706 Local Government

Relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

S.B. 707 Small Business and Commerce

Providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit.

S.B. 708 Judiciary and Law Enforcement

Defining false use of a financial instrument and providing penalties.

S.B. 709 Judiciary and Law Enforcement

Relating to escape by misdemeanants from custody and the use of deadly force, and providing a penalty.

S.B. 710 Judiciary and Law Enforcement

Relating to computer crime and providing penalties.

S.B. 711 Judiciary and Law Enforcement

Relating to the issuance of arrest warrants for work release violators or escapees.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON FINANCE

Committee Bill (Formerly Study Bill 695), relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development projects of a nonrecurring nature, creating an economic development projects advisory board, providing for repeal of the Act, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass February 13, 1984.

AMENDMENTS FILED

H-5160	H.F. 189	McIntee of Black Hawk
		Chiodo of Polk
H-5161	H.F. 2177	Harbor of Mills
		Cooper of Lucas
		Royer of Page

H-5163

H.F. 2217

Van Gerpen of Black Hawk

H-5164

H.F. 2263

Holveck of Polk

Krewson of Polk

Sturgeon of Woodbury

On motion by Norland of Worth, the House adjourned at 6:43 p.m., until 9:00 a.m., Tuesday, February 14, 1984.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 14, 1984

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

Prayer was offered by Father John W. Hemann, pastor of St. Patricks Catholic Church, Cedar Rapids.

The Journal of Monday, February 13, 1984 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2002, by Taylor, a bill for an act relating to ownership rights to dies, molds, and forms.

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

Senate File 2091, by Vande Hoef, a bill for an act relating to the acquisition of legal settlement by persons hospitalized in or receiving treatment at a state mental health institute and by institutionalized, emancipated, and other minors.

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

Senate File 2119, by committee on judiciary, a bill for an act making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent.

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

Senate File 2124, by committee on judiciary, a bill for an act relating to the parental responsibility for actions of children.

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

Senate File 2125, by committee on judiciary, a bill for an act relating to the accrual of prejudgment interest after a refusal to accept an offer to confess judgment.

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

Senate File 2127, by committee on transportation, a bill for an act to require highway authorities to submit annual road construction programs to county soil conservation district commissioners for review and recommendations relating to soil erosion controls and drainage controls.

Read first time and referred to committee on **natural 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 9, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 48, a bill for an act authorizing counties to contract with certified public accountants to audit their financial records and transactions.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2101, a bill for an act authorizing an area education agency to issue warrants and anticipatory warrants and providing for the payment of interest.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2040, a bill for an act amending Iowa's unemployment compensation law.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2063, a bill for an act relating to the Iowa product development corporation Act.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2067, a bill for an act relating to penalties incurred when a person is convicted of drag racing.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2129, a bill for an act to make nonsubstantive corrections to the Code.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2137, a bill for an act relating to the certification of documents and providing a penalty.

Also: That the Senate has on February 9, 1984, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 104, relating to federal highway funds and the release of interstate cost estimates.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:27 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

On motion by Norland of Worth, the House was recessed at 12:12 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

HOUSE FILE 2217 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2202, a bill for an act to exempt road workers from the traffic laws, was taken up for consideration.

Lloyd-Jones of Johnson in the chair at 3:47 p.m.

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

On the question "Shall the bill pass?" (H.F. 2202)

The ayes were, 86:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lonergan	McIntee	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Poncy	Renaud
Rensink	Rosenberg	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, 13:

Grandia	Hummel	Knapp	Maulsby
McKean	Menke	Miller	Pellett
Renken	Royer	Stueland	Tofte
Van Gerpen			

Absent or not voting, 1:

Torrence

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

House File 2095, a bill for an act relating to reports of the operations review division of the Iowa state commerce commission, with report of committee recommending amendment and passage was taken up for consideration.

Chiodo of Polk offered the following amendment H—5064 filed by the committee on small business and commerce:

H—5064

- 1 Amend House File 2095 as follows:
- 2 1. Page 1, line 4, by striking the words "each
- 3 year" and inserting in lieu thereof the words "upon
- 4 completion".
- 5 2. Page 1, by striking lines 8 and 9 and inserting
- 6 in lieu thereof the following: "division whether or
- 7 not the report reflects the official position of the
- 8 commission. There shall be a statement on the report
- 9 reflecting what position, if any, the commission takes
- 10 with regard to the report."

Schroeder of Pottawattamie offered the following amendment H—5097, to the committee amendment H—5064, filed by him and moved its adoption:

H—5097

- 1 Amend H—5064 to House File 2095 as follows:
- 2 1. Page 1, by striking lines 2 through 4 and
- 3 inserting in lieu thereof the following:
- 4 "1. Page 1, line 4, by inserting after the word
- 5 "year." the following: "Each report shall be entered
- 6 onto this list upon completion and the list shall
- 7 be made available to the public throughout the year." "

Amendment H—5097 was adopted.

On motion by Chiodo of Polk, the committee amendment H—5064, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2095)

The ayes were, 99:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Madam Speaker (Lloyd-Jones)	

The nays were, none.

Absent or not voting, 1:

Torrence

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

House File 2071, a bill for an act to provide for the transportation commission to submit the results of the quadrennial need study to the general assembly by January 1 of the year in which the quadrennial need study becomes effective, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2071)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Madam Speaker (Lloyd-Jones)

The nays were, none.

Absent or not voting, 4:

Holveck	Muhlbauer	Royer	Torrence
---------	-----------	-------	----------

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

HOUSE FILES 590 AND 2231 AND SENATE FILE 442 DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 590 and 2231 and Senate File 442.

House File 2067, a bill for an act establishing an age limit for participants in amateur boxing, with report of committee recommending amendment and passage, was taken up for consideration.

Connors of Polk offered the following amendment H—5110 filed by the committee on state government and moved its adoption:

H-5110

- 1 Amend House File 2067 as follows:
- 2 1. Page 1, line 2, by striking the word "thirty-
- 3 five" and inserting in lieu thereof the word "thirty".

The committee amendment H-5110 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2067)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hansorf	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, 5:

Buhr	Carter	Lageschulte	Poncy
Sturgeon			

Absent or not voting, 1:

Torrence

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

House File 378, a bill for an act relating to veteran preference in public employment and providing an effective date, was taken up for consideration.

Speaker Avenson in the chair at 4:17 p.m.

Van Gerpen of Black Hawk offered the following amendment H—5144 filed by Van Gerpen; et al., and moved its adoption:

H—5144

1 Amend House File 378 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 19A.9, subsection 21, Code
5 1983, is amended by adding the following new unnumbered
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. The preference provided
8 in this subsection does not apply to a veteran who
9 receives retired pay based on twenty years or more
10 of active service with the armed forces of the United
11 States."

12 2. Page 1, line 24, by inserting after the word
13 "inclusive." the following: "The preference provided
14 in this section does not apply to a veteran who
15 receives retired pay based on twenty years or more
16 of active service with the armed forces of the United
17 States."

18 3. Page 2, line 17, by inserting after the word
19 "discharged." the following: "The preference provided
20 in this section does not apply to a veteran who
21 receives retired pay based on twenty years or more
22 of active service with the armed forces of the United
23 States."

Roll call was requested by Poncy of Wapello and Woods of Polk.

On the question "Shall amendment H—5144 be adopted?"

The ayes were, 66:

Arnould	Baxter	Bennett	Blanshan
Brammer	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Connolly	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Haverland	Hoffmann-Bright	Holveck	Jochum
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Mullins
Norland	Ollie	Osterberg	Oxley
Parker	Pellett	Rensink	Rosenberg
Schnekloth	Schroeder	Shoultz	Stromer
Stueland	Tabar	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker		

The nays were, 31:

Anderson	Black	Cochran	Connors
Davitt	Fogarty	Harbor	Hermann
Hughes	Hummel	Jay	Knapp
Maulsby	Menke	Miller	Muhlbauer
O'Kane	Paulin	Pavich	Peick
Poncy	Renaud	Renken	Royer
Running	Sherzan	Skow	Spear
Sullivan	Swearingen	Woods	

Absent or not voting, 3:

Sturgeon	Swartz	Torrence
----------	--------	----------

Amendment H—5144 was adopted.

Lloyd-Jones of Johnson offered the following amendment H—3227 filed by her and moved its adoption:

H—3227

- 1 Amend House File 378 as follows:
- 2 1. Page 1, by striking lines 3 through 6, and
- 3 inserting in lieu thereof the following:
- 4 "70.1 APPOINTMENTS AND PROMOTIONS EMPLOYMENT.
- 5 In every public department and upon all public works
- 6 in the state, and of the counties, cities, and school
- 7 corporations thereof the employment of persons by
- 8 a public employer, honorably discharged men and women
- 9 from".

Amendment H—3227 was adopted.

Rosenberg of Story in the chair at 4:37 p.m.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3226 filed by him on March 8, 1983 and found on page 2271 of the 1983 House Journal.

Spear of Lee offered the following amendment H—3236 filed by him and moved its adoption:

H—3236

- 1 Amend House File 378 as follows:
- 2 1. Page 1, line 8, by striking the words "was
- 3 or is now" and inserting in lieu thereof the words
- 4 "~~was or is now~~ has been".

Amendment H—3236 was adopted.

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

On the question "Shall the bill pass?" (H.F. 378)

The ayes were, 81:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Diemer	Doderer
Fey	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Rensink	Royer	Schneklath	Schroeder
Sherzan	Shoultz	Spear	Stromer
Stueland	Sullivan	Swartz	Tabor
Tofte	Van Camp	Van Gerpen	Van Maanen

Varn Mr. Speaker (Rosenberg)	Welden	Woods	Zimmerman
------------------------------------	--------	-------	-----------

The nays were, 15:

Cochran	Davitt	De Groot	Fogarty
Handorf	Knapp	Menke	Miller
Oxley	Peick	Poncy	Renaud
Renken	Running	Skow	

Absent or not voting, 4:

Jay	Sturgeon	Swearingen	Torrence
-----	----------	------------	----------

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

Senate File 2050, a bill for an act relating to the election and terms of office of sanitary district trustees, with report of committee recommending passage was taken up for consideration.

Hermann 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. 2050)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken

Rensink	Royer	Running	Schnekloth
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Rosenberg)		

The nays were, none.

Absent or not voting, 6:

Blanshan	Jay	Shoultz	Sturgeon
Sullivan	Torrence		

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

House File 2263, a bill for an act to regulate interest rates on life insurance policy loans, was taken up for consideration.

Holveck of Polk offered the following amendment H—5164 filed by Holveck, et al., and moved its adoption:

H—5164

- 1 Amend House File 2263 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the following:
- 4 "a. For fixed rate loans, a maximum interest rate
- 5 not to exceed eight percent per annum. However, if
- 6 the usury limit established under section 535.2,
- 7 subsection 3, drops below eight percent per annum,
- 8 then the maximum interest rate shall not exceed the
- 9 usury limit on new fixed rate loans."

Amendment H—5164 lost.

Chido 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. 2263)

The ayes were, 91:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer

Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lonergan	Maulsby	McIntee
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Royer	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Rosenberg)	

The nays were, 6:

Doderer	Holveck	Krewson	Lloyd-Jones
McKean	Running		

Absent or not voting, 3:

Sturgeon	Sullivan	Torrence
----------	----------	----------

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

House File 2232, a bill for an act to allow the operation of articulated buses not exceeding sixty-one feet in length on the public streets and highways, was taken up for consideration.

Speaker Avenson in the chair at 5:13 p.m.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2232)

The ayes were, 86:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Krewson	Lageschulte
Lloyd-Jones	Lonergan	McIntee	McKean
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Mr. Speaker		

The nays were, 10:

Grandia	Handorf	Hanson	Hummel
Knapp	Koenigs	Maulsby	Menke
Mullins	Zimmerman		

Absent or not voting, 4:

Davitt	Oxley	Sturgeon	Torrence
--------	-------	----------	----------

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

House File 580, a bill for an act relating to the authority of licensing boards under the continuing education chapter, was taken up for consideration.

Chapman 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 75 was invoked.

On the question "Shall the bill pass?" (H.F. 580)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shultz	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Weiden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Davitt	Oxley	Sturgeon	Torrence
--------	-------	----------	----------

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

SENATE AMENDMENT CONSIDERED
House Refused To Concur

Jochum of Dubuque called up for consideration **House File 2072**, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools, reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and appropriating funds for capital projects for the fiscal year beginning July 1, 1984, and funding the driver's license program from the

primary road fund, amended by the Senate, and moved that the House concur in the following Senate amendment H-5107:

H-5107

1 Amend House File 2072 as amended and passed by
2 the House as follows;

3 1. Page 1, line 26, by striking the word "chapter"
4 and inserting in lieu thereof the word "paragraph".

5 2. Page 1, line 29, by striking the word
6 "quarterly".

7 3. Page 1, by striking lines 30 and 31 and
8 inserting in lieu thereof the following: "November
9 15, February 15, and May 15 of the fiscal year. The".

10 4. Page 2, line 10, by striking the word "section"
11 and inserting in lieu thereof the word "paragraph".

12 5. Page 2, line 11, by striking the word "Act"
13 and inserting in lieu thereof the following: "paragraph
14 and paid on or about August 15, 1984".

15 6. Page 2, by striking lines 12 through 18.

16 7. Page 9, by inserting after line 33 the following
17 new sections:

18 "Sec. . Section 8.33, 1983 Code Supplement,
19 unnumbered paragraph 2, is amended to read as follows:

20 No payment of an obligation for goods and services
21 shall be charged to an appropriation subsequent to
22 the last day of the fiscal term for which the
23 appropriation is made unless such goods or services
24 are received contracted for on or before the last
25 day of the fiscal term, ~~except that repair projects~~
26 ~~and other contracts for services and capital~~
27 ~~expenditures for the purchase of land or the erection~~
28 ~~of buildings or new construction, which were committed~~
29 ~~and in progress prior to the end of the fiscal term~~
30 ~~are excluded from this provision.~~

31 Sec. . 1983 Iowa Acts, chapter 195, section

32 2, is amended to read as follows:

33 SEC. 2. There is appropriated from the federal
34 oil overcharge funds apportioned to Iowa under Pub.
35 L. No. 97-377, to the energy policy council, the sum
36 of five hundred seventy-five thousand (575,000)
37 dollars, or so much thereof as is necessary, to be
38 used in conjunction with the funds appropriated
39 available to the board of regents for energy,
40 conservation projects under section one of this Act."

41 8. Title, line 6, by inserting after the figure
42 "1984," the words "and providing for the obligation
43 of state funds for goods and services when contracted
44 for during the fiscal year".

45 9. Title, lines 6 and 7 by striking the words
46 "and funding the driver's license program from the
47 primary road fund".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 2, nays 87.

The motion lost and the House refused to concur in the Senate amendment H—5107.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H—5118 by Daggett of Taylor found on pages 377 and 378 of the House Journal.

(House File 2217 and amendment H—5118 pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 13, 1984. Had I been present, I would have voted "aye" on House Files 2048, 2126 and 2189; amendments H—5036, H—5091, H—5101, H—5156 and H—5157; and "nay" on House File 2062 and amendment H—5084.

MULLINS of Kossuth

PRESENTATION OF VISITOR

McKean of Jones presented to the House the Honorable Karen Mann, former member of the House representing Greene County.

COMMUNICATION RECEIVED

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

IOWA CIVIL RIGHTS COMMISSION

The "improved version" of the proposed uniform affirmative action rules for State agencies, pursuant to Chapter 601A.5(7), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 712 Education**

Relating to election laws by providing for biennial school elections and certain technical corrections to the voting laws and providing a January 1, 1986 effective date.

S.B. 713 Agriculture

Relating to the Iowa family farm development authority by expanding the definition of the terms "beginning farmer" and "low or moderate net worth", allowing designees of certain members to be on the board, and decreasing the number of members needed to constitute a quorum of the board.

S.B. 714 Ways and Means

Relating to the tax status of sales or uses of building materials, supplies, and equipment for the erection of buildings and improvements to real property under the state sales, services and use tax.

S.B. 715 State Government

Relating to the licensure of counselors.

S.B. 716 State Government

Relating to mobile homes and mobile home parks.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 504), relating to child day care by requiring family or group day care providers to report child abuse, permitting a peace officer to

remove a child from a child day care facility under certain circumstances, permitting child care financial assistance funds to go to group day care homes and family day care homes, requiring the department of human services to acknowledge certain child abuse violations and violations of registration or licensure by a day care facility and to compile lists of facilities in a local area, amending the definition of a family day care home, requiring registration of family day care homes but maintaining current standards, requiring annual inspections or visits to group and family day care homes, expanding injunctive authority to family day care homes, and establishing fees and penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 13, 1984.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 148), relating to permitting the conservation commission to alter or restrict the taking of wildlife.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 502), permitting a state bank, state savings and loan association, or a service corporation of a state bank or state savings and loan association to engage in real estate brokerage only to the same extent as federally-chartered banks and savings and loan associations.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1984.

RESOLUTION FILED

SCR 104, by Junkins and Hultman, relating to federal highway funds and the release of interstate cost estimates.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5165	H.F. 48	Senate Amendment
H-5166	H.F. 2217	Welden of Hardin
		Halvorson of Clayton
		Menke of O'Brien
H-5167	H.F. 2295	Doderer of Johnson

On motion by Norland of Worth, the House adjourned at 5:34 p.m., until 9:00 a.m., Wednesday, February 15, 1984.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day—Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 15, 1984

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Reverend Claude Wood, pastor of the United Church of Christ, Atlantic.

The Journal of Tuesday, February 14, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, M.D., Sac City.

INTRODUCTION OF BILLS

House File 2296, by Hammond, a bill for an act to raise food service establishment license fees.

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

House File 2297, by Bennett, a bill for an act relating to the establishment of mandatory supervised release for inmates and providing penalties.

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

House File 2298, by Running, a bill for an act relating to the payment of interest on escrow accounts on loans for single-family and two-family dwellings.

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

House File 2299, by Pellett, Bennett, Maulsby, McKean and Paulin, a bill for an act relating to the possession or consumption of beer or alcoholic beverages in a motor vehicle, upon a public street or highway, and providing a penalty.

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

House File 2300, by Baxter, a bill for an act relating to renters of publicly-owned housing qualifying for rent reimbursement.

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

House File 2301, by Hanson and Haverland, a bill for an act relating to the sale, possession, or use of the explosive nitroglycerin, providing a penalty, and transferring the responsibility for the inspection of explosive storage facilities from county sheriffs to the state fire marshal while reducing the number of inspections per year.

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

House File 2302, by Hermann, a bill for an act amending the definition of "child abuse" for purposes of reporting, investigation, and rehabilitation to include permitting a child to engage in prostitution and sexually exploiting a child in certain other ways.

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

House File 2303, by McIntee, a bill for an act relating to the definition of sexual abuse in the second degree.

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

House File 2304, by Running, a bill for an act increasing the registration fee on certain trailers.

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

House File 2305, by Running, a bill for an act to increase the fee for dealer special plates from ten to forty dollars.

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

House File 2306, by committee on natural resources, a bill for an act permitting the conservation commission to alter or restrict the taking of wildlife.

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

SENATE MESSAGES CONSIDERED

Senate File 2040, by Hutchins, a bill for an act amending Iowa's unemployment compensation law by crediting earned interest on the special employment security contingency fund to the temporary emergency surcharge fund, by limiting expenditures from the special employment security contingency fund, by annually transferring certain amounts from the special employment security contingency fund to the temporary emergency surcharge fund or to the unemployment trust fund, and by requiring an annual departmental report detailing planned expenditures from the special employment security contingency fund.

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

Senate File 2063, by Bruner, a bill for an act relating to the Iowa product development corporation Act.

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

Senate File 2067, by Husak, a bill for an act relating to penalties incurred when a person is convicted of drag racing.

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

Senate File 2129, by committee on judiciary, a bill for an act to make nonsubstantive corrections to the Code.

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

Senate File 2137, by committee on judiciary, a bill for an act relating to the certification of documents and providing a penalty.

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 members of

the conference committee to House File 123, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including fire fighters, persons providing emergency medical services, and penal and correctional facility staff, and providing penalties, on the part of the Senate, appointed February 15, 1984, are: The Senator from Polk, Senator Mann, Chair; the Senator from Woodbury, Senator Doyle; the Senator from Polk, Senator Gentleman; the Senator from Clay, Senator Holt; and, the Senator from Dubuque, Senator Welsh.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 323, a bill for an act relating to sex discrimination in retirement programs.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2138, a bill for an act relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to drainage district expenses and assessments.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act to extend the sunset provision on community action agencies to July 1, 1986.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act relating to internal expense reporting and payroll procedures in the office of the auditor of state.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act to allow limited child modeling under the child labor laws.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act to repeal the requirement that a meeting be called upon request by the area education agency board or a contiguous school district concerning a proposal by a school district board to issue general obligation bonds for

construction or renovation of a school building.

Also: That the Senate has on February 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2168, a bill for an act relating to programs for returning dropouts and dropout prevention by a local school district.

K. MARIE THAYER, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 717 Small Business and Commerce

To stimulate housing construction and development of jobs by granting partial property tax exemptions for certain existing housing, using incremental property taxes to assist construction of public improvements related to housing construction, and assuring greater uniformity in building codes.

S.B. 718 Small Business and Commerce

Removing the priority of a mortgage given by the trustees of a cooperative housing association over any mortgage, lien, or encumbrance against an individual apartment or room or the owner's interest in an individual apartment or room.

S.B. 719 Ways and Means

Repealing the licensing and regulation of mobile homes and mobile home parks.

S.B. 720 Natural Resources

Establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

S.B. 721 Ways and Means

Relating to the state aviation fund by authorizing use of aviation funds for airport rehabilitation, eliminating refunds on aviation fuel tax to nonagricultural operators, crediting revenues from the tax on the sale of jet fuel to the state aviation fund, and providing an effective date.

S.B. 722 Ways and Means

Relating to the interest and penalty on delinquent property taxes.

S.B. 723 Ways and Means

Relating to the penalties for certain taxes including cigarette and tobacco taxes, state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, withholding taxes, franchise taxes, inheritance and estate taxes, sales and use taxes, and generation skipping transfer taxes.

S.B. 724 Ways and Means

To provide a partial property tax exemption for warehouses and distribution centers on which improvements have been made.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

A report entitled "Iowa Title XIX Home and Community Based Waiver Requests", pursuant to Chapter 201, Section 7, Acts of the Seventieth General Assembly, 1983 Regular Session.

A report entitled "Nonlegend Drugs in the Iowa Medicaid Program: A Cost-Effectiveness Study", pursuant to Chapter 201, Section 5(1)(d), Acts of the Seventieth General Assembly, 1983 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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 641), relating to the payment of special assessments of drainage districts.

Fiscal note is not required.

Recommend **Do Pass** February 14, 1984.

Committee Bill (Formerly Study Bill 642), providing an appropriation for development of a horticultural crops marketing program.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 14, 1984.

Committee Bill (Formerly Study Bill 671), relating to the frequency of inspection of grain dealers.

Fiscal note is not required.

Recommended **Do Pass** February 14, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2164, a bill for an act relating to the duties and responsibilities of a peace officer to a victim of domestic abuse and providing a penalty.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment H—5171** February 14, 1984.

Committee Bill (Formerly Study Bill 519), relating to the definition of burglary and attempted burglary.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 14, 1984.

Committee Bill (Formerly Study Bills 523 and 524), relating to home work release and the violation of probation and providing a penalty.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 14, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2172, a bill for an act relating to the surety bond required for an employment agency license.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment H—5172** February 14, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 205, a bill for an act relating to the eligibility of property owners to protest changes in zoning districts.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H—5168 February 14, 1984.

House File 322, a bill for an act relating to the publication requirements of cities and counties.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H—5169 February 14, 1984.

House File 434, a bill for an act authorizing cities to enter agreements to jointly invest public funds.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H—5170 February 14, 1984.

House File 2194, a bill for an act relating to the reporting of receipts by the county treasurer.

Fiscal note is not required.

Recommended Do Pass February 14, 1984.

Committee Bill (Formerly Study Bill 540), relating to the liability of a county or city under the Iowa competition law.

Fiscal note is not required.

Recommended Amend and Do Pass February 14, 1984.

Committee Bill (Formerly Study Bill 638), relating to county libraries.

Fiscal note is not required.

Recommended Amend and Do Pass February 14, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 2211, a bill for an act making changes in the practice act relating to physical therapy.

Fiscal note is not required.

Recommended Do Pass February 14, 1984.

Committee Bill (Formerly Study Bill 631), relating to the licensure of dietitians and nutritionists.

Fiscal note is not required.

Recommended Amend and Do Pass February 14, 1984.

AMENDMENTS FILED

H-5168	H.F.	205	Committee on Local Government
H-5169	H.F.	322	Committee on Local Government
H-5170	H.F.	434	Committee on Local Government
H-5171	H.F.	2164	Committee on Judiciary and Law Enforcement
H-5172	H.F.	2172	Committee on Labor and Industrial Relations
H-5173	H.F.	2295	Osterberg of Linn
H-5174	H.F.	2295	Stueland of Clinton
H-5175	H.F.	2295	Mullins of Kossuth
H-5176	H.F.	2295	Harbor of Mills
H-5177	H.F.	2295	Bennett of Ida
H-5178	H.F.	2295	Doderer of Johnson
H-5179	H.F.	2219	Swearingen of Keokuk
		2163	Cooper of Lucas
			Handorf of Marshall
			Royer of Page
H-5180	H.F.	2295	Schnekloth of Scott
H-5181	H.F.	2295	Jay of Appanoose
			Rosenberg of Story
			Sullivan of Van Buren
H-5182	H.F.	2295	Rosenberg of Story
H-5183	H.F.	2295	Doderer of Johnson
H-5184	H.F.	2295	Stromer of Hancock
H-5185	H.F.	2295	Rosenberg of Story
			Jay of Appanoose
H-5186	H.F.	2295	Rosenberg of Story
			Jay of Appanoose
H-5187	H.F.	2295	De Groot of Lyon
			Stromer of Hancock
H-5188	H.F.	2295	Osterberg of Linn
			Groninga of Cerro Gordo

On motion by Norland of Worth, the House adjourned at 9:17 a.m., until 9:00 a.m., Thursday, February 16, 1984.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day—Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 16, 1984

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

Prayer was offered by Reverend Robert Roof, pastor of the Cedar Heights Presbyterian Church, Cedar Falls.

The Journal of Wednesday, February 15, 1984 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk from thirty-six constituents opposing any type of legislation which would permit a lottery.

By Peick of Linn, from three hundred twenty-two constituents of the 52nd District favoring House File 2295, relating to lotteries.

INTRODUCTION OF BILLS

House File 2307, By Gruhn, Fogarty, Poncy, Baxter, Rosenberg, Hermann, Ollie, Van Gerpen, Muhlbauer, Connors, Connolly, Miller and Cochran, a bill for an act relating to the creation of an office of volunteerism.

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

House File 2308, by Sturgeon, a bill for an act allowing dwellings occupied under a contract of purchase to be considered a homestead for purposes of the additional property tax relief for the elderly and disabled.

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

House File 2309, by Gronstal, a bill for an act relating to the requirement of bail during and after a period of deferred judgment and to the discharge of surety bail upon the occurrence of specified conditions.

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

House File 2310, by Van Camp, a bill for an act requiring a vehicle's purchase price to be listed on the certificate of title and providing a penalty.

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

House File 2311, by Bennett and McKean, a bill for an act relating to the timing and frequency of parole interviews by the board of parole.

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

House File 2312, by Bennett, McKean and Hermann, a bill for an act relating to escape by misdemeanants from custody and the use of deadly force, and providing a penalty.

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

House File 2313, by O'Kane, a bill for an act to require the board of directors of a school corporation to purchase insurance under competitive bidding procedures.

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

House File 2314, by Daggett, a bill for an act to reduce the minimum tax rates from seventy percent to thirty-five percent for individual and corporate income tax and franchise tax purposes and making the Act retroactive.

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

SENATE MESSAGES CONSIDERED

Senate File 2138, by committee on judiciary, a bill for an act relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

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

Senate File 2153, by committee on agriculture, a bill for an act relating to draināge district expenses and assessments.

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

Senate File 2155, by committee on state government, a bill for an act relating to internal expense reporting and payroll procedures in the office of the auditor of state.

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

Senate File 2159, by committee on labor and industrial relations, a bill for an act to allow limited child modeling under the child labor laws.

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

Senate File 2167, by committee on education, a bill for an act to repeal the requirement that a meeting be called upon request by the area education agency board or a contiguous school district concerning a proposal by a school district board to issue general obligation bonds for construction or renovation of a school building.

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

Senate File 2168, by committee on education, a bill for an act relating to programs for returning dropouts and dropout prevention by a local school district.

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

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, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 510, a bill for an act relating to liens against crops and livestock to secure payment for agricultural chemicals, seed, petroleum products, and feed used in the production of growing crops and livestock and providing for the perfection, enforcement, assignment, and satisfaction of these liens, and providing for statutory damages.

K. MARIE THAYER, Secretary

HOUSE FILE 2217 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Carl of Poweshiek offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Clair Strand of Poweshiek County, Iowa, who was a member of the Sixty-second, Sixty-third and Sixty-fourth General Assemblies, passed away February 8, 1984;

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 resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Carl of Poweshiek, Varn of Johnson and Black of Jasper.

CONSIDERATION OF BILLS

Regular Calendar

House File 2185, a bill for an act relating to a candidacy for election to an area education agency board, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2185)

The ayes were, 81:

Arnould	Baxter	Black	Blanshan
Brammer	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo

Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Loneragan	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poney	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Gerpen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 16:

Anderson	Bennett	De Groot	Grandia
Hummel	Maulsby	Pellet	Renken
Rensink	Royer	Schnekloth	Schroeder
Stromer	Tofte	Torrence	Van Maanen

Absent or not voting, 3:

Harbor	Lageschulte	Welden
--------	-------------	--------

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

House File 2295, a bill for an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development initiatives of a nonrecurring nature, creating an economic development initiatives advisory board, providing for repeal of the Act, and providing an effective date, was taken up for consideration.

Menke of O'Brien in the chair at 9:42 a.m.

Rosenberg of Story offered the following amendment H—5182 filed by him:

H-5182

- 1 Amend House File 2295 as follows:
- 2 1. Page 1, line 18, by inserting after the words
- 3 "lottery agency." the following: "The Iowa lottery
- 4 agency is subject to chapter 17A."
- 5 2. Page 8, line 25, by inserting after the word
- 6 "industry," the words "upgrading academic institutions
- 7 in order to maintain and attract industry,".
- 8 3. Page 8, line 26, by inserting after the word
- 9 "industries," the words "encourage the conservation
- 10 of energy in order to create new jobs and attract
- 11 new business and industry,".

Rosenberg of Story offered the following amendment H-5191, to amendment H-5182, filed by him from the floor and moved its adoption:

H-5191

- 1 Amend amendment H-5182 to House File 2295 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "attract" the words "business and".

Amendment H-5191 was adopted.

Division of amendment H-5182 was requested. Lines 2 through 4, amendment H-5182A; lines 5 through 11, amendment H-5182B.

On motion by Rosenberg of Story, amendment H-5182A was adopted.

Osterberg of Linn offered the following amendment H-5173 filed by him and moved its adoption:

H-5173

- 1 Amend House File 2295 as follows:
- 2 1. Page 4, line 9, by striking the word "promotion"
- 3 and inserting in lieu thereof the word "marketing".
- 4 2. Page 6, line 4, by inserting after the word
- 5 "sold." the following: "Tickets shall not be sold
- 6 in establishments that serve alcoholic beverages."
- 7 3. Page 11, line 22, by inserting after the word
- 8 "other" the words "educational and".

Amendment H—5173 was adopted.

Jay of Appanoose offered the following amendment H—5181 filed by Jay, et al., and moved its adoption:

H—5181

- 1 Amend House File 2295 as follows:
- 2 1. Page 6, line 27, by inserting after the word
- 3 "nature." the following: "Marketing materials shall
- 4 be limited in nature to marketing the concept of
- 5 investing in Iowa through the lottery or showing
- 6 economic development initiatives in the state that
- 7 have been funded from lottery revenue. The material
- 8 shall not promote the notion that a lottery winner
- 9 will obtain sudden wealth."

Amendment H—5181 was adopted.

Bennett of Ida offered amendment H—5176 filed by him and requested division as follows:

H—5176

- 1 Amend House File 2295 as follows:

H—5176A

- 2 1. Page 6, line 31 by striking the words "econom-
- 3 ically disadvantaged".

H—5176B

- 4 2. Page 7, line 17 by striking the word "game"
- 5 and inserting in lieu thereof the word "prize".

On motion by Bennett of Ida, amendment H—5176A was adopted.

On motion by Bennett of Ida, amendment H—5176B was adopted.

Speaker Avenson in the chair at 10:05 a.m.

Stromer of Hancock offered the following amendment H—5184 filed by him and moved its adoption:

H—5184

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 5, by inserting after the word
- 3 "fund" the words ", except as provided in subsec-
- 4 tion 2A,".
- 5 2. Page 8, by inserting after line 28 the fol-
- 6 lowing:
- 7 "2A. There is appropriated annually to the school
- 8 budget review committee, established in section
- 9 442.12, from the general fund of the state, the
- 10 sum of ten million (10,000,000) dollars, or as much
- 11 thereof as is necessary, to make supplemental aid
- 12 payments to school districts pursuant to section
- 13 442.13, subsection 14, paragraph b, if the amount
- 14 appropriated in that paragraph is insufficient to
- 15 make the supplemental aid payments."

Roll call was requested by Norland of Worth and Chiodo of Polk.

On the question "Shall amendment H—5184 be adopted?"

The ayes were, 34:

Anderson	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Maulsby	Menke	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 64:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lloyd-Jones	Lonerган	McIntee
McKean	Miller	Muhlbauer	Mullips
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 2:

Blanshan Lageschulte

Amendment H—5184 lost.

De Groot of Lyon offered the following amendment H—5187 filed by him and Stromer of Hancock:

H—5187

1 Amend House File 2295 as follows:
 2 1. Page 8, line 5, by inserting after the word
 3 "fund" the words ", except as provided in subsection
 4 2A,".
 5 2. Page 8, by inserting after line 28 the
 6 following:
 7 "2A. There is appropriated annually to the school
 8 budget review committee, established in section 442.12,
 9 from the general fund of the state, the sum of five
 10 million (5,000,000) dollars, or as much thereof as
 11 is necessary, for distribution to school districts
 12 that have a negative balance of funds raised for
 13 special education instruction programs. The school
 14 budget review committee shall adopt rules pursuant
 15 to chapter 17A relating to distribution of the funds.
 16 Funds received by a school district under this
 17 subsection are miscellaneous income for purposes of
 18 chapter 442."

De Groot of Lyon offered the following amendment H—5193, to amendment H—5187, filed from the floor by him and Stromer of Hancock and moved its adoption:

H—5193

1 Amend the amendment H—5187 to House File 2295 as
 2 follows:
 3 1. Page 1, by striking lines 12 and 13 and
 4 inserting in lieu thereof the following: "for
 5 expenditures for programs for gifted and talented
 6 children. The school".

A non-record roll call was requested.

The ayes were 83, nays none.

Amendment H—5193 was adopted.

De Groot of Lyon moved the adoption of amendment H—5187, as amended.

Roll call was requested by Chiodo of Polk and Arnould of Scott.

On the question "Shall amendment H—5187, as amended, be adopted?"

The ayes were, 38:

Anderson	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Maulsby	McKean
Menke	Mullins	Paulin	Pellet
Renken	Rensink	Rosenberg	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Welden		

The nays were, 60:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
Lonergan	McIntee	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 2:

Carter Lageschulte

Amendment H—5187, as amended, lost.

Harbor of Mills asked and received unanimous consent to temporarily defer action on amendment H—5175.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5180 filed by him on February 15, 1984.

Swartz of Marshall in the chair at 10:29 a.m.,

Doderer of Johnson offered the following amendment H—5183 filed by her and moved its adoption:

H—5183

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, by striking line 24 and inserting in
- 3 lieu thereof the following: "which encourage
- 4 development of capital, research and development of
- 5 new products, and development of jobs".
- 6 2. Page 8, line 26, by striking the words "and
- 7 development" and inserting in lieu thereof the word
- 8 "development".
- 9 3. Page 8, line 28, by inserting after the word
- 10 "products" the following: ", and make grants and loans
- 11 available to local communities for local economic
- 12 development initiatives".

Amendment H—5183 was adopted.

The House resumed consideration of amendment H—5182B, as amended. (Lines 5 through 11)

On motion by Rosenberg of Story, amendment H—5182B, as amended, was adopted.

Stueland of Clinton offered the following amendment H—5174 filed by him and Mullins of Kossuth and moved its adoption:

H—5174

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 26 by inserting after the word
- 3 "industries," the words "developing alternate methods
- 4 for the disposal of solid waste,".

Amendment H—5174 was adopted.

Doderer of Johnson offered amendment H—5177 filed by her:

H—5177

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 28, by inserting after the word
- 3 "products." the following: " "Economic development
- 4 initiatives" does not include providing loans, grants,
- 5 bonds, or any other incentive or assistance for the

- 6 construction of a racetrack or other facility where
- 7 gambling will be permitted."

The following amendment H-5195, to amendment H-5177, filed by Doderer of Johnson from the floor was adopted by unanimous consent:

H-5195

- 1 Amend amendment H-5177 to page 8 of House File
- 2 2295 as follows:
- 3 1. Page 1, line 3 by striking the word "products."
- 4 and inserting in lieu thereof the word "initiatives."

A non-record roll call was requested.

The ayes were 59, nays 28.

Amendment H-5177, as amended, was adopted.

Osterberg of Linn offered amendment H-5188 filed by him and Groninga of Cerro Gordo:

H-5188

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 28, by inserting after the word
- 3 "products." the following: "Economic development
- 4 initiatives" does not include tax abatements, tax
- 5 credits, tax exemptions, or similar tax incentives
- 6 to any person."

The following amendment H-5196, to amendment H-5188, filed by Osterberg of Linn from the floor was adopted by unanimous consent:

H-5196

- 1 Amend amendment H-5188 to page 8 of House File 2295
- 2 as follows:
- 3 1. Page 1, by striking lines 2 and 3, and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 8, by inserting after line 28, the
- 6 following: "Also "economic development"."

On motion by Osterberg of Linn, amendment H-5188, as amended, was adopted.

Doderer of Johnson offered the following amendment H—5167 filed by her and moved its adoption:

H—5167

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 32, by inserting after the figure
- 3 "1985." the following: "The comptroller shall not
- 4 include lottery revenues in the comptroller's fiscal
- 5 year estimates."

Amendment H—5167 was adopted.

Speaker Avenson in the chair at 10:47 a.m.

Rosenberg of Story offered the following amendment H—5185 filed by him and Jay of Appanoose and moved its adoption:

H—5185

- 1 Amend House File 2295 as follows:
- 2 1. Page 10, line 1, by inserting after the word
- 3 "INTEREST" the word "—PENALTY".
- 4 2. Page 10, line 9, by inserting after the word
- 5 "not" the words "ask for, offer to accept, or".
- 6 3. Page 10, by inserting after line 14 the
- 7 following:
- 8 " A person, corporation, association, or firm
- 9 contracting or seeking to contract with the state
- 10 to supply gaming equipment or materials for use in
- 11 the operation of a lottery, an applicant for a license
- 12 to sell tickets or shares in the lottery or a licensee
- 13 shall not offer a member of the board, the
- 14 commissioner, an employee of the lottery, or a member
- 15 of their immediate families any gift, gratuity, or
- 16 other thing of value."

Amendment H—5185 was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5186 filed by him and Jay of Appanoose on February 15, 1984.

Harbor of Mills offered the following amendment H—5175 filed by him and moved its adoption:

H-5175

- 1 Amend House File 2295 as follows:
 2 1. Page 8, by striking line 5 and inserting in
 3 lieu thereof the following:
 4 "2. Funds transferred to the general fund shall
 5 be divided. Twenty percent of the funds shall be
 6 allocated to the state conservation commission for
 7 capital expenditures. The remaining funds shall be
 8 used".

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

On the question "Shall amendment H-5175 be adopted?"

The ayes were, 39:

Anderson	Bennett	Branstad	Carl
Carpenter	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Maulsby	McIntee
McKean	Menke	Mullins	O'Kane
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Welden	

The nays were, 60:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Loneragan	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 1:

Lageschulte

Amendment H-5175 lost.

Schroeder of Pottawattamie asked for unanimous consent to take up for consideration amendment H—5197.

Objection was raised.

Schroeder of Pottawattamie moved that Rule 31.8, relating to the filing of amendments, be suspended for the immediate consideration of amendment H—5197 filed by Maulsby of Calhoun from the floor as follows:

H—5197

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, by inserting after line 28 the
- 3 following:
- 4 "3. There is appropriated annually to the Iowa
- 5 family farm development authority the sum of ten
- 6 million (10,000,000) dollars, or the balance of funds
- 7 up to ten million (10,000,000) dollars not otherwise
- 8 appropriated under this Act, for the purpose of
- 9 providing no-interest loans to farmers in order that
- 10 they may make interest payments on outstanding loan
- 11 obligations. The Iowa family farm development
- 12 authority shall adopt rules necessary to implement
- 13 this program under the provisions of chapter 17A.
- 14 Applicants receiving funds under this program must
- 15 demonstrate that they are unable to receive funds
- 16 from other existing public and nonpublic sources.
- 17 Administrative costs incurred by the Iowa family farm
- 18 development authority for the administration of this
- 19 program may be paid from funds received under this
- 20 appropriation. The amount of funds used for
- 21 administrative costs shall not exceed one-half of
- 22 one percent of the funds appropriated under this
- 23 subsection."
- 24 2. By renumbering subsections as required by this
- 25 amendment.

Roll call was requested by Stromer of Hancock and Hoffmann-Bright of Muscatine.

On the question "Shall Rule 31.8 be suspended to consider amendment H—5197?"

The ayes were, 40:

Anderson
Corey

Bennett
Daggett

Branstad
Davitt

Carpenter
De Groot

Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Maulsby	McIntee
McKean	Menke	Miller	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Lonergan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 2:

Lageschulte Shoultz

The motion lost.

The House stood at ease at 11:18 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2295 at 12:13 p.m., Speaker Avenson in the chair.

McKean of Jones asked for unanimous consent to take up for consideration amendment H-5198.

Objection was raised.

McKean of Jones moved that Rule 31.8, relating to the timely filing of amendments, be suspended for the immediate consideration of amendment H-5198 filed by him from the floor as follows:

H-5198

- 1 Amend House File 2295 as follows:
- 2 1. Page 8, line 6, by inserting after the word
- 3 "nature" the following: "but shall not include moneys
- 4 for the development or operation of a world trade
- 5 center".

A non-record roll call was requested.

The ayes were 33, nays 50.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, until his arrival, on request of Pellett of Cass; Krewson of Polk, for the remainder of the day and February 17, 1984, on request of McKean of Jones.

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

Rule 76 was invoked.

On the question "Shall the bill pass?" (H.F. 2295)

The ayes were, 53:

Arnould	Baxter	Blanshan	Brammer
Buhr	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Halvorson, R. N.	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	McIntee	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 44:

Anderson	Bennett	Black	Branstad
Carpenter	Carter	Clark	Copenhaver
Corey	Daggett	De Groot	Diemer
Grandia	Gruhn	Halvorson, R. A.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Loneragan	Maulsby	McKean	Menke
Mullins	Paulin	Pellett	Renken
Rensink	Schneklath	Spear	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

Absent or not voting, 3:

Carl	Krewson	Lageschulte
------	---------	-------------

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

IMMEDIATE MESSAGE (House File 2295)

Norland of Worth asked and received unanimous consent to immediately message House File 2295 to the Senate.

On motion by Norland of Worth, the House was recessed at 1:07 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Torrence of Muscatine and Hoffmann-Bright of Muscatine, on request of Bennett of Ida; Mullins of Kossuth on request of Stromer of Hancock; Cochran of Webster on request of Gruhn of Dickinson, all for the remainder of the day and February 17, 1984.

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 16, 1984, insisted on its amendment to House File 2072, a bill for an act relating to the reduction of general fund appropriations by providing a method of allocating general state financial aid to merged area schools and funding the driver's license program from the primary road fund, and the members of the conference committee, on the part of the Senate, are: The Senator from Johnson, Senator Small, Chair; the Senator from Story, Senator Bruner; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Palmer; and, the Senator from Clayton, Senator Tieden.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2065, a bill for an act limiting gas or electric service deposits, with report of committee recommending amendment and passage was taken up for consideration.

Chiodo of Polk offered the following amendment H-5035 filed by the committee on small business and commerce:

H-5035

1 Amend House File 2065 as follows:

2 1. Page 1, by striking lines 3 through 13 and
3 inserting in lieu thereof the following:

4 "5. The commerce commission shall establish rules
5 which shall be uniform with respect to all public
6 utilities furnishing gas or electricity relating to
7 deposits which may be required by the public utility
8 for the initiation or reinstatement of service.

9 a. The deposit for a residence residential or
10 commercial customer for a place which has previously
11 received service shall not be greater than the highest
12 billing of service for one month to for the residence
13 place in the previous twelve-month period.

14 b. The deposit for a residential or a commercial
15 customer for a place which has not previously received
16 service or for an industrial customer shall be the
17 customer's projected one-month's usage for the place
18 to be serviced as determined by the public utility
19 according to rules established by the commerce
20 commission.

21 PARAGRAPH DIVIDED. This subsection does not
22 prohibit a public utility from requiring payment of
23 a customer's past due account with the utility prior
24 to reinstatement of service."

Carter of Henry offered the following amendment H-5137, to the committee amendment H-5035, filed by him and moved its adoption:

H-5137

- 1 Amend the Committee on Small Business and Commerce
- 2 amendment, H-5035, to House File 2065 as follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "The rules shall allow a person other than the
- 6 customer to pay the customer's deposit. Upon
- 7 termination of service to such a customer, the deposit
- 8 plus accumulated interest less any unpaid utility
- 9 bill of the customer, shall be reimbursed to the
- 10 person who made the deposit."

Amendment H-5137 was adopted.

On motion by Chiodo of Polk, the committee amendment H-5035, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2065)

The ayes were, 88:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Connolly
Connors	Cooper	Copenhaver	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Skow

Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 6:

Corey	Hummel	Maulsby	Paulin
Schneklath	Tofte		

Absent or not voting, 6:

Cochran	Hoffmann-Bright	Krewson	Mullins
Shoultz	Torrence		

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

House File 2219, a bill for an act to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day, was taken up for consideration.

Swearingen of Keokuk offered the following amendment H—5178 filed by him and moved its adoption:

H—5178

- 1 Amend House File 2219 as follows:
- 2 1. Page 1, by striking lines 17 through 19 and
- 3 inserting in lieu thereof the following: "elector
- 4 is a resident of the precinct."
- 5 2. Page 1, by adding the following unnumbered
- 6 paragraph after line 19:
- 7 "A person whose residency is proven on the day
- 8 of an election shall not prove residency for any
- 9 other person on that day."

Roll call was requested by Stromer of Hancock and Arnould of Scott.

On the question "Shall amendment H—5178 be adopted?"

The ayes were, 34:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hummel	Lageschulte

Maulsby	McKean	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
Lonergan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 8:

Branstad	Cochran	Hoffmann-Bright	Krewson
McIntee	Mullins	Shultz	Torrence

Amendment H—5178 lost.

The following amendment H—5207 filed by Arnould of Scott from the floor was adopted by unanimous consent:

H—5207

- 1 Amend House File 2219 as follows:
- 2 1. Page 2, line 2, by striking the words "attempt
- 3 to".

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

On the question "Shall the bill pass?" (H.F. 2219)

The ayes were, 63:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Clark	Connolly
Connors	Cooper	Copenhaver	Corey
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. N.	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lloyd-Jones	Loneragan	McKean
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 25:

Anderson	Bennett	Carpenter	Daggett
De Groot	Diemer	Grandia	Handorf
Hanson	Hermann	Hummel	Lageschulte
Maulsby	Paulin	Pellett	Renken
Rensink	Schneklloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Van Maanen
Welden			

Absent or not voting, 12:

Branstad	Cochran	Halvorson, R. A.	Harbor
Hoffmann-Bright	Krewson	McIntee	Menke
Mullins	Royer	Shultz	Torrence

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 2189)

Swartz of Marshall asked and received unanimous consent to withdraw the motion to reconsider House File 2189, a bill for an act creating a commission on children, youth, and families and providing its purpose and duties, filed by him on February 13, 1984.

CONFERENCE COMMITTEE APPOINTED
(House File 2072)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2072: Jochum of Dubuque, Chair; Varn of Johnson, Arnould of Scott, Welden of Hardin and Harbor of Mills.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, previously deferred, and amendment H-5118 by Daggett of Taylor found on pages 377 and 378 of the House Journal.

(House File 2217 and amendment H-5118 pending at adjournment.)

MOTION TO RECONSIDER
(House File 2219)

I move to reconsider the vote by which House File 2219 passed the House on February 16, 1984.

ARNOULD of Scott

EXPLANATIONS OF VOTE

I misread the amendment H-5184 and voted "nay". I intended to vote "aye" on amendment H-5184 to House File 2295.

MULLINS of Kossuth

I was necessarily absent from the House chamber on Thursday morning, February 16, 1984. Had I been present, I would have voted "aye" on House File 2185; amendments H-5175, H-5184B, H-5187 and H-5197 to House File 2295; and "nay" on House File 2295.

LAGESCHULTE of Bremer

I was necessarily absent from the House chamber on February 16, 1984. Had I been present, I would have voted "aye" on House File 2295.

CARL of Poweshiek

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. 725 Education**

Relating to the repayment of loans made under the science and mathematics loan program.

S.B. 726 Education

To define that the multicultural approach to the educational program of an approved school district or school includes instruction about both the creation and evolution theories of the establishment of the universe.

S.B. 727 Education

Relating to school district reorganization procedures.

S.B. 728 Human Resources

Relating to parental rights.

S.B. 729 Local Government

To increase the tax on real estate transfers.

S.B. 730 Local Government

Relating to the administration of special assessments and other property tax laws.

S.B. 731 Local Government

Relating to the recovery of damages for injuries suffered as a result of natural accumulations of snow and ice upon sidewalks.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House File 576, a bill for an act permitting an adult to execute a directive to order the withholding or withdrawal of life-sustaining procedures during a terminal condition including notification of brain function death.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5200 February 15, 1984.

Senate File 2062, a bill for an act relating to the confidentiality of Iowa department of corrections records and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5201 February 15, 1984.

Senate File 2084, a bill for an act relating to transition legislation for the Iowa department of corrections.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5202 February 15, 1984.

Committee Bill (Formerly Study Bill 537), relating to the findings of a complaint filed against a health care facility.

Fiscal Note is not required.

Recommended Amend and Do Pass February 15, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 2021), relating to the garnishment of the disposable income of a judgment debtor.

Fiscal Note is not required.

Recommended Amend and Do Pass February 15, 1984.

Committee Bill (Formerly House File 2070), relating to the crime of incest and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1984.

Committee Bill (Formerly House File 2087), relating to parental financial responsibility for the acts of children.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 389, a bill for an act to provide that a county waterworks may be financed with general obligation bonds as an essential county purpose.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5192** February 15, 1984.

House File 407, 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 not required.

Recommended **Amend and Do Pass with amendment H — 5190** February 15, 1984.

House File 443, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5189** February 15, 1984.

COMMITTEE ON NATURAL RESOURCES

House File 531, a bill for an act to revise the procedures for the assessment of penalties under the laws regulating coal mining.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5199** February 15, 1984.

Committee Bill (Formerly Study Bill 610), relating to the authority of the Department of Water, Air and Waste Management over wastewater disposal systems.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1984.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2102), a bill for an act relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1984.

Committee Bill (Formerly Study Bill 585), to eliminate the county auditor's annual property valuation and tax report to the department of revenue.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1984.

Committee Bill (Formerly Study Bill 587), relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1984.

Committee Bill (Formerly Study Bill 590), relating to the filing of refund claims resulting from the carryback of net operating losses or net capital losses for tax years ending on or before December 31, 1978 for personal and corporate and franchise tax purposes and making the Act retroactive.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 15, 1984.

AMENDMENTS FILED

H-5189	H.F.	443	Committee on Local Government
H-5190	H.F.	407	Committee on Local Government
H-5192	H.F.	389	Committee on Local Government
H-5194	H.F.	2211	Chapman of Linn
H-5199	H.F.	531	Committee on Natural Resources
H-5200	H.F.	576	Committee on Human Resources

H-5201	S.F.	2082	Committee on Human Resources
H-5202	S.F.	2084	Committee on Human Resources
H-5203	H.F.	2163	Cooper of Lucas
H-5204	H.F.	417	Woods of Polk Pavich of Pottawattamie
H-5205	H.F.	2217	Hughes of Union
H-5206	H.F.	2217	Shoultz of Black Hawk
H-5208	H.F.	2217	Hughes of Union

On motion by Norland of Worth, the House adjourned at 5:40 p.m., until 9:00 a.m., Friday, February 17, 1984.

JOURNAL OF THE HOUSE

Fortieth Calendar Day—Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 17, 1984

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by the Reverend Ronald Stein, pastor of the First Baptist Church, Chariton.

The Journal of Thursday, February 16, 1984 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Oxley of Linn, from ninety-five constituents of District 47, opposing House File 406, relating to the issuing of licenses and permits for wild mammals and others.

By Renaud of Polk, from thirty-seven constituents opposing House File 2295, relating to lotteries.

INTRODUCTION OF BILLS

House File 2315, by Baxter, a bill for an act relating to the taxing of costs and reasonable attorney fees against an appealing party in a small claims action.

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

House File 2316, by Daggett, a bill for an act to require approval of the board of directors of the area education agency for sharing arrangements under the supplementary weighting plan.

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

House File 2317, by Daggett, a bill for an act relating to a substance abuse hotline.

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

House File 2318, by Tofte, a bill for an act relating to bacterial and organoleptic milk standards.

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

House File 2319, by Shoultz, a bill for an act legalizing pull-tab bingo games conducted by qualified organizations and making penalties applicable.

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

House File 2320, by Renaud, Buhr, Sherzan, Connors, Woods, Chiodo and Haverland, a bill for an act relating to the collection, transportation, storage, and disposal of solid waste.

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

House File 2321, by committee on ways and means, a bill for an act relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel.

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

House File 2322, by committee on local government, a bill for an act relating to public bonds and obligations by correcting references and providing for payment of the costs of registration.

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

House File 2323, by committee on agriculture, a bill for an act relating to the payment of special assessments of drainage districts.

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

House File 2324, by committee on ways and means, a bill for an act relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections.

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

House File 2325, by committee on agriculture, a bill for an act providing an appropriation for development of a horticultural crops marketing program.

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

House File 2326, by committee on ways and means, a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue.

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

SENATE MESSAGES CONSIDERED

Senate File 510, by committee on agriculture, a bill for an act relating to liens against crops and livestock to secure payment for agricultural chemicals, seed, petroleum products, and feed used in the production of growing crops and livestock and providing for the perfection, enforcement, assignment, and satisfaction of these liens, and providing for statutory damages.

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

Senate File 2154, by committee on state government, a bill for an act to extend the sunset provision on community action agencies to July 1, 1986.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock on request of Bennett of Ida.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 11:00 a.m., Speaker Avenson in the chair.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue cer-

tificates and provide for their renewal, and to prescribe their duties, and amendment H—5118 by Daggett of Taylor found on pages 377 and 378 of the House Journal.

Hanson of Delaware in the chair at 11:03 a.m.

QUORUM CALL

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

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5118 filed by him on February 8, 1984 and found on pages 377 and 378 of the House Journal and amendment H—5210, to amendment H—5118, filed by him from the floor.

Shultz of Black Hawk asked for unanimous consent to withdraw the following amendment H—5206 filed by him:

H—5206

- 1 Amend House File 2217 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 257.10, subsection 11, Code
- 5 1983, is amended by striking the subsection.
- 6 Sec. 2. Section 257.18, Code 1983, is amended
- 7 by adding the following new subsection:
- 8 **NEW SUBSECTION. 4A.** Act as the executive officer
- 9 of the board of educational examiners pursuant to
- 10 chapter 260.
- 11 Sec. 3. Section 260.1, Code 1983, is amended by
- 12 striking the section and inserting in lieu thereof
- 13 the following:
- 14 **260.1 STATE BOARD.** There is established the state
- 15 board of educational examiners consisting of nine
- 16 members appointed by the governor, subject to senate
- 17 confirmation. Associations interested in education
- 18 may recommend the names of potential board members
- 19 to the governor, but the governor is not bound by
- 20 the recommendations.
- 21 As used in this chapter, "board" means the state
- 22 board of educational examiners, unless otherwise
- 23 required by the context. The members shall include
- 24 the following:
- 25 1. Four members who possess certificates to teach
- 26 issued under this chapter or who possess professional

27 or permanent professional certificates issued by the
28 board of educational examiners prior to the effective
29 date of this Act.

30 2. One member who possesses endorsement as a
31 school administrator.

32 3. One member of the teaching faculty of the
33 education college or department of a college or
34 university that has an approved teacher education
35 program.

36 4. Three members who do not hold teacher or
37 administrator certificates and who represent the
38 general public.

39 Each teacher and administrator member of the board
40 shall be employed as a teacher or administrator and
41 shall have been so employed for a period of three
42 years just preceding the member's appointment, the
43 last two of which shall be in this state.

44 Sec. 4. Section 260.3, Code 1983, is amended to
45 read as follows:

46 260.3 PERSONNEL. The state superintendent of
47 public instruction shall, with the approval of the
48 state board, direct the work of such personnel as
49 may be necessary to carry out the provisions of this
50 chapter.

Page 2

1 Sec. 5. NEW SECTION. 260.4 TERM—COMPENSATION.

2 The members of the board shall serve four-year terms
3 that commence and end as provided in section 69.19.

4 A vacancy in the membership of the board shall be
5 filled by appointment of the governor, subject to
6 senate confirmation.

7 A member of the board shall receive forty dollars
8 per day from funds appropriated to the department
9 for each day the member is actually engaged in the
10 discharge of duties except that members of the board
11 appointed under section 260.1, subsections 1 through
12 3 shall not receive the per diem payment if they are
13 receiving compensation for that day from their
14 employer. The member shall also receive necessary
15 and actual travel and expenses from funds appropriated
16 to the department of public instruction.

17 The board of directors of a school district or
18 authorities in charge of a college or university shall
19 allow members appointed to the board to serve as
20 members of the board and shall not discriminate against
21 the member in employment.

22 Sec. 6. NEW SECTION. 260.5A DUTIES. The board
23 shall:

24 1. Issue certificates to qualified applicants.

25 2. Provide endorsements and approvals for the
26 subjects and fields and positions which certificates
27 cover.

28 3. Establish standards for the acceptance of
29 degrees, credits, courses, and other evidences of
30 training and preparation from colleges and universities
31 in this state and out of this state and provide for
32 approval of teacher education programs at colleges
33 and universities in this state. The standards for
34 approval may include the adoption of national standards
35 for teacher education programs.

36 4. Prescribe requirements for renewal of
37 certificates.

38 5. Approve examinations required under this chapter
39 and other examinations deemed necessary by the board.

40 6. Establish standards for the certification and
41 renewal of certification of administrative,
42 supervisory, and instructional personnel employed
43 at the merged area schools.

44 7. Provide for the issuance of the appropriate
45 certificates to applicants who are certificated in
46 other states and enter into reciprocity agreements
47 with other states that have similar requirements.

48 8. Establish fees for the issuance and renewal
49 of certificates, for changes in approvals and
50 endorsements, and for required examinations, based

Page 3

1 upon the costs incurred and the costs of sustaining
2 the board.

3 9. Employ an executive administrator.

4 10. Receive federal funds on behalf of the state
5 for purposes related to its duties.

6 11. Develop criteria for professional practices
7 pursuant to section 260.31.

8 12. Adopt rules, pursuant to chapter 17A, to
9 implement its duties under this chapter.

10 Sec. 7. Section 260.6, Code 1983, is amended to
11 read as follows:

12 260.6 CERTIFICATES REQUIRED. ~~The board of~~
13 ~~educational examiners shall issue certificates pursuant~~
14 ~~to section 257.10, subsection 11. A person employed~~
15 ~~as an administrator, supervisor, school service person,~~
16 ~~or teacher in the public schools shall hold a~~
17 ~~certificate with appropriate endorsement and approvals~~
18 ~~valid for the type of position in which the person~~
19 ~~is employed.~~

20 Sec. 8. NEW SECTION. 260.8 EXAMINATIONS. The
21 board shall consult with state associations and state
22 agencies interested in education in this state in

23 adopting the subject matter and professional competency
24 examinations. The board may consult with officials
25 from other states that administer similar tests for
26 teachers.

27 The board may contract with an institution of
28 higher education or an educational testing service
29 to develop, score, and provide appropriate analyses
30 of the examinations.

31 Sec. 9. Section 260.9, Code Supplement 1983, is
32 amended by striking the section and inserting in lieu
33 thereof the following:

34 **260.9 SUBJECT MATTER AND PROFESSIONAL COMPETENCY**

35 **EXAMINATIONS.** An applicant for an initial certificate
36 shall present evidence to the board that the applicant
37 has successfully completed the subject matter and
38 professional competency examination for the subject
39 matter endorsement and approval areas that the
40 applicant seeks. The board shall adopt subject matter
41 and professional competency examinations for the
42 various subject matter endorsements and approval
43 areas. The board may administer as many examinations
44 per year as are necessary, but shall administer the
45 examination for each subject matter competency at
46 least one time per year. The scope of the examinations
47 and the methods of procedure shall be prescribed by
48 the board. Any written examination may be conducted
49 by representatives of the board. The identity of
50 the person taking the examination shall be concealed

Page 4

1 until after the examination papers have been graded.

2 The subject matter and professional competency
3 examination shall first be administered during the
4 fiscal year beginning July 1, 1986 and may be given
5 to students during their senior year in a teacher
6 education program. The subject matter and professional
7 competency examination is required for certificates
8 issued on or after October 1, 1987.

9 Sec. 10. Section 260.15, Code 1983, is amended
10 to read as follows:

11 **260.15 APPLICATIONS—DISBURSEMENT OF FEES.**

12 Applications for the issuance or renewal of all
13 teachers' certificates shall be made to the
14 superintendent of public instruction. Fees for the
15 issuance or renewal of certificates paid under this
16 chapter shall be paid to the superintendent of public
17 instruction who shall deposit each fee received from
18 these sources with the treasurer of state and credit
19 the fee to the general fund of the state. If an
20 application for the issuance or renewal of a

21 certificate is not approved, the superintendent of
22 public instruction shall remit the fee to the applicant
23 by a state comptroller's warrant issued on the general
24 fund of the state upon certification of the
25 superintendent of public instruction that the fee
26 has not been earned. The superintendent shall keep
27 an accurate and detailed account of money received.

28 Sec. 11. NEW SECTION. 260.18 TEMPORARY
29 CERTIFICATE. The board shall prescribe requirements
30 for issuance of a temporary certificate. A temporary
31 certificate is valid for one year and may be issued
32 for an emergency or unusual situation.

33 Before a temporary certificate can be issued for
34 a teacher to be employed by the board of directors
35 of a school district, the board of directors shall
36 contact the department of job service to review the
37 certificated teacher registry.

38 Sec. 12. Section 260.21, Code 1983, is amended
39 to read as follows:

40 260.21 VALIDITY AND EXPIRATION OF CERTIFICATES.

41 A certificate is valid throughout the state after
42 issuance by the board. An original or renewed
43 certificate shall expire on June 30 of the year in
44 which it expires, and the expiration date shall be
45 determined by counting each fraction of a year during
46 the term of the certificate following the date of
47 issuance as one year. A certificate issued by the
48 board prior to January 1, 1980 is valid until June
49 30 of the year in which the certificate expires.
50 Certificates issued prior to January 1, 1980, may

Page 5

1 be renewed in a manner prescribed by the board.
2 Sec. 13. NEW SECTION. 260.22 AREA EDUCATION
3 AGENCY ADMINISTRATOR'S CERTIFICATE. The board of
4 educational examiners shall establish a certificate
5 for area education agency administrators. The area
6 education agency administrator's certificate shall
7 be issued to an applicant who has met the requirements
8 in two of the four following subsections:
9 1. Five years' experience in higher education
10 administration at a two or four-year college or
11 university which is accredited by the north central
12 association of colleges and secondary schools
13 accrediting agency or which has been certified by
14 the north central association of colleges and secondary
15 schools accrediting agency as a candidate for
16 accreditation by that agency or as a school giving
17 satisfactory assurance that it has the potential for
18 accreditation and is making progress which, if

19 continued, will result in its achieving accreditation
20 by that agency within a reasonable time; or an earned
21 doctorate in higher education administration.

22 2. Five years' experience in special education,
23 media services, or educational services administration;
24 or an earned doctorate in special education, media
25 services, or educational services or any subspecialty
26 of these services.

27 3. Five years' experience in primary or secondary
28 school education; or an earned doctorate in educational
29 administration for the primary or secondary level,
30 and five years' teaching experience at any educational
31 level.

32 4. Five years' experience in business or other
33 nonacademic career pursuit; or an earned doctorate
34 in public administration or business administration.

35 A person shall not be issued a temporary or
36 emergency certificate for more than one year; and
37 an education agency shall not employ uncertificated
38 administrators, or employ temporary or emergency
39 certificated administrators for more than two
40 consecutive years.

41 The provisions of this section relating to the
42 certification of an area education agency administrator
43 do not apply to persons holding a superintendent's
44 certificate prior to July 1, 1975.

45 **Sec. 14. NEW SECTION. 260.24 CERTIFICATED TEACHER**
46 **REGISTRY.** The department of public instruction shall
47 send to the department of job service a list of
48 certificated teachers in this state that are interested
49 in employment as a teacher together with the teachers'
50 endorsements and approval areas. The department of

Page 6

1 job service shall maintain a certificated teacher
2 registry.

3 **Sec. 15. NEW SECTION. 260.25 DISCLOSURE OF**
4 **CONFIDENTIAL INFORMATION.** A member of the board shall
5 not disclose information relating to the following:

6 1. Criminal history or prior misconduct of an
7 applicant.

8 2. Information relating to the contents of the
9 examinations.

10 3. Information relating to the examination results
11 other than final score except for information about
12 the results of an examination which is given to the
13 person who took the examination.

14 A member of the board who willfully communicates
15 or seeks to communicate this information, and a person
16 who willfully requests, obtains, or seeks to obtain

17 this information, is guilty of a simple misdemeanor.

18 Sec. 16. NEW SECTION. 260.31 CRITERIA OF
 19 PROFESSIONAL PRACTICES. The board shall develop
 20 criteria of professional practices including, but
 21 not limited to, such areas as:

22 1. Contractual obligations.
 23 2. Competent performance of all members of the
 24 teaching profession.

25 3. Ethical practice toward other members of the
 26 profession, parents, students, and the community.

27 However, membership or nonmembership in a teachers'
 28 organization is not a criterion of an individual's
 29 professional standing. A violation, as determined
 30 by the board following a hearing, of any of the
 31 criteria so adopted is unprofessional practice and
 32 a legal basis for the suspension or revocation of
 33 a certificate by the board.

34 After a hearing, the board, in administering its
 35 responsibilities under this section, shall exonerate,
 36 warn or reprimand the member of the profession or
 37 may suspend or revoke a certificate under section
 38 260.23.

39 Sec. 17. NEW SECTION. 260.32 APPOINTMENT OF
 40 HEARING OFFICERS. The board shall maintain a list
 41 of qualified persons to serve as hearing officers
 42 who are experienced in the educational system of this
 43 state when a hearing is requested under section 279.24.
 44 When requested under section 279.24, the board shall
 45 submit a list of five qualified hearing officers to
 46 the parties. The hearing shall be held pursuant to
 47 chapter 17A relating to contested cases. The full
 48 costs of the hearing shall be shared equally by the
 49 parties. A person who is employed as a teacher or
 50 administrator by a school district is not eligible

Page 7

1 to serve as a hearing officer.

2 Sec. 18. NEW SECTION. 260.33 PRIOR CERTIFICATE
 3 HOLDERS. A valid certificate issued by the board
 4 of educational examiners prior to the effective date
 5 of this Act is valid until its expiration date.
 6 Individuals holding a permanent professional
 7 certificate on the effective date of this Act need
 8 not be issued a certificate under this chapter.

9 Individuals holding life certificates, or holding
 10 preprofessional certificates converted from a term
 11 certificate, based upon less than a baccalaureate
 12 degree expire September 30, 1987 and may be issued
 13 a certificate pursuant to standards prescribed by
 14 the board.

15 Sec. 19. NEW SECTION. 260.34 ADMINISTRATIVE
16 PROCEDURES. For the purposes of chapter 17A, the
17 board is the final administrative authority for issuing
18 certificates and for appeals relating to the initial
19 issuing of a license or its renewal and for revocation,
20 suspension, or other disciplinary action taken by
21 the board.

22 Sec. 20. Section 273.3, subsection 12, Code
23 Supplement 1983, is amended to read as follows:
24 12. Employ personnel to carry out the functions
25 of the area education agency which shall include the
26 employment of an administrator who shall possess a
27 certificate issued under section ~~260.9~~ 260.22. The
28 administrator shall be employed pursuant to section
29 279.20 and sections 279.23, 279.24 and 279.25. The
30 salary for an area education agency administrator
31 shall be established by the board based upon the
32 previous experience and education of the administrator.
33 The provisions of section 279.13 shall apply to the
34 area education agency board and to all teachers
35 employed by the area education agency. The provisions
36 of sections 279.23, 279.24 and 279.25 shall apply
37 to the area education board and to all administrators
38 employed by the area education agency.

39 Sec. 21. Chapter 272A, Code 1983, is repealed.

40 Sec. 22. Sections 260.10, 260.11, 260.12, and
41 260.14, Code 1983, are repealed.

42 Sec. 23. Notwithstanding section 260.1, the
43 governor shall appoint initial members of the board
44 of educational examiners to staggered terms. The
45 term of one teacher and one member representing the
46 general public shall end the year following
47 appointment; one teacher, the faculty member, and
48 one member representing the general public, shall
49 end two years after appointment; one teacher and the
50 administrator shall end three years after appointment;

Page 8

1 and one teacher and one member representing the general
2 public shall end four years following appointment.
3 The governor shall appoint initial members in the
4 same manner as vacancies, subject to section 2.32.

5 Sec. 24. Sections 1 through 24 of this Act take
6 effect July 1, 1984 and section 23 of this Act takes
7 effect October 1, 1987. The board of educational
8 examiners established in section 3 of this Act shall
9 administer the rules in the Iowa administrative code
10 relating to teacher certification and the endorsement
11 and approval procedures until October 1, 1987."

Objection was raised.

Shoultz of Black Hawk moved to withdraw amendment H—5206, which motion prevailed.

Norland of Worth asked and received unanimous consent to take up for immediate consideration amendment H—5141.

Maulsby of Calhoun offered the following amendment H—5141 filed by Maulsby, et al.:

H—5141

1 Amend House File 2217 as follows:

2 1. Page 4, by striking line 11 and inserting in
3 lieu thereof the following: "All individuals holding
4 professional or permanent professional certificates
5 issued under chapter 260 prior to July 1, 1988 and
6 applicants for provisional certificates shall present".

7 2. Page 4, line 12, by inserting after the words
8 "that the" the words "certificate holder or".

9 3. Page 4, line 17, by inserting after the word
10 "for" the words "certificate holders by July 1, 1988
11 or the date the holder's current certificate expires,
12 whichever is earlier, and for".

13 4. Page 5, by inserting after line 2 the following:

14 "The holder of a professional or permanent
15 professional certificate issued by the board under
16 chapter 260 prior to July 1, 1988 who has not
17 successfully completed the basic skills assessment
18 examination by July 1, 1988, shall complete remedial
19 courses prescribed by the board."

20 5. Page 6, by inserting after line 23 the
21 following:

22 "Effective July 1, 1987, an individual holding
23 a professional or permanent professional certificate
24 issued by the board under chapter 260 prior to July
25 1, 1987 shall present evidence to the board that the
26 individual has passed the applicable subject matter
27 and professional competency examination. The holder
28 of a professional or permanent professional certificate
29 who has not successfully completed the examination
30 by July 1, 1987, shall complete remedial courses
31 prescribed by the board."

32 6. Page 7, line 17, by inserting after the word
33 "certificate." the following: "The holder of a
34 professional or permanent professional certificate
35 who has not successfully completed the evaluation
36 by July 1, 1988, shall complete remedial courses
37 prescribed by the board."

Speaker Avenson in the chair at 11:22 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maulsby of Calhoun, for the remainder of the day, and Clark of Cerro Gordo, for a portion of the day, on request of Bennett of Ida; Knapp of Dubuque, until his arrival, on request of Connolly of Dubuque; Branstad of Winnebago, for the remainder of the day, on request of Bennett of Ida.

Connors of Polk in the chair at 11:51 a.m.

Hanson of Delaware moved the adoption of amendment H—5141.

Roll call was requested by Hanson of Delaware and Menke of O'Brien.

On the question "Shall amendment H—5141 be adopted?"

The ayes were, 27:

Anderson	Bennett	Corey	Daggett
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Hanson	Harbor	Hummel
Lageschulte	McIntee	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stueland	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 59:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Chiodo	Connolly
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Hermann	Holveck	Hughes
Jay	Jochum	Koenigs	Lloyd-Jones
Loneragan	McKean	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	
		(Connors)	

Absent or not voting, 14:

Branstad	Carpenter	Clark	Cochran
Hoffmann-Bright	Knapp	Krewson	Maulsby
Mullins	O'Kane	Stromer	Swearingen
Tofte	Torrence		

Amendment H—5141 lost.

(House File 2217 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:05 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corey of Louisa, for the remainder of the day, on request of Van Gerpen of Black Hawk.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties.

Arnould of Scott in the chair at 1:45 p.m.

Van Gerpen of Black Hawk asked and received unanimous consent to withdraw amendment H—5163 filed by him on February 13, 1984.

Hughes of Union asked and received unanimous consent to temporarily defer action on amendment H—5205.

Swearingen of Keokuk asked and received unanimous consent to temporarily defer action on amendment H—5111.

Carpenter of Polk offered the following amendment H—5135 filed by her and moved its adoption:

H—5135

- 1 Amend House File 2217 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "department" the words "and allocated to the board".
- 4 2. Page 2, line 21, by inserting after the word
- 5 "instruction" the words "and allocated to the board".
- 6 3. Page 3, by striking line 19 and inserting in
- 7 lieu thereof the following: "the cost of sustaining
- 8 the board and the actual costs of certification.
- 9 The department shall prepare estimates of projected
- 10 revenues to be generated by the fees of the board
- 11 as well as a projection of the fairly apportioned
- 12 administrative costs and rental expenses attributable
- 13 to the board. The board shall annually review and
- 14 adjust its schedule of fees so that, as nearly as
- 15 possible, projected revenues equal projected costs
- 16 and any imbalance in revenues and costs in a fiscal
- 17 year is offset in a subsequent fiscal year."

Roll call was requested by Halvorson of Clayton and Carpenter of Polk.

On the question "Shall amendment H—5135 be adopted?"

The ayes were, 35:

Anderson	Bennett	Buhr	Carpenter
Clark	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hummel	Lageschulte
Lonerган	McIntee	McKean	Menke
Muhlbauer	Osterberg	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Stueland	Swearingen	Van Camp
Van Gerpen	Van Maanen	Woods	

The nays were, 50:

Avenson	Baxter	Black	Blanshan
---------	--------	-------	----------

Brammer	Carl	Carter	Chiodo
Connolly	Connors	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jochum	Koenigs	Lloyd-Jones	Miller
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Zimmerman	Mr. Speaker (Arnould)		

Absent or not voting, 15:

Branstad	Chapman	Cochran	Cooper
Corey	Hoffmann-Bright	Jay	Knapp
Krewson	Maulsby	Mullins	Stromer
Tofte	Torrence	Welden	

Amendment H—5135 lost.

Hughes of Union offered the following amendment H—5208 filed by him:

H—5208

- 1 Amend House File 2217 as follows:
- 2 1. Page 2, line 27, by striking the word
- 3 "probationary,".
- 4 2. Page 3, by striking lines 33, 34, and 35 and
- 5 inserting in lieu thereof the following: "interested
- 6 in education in this state in adopting the examinations
- 7 required in this chapter, and in developing".
- 8 3. By striking page 4, line 10, through page 5,
- 9 line 2, and inserting in lieu thereof the following:
- 10 "NEW SECTION. 260.9 PROFESSIONAL AND SUBJECT
- 11 MATTER PROFICIENCY EXAMINATIONS. An applicant for
- 12 a provisional certificate shall present evidence to
- 13 the board that the applicant has successfully completed
- 14 a professional and subject matter proficiency
- 15 examination for the appropriate endorsement and
- 16 approval areas. The examination shall test writing,
- 17 reading, and comprehension of written material and
- 18 comprehension of fundamental mathematical concepts
- 19 as well as knowledge of subject matter and education
- 20 philosophy and concepts.
- 21 The board may administer as many examinations per
- 22 year as are necessary, but shall administer the

23 examination for each subject matter proficiency at
24 least one time per year. The scope of the examinations
25 and the methods of procedure shall be prescribed by
26 the board.

27 The board may withdraw approval of the teacher
28 education program at an institution of higher education
29 in this state if a disproportionate number of its
30 students taking the examination do not before
31 graduation successfully pass the examination compared
32 to the state average of institutions with students
33 taking the examination.

34 The examination shall first be administered during
35 the fiscal year beginning July 1, 1986 and is required
36 for certificates issued on or after October 1, 1987.
37 The examination may be given to students during their
38 senior year in college.

39 An applicant for a provisional certificate who
40 is from another state, but otherwise meets the
41 requirements of this section, shall take the
42 examination as prescribed by the board.

43 Sec. NEW SECTION. 260.9A EXAMINATION
44 PROCEDURE. The examination may be conducted by
45 representatives of the board. The identity of the
46 person taking the examination shall be concealed until
47 after the examination papers have been graded. An
48 applicant who has failed the examination once shall
49 be allowed to take the examination at the next
50 scheduled time. Thereafter, the applicant shall be

Page 2

1 allowed to take the examination at the discretion
2 of the board. An applicant who has failed the
3 examination may request in writing information from
4 the board concerning the applicant's examination grade
5 and questions which the applicant failed to answer
6 correctly, except that if the board administers a
7 uniform, standardized examination, the board shall
8 only be required to provide the examination grade
9 and other information concerning the applicant's
10 examination results that are available to the board."

11 4. Page 5, line 13, by striking the words "basic
12 skills assessment" and inserting in lieu thereof the
13 words "professional and subject matter proficiency
14 examination".

15 5. Page 5, by striking lines 14 and 15 and
16 inserting in lieu thereof the following: "of a
17 provisional certificate is one year, but the board
18 may extend the term if the holder is not employed
19 as a teacher during that year, if the board has not
20 received the report of the evaluation team evaluating

21 the teacher, or for extraordinary circumstances.”

22 6. Page 5, by striking lines 16 through 34.

23 7. By striking page 5, line 35 through page 6,
24 line 29.

25 8. Page 7, line 5, by inserting after the word
26 “administrator” the words “from the same or”.

27 9. Page 7, by striking lines 13 through 25 and
28 inserting in lieu thereof the following: “deficiencies
29 in teaching methods. When the teacher agrees that
30 the criteria of the professional evaluation have been
31 met, the team shall file a report of the professional
32 evaluation with the board not later than March 1 of
33 a school year. The evaluation may be continued for
34 more than one school year at the request of the
35 teacher.

36 If a teacher holding a provisional certificate
37 is employed by a different school district during,
38 a second school year, and a professional evaluation
39 report was not filed during the first school year,
40 the professional evaluation shall continue with a
41 different team.

42 If the professional evaluation report filed by
43 the team recommends that a professional certificate
44 not be issued to the teacher, the board shall prescribe
45 requirements for remediation. When the teacher
46 successfully completes the prescribed remediation,
47 the board may issue for the second time a provisional
48 certificate to the teacher.

49 For purposes of this chapter, the evaluation report
50 filed by the team shall be used solely for

Page 3

1 certification purposes.

2 10. Page 7, by striking lines 26 through 33.

3 11. Page 8, by striking lines 3, 4, and 5 and
4 inserting in lieu thereof the following: “that the
5 board of directors of a school district assign teaching
6 and extracurricular responsibilities to a teacher
7 possessing a provisional certificate that reflect
8 the needs of these teachers for additional time for
9 professional growth and development. The board of
10 directors shall”.

11 12. Page 8, line 11, by striking the figure “1989”
12 and inserting in lieu thereof the figure “1988”.

13 13. Page 8, by striking lines 12 through 15 and
14 inserting in lieu thereof the following: “issued
15 by the board to the holder of a provisional certificate
16 for which the board has accepted the report that the
17 teacher has successfully”.

18 14. Page 8, by inserting after line 20 the
19 following:

20 "Effective July 1, 1988, a professional certificate
21 shall be issued by the board to an applicant who is
22 the holder of an expired professional certificate
23 and who has completed the continuing education
24 requirements established by the board for renewal
25 of a professional certificate."

26 15. Page 9, line 13, by striking the figure "1989"
27 and inserting in lieu thereof the figure "1988".

28 16. Page 9, line 15, by striking the words "subject
29 matter competency" and inserting in lieu thereof the
30 words "subject matter portion of the professional
31 and subject matter proficiency".

32 17. Page 12, by inserting after line 24 the
33 following:

34 "The board shall issue a professional certificate
35 under this chapter to an individual holding a valid
36 certificate from another state who submits evidence
37 to the board that the individual has completed at
38 least one year of successful teaching and has passed
39 the professional and subject matter proficiency
40 examination for the appropriate endorsement and
41 approval areas."

42 18. Page 12, line 28, by striking the figure
43 "1987" and inserting in lieu thereof the figure "1988".

44 19. Page 13, by striking lines 9 through 18.

45 20. Page 13, lines 33 and 34, by striking the
46 words and figures "October 1, 1987" and inserting
47 in lieu thereof the words and figures "July 1, 1988".

48 21. Page 14, by striking line 2 and inserting
49 in lieu thereof the following: "the endorsement and
50 approval procedures for the professional and permanent

Page 4

1 professional certificates and payment of fees for
2 the professional and permanent professional
3 certificates pursuant to sections 260.12 and 260.14
4 until July 1, 1988."

5 22. By numbering and renumbering sections and
6 correcting internal references as necessary.

Schroeder of Pottawattamie offered the following amendment
H-5216, to amendment H-5208, filed by him from the floor and
moved its adoption:

H-5216

1 Amend the amendment H-5208 to House File 2217 as
2 follows:

3 1. Page 1, line 35, by striking the figure "1986"

- 4 and inserting in lieu thereof the figure "1988".
 5 2. Page 1, line 36, by striking the figure "1987"
 6 and inserting in lieu thereof the figure "1989".
 7 3. Page 2, by inserting after line 10 the
 8 following:
 9 " . Page 5, line 6, by striking the figure
 10 "1987" and inserting in lieu thereof the figure "1989".
 11 4. Page 2, by inserting after line 26 the
 12 following:
 13 " . Page 7, line 10, by striking the figure
 14 "1987" and inserting in lieu thereof the figure "1989".
 15 5. Page 3, line 12, by striking the figure "1988"
 16 and inserting in lieu thereof the figure "1990".
 17 6. Page 3, line 20, by striking the figure "1988"
 18 and inserting in lieu thereof the figure "1990".
 19 7. Page 3, line 27, by striking the figure "1988"
 20 and inserting in lieu thereof the figure "1990".
 21 8. Page 3, line 43, by striking the figure "1988"
 22 and inserting in lieu thereof the figure "1990".
 23 9. Page 3, line 47, by striking the figure "1988"
 24 and inserting in lieu thereof the figure "1990".
 25 10. Page 4, line 4, by striking the figure "1988"
 26 and inserting in lieu thereof the figure "1990".

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H—5216, to amendment H—5208, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, for the remainder of the day, on request of Rosenberg of Story;
 Hammond of Story, for the remainder of the day, on request of Menke of O'Brien.

Hughes of Union offered the following amendment H—5213, to amendment H—5208, filed by him from the floor and moved its adoption:

H—5213

- 1 Amend the amendment H—5208 to House File 2217 as
 2 follows:
 3 1. Page 2, by striking lines 25 and 26 and
 4 inserting in lieu thereof the following:
 5 " . By striking page 6, line 35, through page

6 7, line 6, and inserting in lieu thereof the following:
7 "evaluations and one additional member selected by
8 the teacher. The additional member selected by the
9 teacher may be a professional teacher in the same
10 subject area from the district or nonpublic school
11 employing the teacher or from another school district
12 or nonpublic school, an employee selected from the
13 area education agency in which the school district
14 or nonpublic school is located, or another
15 administrator from the same or another school district
16 or nonpublic school." "

17 2. Page 2, line 32, by striking the word and
18 figure "March 1" and inserting in lieu thereof the
19 word and figure "January 15".

20 3. Page 2, by inserting after line 35 the
21 following:

22 "If the report of the team indicates that two
23 members of the team do not agree on the results of
24 the evaluation, the board shall appoint a third member
25 to the evaluation team and shall direct the team to
26 continue its evaluation of the teacher. The team
27 shall file a second report not later than March 1
28 of that school year.

29 The board shall establish a list of individuals
30 eligible to be appointed as evaluators on evaluation
31 teams. The list shall contain the names of persons
32 knowledgeable about the education system of this state
33 who meet other criteria adopted by the board."

A non-record roll call was requested.

The ayes were 48, nays 29.

Amendment H-5213, to amendment H-5208, was adopted.

Daggett of Taylor requested division of amendment H-5208 as follows:

H-5208A - Lines 2 through 7, page 1; lines 11 through 14, page 2.

H-5208B - Line 8, page 1 through line 10, page 2; lines 23 and 24, page 2; lines 13 through 25, and lines 28 through 41, page 3.

H-5208C - Lines 15 through 22, and lines 25 and 26, page 2; lines 11 and 12, lines 26 and 27, lines 42 through 50, page 3; and lines 1 through 6, page 4.

H—5208D—Lines 27 through 50, page 2 and line 1, page 3.

H—5208E—Line 2, page 3.

H—5208F—Lines 3 through 10, page 3.

Hughes of Union moved the adoption of amendment H—5208A.

A non-record roll call was requested.

The ayes were, 44, nays 27.

Amendment H—5208A was adopted.

Van Gerpen of Black Hawk asked and received unanimous consent to withdraw amendment H—5146, filed by him on February 9, 1984.

Groth of Buena Vista offered amendment H—5147 filed by him. Division was requested as follows:

H—5147

1 Amend House File 2217 as follows:

H—5147A

2 1. Page 2, by striking lines 28 and 29 and
3 inserting in lieu thereof the following: "temporary,
4 and substitute certificates, and other certificates
5 deemed necessary by the board to qualified applicants."

H—5147B

6 2. Page 3, by striking lines 5 through 7, and
7 inserting in lieu thereof the following:
8 "5. Approve examinations required under this
9 chapter and other examinations deemed necessary by
10 the board."

H—5147C

11 3. Page 3, line 11, by inserting after the words
12 "certification of" the words "administrators,
13 supervisors, and".

H—5147D

14 4. Page 3, by striking line 14, and inserting

15 in lieu thereof the words "to applicants who are
16 certificated in other states and enter into reciprocity
17 agreements with other states that have similar
18 requirements".

19 5. Page 3, by striking lines 16 through 18 and
20 inserting in lieu thereof the following:
21 "certificates, for changes in approvals and
22 endorsements, and for required examinations, based
23 upon".

H-5147E

24 6. Page 3, by inserting after line 19 the
25 following:
26 " . . . Employ an executive administrator.
27 . . . Receive federal funds on behalf of the state
28 for purposes related to its duties.
29 . . . Develop criteria for professional practices
30 pursuant to section 260.31."

H-5147D

31 7. Page 4, line 17, by striking the word "July"
32 and inserting in lieu thereof the word "October".
33 8. Page 5, line 15, by inserting after the word
34 "renewal" the words ", except that the board may
35 extend the term of the provisional certificate if
36 a holder is not employed as a teacher during the
37 initial term or for extraordinary circumstances".
38 9. Page 5, line 23, by inserting after the word
39 "directors" the words "of the school district, or
40 authorities in charge of the nonpublic school,".
41 10. Page 5, line 24, by inserting after the word
42 "teacher" the words "and approval of the board of
43 directors".

H-5147F

44 11. Page 5, by striking lines 31 through 34.

H-5147D

45 12. Page 6, line 24, by striking the word "July"
46 and inserting in lieu thereof the word "October".
47 13. Page 6, line 32, by inserting after the word
48 "teachers" the words "holding provisional certificates
49 for purposes of certification under this chapter".
50 14. Page 6, line 34, by inserting after the word

Page 2

- 1 "district" the words "or nonpublic school".
2 15. Page 7, line 1, by inserting after the word
3 "board" the words "or authorities in charge of the
4 nonpublic school".
5 16. Page 7, line 3, by inserting after the word
6 "district" the words "or nonpublic school".
7 17. Page 7, line 4, by inserting after the word
8 "district" the words "or nonpublic school".
9 18. Page 7, line 5, by inserting after the word
10 "district" the words "or nonpublic school".
11 19. Page 7, line 6, by inserting after the word
12 "district" the words "or nonpublic school".
13 20. Page 7, line 7, by inserting after the word
14 "district" the words "or nonpublic school".
15 21. Page 7, line 8, by inserting after the word
16 "district" the words "or nonpublic school".
17 22. Page 7, line 10, by striking the word "July"
18 and inserting in lieu thereof the word "October".

H-5147G

- 19 23. Page 7, line 11, by inserting after the word
20 "evaluation" the words "for the improvement of
21 instruction".
22 24. Page 7, line 12, by striking the word "assist"
23 and inserting in lieu thereof the words "develop a
24 plan for remediation for".

H-5147D

- 25 25. Page 7, line 20, by inserting after the word
26 "directors" the words ", or authorities in charge
27 of the nonpublic school".
28 26. Page 7, line 23, by inserting after the word
29 "directors" the words "or authorities".
30 27. Page 7, by inserting after line 33 the
31 following:
32 "The professional evaluation criteria prescribed
33 by the board shall not be deemed to be the minimum
34 acceptable evaluation criteria of a school district."
35 28. Page 7, line 35, by inserting after the word
36 "directors" the words "of school districts and
37 authorities in charge of nonpublic schools".
38 29. Page 8, line 3, by inserting after the word
39 "district" the words "and authorities in charge of
40 a nonpublic school".
41 30. Page 8, line 5, by inserting after the word

42 "district" the words "and authorities in charge of
43 a nonpublic school".

44 31. Page 8, line 7, by inserting after the word
45 "directors" the words "or authorities".

46 32. Page 8, line 8, by inserting after the word
47 "directors" the words "or authorities".

H-5147H

48 33. Page 8, line 16, by inserting after the word
49 "evaluation" the words "and to the holder of a
50 professional certificate issued prior to July 1,

Page 3

1 1989".

2 34. Page 8, by inserting after line 20 the
3 following:

4 "Effective July 1, 1989, a professional certificate
5 shall be issued by the board to an applicant who is
6 the holder of an expired professional certificate
7 and who has completed the continuing education
8 requirements established by the board for renewal
9 of a professional certificate."

H-5147I

10 35. Page 12, line 20, by inserting after the word
11 "Act" the words ", or by the board on or after July
12 1, 1984,".

13 36. Page 12, line 27, by striking the word "June"
14 and inserting in lieu thereof the word "September".

H-5147J

15 37. Page 12, by inserting after line 28, the
16 following:

17 "Sec. . NEW SECTION. 260.34 ADMINISTRATIVE
18 PROCEDURES. For the purposes of chapter 17A, the
19 board is the final administrative authority for issuing
20 certificates and for appeals relating to the initial
21 issuing of a license or its renewal and for revocation,
22 suspension, or other disciplinary action taken by
23 the board."

H-5147I

24 38. Page 13, lines 33 and 34, by striking the
25 word and figures "October 1, 1987" and inserting in

26 lieu thereof the word and figures "July 1, 1989".
 27 39. Page 14, by striking line 2 and inserting
 28 in lieu thereof the following: "the endorsement and
 29 approval procedures for the professional and permanent
 30 professional certificates and payment of fees for
 31 the professional and permanent professional
 32 certificates pursuant to sections 260.12 and 260.14
 33 until July 1, 1989."
 34 40. By numbering and renumbering sections and
 35 subsections and correcting internal references as
 36 necessary.

Speaker Avenson in the chair at 3:18 p.m.

(House File 2217 and amendment H—5147A pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 16, 1984. Had I been present, I would have voted "aye" on amendment H—5178 to House File 2219 and House File 2219.

McINTEE of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 732 Ways and Means

Subjecting the gross receipts from the sales of candy and certain beverages to the state sales, services, and use tax.

S.B. 733 Small Business and Commerce

Relating to the definition of telephone companies not generally subject to rate regulation.

S.B. 734 Human Resources

Relating to the Iowa veterans home and its administration.

S.B. 735 State Government

Relating to the filing of a list of unpaid obligations by state agencies with the state comptroller.

S.B. 736 State Government

Relating to publications by state agencies.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2005

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 65 (Reassigned)

Natural Resources: Diemer, Chair; Stueland and Tabor.

House File 126 (Reassigned)

Natural Resources: Black, Chair; O'Kane and Grandia.

House File 129 (Reassigned)

Natural Resources: Black, Chair; O'Kane and Pellett.

House File 238 (Reassigned)

Natural Resources: Black, Chair; O'Kane and Pellett.

House File 531

Natural Resources: Cooper, Chair; Grandia, O'Kane, Paulin and Skow.

House File 2008

Natural Resources: Tofte, Chair; McKean and Skow.

House File 2028

Natural Resources: Black, Chair; Hanson and Shoultz.

House File 2048

Natural Resources: Hanson, Chair; Black and Diemer

House File 2085

Natural Resources: Haverland, Chair; Hanson and Skow.

House File 2098

Natural Resources: Woods, Chair; Baxter and Grandia.

House File 2103

Natural Resources: Woods, Chair; Baxter and Grandia.

House File 2141 (Reassigned)

Energy: Osterberg, Chair; Black, Royer, Shultz and Van Camp.

House File 2151

Natural Resources: O'Kane, Chair; Black and Grandia.

House File 2198

Transportation: Renaud, Chair; Miller and Pellett.

House File 2199

Labor and Industrial Relations: Peick, Chair; Running and Schneklloth.

House File 2204

Transportation: Miller, Chair; Muhlbauer and Van Camp.

House File 2206

Labor and Industrial Relations: Sturgeon, Chair; Grandia and Gronstal.

House File 2221

Transportation: Fogarty, Chair; Cochran and Van Camp.

House File 2227

Labor and Industrial Relations: Running, Chair; Branstad and Peick.

House File 2235

Small Business and Commerce: Swartz, Chair; Chiodo, Groninga, Hanson and Schneklloth.

House File 2236

Ways and Means: Chiodo, Chair; Bennett and Fey.

House File 2237

Local Government: Lloyd-Jones, Chair; Running and Swearingen.

House File 2239

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

House File 2240

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House File 2242

Ways and Means: Doderer, Chair; Maulsby and Osterberg.

House File 2243

Energy: Baxter, Chair; Osterberg and Royer.

House File 2244

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

House File 2245

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 2247

Local Government: Cooper, Chair; Connors, Menke, Sherzan and Swearingen.

House File 2249

Local Government: O'Kane, Chair; Hermann and Running.

House File 2250

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House File 2251

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 2254

Education: Groth, Chair; Daggett, Jay, Krewson and Ollie.

House File 2255

Education: Groth, Chair; Daggett, Jay, Krewson and Ollie.

House File 2256

Local Government: Menke, Chair; Lloyd-Jones and Renaud.

House File 2257

Local Government: Sherzan, Chair; Cooper and Tofte.

House File 2259

Agriculture: Halvorson of Webster, Chair; Copenhaver and Handorf.

House File 2260

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House File 2261

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2268

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 2269

Agriculture: Carter, Chair; Gruhn and Stueland.

House File 2271

Ways and Means: O'Kane, Chair; Doderer and Lageschulte.

House File 2272

Transportation: Miller, Chair; Bennett and Koenigs.

House File 2274

Natural Resources: Black, Chair; Diemer and O'Kane.

House File 2275

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

House File 2280

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

House File 2281

State Government: Woods, Chair; Swartz and Hanson.

House File 2282

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2283

Energy: Muhlbauer, Chair; Van Camp and Van Gerpen.

House File 2284

Small Business and Commerce: Baxter, Chair; Hanson and Lonergan.

House File 2285

Energy: Hughes, Chair; Mullins and Osterberg.

House File 2286

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

House File 2287

Human Resources: Carl, Chair; Arnould, Copenhaver, Daggett, Fey, Hammond, Hermann, Lonergan and Rensink.

House File 2288

Transportation: Osterberg, Chair; Fey and Pellett.

House File 2289

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

House File 2291

Ways and Means: Connolly, Chair; Copenhaver and Lageschulte.

House File 2294

Education: Carter, Chair; Carpenter and Poncy.

House File 2302

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2304

Transportation: Cooper, Chair; Cochran and Van Maanen.

House File 2305

Transportation: Muhlbauer, Chair; Fogarty and Harbor.

House Concurrent Resolution 106

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Senate File 2067

Transportation: Koenigs, Chair; Lageschulte and Muhlbauer.

Senate File 2089

Transportation: Lloyd-Jones, Chair; Koenigs and Lageschulte.

Senate File 2091

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Senate File 2102

Agriculture: Blanshan, Chair; Rensink and Skow.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 507**

Natural Resources: Black, Chair; Diemer, Groth, Hanson and Sullivan.

Study Bill 508

Natural Resources: Black, Chair; Diemer, Groth, Hanson and Sullivan.

Study Bill 509

Natural Resources: Black, Chair; Diemer, Groth, Hanson and Sullivan.

Study Bill 581

State Government: Woods, Chair; Hanson and Swartz.

Study Bill 598

Small Business and Commerce: McIntee, Chair; Chapman and Groninga.

Study Bill 608

Natural Resources: Groth, Chair; Stueland and Tabor.

Study Bill 609

Natural Resources: Shoultz, Chair; Fogarty and Welden.

Study Bill 610

Natural Resources: Shoultz, Chair; Fogarty and Welden.

Study Bill 643

Natural Resources: O'Kane, Chair; Osterberg and Welden.

Study Bill 656

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 662

Ways and Means: De Groot, Chair; Diemer and Pavich.

Study Bill 664

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 665

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

Study Bill 669

Natural Resources: O'Kane, Chair; Grandia, Groth, Paulin and Skow.

Study Bill 670

Natural Resources: Skow, Chair; Fogarty and Welden.

Study Bill 673

Energy: Hughes, Chair; Black and Mullins.

Study Bill 675

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 676

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 677

State Government: Blanshan, Chair; Carpenter, Halvorson of Webster, Hammond and Swearingen.

Study Bill 678

Agriculture: Skow, Chair; Gruhn and Rensink.

Study Bill 679

Agriculture: Blanshan, Chair; Koenigs and Van Maanen.

Study Bill 681

Labor and Industrial Relations: Ollie, Chair; Corey, Hermann, Parker and Sturgeon.

Study Bill 682

Small Business and Commerce: Swartz, Chair; Halvorson of Clayton and Skow.

Study Bill 683

Small Business and Commerce: Chiodo, Chair; Gronstal, Halvorson of Clayton, Parker and Schroeder.

Study Bill 684

Small Business and Commerce: Skow, Chair; Halvorson of Clayton and Hummel.

Study Bill 685

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

Study Bill 686

Small Business and Commerce: Skow, Chair; Halvorson of Clayton and Hummel.

Study Bill 687

Agriculture: Carter, Chair; Handorf and Hughes.

Study Bill 688

Agriculture: Gruhn, Chair; Anderson and Halvorson of Webster.

Study Bill 689

Agriculture: Hughes, Chair; Davitt and Stueland.

Study Bill 691

Ways and Means: Doderer, Chair; Carpenter, De Groot, Osterberg and Rosenberg.

Study Bill 692

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 694

Natural Resources: Shoultz, Chair; McKean and Osterberg.

Study Bill 695

Finance: Chiodo, Chair; Connolly and Krewson.

Study Bill 696

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

Study Bill 697

Transportation: Pavich, Chair; Bennett and Davitt.

Study Bill 698

Transportation: Fogarty, Chair; Cooper and Harbor.

Study Bill 699

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 700

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 701

Labor and Industrial Relations: Sherzan, Chair; Corey and Poncy.

Study Bill 705

Agriculture: Koenigs, Chair; De Groot and Hughes.

Study Bill 706

Local Government: Cooper, Chair; Menke and Oxley.

Study Bill 707

Small Business and Commerce: Chiodo, Chair; Gronstal, Hanson, Parker and Schroeder.

Study Bill 713

Agriculture: Skow, Chair; Anderson and Hughes.

Study Bill 714

Ways and Means: O'Kane, Chair; Koenigs and Lageschulte.

Study Bill 715

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Study Bill 716

State Government: Woods, Chair; Swartz and Van Maanen.

Study Bill 717

Small Business and Commerce: Chiodo, Chair; Groninga, Hummel, McIntee and Schroeder.

Study Bill 718

Small Business and Commerce: Parker, Chair; Diemer and Lonergan.

Study Bill 719

Ways and Means: Varn, Chair; Brammer and Carpenter.

Study Bill 720

Natural Resources: Shoultz, Chair; Fogarty and Welden.

Study Bill 721

Ways and Means: Varn, Chair; Maulsby and Swartz.

Study Bill 722

Ways and Means: Osterberg, Chair; Clark and Pavich.

Study Bill 723

Ways and Means: Schneklath, Chair; Koenigs and Pavich.

Study Bill 726

Education: Jay, Chair; Connolly and Swearingen.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 663), requiring telephone companies to provide a listing of directory assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 405, a bill for an act relating to the qualifications for certified public accountants.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5211** February 16, 1984.

Senate File 176, a bill for an act relating to the allocation of funds to regional libraries.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5217** February 16, 1984.

COMMITTEE ON TRANSPORTATION

House File 2180, a bill for an act relating to vehicle requirements by allowing a county treasurer to transfer title by operation of law in the county of the new owner's

residence, and making odometer statement requirements affect model years after the tenth year prior to the current registration year.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5212 February 16, 1984.

Senate File 2089, a bill for an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5209 February 16, 1984.

Committee Bill (Formerly Study Bill 698), relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations.

Fiscal Note is not required.

Recommended Do Pass February 16, 1984.

AMENDMENTS FILED

H—5209	S.F.	2089	Committee on Transportation
H—5211	H.F.	405	Committee on State Government
H—5212	H.F.	2180	Committee on Transportation
H—5214	H.F.	2217	Daggett of Taylor
H—5215	H.F.	2217	Schroeder of Pottawattamie
H—5217	S.F.	176	Committee on State Government
H—5218	H.F.	2217	Hughes of Union
H—5219	H.F.	2217	Doderer of Johnson Daggett of Taylor
H—5220	S.F.	2084	Spear of Lee
H—5221	H.F.	322	Paulin of Plymouth
H—5222	H.F.	2217	Schroeder of Pottawattamie
H—5223	H.F.	2217	Hughes of Union
H—5224	H.F.	2217	Daggett of Taylor

On motion by Norland of Worth, the House adjourned at 3:22 p.m., until 11:00 a.m., Tuesday, February 21, 1984.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 21, 1984

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

Prayer was offered by Reverend Andrew Hofer, pastor of the First Presbyterian Church, Audubon.

The Journal of Friday, February 17, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth on request of Krewson of Polk; Bennett of Ida, for the morning session, on request of Stromer of Hancock; Cochran of Webster, until his arrival, on request of Gruhn of Dickinson; Corey of Louisa, for the morning, on request of Spear of Lee; Torrence of Muscatine on request of Hoffmann-Bright of Muscatine; O'Kane of Woodbury on request of Norland of Worth; Tofte of Winneshiek, until his arrival, on request of Van Camp of Scott; Sturgeon of Woodbury, until his arrival, on request of Arnould of Scott; Jochum of Dubuque, until his arrival, on request of Parker of Jasper.

INTRODUCTION OF BILLS

House File 2327, by Holveck, a bill for an act to require toilet and lavatory facilities at locations where motor vehicle fuel is offered for retail sale.

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

House File 2328, by Pellett, McKean and Paulin, a bill for an act relating to convicted offenders by allowing charges for reasonable costs of housing, providing that the assault on a peace or corrections officer is a serious misdemeanor, requiring presentence investigations for persons convicted of felony offenses, disallowing the use of good time to reduce mandatory minimum sentences, and providing penalties.

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

House File 2329, by Lageschulte, a bill for an act relating to the annual salaries of elected state officers.

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

House File 2330, by Holveck, a bill for an act relating to parking violations and providing, with certain exceptions, that parking violations not be considered for license suspensions or revocations.

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

House File 2331, by committee on ways and means, a bill for an act relating to the filing of refund claims resulting from the carryback of net operating losses or net capital losses for tax years ending on or before December 31, 1978 for personal and corporate and franchise tax purposes.

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

House File 2332, by committee on human resources, a bill for an act relating to child care by requiring family or group day care providers to report child abuse, requiring child abuse identification and reporting training for mandatory reporters of child abuse, requiring foster parent training, permitting a peace officer to remove a child from a child day care facility under certain circumstances, permitting child care financial assistance funds to go to group day care homes and family day care homes, amending the definition of a family day care home, requiring registration of family day care homes but maintaining current standards for two years, requiring annual inspections or visits to group and family day care homes, expanding injunctive authority to family day care homes, and establishing fees and penalties.

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

House File 2333, by committee on local government, a bill for an act relating to county libraries.

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

House File 2334, by committee on judiciary and law enforcement, a bill for an act relating to the definition of burglary and attempted burglary.

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

House File 2335, by committee on local government, a bill for an act relating to the liability of a county or city, or an administrative or legal entity created by a county or city, under the Iowa competition law.

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 16, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2229, a bill for an act modifying the definitions and schedules of controlled substances and providing a penalty.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2059, a bill for an act relating to the authority of a standing committee of the general assembly to call upon a state agency or political subdivision for assistance and information.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2122, a bill for an act relating to county libraries.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act to nullify an administrative rule of the department of transportation establishing certain equipment standards on implements of husbandry.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2165, a bill for an act to provide for the development of a proposal to reduce upper-level management positions in certain state agencies.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2170, a bill for an act to provide temporary funding for the brucellosis and tuberculosis eradication fund.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2174, a bill for an act to require the state board of regents to inform the student government organizations at its institutions of higher learning about proposed tuition and fee increases.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2175, a bill for an act relating to dispensing of generically equivalent drugs.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2176, a bill for an act eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services.

Also: That the Senate has on February 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2177, a bill for an act to require that school districts offer kindergarten programs.

K. MARIE THAYER, Secretary

HOUSE FILE 2217 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2265, a bill for an act permitting certain teachers at the Iowa school for the deaf and Iowa braille and sight-saving school to be eligible for certain repayment criteria for loan programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2265)

The ayes were, 83:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	•Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cooper	Copenhaver
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Shoultz
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Bennett	Cochran	Connolly	Connors
Corey	Davitt	Groninga	Harbor
Jay	Joehum	Mullins	O'Kane
Sherzan	Sturgeon	Tabor	Tofte
Torrence			

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

Senate File 442, a bill for an act relating to access to library records by criminal justice agencies, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered amendment H—5027 filed by the committee on judiciary and law enforcement and requested division as follows:

H-5027

1 Amend Senate File 442 as amended, passed and reprinted
2 by the Senate, as follows:

H-5027B

3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 68A.7, Code Supplement 1983,
6 is amended by adding the following new subsection
7 and renumbering the remaining subsections as necessary:
8 NEW SUBSECTION. 6. Search warrants, affidavits
9 of search warrants, endorsements of search warrants,
10 and returns of search warrants, until such time as
11 a criminal complaint is filed against the defendant
12 or an indictment against the defendant is returned
13 or a trial information is filed."

H-5027A

14 2. Page 1, line 1, by inserting after the word
15 "Code" the word "Supplement".

H-5027B

16 3. Title page, by striking lines 1 and 2 and
17 inserting in lieu thereof the following: "An Act
18 relating to the confidentiality of search warrants,
19 affidavits of search warrants, endorsements of search
20 warrants, returns of search warrants, and records
21 of a library."
22 4. Renumber as necessary.

Miller of Woodbury asked and received unanimous consent to withdraw amendment H-5079, to the committee amendment H-5027A, filed by him on February 2, 1984.

On motion by Chapman of Linn, the committee amendment H-5027A was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-5049, to the committee amendment H-5027B, filed by her and McIntee of Black Hawk on January 31, 1984.

Chapman of Linn asked and received unanimous consent to withdraw the committee amendment H-5027B.

Chapman 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. 442)

The ayes were, 69:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Cooper	Copenhaver	De Groot	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Muhlbauer	Norland	Ollie	Osterberg
Parker	Pavich	Peick	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Van Gerpen	Varn	Welden
Mr. Speaker			

The nays were, 17:

Anderson	Branstad	Daggett	Diemer
Grandia	Handorf	Haverland	Maulsby
Miller	Oxley	Paulin	Pellett
Renken	Stueland	Van Maanen	Woods
Zimmerman			

Absent or not voting, 14:

Bennett	Carter	Connolly	Connors
Corey	Davitt	Harbor	Jay
Jochum	Mullins	O'Kane	Sturgeon
Tofte	Torrence		

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:

Connolly of Dubuque on request of Arnould of Scott; Jay of Appanoose on request of Rosenberg of Story, both until their arrival.

House File 2129, a bill for an act relating to the violation of a custodial order, and applying a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Brammer of Linn offered the following amendment H—5087 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5087

- 1 Amend House File 2129 as follows:
- 2 1. Page 1, by striking lines 15 and 16, and
- 3 inserting in lieu thereof the following: "who conceals
- 4 that child or causes the child's whereabouts to be
- 5 unknown to the other parent with the intent to prevent
- 6 visitation in violation of a court order granting".

The committee amendment H—5087 was adopted.

Brammer 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. 2129)

The ayes were, 89:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Copenhaver	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer

Stueland	Sullivan	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Bennett	Connolly	Corey	Davitt
Harbor	Jochum	Mullins	O'Kane
Sturgeon	Swartz	Torrence	

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

HOUSE FILES 2264 AND 2231 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2264 and 2231 be deferred and that the bills retain their place on the calendar.

House File 540, a bill for an act relating to the definitions of an employer and employee in chapter 91A, with report of committee recommending passage, was taken up for consideration.

Spear of Lee offered the following amendment H—5093 filed by him and moved its adoption:

H—5093

- 1 Amend House File 540 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and inserting
- 3 in lieu thereof the words "or other person who obtains
- 4 professional services from a licensed person who
- 5 provides the services on a fee service basis or as
- 6 an independent contractor."

Amendment H—5093 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the following amendments:

H—5051 filed by him on February 1, 1984.

H—5096, to amendment H—5051, filed by him on February 7, 1984.

H—5099, to amendment H—5051, filed by him and Connors of Polk on February 7, 1984.

Connors of Polk offered the following amendment H—5095 filed by him and Halvorson of Clayton:

H—5095

1 Amend House File 540 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. 2. Section 91A.10, subsection 5, Code 1983,
5 is amended to read as follows:
6 5. An employer shall not discharge or in any other
7 manner discriminate against any employee because such
8 the employee has filed a complaint, assigned a claim,
9 or brought an action under this section or has
10 cooperated in bringing any action against an employer.
11 Any employee may file a complaint with the commissioner
12 alleging discharge or discrimination within thirty
13 days after such violation occurs. Upon receipt of
14 the complaint, the commissioner shall cause an
15 investigation to be made to the extent deemed
16 appropriate. If the commissioner determines from
17 the investigation that the provisions of this
18 subsection have been violated, the commissioner shall
19 bring an action in the appropriate district court
20 against such person. The district court shall have
21 jurisdiction, for cause shown, to restrain violations
22 of this subsection and order all appropriate relief
23 including rehiring or reinstatement of the employee
24 to the former position with back pay."

Amendment H—5095 was adopted.

Halvorson of Clayton offered the following amendment H—5104 filed by him and Connors of Polk and moved its adoption:

H—5104

1 Amend House File 540 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. . Section 91A.3, Code 1983, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION. 7.** A person engaged in the
7 production of seed who contracts with a farm labor
8 contractor for the removal of genetically deviant
9 plants or corn tassels or for the hand pollinating
10 of plants shall require the farm labor contractor
11 to file with the commissioner a bond of at least
12 twenty thousand dollars payable to the person engaged
13 in the production of seed, with a corporate surety
14 approved by the commissioner, conditioned to pay

15 employees of the farm labor contractor all wages due
 16 the employees. If the bond is not filed as required,
 17 the person engaged in the production of seed shall
 18 be deemed the employer of the employees of the farm
 19 labor contractor for the purpose of making the person
 20 engaged in the production of seed liable to the
 21 employees for wages not paid by the farm labor
 22 contractor."
 23 2. By renumbering as necessary.

Amendment H—5104 was adopted.

Schroeder of Pottawattamie offered the following amendment
 H—5133 filed by him and Connors of Polk and moved its adoption:

H—5133

1 Amend House File 540, as follows:
 2 1. Page 1, by inserting after line 20 the
 3 following:
 4 "c. Neighboring persons engaged in agriculture
 5 who are exchanging labor or other services."

Amendment H—5133 was adopted.

The following amendment H—5226 filed by Connors of Polk
 from the floor was adopted by unanimous consent:

H—5226

1 Amend House File 540 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 chapter 91A."

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

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 88:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Copenhaver	Daggett	De Groot

Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Norland	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Schroeder	Sherzan	Shultz	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Bennett	Connolly	Corey	Davitt
Harbor	Jochum	Koenigs	Mullins
O'Kane	Ollie	Sturgeon	Torrence

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

On motion by Norland of Worth, the House was recessed at 12:09 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Pavich 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

February 16, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 169, a bill for an act establishing a time limit for completion of audits of units of local government.

Also: That the Senate has on February 16, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 406, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 456, a bill for an act relating to expenditures for a local, nonprofit historical society or municipally-owned historical projects, with report of committee recommending amendment and passage, was taken up for consideration.

Running of Linn offered the following amendment H—5109 filed by the committee on local government:

H—5109

- 1 Amend House File 456 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 331.427, subsection 2,
- 5 paragraph 1, Code Supplement 1983, is amended to read
- 6 as follows:
- 7 1. For the use of a nonprofit historical society
- 8 organized under chapter 504 or 504A or a city-owned
- 9 historical project."

O'Kane of Woodbury offered the following amendment H—5158, to the committee amendment H—5109, filed by him and moved its adoption:

H—5158

- 1 Amend the amendment, H—5109, to House File 456
- 2 as follows:
- 3 1. Page 1, line 8, by striking the word "or" and
- 4 inserting in lieu thereof the following: ","
- 5 2. Page 1, line 9, by inserting after the word
- 6 "project" the words ", or both".

Amendment H—5158 was adopted.

On motion by Running of Linn, the committee amendment H—5109, as amended, was adopted.

Running 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. 456)

The ayes were, 63:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Haverland
Hermann	Holveck	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	McIntee
McKean	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Spear	Sturgeon
Swartz	Tabor	Tofte	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 34:

Anderson	Bennett	Black	Branstad
Corey	Daggett	De Groot	Diemer
Grandia	Handorf	Hanson	Hoffmann-Bright
Hughes	Hummel	Koenigs	Lageschulte
Lonergan	Maulsby	Menke	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Skow	Stromer	Stueland
Sullivan	Swearingen	Van Camp	Van Gerpen
Van Maanen	Welden		

Absent or not voting, 3:

Harbor	Mullins	Torrence
--------	---------	----------

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

House File 205, a bill for an act relating to the eligibility of property owners to protest changes in zoning districts, with report of committee recommending amendment and passage, was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H—5168 filed by the committee on local government and moved its adoption:

H—5168

- 1 Amend House File 205 as follows:
- 2 1. Page 1, by striking lines 6 through 9 and
- 3 inserting in lieu thereof the following: "case,
- 4 however, of a written protest against such a change
- 5 or repeal which is filed with the city clerk and
- 6 signed by the owners of twenty percent or more either
- 7 of the area of the lots included in such the proposed
- 8 change or repeal, or of those immediately adjacent
- 9 in the rear thereof extending".
- 10 2. Page 1, by striking lines 14 through 17 and
- 11 inserting in lieu thereof the following: "by the
- 12 owners of twenty percent or more of the property which
- 13 is located within two hundred feet of the exterior
- 14 boundaries of the property for which the change or
- 15 repeal is proposed, the change or repeal".

The committee amendment H—5168 was adopted.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 205)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright

Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 2:

Branstad Schroeder

Absent or not voting, 3:

Harbor Mullins Torrence

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

House File 2172, a bill for an act relating to the surety bond required for an employment agency license, with report of committee recommending amendment and passage was taken up for consideration.

Peick of Linn offered the following amendment H—5172 filed by the committee on labor and industrial relations and moved its adoption:

H—5172

- 1 Amend House File 2172 as follows:
- 2 1. Page 1, line 16, by striking the words "~~two~~
- 3 twenty thousand dollars" and inserting in lieu thereof
- 4 the words "two thousand dollars when the employer
- 5 is the sole contributor to the payment of fees or
- 6 twenty thousand dollars when an employee is required
- 7 to contribute to the payment of fees".

The committee amendment H—5172 was adopted.

Peick 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. 2172)

The ayes were, 81:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Haverland	Hermann
Hoffmann-Bright	Holveck	Hummel	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Menke
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Poney	Renaud
Rosenberg	Royer	Running	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 15:

Daggett	Grandia	Handorf	Hanson
Hughes	Jay	Krewson	Maulsby
Pellett	Renken	Rensink	Schnekloth
Schroeder	Sullivan	Van Maanen	

Absent or not voting, 4:

Harbor	Mullins	Parker	Torrence
--------	---------	--------	----------

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

House File 2194, a bill for an act relating to the reporting of receipts by the county treasurer, with report of committee recommending passage was taken up for consideration.

Peick 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. 2194)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mausby
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 1:

Schroeder

Absent or not voting, 4:

Harbor	Hermann	Mullins	Torrence
--------	---------	---------	----------

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

House File 189, a bill for an act requiring state banks and state savings and loan associations to acquire and maintain account insurance on their deposits, with report of committee recommending amendment and passage was taken up for consideration.

Gronstal of Pottawattamie offered the following amendment H—5046 filed by the committee on small business and commerce:

H-5046

1 Amend House File 189 as follows:

2 1. Page 1, line 2, by striking the word "Every"
3 and inserting in lieu thereof the word "A".

4 2. Page 1, by inserting after line 14 the
5 following:

6 "Sec. . Section 524.1701, Code 1983, is amended
7 to read as follows:

8 524.1701 APPLICATION OF CHAPTER. ~~Nothing in~~
9 Except as provided in this division, this chapter
10 shall not be construed as affecting or in any way
11 interfering with ~~any~~ a private bank or private banker
12 that was engaged in lawful business prior to April
13 19, 1919.

14 Sec. . NEW SECTION. 524.1703 ACCOUNT
15 INSURANCE.

16 1. A private bank shall acquire and maintain
17 insurance to protect each depositor against loss of
18 funds held on account by the private bank. The
19 insurance shall be obtained from the federal deposit
20 insurance corporation or another insurance plan
21 approved by the superintendent. Upon request from
22 the superintendent, a private bank shall provide proof
23 of compliance with this subsection.

24 2. The superintendent may furnish to an official
25 of an insurance plan by which the accounts of the
26 private bank are insured, any information relating
27 to examinations and reports of the status of that
28 private bank for the purpose of availability of
29 insurance to that private bank.

30 3. The failure of a private bank to comply with
31 subsection 1 shall constitute a request by a private
32 bank under section 524.1702 to be subject to
33 examination and supervision by the superintendent."

34 3. Page 1, line 15, by striking the figure "533.24"
35 and inserting in lieu thereof the figure "534.24".

36 4. Page 1, line 16, by striking the word "Every"
37 and inserting in lieu thereof the word "A".

38 5. Page 1, by inserting after line 28 the
39 following:

40 "Sec. . This bill becomes effective July 1,
41 1984. However, the superintendent of banking may
42 grant to a state bank or a private bank and the
43 supervisor of savings and loan associations may grant
44 to a savings and loan association a six-month extension
45 to January 1, 1985 upon a finding that the financial
46 institution has diligently sought to comply with this
47 Act but was unable to do so by July 1, 1984. After
48 expiration of the first extension a second six-month
49 extension may be granted until July 1, 1985 upon a
50 finding that the financial institution has diligently

Page 2

- 1 sought to comply with this Act but was unable to do
- 2 so by January 1, 1985. In no event shall an extension
- 3 be granted beyond July 1, 1985."
- 4 6. Title page, line 1, by inserting after the
- 5 word "banks" the following words: ", private banks".
- 6 7. Renumber as necessary.

McIntee of Black Hawk offered the following amendment H-5160, to the committee amendment H-5046, filed by him and Chiodo of Polk and moved its adoption:

H-5160

- 1 Amend House amendment H-5046 to House File 189
- 2 as follows:
- 3 1. Page 1, line 40, by inserting before the word
- 4 "This" the figure "1."
- 5 2. Page 2, by inserting after line 3 the fol-
- 6 lowing:
- 7 "2. Notwithstanding subsection 1, the requirements
- 8 of this Act shall not apply until July 1, 1986 to
- 9 a bank or savings and loan association which holds
- 10 a state charter and is uninsured as of January 1,
- 11 1984 if the state bank or savings and loan association
- 12 maintains a reserve equal to at least fifteen percent
- 13 of its deposits. However, if a bank or savings and
- 14 loan association exempt from compliance until July
- 15 1, 1986 allows its reserve to drop below fifteen
- 16 percent of its deposits, then the bank or savings
- 17 and loan shall comply with this Act. The bank or
- 18 savings and loan may be granted a six-month extension
- 19 to comply upon a finding that the financial institution
- 20 has diligently sought to comply but was unable to
- 21 do so by the date compliance is required. After
- 22 expiration of the first extension, a second six-month
- 23 extension may be granted upon a finding that the
- 24 financial institution has diligently sought to com-
- 25 ply but was unable to do so by the date of expiration
- 26 of the first extension.
- 27 A bank or savings and loan association exempt from
- 28 compliance until July 1, 1986 may be granted a six-
- 29 month extension to comply upon a finding that the
- 30 financial institution has diligently sought to comply
- 31 but was unable to do so by July 1, 1986. After
- 32 expiration of the first extension, a second six-month
- 33 extension may be granted upon a finding that the
- 34 financial institution has diligently sought to comply
- 35 but was unable to do so by January 1, 1987. In no

36 event shall an extension be permitted under this Act
37 beyond July 1, 1987.

38 3. A state bank, private bank, or state savings
39 and loan association that does not have account
40 insurance in effect by July 1, 1984 shall mail a
41 written notice to each of its depositors stating that
42 the deposits in the financial institution are not
43 insured. The notice shall be sent to the last known
44 address of each depositor. A copy of the notice shall
45 be given to each prospective depositor seeking to
46 open a new account prior to accepting any funds for
47 the account."

Amendment H—5160 was adopted.

On motion by Gronstal of Pottawattamie, the committee amendment H—5046, as amended, was adopted.

Gronstal 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. 189)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Blanshan
Torrence

Harbor

Mullins

Royer

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

House File 590, a bill for an act relating to the requirements that certain buildings be designed by registered architects, with report of committee recommending amendment and passage, was taken up for consideration.

Carpenter of Polk offered the following amendment H—5050 filed by the committee on state government:

H—5050

- 1 Amend House File 590 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 118.18, Code 1983, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 118.18 EXCEPTIONS. Notwithstanding the other
- 8 provisions of this chapter, persons who are not
- 9 registered architects may perform planning and design
- 10 services in connection with any of the following:
- 11 1. Detached residential buildings containing
- 12 twelve or fewer family dwelling units of not more
- 13 than three stories and outbuildings in connection
- 14 with the buildings.
- 15 2. Buildings used primarily for agricultural
- 16 purposes including grain elevators and feed mills.
- 17 3. Nonstructural alterations to existing buildings
- 18 which do not change the use of a building:
- 19 a. From any other use to a place of assembly of
- 20 people or public gathering.
- 21 b. From any other use to a place of residence
- 22 not exempted by subsection 1.
- 23 c. From an industrial or warehouse use to a
- 24 commercial or office use not exempted by subsection
- 25 4.
- 26 4. Warehouses, light industrial and commercial
- 27 buildings not more than one story in height, and not
- 28 exceeding ten thousand square feet in gross floor
- 29 area and commercial buildings not more than two stories
- 30 in height and not exceeding six thousand square feet
- 31 in gross floor area.

32 5. Factory built buildings which are not more
 33 than two stories in height and not exceeding twenty
 34 thousand square feet in gross floor area or which
 35 are certified by a professional engineer registered
 36 under Chapter 114."

Carpenter of Polk offered the following amendment H—5159, to the committee amendment H—5050, filed by her and moved its adoption:

H—5159

1 Amend the committee amendment H—5050 to House File
 2 590 as follows:
 3 1. Page 1, line 26, by striking the words ", light
 4 industrial".
 5 2. Page 1, line 29, by striking the words "and
 6 commercial" and inserting in lieu thereof the following:
 7 "; commercial".
 8 3. Page 1, line 31, by inserting after the word
 9 "area" the following: "and light industrial
 10 buildings".
 11 4. Page 1, by inserting after line 36 the
 12 following:
 13 "6. Churches and accessory buildings, whether
 14 attached or separate, not more than two stories in
 15 height and not exceeding two thousand square feet
 16 in gross floor area."

Amendment H—5159 was adopted.

On motion by Carpenter of Polk, the committee amendment H—5050, as amended, was adopted, placing out of order amendment H—3422 filed by Blanshan of Greene on March 28, 1983 and found on page 2321 of the 1983 House Journal.

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. 590)

The ayes were, 62:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Connolly
Copenhaver	Daggett	Diemer	Fey

Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Haverland
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Koenigs	Krewson	Lloyd-Jones
Loneragan	McIntee	Miller	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Peick	Pony
Rosenberg	Running	Schroeder	Sherzan
Shoultz	Spear	Stromer	Sturgeon
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 35:

Anderson	Bennett	Black	Branstad
Cochran	Connors	Cooper	Corey
Davitt	De Groot	Doderer	Fogarty
Grandia	Hansorf	Hanson	Hermann
Jay	Knapp	Lageschulte	Maulsby
McKean	Menke	Muhlbauer	Oxley
Pellett	Renaud	Renken	Rensink
Royer	Schnekloth	Skow	Stueland
Sullivan	Van Maanen	Welden	

Absent or not voting, 3:

Harbor	Mullins	Torrence
--------	---------	----------

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

MOTION TO RECONSIDER (House File 590)

I move to reconsider the vote by which House File 590 passed the House on February 21, 1984.

SCHROEDER of Pottawattamie

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 21, 1984, he approved and transmitted to the Secretary of State the following bills:

Senate File 345, an act authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions and providing a penalty.

Senate File 475, an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon, February 16 and Friday, February 17, 1984. Had I been present, I would have voted "aye" on House Files 2065, 2219 and "nay" on amendments H-5141 and H-5135 to House File 2217.

COCHRAN of Webster

I was necessarily absent from the House chamber on Tuesday morning, February 21, 1984. Had I been present, I would have voted "aye" on House Files 2265, 2129, 540; and Senate File 442.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on February 21, 1984, until noon. Had I been present, I would have voted "aye" on House Files 2265, 2129, 540 and 2264.

COREY of Louisa

I was necessarily absent from the House chamber on Thursday afternoon, February 16 and Friday, February 17, 1984. Had I been present, I would have voted "aye" on House File 2065; amendments H-5141 and H-5135 to House File 2217; amendment H-5178 to House File 2219 and "nay" on House File 2219.

HOFFMANN-BRIGHT of Muscatine

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 737 Labor and Industrial Relations

Relating to the filing of surety bonds with the labor commissioner by farm labor contractors.

S.B. 738 Ways and Means

Relating to liability for the payment of the sales, services, and use tax and the filing of sales, services, and use tax returns.

AMENDMENTS FILED

H-5225	H.F. 169	Senate Amendment
H-5227	H.F. 406	Senate Amendment
H-5228	H.F. 2264	Brammer of Linn Hummel of Benton
H-5229	H.F. 573	Schroeder of Pottawattamie
H-5230	H.F. 2164	Shoultz of Black Hawk

On motion by Norland of Worth, the House adjourned at 5:23 p.m., until 9:00 a.m., Wednesday, February 22, 1984.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 22, 1984

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

Prayer was offered by the Reverend Marvin Van Donselaar, pastor of the Ocheyedan Christian Reformed Church, Ocheyedan.

The Journal of Tuesday, February 21, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles W. Beckman, M.D., Kalona.

PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from thirty-five constituents of District 55 opposing legalizing a state lottery plan and twenty-eight constituents of District 55 favoring raising the drinking age to twenty-one in Iowa.

By Parker of Jasper, from two hundred forty-seven constituents of District 70 favoring Study Bill 669, relating to the snare traps used in hunting—to have them declared illegal in the taking of game animals.

By Royer of Page, from two hundred one constituents of District 93 favoring repeal of mandatory sentencing statutes and fifteen constituents of District 93 favoring raising the drinking age to twenty-one years of age.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster on request of Connors of Polk.

INTRODUCTION OF BILLS

House File 2336, by Woods, a bill for an act relating to the appointment, terms, retention and qualifications of magistrates.

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

House File 2337, by Groth, a bill for an act relating to antiquated vehicles by providing an exemption from equipment standards for street rods and by allowing the use of year of production plates and providing a penalty.

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

House File 2338, by committee on small business and commerce, a bill for an act requiring telephone companies to provide a listing of directory assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory.

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

House File 2339, by committee on transportation, a bill for an act relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations.

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

House File 2340, by committee on human resources, a bill for an act relating to the investigations and findings of a complaint filed against a health care facility.

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

House File 2341, by committee on small business and commerce, a bill for an act permitting a state bank, state savings and loan association, or a service corporation of a state bank or state savings and loan association to engage in real estate brokerage only to the same extent as federally-chartered banks and savings and loan associations.

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

House File 2342, by Stueland, a bill for an act to exempt steam heating boilers maintained for hobby or display purposes and not for commercial use from inspection by the bureau of labor.

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

House File 2343, by Anderson, a bill for an act to establish a meat export technology and policy research center at Iowa state university of science and technology.

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

House File 2344, by Anderson and Hermann, a bill for an act requiring children under the age of five being transported in cars or pickups to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 2059, by Doyle, Mann and Drake, a bill for an act relating to the authority of a standing committee of the general assembly to call upon a state agency or political subdivision for assistance and information.

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

Senate File 2122, by Deluhery, a bill for an act relating to county libraries.

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

Senate File 2161, by committee on transportation, a bill for an act to nullify an administrative rule of the department of transportation establishing certain equipment standards on implements of husbandry.

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

Senate File 2165, by committee on state government, a bill for an act to provide for the development of a proposal to reduce upper-level management positions in certain state agencies.

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

Senate File 2170, by committee on local government, a bill for an act to provide temporary funding for the brucellosis and tuberculosis eradication fund.

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

Senate File 2174, by committee on education, a bill for an act to require the state board of regents to inform the student government organizations at its institutions of higher learning about proposed tuition and fee increases.

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

Senate File 2175, by committee on human resources, a bill for an act relating to dispensing of generically equivalent drugs.

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

Senate File 2176, by committee on human resources, a bill for an act eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services.

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

Senate File 2177, by committee on education, a bill for an act to require that school districts offer kindergarten programs:

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

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 17, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 602, a bill for an act repealing the requirement for a study to determine the percentage of motor fuel tax collected that derives from motor fuel used in watercraft.

Also: That the Senate has on February 17, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 347, a bill for an act providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular fee.

Also: That the Senate has on February 17, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2073, a bill for an act relating to income tax checkoffs for the state capitol restoration fund, state historical building fund and fish and game protection fund.

Also: That the Senate has on February 17, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2182, a bill for an act relating to the membership of the Iowa development commission.

Also: That the Senate has on February 17, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2184, a bill for an act relating to the qualifications of the superintendent of public instruction.

Also: That the Senate has on February 17, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2188, a bill for an act relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Grandia of Marion offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Armour Boot of Marion County, Iowa, who was a member of the Sixty-first General Assembly, passed away February 15, 1984; *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 Grandia of Marion, Van Maanen of Mahaska and Cooper of Lucas.

On motion by Norland of Worth, the House was recessed at 9:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of McKean of Jones; Diemer of Black Hawk, until his arrival, on request of Bennett of Ida; Van Gerpen of Black Hawk, until his arrival, on request of Corey of Louisa; Swearingen of Keokuk on request of Halvorson of Clayton; Torrence of Muscatine on request of Hoffmann-Bright of Muscatine; Mullins of Kossuth on request of McKean of Jones; Swartz of Marshall on request of Groth of Buena Vista.

HOUSE FILE 2217 TEMPORARILY DEFERRED

Arnould of Scott asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2264, a bill for an act relating to access by a non-custodial parent to information concerning the child, with report of committee recommending passage was taken up for consideration.

Brammer of Linn offered the following amendment H—5228 filed by him and Hummel of Benton and moved its adoption:

H—5228

- 1 Amend House File 2264 as follows:
- 2 1. Page 1, line 20, by striking the word
- 3 "custodial" and inserting in lieu thereof the word
- 4 "noncustodial".

Amendment H—5228 was adopted.

Brammer 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. 2264)

The ayes were, 89:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Tabor	Tofte	Van Camp	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Carter	Diemer	Halvorson, R. N.	Hammond
Krewson	Mullins	Oxley	Swartz
Swearingen	Torrence	Van Gerpen	

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

House File 2164, a bill for an act relating to the duties and responsibilities of a peace officer to a victim of domestic abuse and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Clark of Cerro Gordo offered the following amendment H—5171 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5171

1 Amend House File 2164 as follows:

2 1. By striking page 1, line 23, through page 2,
3 line 4, and inserting in lieu thereof the following:

4 "You have the right to ask the court for the
5 following help on a temporary basis:

6 (1) Keeping your attacker away from you, your
7 home and your place of work.

8 (2) The right to stay at your home without
9 interference from your attacker.

10 (3) Getting custody of children and obtaining
11 support for yourself and your minor children if your
12 attacker is legally required to provide such support.

13 (4) Professional counseling.

14 You have the right to file criminal charges for
15 threats, assaults, or other related crimes."

16 2. Page 2, by striking lines 13 through 14 and
17 inserting in lieu thereof the following: "present
18 remain at the scene until you and other affected
19 parties can leave or until safety is otherwise
20 ensured." "

21 3. Page 2, by striking lines 15 through 16 and
22 inserting in lieu thereof the following: "The notice
23 shall also contain the telephone numbers of any safe
24 shelters, support groups, or crisis lines operating
25 in the".

The committee amendment H—5171 was adopted.

Shultz of Black Hawk offered the following amendment H—5230 filed by him and moved its adoption:

H—5230

1 Amend House File 2164 as follows:

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

3 "Sec. 2. The department of public safety shall
4 study and recommend to the general assembly by January
5 15, 1985 a proposal to provide for the collection
6 of domestic violence data and statistics, through
7 the use of the uniform crime report or a similar
8 reporting system, and for the dissemination of the
9 data and statistics to the department of human
10 services. The report of the study and recommendations
11 shall include a summary of the data and statistical

- 12 collection systems instituted by other states or
 13 private agencies within the state, specific proposals
 14 for funding, the requirements sufficient to insure
 15 the confidentiality of data and statistics and other
 16 priorities and requirements of any proposed system."

Amendment H—5230 was adopted.

The following amendment H—5239 filed by Clark of Cerro Gordo from the floor was adopted by unanimous consent:

H—5239

- 1 Amend House File 2164 as follows:
 2 1. Title page, line 2, by striking the words
 3 "and providing" and inserting in lieu thereof the
 4 following: ", providing".
 5 2. Title page, line 3, by inserting after the word
 6 "penalty" the following: "and requiring the department
 7 of public safety to submit a proposal to the general
 8 assembly by January 15, 1985 for the collection of domestic
 9 violence data and statistics to be disseminated to the
 10 department of human services".

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. 2164)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud

Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Tabor
Tofte	Van Camp	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Diemer	Halvorson, R. N.	Krewson	Mullins
Swartz	Swearingen	Torrence	Van Gerpen

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 **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties and amendment H-5147A, (lines 2 through 5 of page 1) found on page 464 of the House Journal, temporarily deferred.

Groth of Buena Vista asked and received unanimous consent to defer action on amendment H-5147A.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-5119 filed by him on February 8, 1984, placing out of order amendment H-5152 (to amendment H-5119) filed by Van Gerpen of Black Hawk on February 10, 1984.

The House resumed consideration of amendment H-5147B, (lines 6 through 10 of page 1) found on page 464 of the House Journal.

Groth of Buena Vista moved the adoption of amendment H-5147B.

A non-record roll call was requested.

The ayes were 50, nays 30.

Amendment H-5147B was adopted.

Groth of Buena Vista asked and received unanimous consent to defer action on amendment H-5147C and amendment H-5114.

The House resumed consideration of amendment H-5147D (lines 14 through 23, lines 31 through 43; and lines 45 through 50, page 1; lines 1 through 18, lines 25 through 47, page 2) found on pages 464 through 467 of the House Journal.

Sullivan of Woodbury in the chair at 4:54 p.m.

Groth of Buena Vista moved the adoption of amendment H-5147D.

A non-record roll call was requested.

The ayes were 53, nays 29.

Amendment H-5147D was adopted.

The House resumed consideration of amendment H-5147E (lines 24 through 30, page 1) found on page 465 of the House Journal.

Daggett of Taylor asked and received unanimous consent to defer action on amendment H-5147E.

The House resumed consideration of amendment H-5208B (lines 8 through 50, page 1; lines 1 through 10 and lines 23 and 24, page 2; lines 13 through 25 and lines 28 through 41, page 3) found on pages 458 through 461 of the House Journal.

Speaker Avenson in the chair at 5:22 p.m.

Schroeder of Pottawattamie offered the following amendment H-5215, to amendment H-5208B, filed by him and moved its adoption:

H-5215

- 1 Amend the amendment H-5208 to House File 2217 as
- 2 follows:
- 3 1. Page 3, by striking lines 18 through 25.
- 4 2. Page 3, by striking lines 34 through 41 and
- 5 inserting in lieu thereof the following:
- 6 "The holder of any certificate issued by the board
- 7 of educational examiners prior to the effective date
- 8 of this Act and issued by the board prior to July
- 9 1, 1988 shall present evidence to the board not later

10 than July 1, 1990 that the applicant has successfully
 11 completed the applicable professional and subject
 12 matter proficiency examination and has successfully
 13 completed the professional evaluation. The board
 14 shall adopt rules to implement this provision and
 15 to prescribe procedures for those certificate holders
 16 who have not met the requirements."

A non-record roll call was requested.

The ayes were 28, nays 53.

Amendment H—5215 lost.

Hughes of Union moved the adoption of amendment H—5208B.

Roll call was requested by Hughes of Union and Varn of Johnson.

On the question "Shall amendment H—5208B be adopted?"

The ayes were, 55:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Hermann	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lloyd-Jones	Loneragan	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Tabor
Varn	Zimmerman	Mr. Speaker	

The nays were, 34:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McKean	Menke
Paulin	Pellett	Renken	Rensink
Royer	Schneklath	Schroeder	Stromer
Stueland	Tofte	Van Camp	Van Gerpen
Van Maanen	Welden		

Absent or not voting, 11:

Chiodo	Doderer	Halvorson, R. N.	Haverland
Krewson	McIntee	Mullins	Swartz
Swearingen	Torrence	Woods	

Amendment H—5208B was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, for the remainder of the day, on request of Ollie of Clinton.

The House resumed consideration of amendment H—5208C (lines 15 through 22, lines 25 and 26, page 2; lines 11, 12, 26 and 27 and lines 42 through 50, page 3; lines 1 through 6, page 4) found on pages 459 through 461 of the House Journal.

Hughes of Union asked and received unanimous consent to defer action on amendment H—5208C.

The House resumed consideration of amendment H—5147F, (line 44 of page 1) found on page 465 of the House Journal.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5147F.

The House resumed consideration of amendment H—5147G, (lines 19 through 24 of page 2) found on page 466 of the House Journal.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5147G.

Norland of Worth asked and received unanimous consent that House File 2217 be deferred and that the bill retain its place on the calendar.

RULE 58 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend rule 58, relating to committee notice and agenda, for a committee on appropriations meeting upon adjournment.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 21, 1984. Had I been present, I would have voted "aye" on House File 2265 and Senate File 442.

JAY of Appanoose

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 739 Ways and Means**

Imposing the state sales, services and use tax on cable television installation, service, repair, and disconnection and on the casual sale of snowmobiles and motorboats.

S.B. 740 Local Government

Relating to the publication of notices of public hearings and elections.

S.B. 741 Local Government

Relating to military veterans benefits.

S.B. 742 Local Government

Relating to the responsibility for the removal of snow and ice from sidewalks and providing conditions upon the recovery of damages from abutting property owners.

S.B. 743 Local Government

Relating to urban renewal.

S.B. 744 Judiciary and Law Enforcement

To provide a deterrent to persons operating a motor vehicle after consuming alcohol by declaring certain acts illegal and establishing penalties.

S.B. 745 Judiciary and Law Enforcement

Relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties.

S.B. 746 Judiciary and Law Enforcement

Ceding to the United States concurrent legislative jurisdiction over and within certain lands and waters dedicated to national park purposes.

S.B. 747 Judiciary and Law Enforcement

Prohibiting, under certain circumstances, the limiting of liability for errors in a classified telephone directory.

S.B. 748 Judiciary and Law Enforcement

Relating to the interest of an officer or employee in the purchase of goods and services by a political subdivision.

S.B. 749 Judiciary and Law Enforcement

Relating to the status of a snowmobile on a public roadway.

S.B. 750 Judiciary and Law Enforcement

Relating to mortgage redemption periods.

S.B. 751 Judiciary and Law Enforcement

Relating to expenses incurred by health care facilities in receivership and the liability of the receiver for the expenses and for suits filed against the receiver.

S.B. 752 Judiciary and Law Enforcement

Relating to the providing of interpreters for hearing impaired persons.

S.B. 753 Judiciary and Law Enforcement

Relating to the confidentiality of affidavits of search warrants.

S.B. 754 Judiciary and Law Enforcement

Relating to the service of process on an individual's spouse at a place other than the individual's dwelling house or usual place of abode.

S.B. 755 Judiciary and Law Enforcement

Relating to the giving of false information on a blood donor or sale application or to blood-taking personnel and providing a penalty.

S.B. 756 Judiciary and Law Enforcement

Relating to the setting aside of default judgments in small claims court.

S.B. 757 Transportation

Allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises.

S.B. 758 Labor and Industrial Relations

Relating to elevator code corrections.

S.B. 759 Local Government

Relating to access to government records and providing a penalty.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 875), relating to the confidentiality of Iowa board of parole records, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass February 21, 1984.

Committee Bill (Formerly Study Bill 700), providing for the surrender and disposition of earnings of persons committed to residential treatment centers operated by judicial district departments of correctional services.

Fiscal Note is not required.

Recommended Amend and Do Pass February 21, 1984.

COMMITTEE ON NATURAL RESOURCES

House File 2274, a bill for an act relating to the designation of moneys to be paid to the state fish and game protection fund by a taxpayer on an income tax return.

Fiscal Note is not required.

Recommended Do Pass February 21, 1984.

House Concurrent Resolution, a concurrent resolution relating to urging the state executive council and historical department to accept an offered gift of historic property.

Fiscal Note is not required.

Recommended Do Pass February 21, 1984.

Committee Bill (Formerly Study Bill 508), relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund.

Fiscal Note is not required.

Recommended Amend and Do Pass February 21, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 422, a bill for an act relating to joint exercise of powers by public agencies for public works and facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5231**, February 21, 1984.

Committee Bill (Formerly House File 2053), to allow an employee covered under an employer's group health and accident policy to maintain membership in the group and coverage during a temporary layoff or an approved leave of absence.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 1984.

RESOLUTION FILED

HCR 107, by Committee on Natural Resources, urging the state executive council and historical department to accept an offered gift of historic property.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5231	H.F.	422	Committee on Small Business and Commerce
H-5232	H.F.	2217	Groninga of Cerro Gordo
H-5233	H.F.	2180	Muhlbauer of Crawford
H-5234	S.F.	2082	Sherzan of Polk
H-5235	S.F.	2082	Spear of Lee
H-5236	H.F.	2217	Schroeder of Pottawattamie
H-5237	H.F.	405	Chapman of Linn
H-5238	H.F.	531	O'Kane of Woodbury
H-5240	H.F.	2184	Paulin of Plymouth

On motion by Norland of Worth, the House adjourned at 5:58 p.m., until 9:00 a.m., Thursday, February 23, 1984.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 23, 1984

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

Prayer was offered by Father Gerald Ryan, pastor of St. Anthony's Catholic Church, Des Moines.

The Journal of Wednesday, February 22, 1984 was approved.

INTRODUCTION OF BILLS

House File 2345, by committee on judiciary and law enforcement, a bill for an act relating to the maximum amount that may be garnished each year from a judgment debtor's personal income.

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

House File 2346, by committee on natural resources, a bill for an act relating to the authority of the department of water, air and waste management over wastewater disposal systems.

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

House File 2347, by committee on appropriations, a bill for an act relating to the appropriation of funds for the construction of a new state historical building and providing effective dates.

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

House File 2348, by committee on judiciary and law enforcement, a bill for an act relating to correctional procedures by expanding the circumstances under which home work release may be granted, providing for the duty of counties to comply with state requests for temporary confinement of alleged parole or work release violators, allowing for treatment of work releasees at the university hospitals, allowing a designee of the warden or superintendent to hear appeals of hearing officers, extending the time for the board of directors of a judicial district department of

correctional services to file its annual report, and providing for the penalty of contempt for violations of parole.

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

House File 2349, by committee on human resources, a bill for an act relating to the confidentiality of Iowa board of parole records, and providing penalties.

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

SENATE MESSAGES CONSIDERED

Senate File 347, by committee on transportation, a bill for an act providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular registration fee.

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

Senate File 2073, by Gallagher, a bill for an act relating to income tax checkoffs for the state capitol restoration fund, state historical building fund and fish and game protection fund.

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

Senate File 2182, by committee on small business and economic development, a bill for an act relating to the membership of the Iowa development commission.

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

Senate File 2184, by committee on education, a bill for an act relating to the qualifications of the superintendent of public instruction.

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

Senate File 2188, by committee on transportation, a bill for an act relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale.

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

REREFERRED TO COMMITTEE ON AGRICULTURE
(Senate File 2127)

The Speaker announced that Senate File 2127, previously referred to the committee on **natural resources**, was rereferred to the committee on **agriculture**.

REREFERRED TO COMMITTEE ON APPROPRIATIONS
(House File 2269)

The Speaker announced that House File 2269, recommended amend and do pass by the committee on **agriculture** on February 22, 1984, was rereferred to the committee on **appropriations**.

On motion by Norland of Worth, the House was recessed at 9:18 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties.

The Speaker announced that with the adoption of amendment H—5208B, lines 31, 32, 45 and 46 on page 1 of amendment H—5147D (previously adopted) are out of order.

The House stood at ease at 3:17 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Avenson in the chair.

Groninga of Cerro Gordo offered the following amendment H—5232 filed by him:

H-5232

1 Amend House File 2217 as follows:

2 1. By striking page 6, line 30, through page 7,
3 line 33, and inserting in lieu thereof the following:

4 "Sec. . . . NEW SECTION. 260.13 PROFESSIONAL

5 EVALUATION. The board shall establish criteria for
6 the professional evaluation of teachers holding pro-
7 visional certificates for purposes of certification
8 under this chapter and shall maintain a list of quali-
9 fied individuals to serve as professional evaluators.

10 The professional evaluators shall be persons knowledge-
11 able about the education system of the state who meet
12 other criteria adopted by the board. The expenses
13 of the professional evaluators while conducting evalua-
14 tions shall be paid from funds appropriated to the
15 board.

16 The board of directors of a school district, or
17 authorities in charge of a nonpublic school, employing
18 a teacher holding a provisional certificate shall
19 file a request with the board for the appointment
20 of a professional evaluator and the board shall notify
21 the superintendent of the school district, or authority
22 in charge of the nonpublic school, of the name of
23 the evaluator.

24 A professional evaluator shall be present in the
25 classroom of the holder of a provisional certificate
26 not less than one day per visit and not less than
27 three visits per year. The professional evaluator
28 may confer with personnel and students from the
29 employing school district or nonpublic school during
30 times and in a manner which does not interrupt the
31 educational process in the school district or school.
32 The first visit shall be conducted during the first
33 six weeks of employment of a teacher holding a
34 provisional certificate.

35 The professional evaluation shall be conducted
36 for the improvement of instruction of the teacher
37 under rules adopted by the board. The professional
38 evaluators shall present the holder of a provisional
39 certificate with both an oral and written report of
40 each visit and a plan for overcoming observed
41 deficiencies in teaching methods.

42 Not later than March 15 of a school year, the
43 professional evaluator shall issue a report to the
44 board containing a recommendation concerning granting
45 or denying a professional certificate. If the
46 professional evaluator recommends denial of the
47 issuance of a professional certificate, the board
48 may review the written reports and sources of
49 information used by the professional evaluator.

50 If the board agrees that a professional certificate

Page 2

1 should not be issued, the board shall prescribe
2 remedial procedures and may, after the teacher has
3 successfully completed the remediation, issue the
4 teacher a second provisional certificate, and the
5 teacher may be employed for a second year with a new
6 professional evaluator assigned to the teacher.
7 Section 260.13A does not apply for the second year.

8 When the teacher is eligible to be issued a
9 professional certificate, the board shall notify the
10 board of directors of the school district in which
11 the teacher is employed.

12 For purposes of this chapter, an evaluation report
13 filed with the board by a professional evaluator is
14 a confidential record under chapter 68A. The board
15 is the lawful custodian of these records.

16 Evaluation criteria and procedures established
17 under section 279.14 are separate from the evaluation
18 criteria, evaluation procedures, and recommendations
19 for certification prescribed by this chapter. Reports
20 of evaluations prescribed by this chapter shall not
21 be used for termination of a contract under chapter
22 279. The professional evaluation criteria prescribed
23 by the board shall be evaluation criteria for
24 certification purposes only."

Schroeder of Pottawattamie offered amendment H—5246, to
amendment H—5232, filed by him from the floor and requested divi-
sion as follows:

H—5246

1 Amend amendment H—5232 to House File 2217 as
2 follows:

H—5246A

3 1. Page 1, line 12, by inserting after the word
4 "board." the following: "However, a professional
5 evaluator shall not be an individual who possesses
6 a contract issued under section 279.13."

H—5246B

7 2. Page 2, line 1, by striking the word "the"
8 and inserting in lieu thereof the words "the board
9 of directors of the school district employing the
10 teacher shall not offer a contract to the teacher
11 under section 279.13 for the subsequent school year.
12 The".

13 3. Page 2, line 4, by striking the word "and"
14 and inserting in lieu thereof the word "at which
15 time".

Stromer of Hancock moved that House file 2217 be rereferred to the committee on education.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk and Mullins of Kossuth on request of McKean of Jones; Knapp of Dubuque and Connolly of Dubuque, until their arrival, on request of Tabor of Jackson.

On the motion to rerefer House File 2217 to the committee on education, roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall House File 2217 be rereferred to the committee on education?"

The ayes were, 38:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Maulsby	McIntee
McKean	Menke	Paulin	Pellet
Renken	Rensink	Royer	Schnekloth
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 54:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chiodo	Connors	Cooper	Copenhaver
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Koenigs	Lloyd-Jones
Lonergan	Miller	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 8:

Chapman	Cochran	Connolly	Halvorson, R. N.
Knapp	Krewson	Mullins	O'Kane

The motion lost.

Connors of Polk in the chair at 5:20 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, for a portion of the evening, on request of Fey of Scott.

Schroeder of Pottawattamie moved the adoption of amendment H—5246A, to amendment H—5232.

Roll call was requested by Schroeder of Pottawattamie and Hoffmann-Bright of Muscatine.

Rule 76 was invoked.

On the question "Shall amendment H—5246A, to amendment H—5232, be adopted?"

The ayes were, 38:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Maulsby	McIntee
McKean	Menke	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 53:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chiodo	Cochran	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Haverland	Holveck	Hughes
Jay	Jochum	Koenigs	Loneragan

Miller	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker (Connors)			

Absent or not voting, 9:

Chapman	Connolly	Halvorson, R. N.	Hammond
Knapp	Krewson	Lloyd-Jones	Mullins
O'Kane			

Amendment H—5246A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek, until his return, on request of Stromer of Hancock.

Speaker Avenson in the chair at 6:02 p.m.

Schroeder of Pottawattamie moved the adoption of amendment H—5246B, to amendment H—5232.

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H—5246B lost.

Varn of Johnson in the chair at 6:37 p.m.

Schroeder of Pottawattamie offered the following amendment H—5249, to amendment H—5232, filed by him from the floor:

H—5249

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "board." the following: "If the professional evaluator
- 5 is a teacher employed under section 279.13, the teacher
- 6 shall pay the costs of a substitute teacher for days
- 7 the teacher is employed as a professional evaluator."

Speaker Avenson in the chair at 7:05 p.m.

Schroeder of Pottawattamie moved the adoption of amendment H-5249, to amendment H-5232.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 37, nays 47.

Amendment H-5249 lost.

Schroeder of Pottawattamie offered the following amendment H-5250, to amendment H-5232, filed by him from the floor and moved its adoption:

H-5250

- 1 Amend the amendment H-5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "board." the following: "The salary paid to an
- 5 evaluator shall not exceed one hundred dollars per
- 6 day."

Roll call was requested by Lageschulte of Bremer and Schroeder of Pottawattamie.

On the question "Shall amendment H-5250, to amendment H-5232, be adopted?"

The ayes were, 35:

Anderson	Bennett	Branstad	Carpenter
Clark	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McIntee	McKean	Menke
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	

The nays were, 49:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chiodo	Cochran	Connors	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Holveck	Hughes
Jay	Jochum	Loneragan	Miller
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Poney
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Zimmerman
Mr. Speaker			

Absent or not voting, 16:

Chapman	Connolly	Corey	Halvorson, R. N.
Haverland	Hermann	Knapp	Koenigs
Krewson	Lloyd-Jones	Muhlbauer	Mullins
Osterberg	Renaud	Welden	Woods

Amendment H—5250 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, until his return, on request of Cochran of Webster; Hermann of Scott on request of Hanson of Delaware; Welden of Hardin on request of Schnekloth of Scott; Halvorson of Webster on request of Jay of Appanoose.

Stromer of Hancock offered the following amendment H—5252, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5252

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "board." the following: "If the professional evaluator
- 5 is a teacher employed under section 279.13, the teacher
- 6 shall not be absent from classroom duties for
- 7 professional evaluation purposes for more than five
- 8 days during a school year."

A non-record roll call was requested.

The ayes were 33, nays 52.

Amendment H — 5252 lost.

Stromer of Hancock offered the following amendment H — 5253, to amendment H — 5232, filed by him from the floor and moved its adoption:

H — 5253

- 1 Amend the amendment H — 5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 27, by inserting after the word
- 4 "year." the following: "The board shall appoint at
- 5 least two evaluators for each professional evaluation
- 6 and an evaluator shall not conduct more than two of
- 7 the three required visits per year."

Roll call was requested by Stromer of Hancock and Menke of O'Brien.

On the question "Shall amendment H — 5253, to amendment H — 5232, be adopted?"

The ayes were, 34:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McKean	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schneklath	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen		

The nays were, 54:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chiodo	Cochran	Connors	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Koenigs
Lonergan	Miller	Norland	O'Kane

Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 12:

Branstad	Chapman	Connolly	Halvorson, R. N.
Hermann	Knapp	Krewson	Lloyd-Jones
McIntee	Muhlbauer	Mullins	Welden

Amendment H—5253 lost.

The House stood at ease at 7:58 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5232 to House File 2217 at 8:24 p.m., Speaker Avenson in the chair.

Lloyd-Jones of Johnson in the chair at 8:27 p.m.

Schroeder of Pottawattamie offered the following amendment H—5254, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5254

1 Amend the amendment H—5232 to House File 2217 as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "board." the following: "If the professional evaluator
 5 is a teacher employed under section 279.13, the teacher
 6 shall collect only the salary paid the teacher as
 7 a professional evaluator for days of service as a
 8 professional evaluator and shall not collect a salary
 9 from the school district of employment for those days
 10 of service."

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 35, nays 54.

Amendment H—5254 lost.

Lageschulte of Bremer offered the following amendment H-5255, to amendment H-5232, filed by him from the floor and moved its adoption:

H-5255

1 Amend the amendment H-5232 to House File 2217 as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "board." the following: "If the professional evaluator
5 is a teacher employed under section 279.13, the salary
6 paid to the evaluator shall not exceed the salary
7 paid to the teacher by the employing board of directors
8 on a per day basis."

Amendment H-5255 lost.

Speaker Avenson in the chair at 8:45 p.m.

Schroeder of Pottawattamie offered the following amendment H-5257, to amendment H-5232, filed by him from the floor and moved its adoption:

H-5257

1 Amend the amendment H-5232 to House File 2217 as
2 follows:

3 1. Page 1, line 5, by striking the words "The
4 board" and inserting in lieu thereof the words: "The
5 colleges of education of the institutions of higher
6 education under the state board of regents shall each
7 appoint two members of their faculty to a committee
8 that".

9 2. Page 1, line 8, by striking the word "and"
10 and inserting in lieu thereof the words ". The board
11 shall adopt rules implementing the criteria developed
12 by the committee and".

A non-record roll call was requested.

Rules 75 and 76 were invoked.

The ayes were 35, nays 54.

Amendment H-5257 lost.

Stromer of Hancock offered the following amendment H—5258, to amendment H—5232, filed by him from the floor:

H—5258

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "state" the words "who possess training in evaluation
- 5 procedures at least equal to the training in evaluation
- 6 procedures that is required of individuals possessing
- 7 endorsement as school principals and".

Schroeder of Pottawattamie asked for unanimous consent to rerefer House File 2217 to the committee on education.

Objection was raised.

Schroeder of Pottawattamie moved that House File 2217 be rereferred to the committee on education.

The Speaker ruled the motion not in order pursuant to Rule 68 of the House, which limits this motion to refer a particular question to once a day.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—5258, to amendment H—5232.

The House stood at ease at 9:19 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5232, to House File 2217 at 9:37 p.m., Speaker Avenson in the chair.

Bennett of Ida offered the following amendment H—5261, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5261

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "evaluator." the following: "The board of directors
- 5 of the school district or authority in charge of the

- 6 nonpublic school may refuse the name of the first
 7 evaluator appointed by the board, and within seven
 8 days after receipt of the refusal, the board shall
 9 notify the superintendent or authority of the name
 10 of another evaluator."

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

Rules 75 and 76 were invoked.

On the question "Shall amendment H—5261, to amendment H—5232, be adopted?"

The ayes were, 36:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McKean	Menke
Paulin	Pellet	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen

The nays were, 55:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chiodo	Cochran	Connors	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Koenigs
Lloyd-Jones	Loneragan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 9:

Chapman	Connolly	Halvorson, R. N.	Hermann
Knapp	Krewson	McIntee	Mullins
Welden			

Amendment H—5261 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McIntee of Black Hawk, until his return, on request of Connors of Polk.

Bennett of Ida offered the following amendment H—5260, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5260

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 40, by inserting after the word
- 4 "visit" the words "within one week of the visit".

A non-record roll call was requested.

The ayes were 32, nays 48.

Amendment H—5260 lost.

Stromer of Hancock offered the following amendment H—5259, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5259

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 42, by striking the figure "15"
- 4 and inserting in lieu thereof the figure "1".

Roll call was requested by Schroeder of Pottawattamie and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5259, to amendment H—5232, be adopted?"

The ayes were, 38:

Anderson	Bennett	Branstad	Buhr
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Grandia	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hoffmann-Bright	Hummel	Lageschulte	Maulsby

McKean	Menke	Paulin	Pellett
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn		

The nays were, 55:

Arnould	Baxter	Black	Blanshan
Brammer	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Haverland	Holveck
Hughes	Jay	Knapp	Koenigs
Lloyd-Jones	Lonergan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 7:

Halvorson, R. N.	Hermann	Jochum	Krewson
McIntee	Mullins	Welden	

Amendment H—5259 lost.

Connors of Polk in the chair at 10:00 p.m.

Schroeder of Pottawattamie offered the following amendment H—5263, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5263

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 2, by striking lines 12 through 15.

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H—5263 lost.

Schroeder of Pottawattamie offered the following amendment H—5264, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5264

1 Amend the amendment H—5232 to House File 2217 as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "and" the words "shall take applications from potential
5 evaluators. The board shall administer an examination
6 to potential evaluators and".

7 2. Page 1, line 9, by inserting after the word
8 "individuals" the words "who have successfully
9 completed the examination".

A non-record roll call was requested.

The ayes were 32, nays 54.

Amendment H—5264 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5265, to amendment H—5232, filed by him from the floor.

The House resumed consideration of amendment H—5258, to amendment H—5232, temporarily deferred.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5258.

Speaker Avenson in the chair at 10:18 p.m.

Stromer of Hancock moved to reconsider the vote by which amendment H—5257, to amendment H—5232, failed to be adopted by the House on February 23, 1984.

A non-record roll call was requested.

The ayes were 32, nays 45.

The motion lost.

The House stood at ease at 10:44 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5232 to House File 2217 at 10:55 p.m., Speaker Avenson in the chair.

Stromer of Hancock offered the following amendment H—5266, to amendment H—5232, filed by him from the floor and moved its adoption:

H—5266

- 1 Amend the amendment H—5232 to House File 2217 as
- 2 follows:
- 3 1. Page 2, line 14, by inserting after the figure
- 4 "68A." the following: "These records shall be kept
- 5 confidential unless otherwise ordered by a court,
- 6 by the lawful custodian of the records, or by another
- 7 person duly authorized to release the information."

Roll call was requested by Schroeder of Pottawattamie and Stromer of Hancock.

On the question "Shall amendment H—5266, to amendment H—5232, be adopted?"

The ayes were, 37:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hoffmann-Bright	Hughes
Jay	Lageschulte	Maulsby	McIntee
McKean	Menke	Paulin	Pellett
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen			

The nays were, 56:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Hammond
Haverland	Holveck	Knapp	Koenigs
Lloyd-Jones	Lonergan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 7:

Halvorson, R. N.	Hermann	Hummel	Jochum
Krewson	Mullins	Welden	

Amendment H—5266 lost.

Groninga of Cerro Gordo moved the adoption of amendment H—5232.

Roll call was requested by Stromer of Hancock and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5232 be adopted?"

The ayes were, 59:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Hammond
Hanson	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Lonergan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 36:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Harbor	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McIntee	McKean	Menke
Paulin	Pellet	Renken	● Rensink
Royer	Schneklath	Schroeder	Stromer
Stueland	Sturgeon	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen

Absent or not voting, 5:

Halvorson, R. N.	Hermann	Krewson	Mullins
Welden			

Amendment H—5232 was adopted placing the following out of order:

Lines 47 of page 1 through line 18 of page 2 and lines 25 through 29, page 2, in amendment H—5147D, previously adopted.

Amendment H—5208D.

Amendment H—5208E.

Lines 17 through 33 of amendment H—5213, previously adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5155 filed by her on February 10, 1984.

The House resumed consideration of amendment H—5208F (lines 3 through 10, page 3) found on page 460 of the House Journal.

Arnould of Scott in the chair at 11:35 p.m.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5219, to amendment H—5208F, filed by her and Daggett of Taylor on February 17, 1984.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Torrence of Muscatine, for the remainder of today's session, on request of Hoffmann-Bright of Muscatine.

Doderer of Johnson offered the following amendment H—5247, to amendment H—5208F, filed by her and Daggett of Taylor from the floor:

H—5247

- 1 Amend the amendment H—5208 to House File 2217 as
- 2 follows:
- 3 1. Page 3, line 9, by inserting after the word
- 4 "development." the following: "However, the board
- 5 of directors shall not assign coaching responsibilities
- 6 for athletic teams to a teacher possessing a
- 7 provisional certificate."

Speaker Avenson in the chair at 12:08 a.m.

Doderer of Johnson moved the adoption of amendment H—5247, to amendment H—5208F.

Roll call was requested by Carter of Henry and Koenigs of Mitchell.

On the question "Shall amendment H-5247, to amendment H-5208F, be adopted?"

The ayes were, 48:

Anderson	Baxter	Bennett	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cooper	Corey	Daggett
De Groot	Diemer	Doderer	Grandia
Gruhn	Hammond	Handorf	Hanson
Hoffmann-Bright	Jay	Knapp	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	O'Kane	Osterberg
Paulin	Peick	Pellett	Renken
Rensink	Rosenberg	Schneklath	Schroeder
Shoultz	Stromer	Stueland	Swearingen
Tabor	Van Camp	Van Gerpen	Van Maanen

The nays were, 44:

Arnould	Black	Blanshan	Brammer
Carter	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Halvorson, R. A.	Harbor	Haverland	Holveck
Hughes	Hummel	Jochum	Koenigs
Miller	Muhlbauer	Norland	Ollie
Oxley	Parker	Pavich	Poncy
Renaud	Royer	Running	Sherzan
Skow	Spear	Sturgeon	Sullivan
Swartz	Varn	Woods	Mr. Speaker

Absent or not voting, 8:

Halvorson, R. N.	Hermann	Krewson	Mullins
Tofte	Torrence	Welden	Zimmerman

Amendment H-5247 was adopted.

McKean of Jones offered the following amendment H-5256, to amendment H-5208F, filed by him from the floor and moved its adoption:

H-5256

- 1 Amend the amendment H-5208 to House File 2217 as
- 2 follows:
- 3 1. Page 3, line 9, by inserting after the word

- 4 "development." the following: "However, the rules
- 5 shall provide that the internship requirement applies
- 6 only to school districts that have a basic enrollment
- 7 for the budget year as defined in section 442.4 in
- 8 excess of five hundred pupils."

Roll call was requested by McKean of Jones and Bennett of Ida.

On the question "Shall amendment H—5256, to amendment H—5208F, be adopted?"

The ayes were, 32:

Anderson	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hoffmann-Bright	Hummel	Maulsby
McIntee	McKean	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Van Camp	Van Gerpen	Van Maanen

The nays were, 57:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
Miller	Muhlbauer	Norland	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 11:

Black	Clark	Doderer	Halvorson, R. N.
Hermann	Krewson	Mullins	O'Kane
Tofte	Torrence	Welden	

Amendment H—5256 lost.

Arnould of Scott in the chair at 12:36 a.m.

Jay of Appanoose moved to reconsider the vote by which amendment H—5247, to amendment H—5208F, was adopted by the House.

The House stood at ease at 12:43 a.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider amendment H—5247 at 1:18 a.m., Speaker Avenson in the chair.

Norland of Worth asked and received unanimous consent that House File 2217 be deferred and that the bill retain its place on the calendar.

(Motion to reconsider amendment H—5247, to amendment H—5208F, pending.)

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday afternoon, February 22, 1984. Had I been present, I would have voted "aye" on House Files 2164, 2264; and "nay" on amendment H—5208B to House File 2217.

SWEARINGEN of Keokuk

I was necessarily absent from the House chamber for a portion of the day on February 22, 1984. Had I been present, I would have voted "aye" on House Files 2164 and 2264.

VAN GERPEN of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 760 Judiciary and Law Enforcement

Making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties.

S.B. 761 Human Resources

Relating to drug product selection by a pharmacist.

S.B. 762 Human Resources

Relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2269, a bill for an act relating to the control or eradication of the multiflora rose and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5241** February 22, 1984.

House Concurrent Resolution, a concurrent resolution requesting an interim study of the cattle industry.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

House Resolution, a resolution requesting congressional action relating to the operations of the Iowa Family Farm Development Authority.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

Committee Bill (Formerly Study Bill 624), relating to license fees, inspection fees, and other fees charged by the commerce commission under chapters 542 and 543.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1984.

Committee Bill (Formerly Study Bill 678), requiring the Iowa cooperative extension service in agriculture and home economics to research and develop computer programs to aid agriculture and to allow the Iowa agricultural experimental station to increase agricultural research and including appropriations.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to the appropriation of funds for the construction of a new state historical building and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1984.

COMMITTEE ON FINANCE

House File 2347, a bill for an act relating to the appropriation of funds for the construction of a new state historical building and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2119, a bill for an act making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

Committee Bill (Formerly House File 2001) relating to requiring restitution for juvenile offenders.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1984.

Committee Bill (Formerly House File 2003), relating to the board of parole.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1984.

Committee Bill (Formerly House File 2122), relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1984.

Committee Bill (Formerly House File 2179), relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

Committee Bill (Formerly House File 2182), relating to authorizing the dissemination of criminal history data to certain youth service agencies.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

Committee Bill (Formerly House File 2197), providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants.

Fiscal Note is not required.

Recommended Amend and Do Pass February 22, 1984.

Committee Bill (Formerly Study Bills 516, 520, 521, 522, 523 and 524*), relating to correctional procedures by expanding the circumstances under which home work release may be granted, providing for the duty of counties to comply with state requests for temporary confinement of alleged parole or work release violators, allowing for treatment of work releasees at the university hospitals, allowing a designee of the warden or superintendent to hear appeals of hearing officers, extending the time for the board of directors of a judicial district department of correctional services to file its annual report, and providing for the penalty of contempt for violations of parole.

*Study Bills 516, 520, 521 and 522 approved as committee bill February 2, 1984.
Study Bills 523 and 524 approved as committee bill February 14, 1984.
All consolidated into committee bill February 22, 1984.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

Committee Bill (Formerly Study Bill 655), to require counties to assume the cost of confining probationers pending completion of arrangements for probation and pending disposition of revocation proceedings.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2183, a bill for an act relating to the licensing of business entities engaging in the removal or encapsulation of asbestos and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5242 February 22, 1984.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly Study Bill 79), relating to the imposition of a local option wheel tax by referendum.

Fiscal Note is not required.

Recommended Amend and Do Pass February 22, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 2114, a bill for an act to provide preference to residents in awarding contracts for public improvements in certain situations.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

Senate File 400, a bill for an act relating to the appointment of the director of the office of planning and programming.

Fiscal Note is not required.

Recommended Do Pass February 22, 1984.

Committee Bill (Formerly House File 248), relating to smoking in public places and public meetings and applying existing penalties.

Fiscal Note is not required.

Committee Action: Failed to Pass February 22, 1984.

RESOLUTIONS FILED

HCR 108, by Committee on Agriculture, requesting an interim study of the cattle industry.

Laid over under Rule 25.

HR 102, by Committee on Agriculture, requesting congressional action relating to the operations of the Iowa Family Farm Development Authority.

Laid over under Rule 25.

AMENDMENTS FILED

H-5241	H.F. 2269	Committee on Agriculture
H-5242	H.F. 2183	Committee on Labor and Industrial Relations
H-5244	H.F. 2347	Baxter of Des Moines
H-5245	H.F. 2231	Gronstal of Pottawattamie
H-5248	H.F. 2339	Fogarty of Palo Alto
H-5251	H.F. 2267	Rosenberg of Story
H-5262	H.F. 2217	Schroeder of Pottawattamie
H-5267	H.F. 2217	Hughes of Union
H-5268	H.F. 2338	Gronstal of Pottawattamie
H-5269	H.F. 2217	Schroeder of Pottawattamie

On motion by Norland of Worth, the House adjourned at 1:20 a.m., until 10:00 a.m., Friday, February 24, 1984.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day—Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 24, 1984

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

Prayer was offered by the Reverend Orrin Potter, pastor of the Aldersgate United Methodist Church, Urbandale.

The Journal of Thursday, February 23, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Skow of Guthrie on request of Hughes of Union; Krewson of Polk on request of McKean of Jones; Branstad of Winnebago on request of Maulsby of Calhoun.

INTRODUCTION OF BILLS

House File 2350, by committee on agriculture, a bill for an act requiring the Iowa cooperative extension service in agriculture and home economics to research and develop computer programs to aid agriculture and to allow the Iowa agricultural experimental station to increase agricultural research and including appropriations.

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

House File 2351, by committee on judiciary and law enforcement, a bill for an act relating to the crime of incest and providing a penalty.

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

House File 2352, by committee on judiciary and law enforcement, a bill for an act relating to parental financial responsibility for the acts of children.

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

House File 2353, by Van Maanen, a bill for an act to require the state department of transportation to require the placement of appropriate highway signs to guide traffic to all accredited colleges and universities.

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

House File 2354, by Connors, a bill for an act relating to the purchase of equipment and supplies by the board of trustees of a county public hospital.

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

House File 2355, by McIntee, a bill for an act prohibiting the transfer of a jury in change of venue actions.

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

House File 2356, by Hammond, a bill for an act requiring, under certain circumstances, the dispensing of motor fuel into vehicles displaying a handicapped identification device and providing a penalty.

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

House File 2357, by Woods and Pavich, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties.

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

House File 2358, by Van Gerpen, a bill for an act providing for the issuance and use of reposessor plates and providing an effective date.

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

House File 2359, by Schroeder, a bill for an act requiring a portion of the funds collected from agricultural checkoff programs to be pledged to the world trade center.

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

PASSED ON FILE
(Senate File 2188)

The Speaker announced that Senate File 2188, referred to the committee on **transportation** on February 23, 1984, was **passed on file**.

The House stood at ease at 10:13 a.m., until the fall of the gavel.

The House resumed session at 11:55 a.m., Speaker Avenson in the chair.

The House stood at ease at 11:56 a.m., until the fall of the gavel.

The House resumed session at 12:34 p.m., Speaker Avenson in the chair.

HOUSE FILE 2217 TEMPORARILY DEFERRED

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Appropriations Calendar

Norland of Worth asked and received unanimous consent to suspend Rule 40, relating to consideration of bills, for the immediate consideration of **House File 2347**, a bill for an act relating to the appropriation of funds for the construction of a new state historical building and providing effective dates.

Baxter of Des Moines offered the following amendment H—5244 filed by her and moved its adoption:

H—5244

- 1 Amend House File 2347 as follows:
- 2 1. Page 1, line 28, by striking the figure
- 3 "5,000,000" and inserting in lieu thereof the figure
- 4 "5,250,000".

Amendment H—5244 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2347)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McKean	Menke
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Schroeder	Sherzan	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Chiodo	Groninga	Krewson
McIntee	Miller	Shoultz	Skow

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 590)**

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 590, a bill for an act relating to the requirements that certain buildings be designed by registered architects, filed by him on February 21, 1984.

On motion by Norland of Worth, the House was recessed at 12:43 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2360, by Shoultz, a bill for an act prohibiting advertisements for motor vehicle fuel containing ethanol unless the advertisements indicate that the fuel contains ethanol and making penalties applicable.

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

House File 2361, by Carl, a bill for an act relating to the testimony or statements in a criminal proceeding of a child who is a victim of a criminal offense, including special procedures for the taking of the child's testimony or statement by recorded evidence and the use of recorded evidence as testimony in court, and a prohibition against requiring a child to testify in court if recorded evidence has been obtained.

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

House File 2362, by Hammond, Gruhn and Maulsby, a bill for an act relating to the establishment and dissolution of a sanitary district.

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

House File 2363, by Black, a bill for an act relating to fees collected by the county auditor and county recorder.

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

House File 2364, by Oxley, a bill for an act relating to the rights of grandparents.

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

House File 2365, by Muhlbauer, a bill for an act to provide that speeding violations not greater than ten miles per hour in speed zones posted for thirty-five miles per hour or greater shall not be public records and points shall not be assessed or licenses suspended unless there are more than three violations within a twelve-month period.

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

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and the motion by Jay of Appanoose to reconsider the vote by which amendment H—5247 (found on page 545 of the House Journal), to amendment H—5208F, was adopted by the House on February 23, 1984.

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.

On the motion to reconsider amendment H—5247, a non-record roll call was requested.

Rules 75 and 76 were invoked.

The ayes were 52, nays 43.

The motion prevailed and the House reconsidered amendment H—5247, to amendment H—5208F.

Hanson of Delaware in the chair at 2:30 p.m.

Speaker Avenson in the chair at 2:35 p.m.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5247 filed by her and Daggett of Taylor.

Norland of Worth asked and received unanimous consent that House File 2217 be deferred and that the bill retain its place on the calendar.

(Amendment H—5208F pending.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Bennett of Ida; Miller of Woodbury on request of Varn of Johnson; Chapman of Linn on request of Hughes of Union, all for the remainder of the day.

HOUSE FILE 2306 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2306 be deferred and that the bill retain its place on the calendar.

Senate File 2089, a bill for an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date, with report of committee recommending amendment and passage was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H—5209 filed by the committee on transportation and moved its adoption:

H—5209

- 1 Amend Senate File 2089 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 30, by striking the figure "6"
- 4 and inserting in lieu thereof the figure "5".

The committee amendment H—5209 was adopted.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2089)

The ayes were, 81:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	McIntee
McKean	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sturzen	Shultz	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Torrence	Van Camp
Van Gerpen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 13:

Daggett	Davitt	De Groot	Grandia
Hanson	Hummel	Lonergan	Maulsby
Menke	Renken	Stromer	Van Maanen
Welden			

Absent or not voting, 6:

Branstad	Chapman	Krewson	Miller
Skow	Tofte		

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

Arnould of Scott in the chair at 3:10 p.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 24, 1984, he approved and transmitted to the Secretary of State the following bills:

Senate File 159, an act authorizing the establishment and maintenance of an emergency warning system within townships having a common boundary with a city having a population of one hundred eighty thousand or more.

Senate File 2050, an act relating to the election and terms of office of sanitary district trustees.

COMMUNICATION RECEIVED

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

STATE OF NEBRASKA

Legislative Resolution 258, relating to states adjoining Nebraska, adopt a uniform minimum purchasing age for alcohol of twenty-one years of age.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 763 State Government**

Relating to the public financing of legislative elections and providing penalties and a delayed effective date.

S.B. 764 Small Business and Commerce

Relating to the supervision, rehabilitation, and liquidation of insurance companies and providing penalties.

S.B. 765 State Government

Relating to the Iowa housing finance authority by establishing a health care equipment financing program for the purpose of issuing bonds to assist health care providers in obtaining and financing health care equipment and changing the name of the authority.

S.B. 766 State Government

Relating to the legal age for consumption of alcoholic beverages and beer, the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the jurisdiction of juvenile court over minors violating the provisions of chapter 123, and temporary restricted operators licenses for drivers convicted under section 321.281 and providing penalties.

S.B. 767 State Government

Relating to the election laws by providing a method for challenging nomination petitions, eliminating the requirement for notarization of absentee ballots, allowing the mailing of certain absentee ballots, regulating the office hours of the county commissioner of elections, revising delivery of registration forms and changes in registration, requiring identification of political advertisers, providing for assistance to certain voters and making certain technical corrections to the voting laws and providing penalties and effective dates.

S.B. 768 Judiciary and Law Enforcement

Relating to the administrative procedures for the establishment, determination, and collection of certain child support debts.

S.B. 769 Judiciary and Law Enforcement

Amending a rule of criminal procedure relating to acquittal because of insanity or diminished responsibility.

S.B. 770 Judiciary and Law Enforcement

Relating to the timing and frequency of parole interviews by the board of parole.

S.B. 771 Judiciary and Law Enforcement

Relating to convicted offenders by allowing charges for reasonable costs of housing, providing that the assault on a peace or corrections officer is a serious misdemeanor, requiring presentence investigations for persons convicted of felony offenses, disallowing the use of good time to reduce mandatory minimum sentences, and providing penalties.

S.B. 772 Judiciary and Law Enforcement

To transfer the responsibility for security of the state capitol complex from the department of public safety to the legislative council.

S.B. 773 Judiciary and Law Enforcement

Relating to the establishment of mandatory supervised release for inmates and providing penalties.

SUBCOMMITTEE ASSIGNMENTS**House File 291**

Judiciary and Law Enforcement: Schroeder, Chair; Parker and Paulin.

House File 2238

Judiciary and Law Enforcement: Maulsby, Chair; Knapp and Miller.

House File 2239 (Reassigned)

State Government: Arnould, Chair; Carl and Tofte.

House File 2241

Judiciary and Law Enforcement: Parker, Chair; Haverland and Varn.

House File 2258

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2273

Judiciary and Law Enforcement: Jay, Chair; Knapp, McKean, Rosenberg and Schroeder.

House File 2276

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

House File 2277

Labor and Industrial Relations: Sherzan, Chair; Corey and Poncy.

House File 2278

Education: Connolly, Chair; Jay and Maulsby.

House File 2279

Local Government: Running, Chair; Peick and Swearingen.

House File 2290

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

House File 2292

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House File 2293

Judiciary and Law Enforcement: Varn, Chair; Holveck and Parker.

House File 2297

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2301

State Government: Pavich, Chair; Hanson and Gruhn.

House File 2303

Judiciary and Law Enforcement: Hammond, Chair; Brammer and Doderer.

House File 2309

Judiciary and Law Enforcement: Corey, Chair; McIntee and Parker.

House File 2310

Transportation: Pavich, Chair; Renaud and Van Camp.

House File 2311

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2312

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2313

Education: Groth, Chair; Daggett, Jay, Krewson and Ollie.

House File 2315

Judiciary and Law Enforcement: Paulin, Chair; Holveck and Knapp.

House File 2316

Education: Jay, Chair; Haverland and Menke.

House File 2317

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

House File 2318

Agriculture: Hughes, Chair; De Groot and Skow.

House File 2320

Energy: Groninga, Chair; Chiodo and Van Gerpen.

House File 2327

Transportation: Renaud, Chair; Corey and Fey.

House File 2328

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2329

State Government: Pavich, Chair; Woods and Rensink.

House File 2330

Transportation: Miller, Chair; Davitt and Welden.

House File 2336

Judiciary and Law Enforcement: Hammond, Chair; Maulsby and McKean.

House File 2337

Transportation: Cooper, Chair; Fogarty and Pellett.

House File 2342

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

House File 2343

Agriculture: Cochrap, Chair; Anderson, Davitt, De Groot, Gruhn, Pellett, Skow and Zimmerman.

House File 2344

Transportation: Lloyd-Jones, Chair; Koenigs and Lageschulte.

House File 2347

Finance: Jochum, Chair; Branstad and Norland.

House File 2355

Judiciary and Law Enforcement: Varn, Chair; McIntee and Paulin.

House File 2357

Judiciary and Law Enforcement: Jay, Chair; McKean and Tabor.

Senate File 253

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

Senate File 451

Judiciary and Law Enforcement: Haverland, Chair; Hammond and Paulin.

Senate File 480

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 510

Agriculture: Koenigs, Chair; Halvorson of Webster and Handorf.

Senate File 2002

Small Business and Commerce: Groninga, Chair; Diemer and Lonergan.

Senate File 2005

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Senate File 2021

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2035

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2036

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2040

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

Senate File 2059

State Government: Hammond, Chair; Pavich and Rensink.

Senate File 2063

Small Business and Commerce: Chiodo, Chair; Hummel and Skow.

Senate File 2104

Judiciary and Law Enforcement: Parker, Chair; Jay and McIntee.

Senate File 2124

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Senate File 2125

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

Senate File 2129

Judiciary and Law Enforcement: McKean, Chair; Chapman and Schroeder.

Senate File 2138

Judiciary and Law Enforcement: Schroeder, Chair; Parker and Tabor.

Senate File 2153

Agriculture: Koenigs, Chair; Muhlbauer and Van Maanen.

Senate File 2154

State Government: Carl, Chair; Hammond and Van Maanen.

Senate File 2159

Labor and Industrial Relations: Running, Chair; Brammer and Branstad.

Senate File 2161

Transportation: Muhlbauer, Chair; Bennett and Cochran.

Senate File 2165

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Senate File 2175

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Senate File 2176

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 708

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 709

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 710

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

Study Bill 711

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 712

Education: Hughes, Chair; Carl and Swearingen.

Study Bill 725

Education: Buhr, Chair; Krewson and Zimmerman.

Study Bill 727

Education: Haverland, Chair; Carl and Daggett.

Study Bill 728

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Hermann, Mullins, Peick, Ollie, Rensink, Van Gerpen and Zimmerman.

Study Bill 729

Local Government: Buhr, Chair; Lloyd-Jones and Menke.

Study Bill 730

Local Government: O'Kane, Chair; Hermann and Running.

Study Bill 731

Local Government: Buhr, Chair; Renken and Oxley.

Study Bill 733

Small Business and Commerce: Chiodo, Chair; Gronstal, Holveck, McIntee, Parker, Renken, Schroeder and Sturgeon.

Study Bill 734

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Study Bill 735

State Government: Krewson, Chair; Swartz and Swearingen.

Study Bill 736

State Government: De Groot, Chair; Swartz and Swearingen.

Study Bill 737

Labor and Industrial Relations: Sturgeon, Chair; Corey and Miller.

Study Bill 740

Local Government: Lloyd-Jones, Chair; Cooper and Royer.

Study Bill 741

Local Government: Connors, Chair; Menke and Poncy.

Study Bill 742

Local Government: Buhr, Chair; Oxley and Renken.

Study Bill 743

Local Government: O'Kane, Chair; Lageschulte and Sherzan.

Study Bill 744

Judiciary and Law Enforcement: Jay, Chair; Knapp, McKean, Rosenberg and Schroeder.

Study Bill 745

Judiciary and Law Enforcement: Jay, Chair; McIntee and Tabor.

Study Bill 746

Judiciary and Law Enforcement: Haverland, Chair; Clark and Hammond.

Study Bill 747

Judiciary and Law Enforcement: Parker, Chair; Jay and Varn.

Study Bill 748

Judiciary and Law Enforcement: Haverland, Chair; Holveck and Paulin.

Study Bill 749

Judiciary and Law Enforcement: Jay, Chair; Knapp, McKean, Rosenberg and Schroeder.

Study Bill 750

Judiciary and Law Enforcement: McIntee, Chair; Halvorson of Clayton and Jay..

Study Bill 751

Judiciary and Law Enforcement: Holveck, Chair; Corey and Hammond.

Study Bill 752

Judiciary and Law Enforcement: Varn, Chair; Parker and Paulin.

Study Bill 753

Judiciary and Law Enforcement: Doderer, Chair; McIntee and Schroeder.

Study Bill 754

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

Study Bill 755

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 756

Judiciary and Law Enforcement: Parker, Chair; Corey and Varn.

Study Bill 757

Transportation: Miller, Chair; Osterberg and Van Maanen.

Study Bill 758

Labor and Industrial Relations: Peick, Chair; Connors and Schnekloth.

Study Bill 759

Local Government: O'Kane, Chair; Lloyd-Jones and Menke.

Study Bill 760

Judiciary and Law Enforcement: McKean, Chair; Chapman and Schroeder.

Study Bill 761

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 762

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 763

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

Study Bill 765

State Government: Gruhn, Chair; Carpenter and Pavich.

Study Bill 766

State Government: Renaud, Chair; Chapman, De Groot, Hanson and Woods.

Study Bill 767

State Government: Arnould, Chair; Buhr, Hoffmann-Bright, Swartz and Swearingen.

Study Bill 768

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

Study Bill 769

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 770

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 771

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Study Bill 772

Judiciary and Law Enforcement: Jay, Chair; Parker and Schroeder.

Study Bill 773

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2209, a bill for an act requiring state agencies to enter into agreements with soil conservation districts for the control of soil erosion on state land under the agencies' control.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5274 February 23, 1984.

Committee Bill (Formerly Study Bill 688), relating to noxious weeds listed in chapter 317.

Fiscal Note is not required.

Recommended Amend and Do Pass February 23, 1984.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2294), allowing employees of area education agencies and community colleges to use school credit cards upon authorization by their respective boards.

Fiscal Note is not required.

Recommended Amend and Do Pass February 23, 1984.

COMMITTEE ON ENERGY

Committee Bill (Formerly House File 2023), to provide for the establishment and operation of a hazardous waste management facility by the department of water, air and waste management.

Fiscal Note is not required.

Recommended Amend and Do Pass February 22, 1984.

Committee Bill (Formerly Study Bill 544), relating to the identifying of hazardous wastes and providing for penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass February 22, 1984.

Committee Bill (Formerly Study Bill 545), relating to the authority of the department of water, air and waste management over used oil.

Fiscal Note is not required.

Recommended Amend and Do Pass February 22, 1984.

COMMITTEE ON HUMAN RESOURCES

Senate File 2091, a bill for an act relating to the acquisition of legal settlement by persons hospitalized in or receiving treatment at a state mental health institute and by institutionalized, emancipated, and other minors.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5270 February 23, 1984.

Committee Bill (Formerly Study Bill 554), relating to the administration of mental health and mental retardation programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 163, a bill for an act creating a possessory lien on personal property in a self-service storage facility and establishing a method for enforcing the lien.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5279**, February 23, 1984.

Senate File 505, a bill for an act relating to the value of property for purposes of certain crimes and certain penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Senate File 2137, a bill for an act relating to the certification of documents and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Committee Bill (Formerly House File 388), including a child in need of treatment for chemical dependency within the definition of a child in need of assistance.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Committee Bill (Formerly House File 2083), relating to real property legalizing Acts.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Committee Bill (Formerly House File 2154), relating to the psychological testing of law enforcement and corrections officers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

Committee Bill (Formerly House File 2158), relating to the exemption of law enforcement officials from the licensing requirements for private detectives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 356, a bill for an act relating to workers' compensation benefits for persons domiciled in this state but injured outside the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5273**, February 23, 1984.

Committee Bill (Formerly Study Bill 681), relating to the administration of work and training programs by the department of human services and the workers compensation coverage for work and training program participants.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 2043, a bill for an act relating to the reporting of property owned by a city utility.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Committee Bill (Formerly Study Bill 52), to provide that city general corporate purpose bonds may be issued upon receiving a majority vote of the total vote on the proposition.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 23, 1984.

Committee Bill (Formerly Study Bill 626), relating to county finance by deleting or amending incorrect references to county funds and making amendments to resolve conflicts in county finance laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

Committee Bill (Formerly Study Bill 706), relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 608), relating to the authority of the department of water, air, and waste management over public water supply systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 414, a bill for an act relating to insurance coverage for mental health services provided by certain licensed psychologists.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5276**, February 23, 1984.

Committee Bill (Formerly Study Bill 598), providing for the transfer of fiduciary accounts among affiliates.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

Committee Bill (Formerly Study Bill 684), relating to the methods used by insurance companies in reporting annual statements to the commissioner of insurance.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 664), relating to the management of state government forms.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 503), relating to transportation programs by defining a public transit system, requiring coordinated funding and services, establishing criteria to determine compliance, and providing penalties for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1984.

Committee Bill (Formerly Study Bill 697), to allow the voluntary discontinuance of a franchise by a motor vehicle dealer without the approval of the transportation regulation authority.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1984.

RESOLUTION FILED

HCR 109, by Tofte, requesting a change in the national standards for the composition of milk to require a higher milkfat and milk solids-not-fat content.

Referred to **Committee on Agriculture**.

AMENDMENTS FILED

H-5270	S.F.	2091	Committee on Human Resources
H-5271	H.F.	2217	Schroeder of Pottawattamie
H-5272	H.F.	2217	Schroeder of Pottawattamie
H-5273	H.F.	356	Committee on Labor and Industrial Relations
H-5274	H.F.	2209	Committee on Agriculture
H-5275	H.F.	2217	Groth of Buena Vista Varn of Johnson Ollie of Clinton Carl of Poweshiek Jay of Appanoose Poncy of Wapello Tabor of Jackson
			Committee on Small Business and Commerce
			Chiodo of Polk Chapman of Linn Groninga of Cerro Gordo
H-5276	S.F.	414	Committee on Judiciary and Law Enforcement
H-5277	H.F.	2211	Mullins of Kossuth Ollie of Clinton Van Camp of Scott
H-5278	H.F.	2341	Gronstal of Pottawattamie
H-5279	S.F.	163	Halvorson of Clayton
H-5280	H.F.	2332	
H-5281	H.F.	2231	
H-5282	H.F.	422	

H—5283	H.F.	576	Spear of Lee
H—5284	H.F.	576	Spear of Lee
H—5285	H.F.	2217	Daggett of Taylor
H—5286	H.F.	2332	Carl of Poweshiek
			Peick of Linn
			Zimmerman of Dallas
			Mullins of Kossuth
			Arnould of Scott
			Van Gerpen of Black Hawk
			Welden of Hardin
H—5287	S.F.	2089	

On motion by Norland of Worth, the House adjourned at 3:16 p.m., until 10:00 a.m., Monday, February 27, 1984.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day—Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 27, 1984

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

Prayer was offered by Reverend Lyle Ball, pastor of the Greenfield Plaza United Methodist Church, Des Moines.

The Journal of Friday, February 24, 1984 was approved.

INTRODUCTION OF BILLS

House File 2366, by Buhr, a bill for an act relating to temperatures in health care facilities.

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

House File 2367, by Tabor, a bill for an act relating to disclosure of the court's decision on whether to reconsider a felon's sentence of confinement.

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

House File 2368, by Gronstal, a bill for an act requiring the commerce commission to use the cost of the most recent electric generating units constructed when determining the common equity investment associated with excess electric generating capacity, with certain exceptions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 7, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

Also: That the Senate has on February 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2116, a bill for an act to provide resale rights to a holder of a farm implements or parts franchise upon termination of the franchise.

Also: That the Senate, has on February 24, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act relating to solicitation of charitable contributions from state officers and employees.

Also: That the Senate has on February 24, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations.

Also: That the Senate has on February 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry.

Also: That the Senate has on February 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act relating to sexual abuse committed by engaging in a sex act against the will of the other participant.

Also: That the Senate has on February 23, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2187, a bill for an act to establish a meat export technology and policy research center at Iowa state university of science and technology.

K. MARIE THAYER, Secretary

IMMEDIATE MESSAGE (House File 2347)

Norland of Worth asked and received unanimous consent to immediately message House File 2347 to the Senate.

AMENDMENT WITHDRAWN

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5287, to Senate File 2089, filed by him on February 24, 1984.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue cer-

tificates and provide for their renewal and to prescribe their duties and amendment H—5208F (found on page 460 of the House Journal).

Norland of Worth asked and received unanimous consent to defer action on amendment H—5208F for the immediate consideration of amendment H—5275 filed by Groth of Buena Vista, et al., as follows:

H—5275

1 Amend House File 2217 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 257.10, subsection 11, Code
5 1983, is amended by striking the subsection.

6 Sec. 2. Section 257.18, Code 1983, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4A. Act as the executive officer
9 of the board of educational examiners pursuant to
10 chapter 260.

11 Sec. 3. Section 260.1, Code 1983, is amended by
12 striking the section and inserting in lieu thereof
13 the following:

14 260.1 STATE BOARD. There is established the state
15 board of educational examiners consisting of nine
16 members appointed by the governor, subject to senate
17 confirmation. Associations interested in education
18 may recommend the names of potential board members
19 to the governor, but the governor is not bound by
20 the recommendations.

21 As used in this chapter, "board" means the state
22 board of educational examiners, unless otherwise
23 required by the context. The members shall include
24 the following:

25 1. Four members who possess professional
26 certificates to teach issued under this chapter or
27 who possess professional or permanent professional
28 certificates issued by the board of educational
29 examiners prior to the effective date of this Act.

30 2. One member who possesses endorsement as school
31 administrator.

32 3. One member of the teaching faculty of the
33 education college or department of a college or
34 university that has an approved teacher education
35 program.

36 4. Three members who do not hold teacher or
37 administrator certificates and who represent the
38 general public.

39 Each teacher and administrator member of the board
40 shall be employed as a teacher or administrator and
41 shall have been so employed for a period of three
42 years just preceding the member's appointment, the
43 last two of which shall be in this state.

44 Sec. 4. Section 260.3, Code 1983, is amended to

45 read as follows:

46 260.3 PERSONNEL. The state superintendent of
47 public instruction shall, with the approval of the
48 state board, direct the work of such personnel as
49 may be necessary to carry out the provisions of this
50 chapter.

Page 2

1 Sec. 5. NEW SECTION. 260.4 TERM - COMPENSATION.

2 The members of the board shall serve four-year terms
3 that commence and end as provided in section 69.19.
4 A vacancy in the membership of the board shall be
5 filled by appointment of the governor, subject to
6 senate confirmation.

7 A member of the board shall receive forty dollars
8 per day from funds appropriated to the department
9 for each day the member is actually engaged in the
10 discharge of duties except that members of the board
11 appointed under section 260.1, subsections 1 and 2
12 shall not receive the per diem payment if they are
13 receiving compensation for that day from their
14 employer. The member shall also receive necessary
15 and actual travel and expenses from funds appropriated
16 to the board.

17 The board of directors of a school district or
18 authorities in charge of a college or university shall
19 allow members appointed to the board to serve as
20 members of the board and shall not discriminate against
21 the member in employment.

22 Sec. 6. NEW SECTION. 260.5A DUTIES. The board
23 shall:

24 1. Issue provisional, professional, temporary,
25 and substitute certificates and other certificates
26 deemed necessary by the board to qualified applicants.

27 2. Provide endorsements and approvals for the
28 subjects and fields and positions which certificates
29 cover.

30 3. Establish standards for the acceptance of
31 degrees, credits, courses, and other evidences of
32 training and preparation from colleges and universities
33 in this state and out of this state and provide for
34 approval of teacher education programs at colleges
35 and universities in this state. The standards for
36 approval may include the adoption of national standards
37 for teacher education programs.

38 4. Prescribe requirements for renewal of
39 certificates.

40 5. Approve examinations required under this chapter
41 and other examinations deemed necessary by the board.

42 6. Prescribe requirements for the professional
43 evaluation pursuant to section 260.13.

44 7. Establish standards for the certification and
45 renewal of certification of administrators,

46 supervisors, and teachers employed at the merged area
47 schools.
48 8. Provide for the issuance of the appropriate
49 certificates to applicants who are certificated in
50 other states and enter into reciprocity agreements

Page 3

1 with other states that have similar requirements.
2 9. Establish fees for the issuance and renewal
3 of certificates, for changes in approvals and
4 endorsements, and for required examinations, based
5 upon the costs incurred and the costs of sustaining
6 the board.

7 10. Employ an executive administrator.
8 11. Receive federal funds on behalf of the state
9 for purposes related to its duties.

10 12. Develop criteria for professional practices
11 pursuant to section 260.31.

12 13. Adopt rules, pursuant to chapter 17A, to
13 implement its duties under this chapter.

14 Sec. 7. Section 260.6, Code 1983, is amended to
15 read as follows:

16 260.6 CERTIFICATES REQUIRED. ~~The board of~~
17 ~~educational examiners shall issue certificates pursuant~~
18 ~~to section 267.10, subsection 11.~~ A person employed
19 as an administrator, supervisor, school service person,
20 or teacher in the public schools shall hold a
21 certificate with appropriate endorsement and approvals
22 valid for the type of position in which the person
23 is employed.

24 Sec. 8. NEW SECTION. 260.8 EXAMINATIONS. The
25 board shall ~~consult with state associations and state~~
26 ~~agencies interested in education in this state in~~
27 ~~adopting the examinations required in this chapter,~~
28 ~~and in developing requirements for the professional~~
29 ~~evaluations. The board may consult with officials~~
30 ~~from other states that administer similar tests and~~
31 ~~evaluations for teachers.~~

32 The board may contract with an institution of
33 higher education or an educational testing service
34 to develop, score, and provide appropriate analyses
35 of the examinations.

36 Sec. 9. Section 260.9, Code Supplement 1983, is
37 amended by striking the section and inserting in lieu
38 thereof the following:

39 NEW SECTION. 260.9 PROFESSIONAL AND SUBJECT
40 MATTER PROFICIENCY EXAMINATIONS. An applicant for
41 a provisional certificate shall present evidence to
42 the board that the applicant has successfully completed
43 a professional and subject matter proficiency
44 examination for the appropriate endorsement and
45 approval areas. The examination shall test writing,
46 reading, and comprehension of written material and
47 comprehension of fundamental mathematical concepts

48 as well as knowledge of subject matter and education
49 philosophy and concepts.
50 The board may administer as many examinations per

Page 4

1 year as are necessary, but shall administer the
2 examination for each subject matter proficiency at
3 least one time per year. The scope of the examinations
4 and the methods of procedure shall be prescribed by
5 the board.

6 The board may withdraw approval of the teacher
7 education program at an institution of higher education
8 in this state if a disproportionate number of its
9 students taking the examination do not before
10 graduation successfully pass the examination compared
11 to the state average of institutions with students
12 taking the examination.

13 The examination shall first be administered during
14 the fiscal year beginning July 1, 1986 and is required
15 for certificates issued on or after October 1, 1987.
16 The examination may be given to students during their
17 senior year in college.

18 An applicant for a provisional certificate who
19 is from another state, but otherwise meets the
20 requirements of this section, shall take the
21 examination as prescribed by the board.

22 **Sec. 10. NEW SECTION. 260.9A EXAMINATION**
23 **PROCEDURE.** The examination may be conducted by
24 representatives of the board. The identity of the
25 person taking the examination shall be concealed until
26 after the examination has been graded. An applicant
27 who has failed the examination once shall be allowed
28 to take the examination at the next scheduled time.
29 Thereafter, the applicant shall be allowed to take
30 the examination at the discretion of the board. An
31 applicant who has failed the examination may request
32 in writing information from the board concerning the
33 applicant's examination grade and questions which
34 the applicant failed to answer correctly, except that
35 if the board administers a uniform, standardized
36 examination, the board shall only be required to
37 provide the examination grade and other information
38 concerning the applicant's examination results that
39 are available to the board.

40 **Sec. 11. Section 260.10, Code 1983, is amended**
41 **by striking the section and inserting in lieu thereof**
42 **the following:**

43 **260.10 PROVISIONAL CERTIFICATE.** Effective October
44 **1, 1987, a provisional certificate shall be issued**
45 **by the board to an individual possessing a**
46 **baccalaureate degree, who has completed the teacher**
47 **education program provided at a college or university**
48 **in this state that has been approved by the board,**
49 **or who has completed a teacher education program at**
50 **a college or university outside this state for which**

Page 5

1 the board has approved the program, and has passed
2 the professional and subject matter proficiency
3 examination. The term of a provisional certificate
4 is one year, but the board shall extend the term if
5 the holder is not employed as a teacher during that
6 year or may extend the term for extraordinary
7 circumstances.

8 Sec. 12. NEW SECTION. 260.13 PROFESSIONAL
9 EVALUATION. The board shall establish criteria for
10 the professional evaluation of teachers holding pro-
11 visional certificates for purposes of certification
12 under this chapter and shall maintain a list of quali-
13 fied individuals to serve as professional evaluators.
14 The professional evaluators shall be persons knowlege-
15 able about the education system of the state who meet
16 other criteria adopted by the board. The expenses
17 of the professional evaluators while conducting evalua-
18 tions shall be paid from funds appropriated to the
19 board.

20 The board of directors of a school district, or
21 authorities in charge of a nonpublic school, employing
22 a teacher holding a provisional certificate shall
23 file a request with the board for the appointment
24 of a professional evaluator and the board shall notify
25 the superintendent of the school district, or authority
26 in charge of the nonpublic school, of the name of
27 the evaluator.

28 A professional evaluator shall be present in the
29 classroom of the holder of a provisional certificate
30 not less than one day per visit and not less than
31 three visits per year. The professional evaluator
32 may confer with personnel and students from the
33 employing school district or nonpublic school during
34 times and in a manner which does not interrupt the
35 educational process in the school district or school.
36 The first visit shall be conducted during the first
37 six weeks of employment of a teacher holding a
38 provisional certificate.

39 The professional evaluation shall be conducted
40 for the improvement of instruction of the teacher
41 under rules adopted by the board. The professional
42 evaluators shall present the holder of a provisional
43 certificate with both an oral and written report of
44 each visit and a plan for overcoming observed
45 deficiencies in teaching methods.

46 Not later than March 1 of a school year, the
47 professional evaluator shall issue a report to the
48 board containing a recommendation concerning granting
49 or denying a professional certificate. If the
50 professional evaluator recommends denial of the

Page 6

1 issuance of a professional certificate, the board
2 may review the written reports and sources of
3 information used by the professional evaluator.

4 If the board agrees that a professional certificate
5 should not be issued, the board shall prescribe
6 remedial procedures and may, after the teacher has
7 successfully completed the remediation, issue the
8 teacher a second provisional certificate, and the
9 teacher may be employed for a second year with a new
10 professional evaluator assigned to the teacher.

11 Section 260.13A does not apply for the second year.

12 When the teacher is eligible to be issued a
13 professional certificate, the board shall notify the
14 board of directors of the school district in which
15 the teacher is employed.

16 For purposes of this chapter, an evaluation report
17 filed with the board by a professional evaluator is
18 a confidential record under chapter 68A. The board
19 is the lawful custodian of these records.

20 Evaluation criteria and procedures established
21 under section 279.14 are separate from the evaluation
22 criteria, evaluation procedures, and recommendations
23 for certification prescribed by this chapter. Reports
24 of evaluations prescribed by this chapter shall not
25 be used for termination of a contract under chapter
26 279. The professional evaluation criteria prescribed
27 by the board shall be evaluation criteria for
28 certification purposes only.

29 Sec. 13. NEW SECTION. 260.13A INTERNSHIP. The
30 board shall adopt rules requiring that local boards
31 of directors of school districts and authorities in
32 charge of nonpublic schools provide for internship
33 programs for teachers who have been issued provisional
34 certificates. The rules shall provide that the board
35 of directors of a school district assign teaching
36 and extracurricular responsibilities to a teacher
37 possessing a provisional certificate that reflects
38 the needs of these teachers for additional time for
39 professional growth and development. The board of
40 directors shall provide for staff development and
41 other assistance deemed appropriate by the board of
42 directors or authorities for teachers holding
43 provisional certificates. The board of directors
44 or authorities may request staff development assistance
45 from the area education agency.

46 Sec. 14. NEW SECTION. 260.14A PROFESSIONAL
47 CERTIFICATE. Effective July 1, 1988, a professional
48 certificate shall be issued by the board to the holder
49 of a provisional certificate for which the board has
50 accepted the report that the teacher has successfully

Page 7

1 completed the professional evaluation. The
2 professional certificate is valid for five years from
3 the date of its issuance and the board shall prescribe
4 the conditions for its renewal. The conditions for
5 renewal shall include the completion of continuing
6 education requirements.

7 Effective July 1, 1988, a professional certificate
8 shall be issued by the board to an applicant who is
9 the holder of an expired professional certificate
10 and who has completed the continuing education
11 requirements established by the board for renewal
12 of a professional certificate.

13 Sec. 15. Section 260.15, Code 1983, is amended
14 to read as follows:

15 **260.15 APPLICATIONS -- DISBURSEMENT OF FEES.**

16 Applications for the issuance or renewal of all
17 teachers' certificates shall be made to the
18 superintendent of public instruction. Fees ~~for the~~
19 issuance or renewal of certificates paid under this
20 chapter shall be paid to the superintendent of public
21 instruction who shall deposit each fee received from
22 these sources with the treasurer of state and credit
23 the fee to the general fund of the state. If an
24 application for the issuance or renewal of a
25 certificate is not approved, the superintendent of
26 public instruction shall remit the fee to the applicant
27 by a state comptroller's warrant issued on the general
28 fund of the state upon certification of the
29 superintendent of public instruction that the fee
30 has not been earned. The superintendent shall keep
31 an accurate and detailed account of money received.

32 Sec. 16. **NEW SECTION. 260.18 TEMPORARY**
33 **CERTIFICATE.** The board shall prescribe requirements
34 for issuance of a temporary certificate. A temporary
35 certificate is valid for one year and may be issued
36 for an emergency or unusual situation.

37 Before a temporary certificate can be issued for
38 a teacher to be employed by the board of directors
39 of a school district, the board of directors shall
40 contact the department of job service to review the
41 certificated teacher registry.

42 Sec. 17. **NEW SECTION. 260.20 APPROVAL AREAS.**

43 Effective July 1, 1988, if a teacher possessing a
44 professional certificate changes or adds approval
45 areas to the certificate, the teacher is required
46 to pass the subject matter portion of the professional
47 and subject matter proficiency examination for the
48 added approval area within one year after the change
49 or addition.

50 Sec. 18. Section 260.21, Code 1983, is amended

Page 8

1 to read as follows:

2 260.21 VALIDITY AND EXPIRATION OF CERTIFICATES.

3 A certificate is valid throughout the state after
4 issuance by the board. An original or renewed
5 certificate shall expire on June 30 of the year in
6 which it expires, and the expiration date shall be
7 determined by counting each fraction of a year during
8 the term of the certificate following the date of
9 issuance as one year. A certificate issued by the
10 board prior to January 1, 1980 is valid until June
11 30 of the year in which the certificate expires.

12 Certificates issued prior to January 1, 1980, may
13 be renewed in a manner prescribed by the board.

14 Sec. 19. NEW SECTION. 260.22 AREA EDUCATION
15 AGENCY ADMINISTRATOR'S CERTIFICATE. The board of
16 educational examiners shall establish a certificate
17 for area education agency administrators. The area
18 education agency administrator's certificate shall
19 be issued to an applicant who has met the requirements
20 in two of the four following subsections:

21 1. Five years' experience in higher education
22 administration at a two or four-year college or
23 university which is accredited by the north central
24 association of colleges and secondary schools
25 accrediting agency or which has been certified by
26 the north central association of colleges and secondary
27 schools accrediting agency as a candidate for
28 accreditation by that agency or as a school giving
29 satisfactory assurance that it has the potential for
30 accreditation and is making progress which, if
31 continued, will result in its achieving accreditation
32 by that agency within a reasonable time; or an earned
33 doctorate in higher education administration.

34 2. Five years' experience in special education,
35 media services, or educational services administration;
36 or an earned doctorate in special education, media
37 services, or educational services or any subspecialty
38 of these services.

39 3. Five years' experience in primary or secondary
40 school education; or an earned doctorate in educational
41 administration for the primary or secondary level,
42 and five years' teaching experience at any educational
43 level.

44 4. Five years' experience in business or other
45 nonacademic career pursuit; or an earned doctorate
46 in public administration or business administration.

47 A person shall not be issued a temporary or
48 emergency certificate for more than one year; and
49 an education agency shall not employ uncertificated
50 administrators, or employ temporary or emergency

Page 9

1 certificated administrators for more than two
2 consecutive years.

3 The provisions of this section relating to the
4 certification of an area education agency administrator
5 do not apply to persons holding a superintendent's
6 certificate prior to July 1, 1975.

7 Sec. 20. NEW SECTION. 260.24 CERTIFICATED TEACHER
8 REGISTRY. The department of public instruction shall
9 send to the department of job service a list of
10 certificated teachers in this state that are interested
11 in employment as a teacher together with the teachers'
12 endorsements and approval areas. The department of
13 job service shall maintain a certificated teacher
14 registry.

15 Sec. 21. NEW SECTION. 260.25 DISCLOSURE OF
16 CONFIDENTIAL INFORMATION. A member of the board shall
17 not disclose information relating to the following:

18 1. Criminal history or prior misconduct of an
19 applicant.

20 2. Information relating to the contents of the
21 examinations.

22 3. Information relating to the examination results
23 other than final score except for information about
24 the results of an examination which is given to the
25 person who took the examination.

26 A member of the board who willfully communicates
27 or seeks to communicate this information, and a person
28 who willfully requests, obtains, or seeks to obtain
29 this information, is guilty of a simple misdemeanor.

30 Sec. 22. NEW SECTION. 260.31 CRITERIA OF
31 PROFESSIONAL PRACTICES. The board shall develop
32 criteria of professional practices including, but
33 not limited to, such areas as:

34 1. Contractual obligations.

35 2. Competent performance of all members of the
36 teaching profession.

37 3. Ethical practice toward other members of the
38 profession, parents, students, and the community.

39 However, membership or nonmembership in a teachers'
40 organization is not a criterion of an individual's
41 professional standing. A violation, as determined
42 by the board following a hearing, of any of the
43 criteria so adopted is unprofessional practice and
44 a legal basis for the suspension or revocation of
45 a certificate by the board.

46 After a hearing, the board, in administering its
47 responsibilities under this section, shall exonerate,
48 warn or reprimand the member of the profession or
49 may suspend or revoke a certificate under section
50 260.23.

Page 10

1 Sec. 23. **NEW SECTION. 260.32 APPOINTMENT OF**
2 **HEARING OFFICERS.** The board shall maintain a list
3 of qualified persons to serve as hearing officers
4 who are experienced in the educational system of this
5 state when a hearing is requested under section 279.24.
6 When requested under section 279.24, the board shall
7 submit a list of five qualified hearing officers to
8 the parties. The hearing shall be held pursuant to
9 chapter 17A relating to contested cases. The full
10 costs of the hearing shall be shared equally by the
11 parties. A person who is employed as a teacher or
12 administrator by a school district is not eligible
13 to serve as a hearing officer.

14 Sec. 24. **NEW SECTION. 260.33 PRIOR CERTIFICATE**
15 **HOLDERS.** A valid professional, preprofessional, or
16 substitute teacher's certificate issued by the board
17 of educational examiners prior to the effective date
18 of this Act is valid until its expiration date.
19 Individuals holding a permanent professional
20 certificate on the effective date of this Act need
21 not be issued a certificate under this chapter.

22 The board shall issue a professional certificate
23 under this chapter to an individual holding a valid
24 certificate from another state who submits evidence
25 to the board that the individual has completed at
26 least one year of successful teaching and has passed
27 the professional and subject matter proficiency
28 examination for the appropriate endorsement and
29 approval areas.

30 Individuals who hold life certificates or pre-
31 professional certificates converted from a term
32 certificate, based upon less than a baccalaureate
33 degree, that expire September 30, 1988, may be issued
34 a certificate pursuant to standards prescribed by
35 the board.

36 Sec. 25. **NEW SECTION. 260.34 ADMINISTRATIVE**
37 **PROCEDURES.** For the purposes of chapter 17A, the
38 board is the final administrative authority for issuing
39 certificates and for appeals relating to the initial
40 issuing of a license or its renewal and for revocation,
41 suspension, or other disciplinary action taken by
42 the board.

43 Sec. 26. Section 273.3, subsection 12, Code
44 Supplement 1983, is amended to read as follows:

45 12. Employ personnel to carry out the functions
46 of the area education agency which shall include the
47 employment of an administrator who shall possess a
48 certificate issued under section ~~260.9~~ 260.22. The
49 administrator shall be employed pursuant to section
50 279.20 and sections 279.23, 279.24 and 279.25. The

Page 11

1 salary for an area education agency administrator
2 shall be established by the board based upon the
3 previous experience and education of the administrator.
4 The provisions of section 279.13 shall apply to the
5 area education agency board and to all teachers
6 employed by the area education agency. The provisions
7 of sections 279.23, 279.24 and 279.25 shall apply
8 to the area education board and to all administrators
9 employed by the area education agency.

10 Sec. 27. Chapter 272A, Code 1983, is repealed.

11 Sec. 28. Sections 260.12 and 260.14, Code 1983,
12 are repealed.

13 Sec. 29. Notwithstanding section 260.1, the
14 governor shall appoint initial members of the board
15 of educational examiners to staggered terms. The
16 term of one teacher and one member representing the
17 general public shall end the year following
18 appointment; one teacher and the faculty member shall
19 end two years after appointment; one teacher and one
20 member representing the general public shall end three
21 years after appointment; and the term of one teacher,
22 the administrator, and one member representing the
23 general public shall end four years following
24 appointment. The governor shall appoint initial
25 members in the same manner as vacancies, subject to
26 section 2.32.

27 Sec. 30. Sections 1 through 27 of this Act take
28 effect July 1, 1984 and section 28 of this Act takes
29 effect July 1, 1988. The board of educational
30 examiners established in section 3 of this Act shall
31 administer the rules in the Iowa administrative code
32 relating to teacher certification and the endorsement
33 and approval procedures for the professional and
34 permanent professional certificates and payment of
35 fees for the professional and permanent professional
36 certificates pursuant to sections 260.12 and 260.14
37 until July 1, 1988."

Groth of Buena Vista asked for unanimous consent to amend amendment H—5275 by adding the words "on or after" on page 10, line 33, after the word "expire."

Objection was raised.

The House stood at ease at 10:38 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5275 to House File 2217 at 12:03 p.m., Speaker Avenson in the chair.

(House File 2217 and amendment H—5275 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:07 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

BUSINESS PENDING AT RECESS

The House resumed consideration of House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H—5275 filed by Groth of Buena Vista, et al.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5285, to amendment H—5275, filed by him on February 24, 1984.

Halvorson of Webster in the chair at 1:16 p.m.

Daggett of Taylor offered the following amendment H—5291, to amendment H—5275, filed by him from the floor and moved its adoption:

H—5291

- 1 Amend amendment H—5275 to House File 2217 as follows:
- 2 1. Page 1, line 25, by striking the word "Four" and
- 3 inserting in lieu thereof the word "Three".
- 4 2. Page 1, line 31, by striking the word "administrator"
- 5 and inserting in lieu thereof the word "superintendent".
- 6 3. Page 1, by inserting after line 31, the following:
- 7 " One member who possesses endorsement as a
- 8 school principal."
- 9 4. Page 2, line 11, by striking the word and numeral
- 10 "and 2" and inserting in lieu thereof the following:
- 11 " , 2 and 3".
- 12 5. Page 11, line 18, by striking the words "one teacher"
- 13 and inserting in lieu thereof the words "the school
- 14 principal".
- 15 6. Page 11, line 22, by striking the word "administrator"
- 16 and inserting in lieu thereof the words "school superintendent".

Roll call was requested by Hoffmann-Bright of Muscatine and Stromer of Hancock.

On the question "Shall amendment H—5291, to amendment H—5275, be adopted?"

The ayes were, 40:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 59:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lonergan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	
		(Halvorson	
		of Webster)	

Absent or not voting, 1:

Lloyd-Jones

Amendment H—5291 lost.

Speaker Avenson in the chair at 1:50 p.m.

Corey of Louisa offered the following amendment H—5290, to amendment H—5275, filed by him from the floor and moved its adoption:

H-5290

- 1 Amend the amendment H-5275 to House File 2217 as
 2 follows:
 3 1. Page 1, by striking lines 25 through 29 and
 4 inserting in lieu thereof the following:
 5 " Four members who are retired teachers, each
 6 of whom have been active teachers in schools in this
 7 state for a minimum of ten years. The last year of
 8 teaching for a retired teacher appointed to serve
 9 on the board shall have been no earlier than ten years
 10 prior to the year in which the teacher is appointed."
 11 2. Page 1, line 39, by striking the words "teacher
 12 and".
 13 3. Page 1, line 40, by striking the words "a
 14 teacher or" and inserting in lieu thereof the word
 15 "an".
 16 4. Page 2, line 11, by striking the words and
 17 figure "subsections 1 and" and inserting in lieu
 18 thereof the word "subsection".

Roll call was requested by Poncy of Wapello and Carl of Poweshiek.

On the question "Shall amendment H-5290 be adopted?"

The ayes were, 35:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hermann	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McIntee	McKean	Menke
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 63:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Hanson	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Krewson	Lonergan	Miller
Muhlbauer	Mullins	Norland	O'Kane

Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 2:

Harbor Lloyd-Jones

Amendment H—5290 lost.

Corey of Louisa offered the following amendment H—5289, to amendment H—5275, filed by him from the floor and moved its adoption:

H—5289

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 36 by striking the words "do not
- 4 hold" and inserting in lieu thereof the words "have
- 5 not held".

A non-record roll call was requested.

The ayes were 38, nays 52.

Amendment H—5289 lost.

(House File 2217 and amendment H—5275 pending at adjournment.)

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 27th day of February, 1984: House Files 323 and 2101.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Twenty eighth grade students from All Saints School, Des Moines, accompanied by Mrs. Tracy. By Buhr and Sherzan of Polk.

Twenty-five sixth grade students from Pomeroy Elementary School, Pomeroy, accompanied by Mr. Charleston. By Maulsby of Calhoun.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 774 Labor and Industrial Relations

Relating to the setoff against income tax refunds and the rebates of certain debts owed to state agencies and providing for the priority of the claims.

S.B. 775 Education

Relating to the duties of the state board of public instruction and the boards of merged areas for certification of area school personnel.

AMENDMENTS FILED

H-5288	H.F. 2217	Groth of Buena Vista
H-5292	H.F. 356	Halvorson of Clayton
H-5293	H.F. 576	Spear of Lee
H-5294	H.F. 576	Spear of Lee
H-5295	H.F. 2217	Harbor of Mills
H-5296	H.F. 2217	Welden of Hardin
H-5297	H.F. 2217	Menke of O'Brien
H-5298	H.F. 2217	Schnekloth of Scott
H-5299	H.F. 2217	Swearingen of Keokuk
H-5300	H.F. 2217	Bennett of Ida
		Hermann of Scott
H-5301	H.F. 2217	Maulsby of Calhoun
H-5302	H.F. 2217	Handorf of Marshall
H-5303	H.F. 2217	Carpenter of Polk

H-5304	H.F.	2217	Welden of Hardin Pellett of Cass
H-5305	H.F.	2209	Blanshan of Greene Cochran of Webster Pellett of Cass
H-5306	H.F.	2154	Brammer of Linn
H-5307	H.F.	443	Renken of Grundy
H-5308	H.F.	2217	Doderer of Johnson Daggett of Taylor
H-5309	H.F.	2217	Hermann of Scott
H-5310	H.F.	2217	Schroeder of Pottawattamie
H-5311	H.F.	2217	Schroeder of Pottawattamie
H-5312	H.F.	2334	Rosenberg of Story
H-5313	H.F.	2217	Clark of Cerro Gordo Stromer of Hancock
H-5314	H.F.	2217	Schroeder of Pottawattamie
H-5315	H.F.	2217	Schroeder of Pottawattamie
H-5316	H.F.	2217	Schroeder of Pottawattamie
H-5317	H.F.	2217	Schroeder of Pottawattamie
H-5318	H.F.	2217	Hermann of Scott
H-5319	H.F.	2217	Stromer of Hancock
H-5320	H.F.	576	Spear of Lee

On motion by Norland of Worth, the House adjourned at 1:59 p.m., until 9:00 a.m., Tuesday, February 28, 1984.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 28, 1984

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

Prayer was offered by Father Paul Arts, of St. Ann's Catholic Church, Vail.

The Journal of Monday, February 27, 1984 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by Schnekloth and Branstad, a joint resolution proposing amendments to the Constitution of the State of Iowa limiting appropriations to ninety-eight percent of the estimated revenues and requiring the approval of tax and license fee increases by two-thirds of the members elected to each house of the general assembly.

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

House File 2369, by committee on agriculture, a bill for an act relating to noxious weeds listed in chapter 317.

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

House File 2370, by committee on labor and industrial relations, a bill for an act relating to the administration of work and training programs by the department of human services and the workers compensation coverage for work and training program participants.

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

House File 2371, by committee on judiciary and law enforcement, a bill for an act to require counties to assume the cost of confining probationers pending completion of arrangements for probation and pending disposition of revocation proceedings.

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

House File 2372, by committee on judiciary and law enforcement, a bill for an act relating to real property legalizing Acts.

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

House File 2373, by committee on judiciary and law enforcement, a bill for an act relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage.

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

House File 2374, by committee on small business and commerce, a bill for an act relating to the methods used by insurance companies in reporting annual statements to the commissioner of insurance.

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

House File 2375, by committee on human resources, a bill for an act providing for the surrender and disposition of earnings of persons committed to residential treatment centers operated by judicial district departments of correctional services.

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

House File 2376, by committee on transportation, a bill for an act to allow the voluntary discontinuance of a franchise by a motor vehicle dealer without the approval of the transportation regulation authority.

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

SENATE MESSAGES CONSIDERED

Senate File 7, by Holden, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

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

Senate File 2116, by Jensen, a bill for an act to provide resale rights to a holder of a farm implements or parts franchise upon termination of the franchise.

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

Senate File 2117, by Anderson, a bill for an act relating to solicitation of charitable contributions from state officers and employees.

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

Senate File 2160, by committee on labor and industrial relations, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations.

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

Senate File 2169, by Coleman, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry.

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

Senate File 2183, by committee on judiciary, a bill for an act relating to sexual abuse committed by engaging in a sex act against the will of the other participant.

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

Senate File 2187, by committee on agriculture, a bill for an act to establish a meat export technology and policy research center at Iowa state university of science and technology.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 1984, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 442, a bill for an act relating to access to library records by criminal justice agencies.

Also: That the Senate has on February 24, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2180, a bill for an act relating to the publication of warrants and compensation by a school district.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 9:20 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2377, by committee on judiciary and law enforcement, a bill for an act relating to requiring restitution for juvenile offenders.

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

House File 2378, by committee on judiciary and law enforcement, a bill for an act relating to the board of parole.

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

House File 2379, by committee on human resources, a bill for an act extending the dates for application and approval of community mental health and mental retardation funding.

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

House File 2380, by committee on judiciary and law enforcement, a bill for an act authorizing the dissemination of criminal history data to certain youth service agencies.

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

House File 2381, by Muhlbauer, a bill for an act relating to governmental tort liability by limiting the claims which may be brought for the maintenance or servicing of highways, roads, or streets, exempting municipal actions regarding traffic regulatory devices from tort claims, and by defining the term "gross negligence" for purposes of municipal tort liability.

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

House File 2382, by Varn, a bill for an act requiring the state department of transportation to perform maintenance upon request for vehicles of the department of public safety and department of conservation.

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

House File 2383, by Varn, McKean, Clark, Blanshan, Peick, Gronstal, Halvorson of Webster, Mullins and Hanson, a bill for an act to disallow the deduction of entertainment expenses in computing individual and corporate income taxes and financial institution franchise taxes and making the Act retroactive.

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

House File 2384, by committee on local government, a bill for an act relating to the imposition of a local option wheel tax by referendum.

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

House File 2385, by committee on agriculture, a bill for an act relating to the frequency of inspection of grain dealers.

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

House File 2386, by committee on transportation, a bill for an act relating to transportation programs by defining a public transit system, requiring coordinated funding and services, establishing criteria to determine compliance, and providing penalties for violations.

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

House File 2387, by committee on natural resources, a bill for an act relating to the authority of the department of water, air and waste management over public water supply systems.

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

House File 2388, by committee on energy, a bill for an act relating to the identifying of hazardous wastes, the regulation of hazardous waste and providing for penalties.

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

House File 2389, by committee on local government, a bill for an act relating to the interest of an elected city officer or employee in contracts for the purchase of goods and services by a city.

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

House File 2390, by committee on local government, a bill for an act relating to county finance by deleting or amending incorrect references to county funds and making amendments to resolve conflicts in county finance laws.

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

House File 2391, by committee on agriculture, a bill for an act relating to license fees, inspection fees, and other fees charged by the commerce commission under chapters 542 and 543.

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

House File 2392, by committee on judiciary and law enforcement, a bill for an act relating to the psychological testing of law enforcement and corrections officers.

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

House File 2393, by committee on energy, a bill for an act relating to the authority of the department of water, air and waste management over used oil.

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

House File 2394, by committee on state government, a bill for an act relating to the licensure of dietitians and nutritionists.

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

House File 2395, by committee on judiciary and law enforcement, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

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

House File 2396, by committee on judiciary and law enforcement, a bill for an act relating to the exemption of law enforcement officials from the licensing requirements for private detectives.

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

House File 2397, by committee on judiciary and law enforcement, a bill for an act including a child in need of treatment for chemical dependency within the definition of a child in need of assistance.

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal and to prescribe their duties, and amendment H-5275 filed by Groth, et al., and found on pages 582 through 592 of the House Journal.

Schnekloth of Scott offered the following amendment H-5298, to amendment H-5275, filed by him and moved its adoption:

H-5298

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 2, by striking lines 7 through 14 and
- 4 inserting in lieu thereof the words "A member of the
- 5 board shall receive necessary".

Roll call was requested by Schnekloth of Scott and Lageschulte of Bremer.

On the question "Shall amendment H—5298, to amendment H—5275, be adopted?"

The ayes were, 39:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jochum
Koenigs	Lloyd-Jones	Loneragan	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 3:

Fogarty	Jay	Knapp
---------	-----	-------

Amendment H—5298 lost.

Connors of Polk in the chair at 1:34 p.m.

Van Gerpen of Black Hawk offered the following amendment H—5336, to amendment H—5275, filed by him from the floor and moved its adoption:

H-5336

- 1 Amend the amendment H-5275 to House File 2217
 2 as follows:
 3 1. Page 2, line 24 by striking the word
 4 "provisional".
 5 2. Page 2, by striking lines 42 and 43.
 6 3. Page 3, by striking lines 27 through 29 and
 7 inserting in lieu thereof the following: "adopting
 8 the examinations required in this chapter. The board
 9 may consult with officials".
 10 4. Page 3, line 41 by striking the word
 11 "provisional".
 12 5. Page 4, line 18 by striking the word
 13 "provisional".
 14 6. By striking page 4, line 43 through page 7,
 15 line 6 and inserting in lieu thereof the following:
 16 260.10 PROFESSIONAL CERTIFICATE. Effective
 17 July 1, 1988, a professional certificate shall be
 18 issued by the board to an individual possessing a
 19 baccalaureate degree, who has completed the teacher
 20 education program provided at a college or university
 21 in this state that has been approved by the board, or
 22 who has completed a teacher education program at a
 23 college or university outside this state for which the
 24 board has approved the program, and has passed the
 25 professional and subject matter proficiency examination.
 26 The professional certificate is valid for five years
 27 from the date of its issuance and the board shall
 28 prescribe the conditions for its renewal. The con-
 29 ditions for renewal shall include the completion of
 30 continuing education requirements.

Roll call was requested by Stromer of Hancock and Tofte of Winneshiek.

On the question "Shall amendment H-5336, to amendment H-5275, be adopted?"

The ayes were, 42:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Doderer	Grandia	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth

Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 56:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Chiodo	Cochran
Connolly	Cooper	Copenhaver	Davitt
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Haverland
Holveck	Hughes	Jay	Jochum
Koenigs	Lloyd-Jones	Loneragan	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Zimmerman	Mr. Speaker (Connors)

Absent or not voting, 2:

Knapp	Woods
-------	-------

Amendment H—5336 lost.

Speaker Avenson in the chair at 1:57 p.m.

Clark of Cerro Gordo offered the following amendment H—5313, to amendment H—5275, filed by her and Stromer of Hancock and moved its adoption:

H—5313

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 2, by striking lines 42 and 43.
- 4 2. Page 3, line 27, by striking the word "chapter,"
- 5 and inserting in lieu thereof the word "chapter."
- 6 3. Page 3, by striking lines 28 and 29 and
- 7 inserting in lieu thereof the words "The board may
- 8 consult with officials".
- 9 4. Page 3, lines 30 and 31, by striking the words
- 10 "and evaluations".
- 11 5. By striking page 5, line 8, through page 6,
- 12 line 28, and inserting in lieu thereof the following:
- 13 "Sec. . NEW SECTION. 260.13 PROFESSIONAL

14 EVALUATIONS. The board of educational examiners shall
 15 adopt rules requiring that boards of directors of
 16 school districts employing teachers possessing
 17 provisional certificates present evidence to the board
 18 of educational examiners that professional evaluation
 19 procedures for their employees, required under section
 20 279.14, have been implemented."
 21 6. Page 7, line 1, by inserting after the word
 22 "evaluation" the words "procedures prescribed by the
 23 board of directors of the school district employing
 24 the teacher."

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H-5313, to amendment H-5275, be adopted?"

The ayes were, 40:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schneklath	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 57:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Koenigs	Lloyd-Jones	Loneragan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Zimmerman
Mr. Speaker			

Absent or not voting, 3:

Doderer

Knapp

Woods

Amendment H—5313 lost.

(House File 2217 and amendment H—5275 pending at adjournment.)

SPONSORS ADDED

(Amendment H—5292 to House File 356)

We, the undersigned, requested to be added as sponsors of amendment H—5292 to House File 356.

HUMMEL of Benton
HARBOR of Mills
ROYER of Page

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 666), to establish the Iowa educational excellence program and to make appropriations.

Fiscal note is required.

Committee Action: **Failed to Pass** February 27, 1984.

COMMITTEE ON HUMAN RESOURCES

House File 558, a bill for an act revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of social services.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H—5334 February 27, 1984.

House File 2107, a bill for an act relating to voluntary foster care placements by the department of human services and approval of the placements by the juvenile court.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H — 5331 February 27, 1984.

House File 2302, a bill for an act amending the definition of "child abuse" for purposes of reporting, investigation, and rehabilitation to include permitting a child to engage in prostitution and sexually exploiting a child in certain other ways.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H — 5330 February 27, 1984.

Committee Bill (Formerly Study Bill 534), relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

Fiscal note is not required.

Recommended Amend and Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 762), relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty.

Fiscal note is not required.

Recommended Amend and Do Pass February 27, 1984.

COMMITTEE ON NATURAL RESOURCES

House File 2098, a bill for an act relating to locations where nonresident fur dealers may conduct business.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 694), to permit the state to own and operate a hazardous waste treatment or disposal facility only for the treatment and disposal of hazardous wastes generated by the state.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

SMALL BUSINESS AND COMMERCE

House File 2235, a bill for an act to provide for a refund of the sales, services, and use tax paid on industrial machinery and equipment and for a limitation on the refund, and providing a penalty.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H — 5333 February 27, 1984.

Pursuant to House Rule 31.7, House File 2235 was referred to the committee on Ways and Means.

House File 2284, a bill for an act relating to agreements for indemnification by the state in the event of loss of or damage to certain art objects and artifacts borrowed by nonprofit organizations or governmental entities for special exhibits.

Fiscal note is required.

Recommended Amend and Do Pass with amendment H — 5332 February 27, 1984.

Committee Bill (Formerly Study Bill 658), relating to the annual meetings of shareholders of state banks.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 659), relating to the location of the principal place of business and offices of a state bank.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 686), relating to the amount of securities required to be deposited by stock life insurance companies.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 707), providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit.

Fiscal note is not required.

Recommended Amend and Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 718), removing the priority of a mortgage given by the trustees of a cooperative housing association over any mortgage, lien, or encumbrance against an individual apartment or room or the owner's interest in an individual apartment or room.

Fiscal note is not required.

Recommended Do Pass February 27, 1984.

Committee Bill (Formerly Study Bill 733), relating to the definition of telephone companies not generally subject to rate regulation.

Fiscal note is not required.

Recommended **Do Pass** February 27, 1984.

Committee Bill (Formerly House File 262), relating to credit union reciprocity, par value of shares, deposits, investments, powers, membership, and reserves.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 27, 1984.

COMMITTEE ON TRANSPORTATION

House File 2272, a bill for an act to authorize certain motor trucks and motor homes to tow a four-wheeled trailer with a steering axle and more than one trailer or semitrailer or both, subject to penalties provided by law.

Fiscal note is not required.

Recommended **Do Pass** February 27, 1984.

House File 2310, a bill for an act requiring a vehicle's purchase price to be listed on the certificate of title and providing a penalty.

Fiscal note is not required.

Recommended **Do Pass** February 27, 1984.

House File 2330, a bill for an act relating to parking violations and providing, with certain exceptions, that parking violations not be considered for license suspensions or revocations.

Fiscal note is not required.

Recommended **Do Pass** February 27, 1984.

Committee Bill (Formerly Study Bill 757), allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises.

Fiscal note is not required.

Recommended **Do Pass** February 27, 1984.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 776 Transportation**

To ratify and enter into an interstate compact between Iowa, Kansas, Missouri and Nebraska for the development of the Missouri river for barge traffic.

S.B. 777 Human Resources

Relating to the licensure and operation of a hospice program.

S.B. 778 Judiciary and Law Enforcement

Making employment and wage information held by the Iowa department of job service available to county attorneys in certain collection cases in favor of the state, county, or other governmental unit.

S.B. 779 State Government

To implement certain recommendations of the governor's task force by providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1983-1984 fiscal year reduced by the amount of out-of-state travel incurred in the 1982-1983 fiscal year.

S.B. 780 State Government

To amend statutes with sexually discriminating language in the Code of Iowa.

S.B. 781 Local Government

Relating to the tort liability of municipal governments by allowing self-insured cities to levy additional taxes to cover the cost of tort liability, allowing municipal taxpayers to serve as jurors in cases where the municipality is a defendant, and limiting damage awards when losses are otherwise compensated.

S.B. 782 Judiciary and Law Enforcement

Relating to the definition of public accommodation under the Iowa civil rights law.

S.B. 783 Human Resources

Relating to the subscriber directors of certain health service corporations by requiring the subscriber directors of the boards of such corporations to include procedures to permit nomination to the board by subscriber petitions, requiring the commissioner of insurance to adopt rules to permit the nomination process for subscriber directors under the independent subscriber nominating committee, and providing that the independent subscriber nominating committee is not subject to chapters 17A, 28A, and 68A.

S.B. 784 Judiciary and Law Enforcement

Requiring notification by certain persons for entitlement to a mechanics' lien.

S.B. 785 Agriculture

To allow the harvest of roadside grass on primary and secondary roads to be used as hay for the benefit of those raising animals within an area declared to be an agricultural disaster area.

S.B. 786 Agriculture

To establish a farm mortgage interest loan program to be administered by the family farm development authority to provide no-interest loans to farmers for the period of one year to assist farmers in paying the interest costs of farm mortgage loans and containing an appropriation.

AMENDMENTS FILED

H-5321 H.F. 2217
 Torrence of Muscatine
 Branstad of Winnebago
 Hermann of Scott

Halvorson of Clayton
 Bennett of Ida
 Tofte of Winneshiek
 Lageschulte of Bremer
 Harbor of Mills

H-5322	H.F.	2217	Schroeder of Pottawattamie
H-5323	H.F.	2217	Schroeder of Pottawattamie
H-5324	H.F.	2217	Maulsby of Calhoun
H-5325	H.F.	2339	Fogarty of Palo Alto Woods of Polk
H-5326	H.F.	2338	Sturgeon of Woodbury
H-5327	H.F.	2338	Sturgeon of Woodbury
H-5328	H.F.	2338	Sturgeon of Woodbury
H-5329	H.F.	2217	Spear of Lee
H-5330	H.F.	2302	Committee on Human Resources
H-5331	H.F.	2107	Committee on Human Resources
H-5332	H.F.	2284	Committee on Small Business and Commerce
H-5333	H.F.	2235	Committee on Small Business and Commerce
H-5334	H.F.	558	Committee on Human Resources
H-5335	H.F.	2217	Schroeder of Pottawattamie
H-5337	H.F.	2217	Carpenter of Polk
H-5338	H.F.	2217	Handorf of Marshall
H-5339	H.F.	2060	Schnekloth of Scott
H-5340	H.F.	389	Schroeder of Pottawattamie
H-5341	H.F.	576	Spear of Lee
H-5342	H.F.	111	Schroeder of Pottawattamie

On motion by Norland of Worth, the House adjourned at 2:10 p.m., until 9:00 a.m., Wednesday, February 29, 1984.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 29, 1984

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

Prayer was offered by Reverend James Lamb, pastor of St. Paul's Lutheran Church, Garner.

The Journal of Tuesday, February 28, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John W. Barnes, M.D., Missouri Valley.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, until her arrival, on request of Tabor of Jackson.

INTRODUCTION OF BILLS

House File 2398, by committee on transportation, a bill for an act allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises.

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

House File 2399, by committee on education, a bill for an act allowing employees of school corporations to use school credit cards upon authorization by their respective boards.

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

House File 2400, by committee on judiciary and law enforcement, a bill for an act providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants.

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

House File 2401, by committee on natural resources, a bill for an act relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund.

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

House File 2402, by Renken, a bill for an act relating to rights and liabilities of persons, business entities, or labor entities involved in violations of chapters 723 and 732 and providing penalties.

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

House File 2403, by Schroeder, a bill for an act providing that single-family residences may be built and developed on a cooperative basis under chapter 499A.

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

House File 2404, by committee on small business and commerce, a bill for an act relating to the definition of telephone companies not generally subject to rate regulation.

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

House File 2405, by committee on small business and commerce, a bill for an act relating to the annual meetings of shareholders of state banks.

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

House File 2406, by Carl, a bill for an act relating to pedestrian rights at crosswalks and intersections.

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

House File 2407, by committee on natural resources, a bill for an act to permit the state to own and operate a hazardous waste treatment or disposal facility only for the treatment and disposal of hazardous wastes generated by the state.

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

House File 2408, by committee on small business and commerce, a bill for an act relating to the amount of securities required to be deposited by stock life insurance companies.

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

House File 2409, by committee on small business and commerce, a bill for an act removing the priority of a mortgage given by the trustees of a cooperative housing association over any mortgage, lien, or encumbrance against an individual apartment or room or the owner's interest in an individual apartment or room.

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

House File 2410, by committee on small business and commerce, a bill for an act relating to the location of the principal place of business and offices of a state bank.

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

SENATE MESSAGE CONSIDERED

Senate File 2180, by committee on education, a bill for an act relating to the publication of warrants and compensation by a school district.

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

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seven-

tieth General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Michael D. Aust
 Diane Binneboese
 Sonya R. Braunschweig
 Laris E. Galejs
 Linda Groven
 Karla A. Jayne
 Diane Lemker

Karen Myers
 Matthew T. Rawson
 Tina Saltzgaver
 Sherri L. Stagg
 Melissa A. Stock
 Andy Toal
 Steve Warnstadt
 Todd A. Winkler

The House rose and expressed its appreciation.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H-5275 by Groth of Buena Vista, et al., found on pages 582 through 592 of the House Journal.

Bennett of Ida offered the following amendment H-5300, to amendment H-5275, filed by him and Hermann of Scott and moved its adoption:

H-5300

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 3, by striking line 7.

A non-record roll call was requested.

The ayes were 33, nays 47.

Amendment H-5300 lost.

Connors of Polk in the chair at 9:37 a.m.

Swearingen of Keokuk offered the following amendment H-5299, to amendment H-5275, filed by him and moved its adoption:

H—5299

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 3, by striking lines 10 and 11.
- 4 2. By striking page 9, line 30 through page 10,
- 5 line 13.
- 6 3. Page 11, by striking line 10.

A non-record roll call was requested.

The ayes were 62, nays 14.

Amendment H—5299 was adopted.

Welden of Hardin offered the following amendment H—5296, to amendment H—5275, filed by him:

H—5296

- 1 Amend amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 3, by inserting after line 11, the
- 4 following:
- 5 “ . Conduct a comprehensive study of the effect
- 6 that collective bargaining for public employees has
- 7 had on the maintenance of quality education in Iowa.
- 8 The board shall file a copy of the results of the
- 9 study with the chief clerk of the house of
- 10 representatives and the secretary of the senate on
- 11 or before January 1, 1986.”

Groth of Buena Vista rose on a point of order that amendment H—5296 was not germane.

The Speaker ruled the point not well taken and amendment H—5296 germane.

Welden of Hardin moved the adoption of amendment H—5296, to amendment H—5275.

Roll call was requested by Welden of Hardin and Halvorson of Clayton.

On the question “Shall amendment H—5296, to amendment H—5275, be adopted?”

The ayes were, 39:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 55:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Cochran	Connolly
Cooper	Copenhaver	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker (Connors)	

Absent or not voting, 6:

Chiodo	Doderer	Lloyd-Jones	Lonergan
O'Kane	Swearingen		

Amendment H—5296 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone, until her arrival, on request of Arnould of Scott.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5316, to amendment H—5275, filed by him on February 27, 1984.

Schroeder of Pottawattamie offered the following amendment H—5335, to amendment H—5275, filed by him and moved its adoption:

H—5335

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 4, line 14, by striking the figure "1986"
- 4 and inserting in lieu thereof the figure "1988".
- 5 2. Page 4, line 15, by striking the figure "1987"
- 6 and inserting in lieu thereof the figure "1989".
- 7 3. Page 4, line 44, by striking the figure "1987"
- 8 and inserting in lieu thereof the figure "1989".
- 9 4. Page 6, line 47, by striking the figure "1988"
- 10 and inserting in lieu thereof the figure "1990".
- 11 5. Page 7, line 7, by striking the figure "1988"
- 12 and inserting in lieu thereof the figure "1990".
- 13 6. Page 7, line 43, by striking the figure "1988"
- 14 and inserting in lieu thereof the figure "1990".
- 15 7. Page 10, line 33, by striking the figure "1988"
- 16 and inserting in lieu thereof the figure "1990".
- 17 8. Page 11, line 28, by striking the figure "1984"
- 18 and inserting in lieu thereof the figure "1986".
- 19 9. Page 11, line 29, by striking the figure "1988"
- 20 and inserting in lieu thereof the figure "1990".
- 21 10. Page 11, line 37, by striking the figure
- 22 "1988" and inserting in lieu thereof the figure "1990".

Amendment H—5335 was adopted.

Maulsby of Calhoun offered the following amendment H—5301, to amendment H—5275, filed by him and moved its adoption:

H—5301

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 4, by inserting after line 21 the
- 4 following:
- 5 "All individuals holding professional or permanent
- 6 professional certificates issued under chapter 260
- 7 shall present evidence to the board not later than
- 8 July 1, 1988 that they have successfully completed
- 9 the appropriate professional and subject matter
- 10 proficiency examination or shall complete remedial
- 11 courses prescribed by the board."
- 12 2. Page 6, by inserting after line 15 the
- 13 following:

14 "All individuals holding professional or permanent
 15 professional certificates issued under chapter 260
 16 shall present evidence to the board not later than
 17 July 1, 1988 that they have successfully completed
 18 the professional evaluation or shall complete remedial
 19 courses prescribed by the board."

Roll call was requested by Maulsby of Calhoun and Harbor of Mills.

On the question "Shall amendment H-5301, to amendment H-5275, be adopted?"

The ayes were, 36:

Anderson	Bennett	Branstad	Carpenter
Corey	Daggett	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hoffmann-Bright	Hummel	Krewson	Lageschulte
Maulsby	McIntee	McKean	Menke
Paulin	Peick	Pellett	Renken
Rensink	Royer	Schnekloth	Schroeder
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 57:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Cochran	Connolly	Cooper
Copenhaver	Davitt	De Groot	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Hermann	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Miller	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Poney	Renaud	Rosenberg
Running	Sherzan	Shultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker (Connors)			

Absent or not voting, 7:

Chapman	Chiodo	Clark	Lloyd-Jones
Lonergan	O'Kane	Stromer	

Amendment H-5301 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk, until his arrival, on request of Arnould of Scott.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendments H—5314 and H—5323 filed by him on February 27 and February 28, 1984 respectively.

Carpenter of Polk offered the following amendment H—5337, to amendment H—5275, filed by her and moved its adoption:

H—5337

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 12, by inserting after the word
- 4 "chapter" the words ", and teachers holding
- 5 professional certificates prior to their expiration
- 6 date,".
- 7 2. Page 5, line 22, by inserting after the word
- 8 "certificate" the words ", or a teacher holding a
- 9 professional certificate prior to its expiration
- 10 date,".
- 11 3. Page 5, line 29, by inserting after the word
- 12 "certificate" the words ", or a teacher holding a
- 13 professional certificate prior to its expiration
- 14 date,".
- 15 4. Page 5, line 38, by inserting after the word
- 16 "certificate" the words "and at any time for a teacher
- 17 holding a professional certificate".
- 18 5. Page 5, line 42, by striking the word
- 19 "provisional".
- 20 6. Page 6, line 1, by inserting after the word
- 21 "issuance" the words "or renewal".
- 22 7. Page 6, line 5, by inserting after the word
- 23 "issued" the words "or renewed".
- 24 8. Page 6, line 10, by inserting after the word
- 25 "teacher." the words "If the teacher holds a
- 26 professional certificate and the board agrees that
- 27 the professional certificate should not be renewed,
- 28 the board shall prescribe remedial procedures and
- 29 may, after the teacher has successfully completed
- 30 the remediation, renew the teacher's professional
- 31 certificate."
- 32 9. Page 6, line 12, by inserting after the word
- 33 "teacher" the words "holding a provisional
- 34 certificate".

35 10. Page 7, line 9, by inserting after the word
 36 "certificate" the following: "who has successfully
 37 completed a professional evaluation as provided in
 38 section 260.13 and".

Roll call was requested by Carpenter of Polk and Norland of Worth.

On the question "Shall amendment H—5337, to amendment H—5275, be adopted?"

The ayes were, 39:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Krewson	Lageschulte	Maulsby	McIntee
McKean	Menke	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 54:

Arnould	Avenson	Baxter	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Cooper
Copenhaver	Davitt	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. N.	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Koenigs
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker (Connors)		

Absent or not voting, 7:

Black	Chiodo	Doderer	Hummel
Knapp	Lloyd-Jones	Loneragan	

Amendment H—5337 lost.

Schroeder of Pottawattamie offered the following amendment H-5317, to amendment H-5275, filed by him:

H-5317

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 12, by inserting after the word
- 4 "and" the words "shall take applications from potential
- 5 evaluators. The board shall administer an examination
- 6 to potential evaluators and".
- 7 2. Page 5, line 13, by inserting after the word
- 8 "individuals" the words "who have successfully
- 9 completed the examination".

Koenigs of Mitchell in the chair at 11:17 a.m.

Connors of Polk in the chair at 11:20 a.m.

Speaker Avenson in the chair at 11:25 a.m.

Schroeder of Pottawattamie moved the adoption of amendment H-5317, to amendment H-5275.

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

Rule 75 was invoked.

On the question "Shall amendment H-5317, to amendment H-5275, be adopted?"

The ayes were, 40:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Doderer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Weiden

The nays were, 55:

Arnould	Baxter	Black	Blanshan
---------	--------	-------	----------

Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Fogarty	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Miller	Muhlbauer
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 5:

Branstad	Groninga	Lloyd-Jones	Lonergan
Norland			

Amendment H—5317 lost.

Stromer of Hancock offered the following amendment H—5319, to amendment H—5275, filed by him and moved its adoption:

H—5319

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 15, by inserting after the word
- 4 "who" the following: "have successfully completed
- 5 a professional and subject matter proficiency
- 6 examination and have successfully completed a
- 7 professional evaluation under criteria prescribed
- 8 by the board in this section and who".
- 9 2. Page 5, line 16, by inserting after the word
- 10 "board." the following: "The professional evaluation
- 11 of a potential evaluator shall be conducted by a
- 12 school administrator who has conducted evaluations
- 13 in the administrator's school district under section
- 14 279.14."

Roll call was requested by Bennett of Ida and Tofte of Winneshiek.

Rule 75 was invoked.

On the question "Shall amendment H—5319, to amendment H—5275, be adopted?"

The ayes were, 38:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Krewson	Lageschulte	Maulsby	McIntee
McKean	Menke	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 55:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Copenhaver	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 7:

Branstad	Chiodo	Davitt	Haverland
Lloyd-Jones	Loneragan	Schroeder	

Amendment H—5319 lost.

Handorf of Marshall offered the following amendment H—5302, to amendment H—5275, filed by him and moved its adoption:

H—5302

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 16, by inserting after the word
- 4 "board." the following: "A professional evaluator
- 5 that is employed by a school district shall not
- 6 evaluate during a school year more than five teachers
- 7 holding provisional certificates."

Amendment H—5302 was adopted.

Hermann of Scott offered the following amendment H—5309, to amendment H—5275, filed by him and moved its adoption:

H—5309

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 16, by inserting after the word
- 4 "board." the following: "A professional evaluator
- 5 who is employed by a school corporation shall be
- 6 granted leave without pay by the employing school
- 7 corporation on the days that the evaluator is on
- 8 official business as an evaluator."

Amendment H—5309 was adopted.

(House File 2217 and amendment H—5275, as amended, pending at adjournment.)

MOTION TO RECONSIDER

(Amendment H—5335 to House File 2217)

I move to reconsider the vote by which amendment H—5335, to amendment H—5275, to House File 2217 was adopted by the House on February 29, 1984.

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 February 29, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 140, a bill for an act relating to the promulgation of administrative rules and their review by the administrative rules review committee, attorney general, and governor and making it effective upon publication.

Also: That the Senate has on February 29, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2347, a bill for an act relating to the appropriation of funds for the construction of a new state historical building and providing effective dates.

Also: That the Senate has on February 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2132, a bill for an act relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse.

K. MARIE THAYER, Secretary

PRESENTATION OF VISITORS

Davitt of Warren presented to the House the Honorable James Middleswart, former member of the House representing Warren County.

Grandia of Marion presented to the House Foreign Exchange Students Lina Castrillon, Perira, Columbia; Noriko Kiron, Tokyo, Japan; Hans Habberstad, Vastervik, Sweden; and Claude-Alain Baehler, Geneva, Switzerland.

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

Thirty-one fifth grade students from Madison Elementary School, Des Moines, accompanied by Karen Warren. By Sherzan of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 787 Education

Allowing public school districts to charge a fee for driver education courses.

S.B. 788 Natural Resources

To require the use of steel shot in hunting waterfowl and subjecting violators to a penalty.

S.B. 789 Labor and Industrial Relations

To provide funding for the removal or encapsulation of asbestos by school districts.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 679), relating to agricultural limestone fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 705), to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 713), relating to the Iowa family farm development authority by expanding the definition of the terms "beginning farmer" and "low or moderate net worth", allowing designees of certain members to be on the board, and decreasing the number of members needed to constitute a quorum of the board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly House File 2084), relating to the minimum depth of pipelines.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

COMMITTEE ON ENERGY

Committee Bill (Formerly House File 2320), relating to the collection, transportation, storage, and disposal of solid waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House Resolution, a resolution relating to the Iowa state racing commission.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 525), relating to the protection of children by amending Iowa's child abuse and child-in-need-of-assistance laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 616), establishing court jurisdiction over certain nonresidents in paternity and child support cases.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 654), providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 711), relating to the issuance of arrest warrants for work release violators or escapees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 745), relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 750), relating to mortgage redemption periods.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 751), relating to expenses incurred by health care facilities in receivership and the liability of the receiver for the expenses and for suits filed against the receiver.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 753), relating to the confidentiality of search warrants.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 772), to transfer the responsibility for security of the state capitol complex from the department of public safety to the legislative council.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly House File 327), allowing a vendee to charge for reasonable attorneys fees in the forfeiture of a real estate contract.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly House File 402), relating to informing defendants of applicable mandatory minimum sentence.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly House File 2092), relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships, providing that proposed wards are entitled to representation, revising provisions governing the powers and duties of guardians and conservators, including requirements for reporting, and eliminating special provisions for guardians of mentally retarded persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly House File 2258), relating to the commitment of children and certain adults either to the state training school or the appropriate adult correctional facility.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly House File 2303), relating to the definition of sexual abuse in the second degree.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly House File 2367), relating to disclosure of the court's decision on whether to reconsider a felon's sentence of confinement.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 514), relating to amending Iowa's unemployment compensation law by limiting the waiver of certain requirements in job bumping situations, by switching the burden of proof back to the employee in certain cases, by authorizing recomputation of employer rates in certain overpayment cases, by crediting certain earned interest to the temporary emergency surcharge fund, by annually transferring certain amounts from the special employment security contingency fund to the emergency surcharge fund, and by providing for contribution refunds in overpayment cases.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 560), establishing an Iowa job training and coordination program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 758), relating to material lift elevators.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 224, a bill for an act relating to the listing of dogs and collection of license fees by the assessor.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5347**, February 28, 1984.

House File 2247, a bill for an act relating to the reimbursement of law enforcement officer training costs incurred by cities.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5348**, February 28, 1984.

House File 2279, a bill for an act relating to regulation of taxicabs by cities.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 730), relating to the administration of special assessments and other property tax laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 743), relating to urban renewal.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1984.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 766), relating to the legal age for consumption of alcoholic beverages and beer, the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the jurisdiction of juvenile court over minors violating the provisions of chapter 123, and temporary restricted operators licenses for drivers convicted under section 321.281 and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

Committee Bill (Formerly Study Bill 767), relating to the election laws by providing a method for challenging nomination petitions, eliminating the requirement for

notarization of absentee ballots, allowing the mailing of certain absentee ballots, regulating the office hours of the county commissioner of elections, revising delivery of registration forms and changes in registration, requiring identification of political advertisers, providing for assistance to certain voters and making certain technical corrections to the voting laws and providing penalties and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1984.

RESOLUTION FILED

HR 103, by Varn, relating to the preparation of the state budget.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5343	H.F.	2217	Carpenter of Polk
H-5344	H.F.	2217	Van Gerpen of Black Hawk
H-5345	H.F.	2217	Doderer of Johnson
			Schnekloth of Scott
H-5346	H.F.	140	Senate Amendment
H-5347	H.F.	224	Committee on Local Government
H-5348	H.F.	2247	Committee on Local Government
H-5349	H.F.	2332	Rosenberg of Story
H-5350	H.F.	2306	Schnekloth of Scott
H-5351	H.F.	2384	Schnekloth of Scott
H-5352	H.F.	2392	Brammer of Linn
H-5353	H.F.	2217	Schroeder of Pottawattamie De Groot of Lyon

On motion by Norland of Worth, the House adjourned at 12:07 p.m., until 9:00 a.m., Thursday, March 1, 1984.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day—Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 1, 1984

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

Prayer was offered by the Reverend Carl B. Riggs, pastor of the First United Presbyterian Church, Fairfield.

The Journal of Wednesday, February 29, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, M.D., Council Bluffs.

INTRODUCTION OF BILLS

House File 2411, by committee on judiciary and law enforcement, a bill for an act relating to the definition of sexual abuse in the second degree.

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

House File 2412, by committee on judiciary and law enforcement, a bill for an act relating to informing defendants of an applicable mandatory minimum sentence.

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

House File 2413, by committee on judiciary and law enforcement, a bill for an act to transfer the responsibility for security of the state capitol complex from the department of public safety to the legislative council.

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

House File 2414, by committee on small business and commerce, a bill for an act relating to credit union reciprocity, par value of shares, deposits, investments, powers, membership, and reserves.

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

House File 2415, by committee on small business and commerce, a bill for an act providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit.

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

House File 2416, by committee on small business and commerce, a bill for an act relating to employee continuation rights under an employer-provided health benefit plan and to employer liability for breaking an agreement to provide a health benefit plan for employees.

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

House File 2417, by committee on human resources, a bill for an act relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

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

House File 2418, by Tabor, a bill for an act relating to certificates of need.

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

SENATE MESSAGE CONSIDERED

Senate File 2132, by committee on judiciary, a bill for an act relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse.

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 29, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 189, a bill for an act requiring state banks, private banks, and state savings and loan associations to obtain and maintain account insurance.

Also: That the Senate has on February 29, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H-5275, as amended, by Groth of Buena Vista, et al., found on pages 582 through 592 of the House Journal.

Handorf of Marshall offered the following amendment H-5338, to amendment H-5275, filed by him and moved its adoption:

H-5338

- 1 Amend the amendment H-5275 to House File 2217
- 2 as follows:
- 3 1. Page 5, line 16, by inserting after the word
- 4 "board." the following: "Professional evaluators who
- 5 are employed as teachers by public school districts
- 6 or by approved nonpublic schools in this state shall
- 7 be assigned to evaluate only those teachers holding
- 8 provisional certificates who are employed as teachers
- 9 at the same grade level as the professional evaluator."

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H-5338 lost.

Schroeder of Pottawattamie offered the following amendment H-5311, to amendment H-5275, filed by him and moved its adoption:

H-5311

1 Amend amendment H-5275 to House File 2217 as
2 follows:

3 1. Page 5, line 16, by inserting after the word
4 "board." the following: "However, a professional
5 evaluator shall not be an individual who possesses
6 a contract issued under section 279.13."

7 2. Page 6, line 5, by striking the word "the"
8 and inserting in lieu thereof the words "the board
9 of directors of the school district employing the
10 teacher shall not offer a contract to the teacher
11 under section 279.13 for the subsequent school year.
12 The".

13 3. Page 6, line 8, by striking the word "and"
14 and inserting in lieu thereof the word "at which
15 time".

A non-record roll call was requested.

The ayes were 28, nays 44.

Amendment H-5311 lost.

Schroeder of Pottawattamie offered the following amendment H-5310, to amendment H-5275, filed by him and moved its adoption:

H-5310

1 Amend the amendment H-5275 to House File 2217 as
2 follows:

3 1. Page 5, line 19, by inserting after the word
4 "board." the following: "The salary paid to an
5 evaluator shall not exceed one hundred dollars per
6 day."

A non-record roll call was requested.

The ayes were 33, nays 38.

Amendment H-5310 lost.

Schroeder of Pottawattamie offered the following amendment H-5315, to amendment H-5275, filed by him:

H—5315

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 19, by inserting after the word
- 4 "board." the following: "If the professional evaluator
- 5 is a teacher employed under section 279.13, the teacher
- 6 shall pay the costs of a substitute teacher for days
- 7 the teacher is employed as a professional evaluator."

The House stood at ease at 9:35 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5315 to House File 2217, at 10:47 a.m., Speaker Avenson in the chair.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5315.

Carpenter of Polk offered the following amendment H—5343, to amendment H—5275, filed by her and moved its adoption:

H—5343

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 5, line 32, by striking the words "and
- 4 students".

A non-record roll call was requested.

The ayes were 36, nays 47.

Amendment H—5343 lost.

Spear of Lee offered the following amendment H—5329, to amendment H—5275, filed by him and moved its adoption:

H—5329

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 6, line 9, by striking the word "new"
- 4 and inserting in lieu thereof the word "different".

A non-record roll call was requested.

The ayes were 67, nays none.

Amendment H—5329 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5322, to amendment H—5275, filed by him and moved its adoption:

H—5322

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 6, by striking lines 16 through 19.

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H—5322 lost.

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred.

MOTION TO RECONSIDER LOST
(House File 2219)

Arnould of Scott asked for unanimous consent to withdraw the motion to reconsider House File 2219, a bill for an act to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day, filed by him on February 16, 1984.

Objection was raised.

Arnould of Scott moved to reconsider the vote by which House File 2219 passed the House and was placed on its last reading on February 16, 1984.

The ayes were 39, nays 53.

The motion to reconsider lost.

MOTION TO RECONSIDER WITHDRAWN
(House File 2062)

Chapman of Linn asked and received unanimous consent to withdraw the motion to reconsider House File 2062, a bill for an act providing for a moratorium on certain disconnections of gas and electricity by regulated public utilities from November 1 to April 1 for residents age sixty or over and making civil penalties applicable, filed by Chapman, et al., on February 13, 1984 placing out of order the motion to reconsider amendment H—5157 filed by Chapman, et al., on February 13, 1984.

MOTION TO RECONSIDER PREVAILED
(House File 2184)

Gronstal of Pottawattamie called up for consideration the motion to reconsider House File 2184, filed on February 8, 1984, and moved to reconsider the vote by which House File 2184, a bill for an act relating to publication of notice for zoning actions taken under chapter 414, passed the House and was placed on its last reading on February 7, 1984.

A non-record roll call was requested.

The ayes were 78, nays none.

The motion prevailed and the House reconsidered House File 2184.

Paulin of Plymouth offered the following amendment H—5240 filed by him and moved its adoption:

H—5240

- 1 Amend House File 2184 as follows:
- 2 1. Page 1, line 14, by inserting after the figure
- 3 "362.3" the words "except that at least seven days
- 4 notice must be given and in no case shall the public
- 5 hearing be held earlier than the next regularly
- 6 scheduled city council meeting following the published
- 7 notice".

Amendment H—5240 was adopted.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2184)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chiodo	Copenhaver	Jochum	Menke
Welden			

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

IMMEDIATE MESSAGE
(House File 2184)

Lloyd-Jones of Johnson asked and received unanimous consent to immediately message House File 2184 to the Senate.

On motion by Norland of Worth, the House was recessed at 11:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H—5275, as amended, by Groth of Buena Vista, et al., found on pages 582 through 592 of the House Journal.

Carpenter of Polk offered amendment H—5303, to amend H—5275, filed by her and requested division as follows:

H—5303

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:

H—5303A

- 3 1. Page 6, line 36, by striking the words “and
- 4 extracurricular”.

H—5303B

- 5 2. Page 6, line 39, by inserting after the word
- 6 “development.” the following: “The rules shall also
- 7 provide that an intern teacher not be assigned
- 8 responsibilities for which the teacher would receive
- 9 extra pay.”

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5303A.

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.

Hughes of Union in the chair at 1:25 p.m.

Carpenter of Polk moved the adoption of amendment H—5303B, to amendment H—5275.

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H — 5303B lost.

Doderer of Johnson offered the following amendment H — 5308, to amendment H — 5275, filed by her and Daggett of Taylor and moved its adoption:

H — 5308

- 1 Amend the amendment H — 5275 to House File 2217 as
- 2 follows:
- 3 1. Page 6, line 39, by inserting after the word
- 4 "development." the following: "However, the board
- 5 of directors shall not assign to an intern teacher
- 6 coaching responsibilities for more than one athletic
- 7 team."

Roll call was requested by Doderer of Johnson and Hammond of Story.

On the question "Shall amendment H — 5308, to amendment H — 5275, be adopted?"

The ayes were, 46:

Anderson	Bennett	Branstad	Buhr
Carl	Carpenter	Cochran	Corey
Daggett	De Groot	Diemer	Doderer
Grandia	Hammond	Handorf	Hanson
Hermann	Hoffmann-Bright	Holveck	Hummel
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Mullins	Osterberg	Paulin	Pellett
Renken	Rensink	Rosenberg	Royer
Schneklöth	Schroeder	Shoultz	Stromer
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Welden		

The nays were, 51:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Carter	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Fogarty	Groninga	Gronstal

Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Harbor	Haverland	Jay	Jochum
Knapp	Koenigs	Miller	Muhlbauer
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Running	Sherzan	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Hughes)	

Absent or not voting, 3:

Chapman Chiodo Clark

Amendment H—5308 lost.

Speaker Avenson in the chair at 1:59 p.m.

The House stood at ease at 2:00 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5275 (as amended), to House File 2217, at 2:27 p.m., Speaker Avenson in the chair.

Maulsby of Calhoun offered the following amendment H—5324, to amendment H—5275, filed by him and moved its adoption:

H—5324

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 6, line 39, by inserting after the word
- 4 "development." the following: "The board of directors
- 5 of a school district employing an intern teacher shall
- 6 submit to the board the additional costs the board
- 7 of directors has incurred by employing a teacher on
- 8 a less than full-time basis, and the board shall
- 9 reimburse the school district for these costs. There
- 10 is appropriated from the general fund of the state
- 11 to the state board of educational examiners an amount
- 12 sufficient to make reimbursement payments to school
- 13 districts under this section."

Roll call was requested by Maulsby of Calhoun and Stueland of Clinton.

On the question "Shall amendment H—5324, to amendment H—5275, be adopted?"

The ayes were, 41:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schneklath	Schroeder	Shoultz
Stromer	Stueland	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 57:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Lloyd-Jones	Loneragan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 2:

Blanshan Doderer

Amendment H—5324 lost.

Hermann of Scott offered the following amendment H—5318, to amendment H—5275, filed by him and requested division as follows:

H—5318

1 Amend H—5275 to House File 2217 as follows:

H—5318A

2 1. Page 9, by striking lines 18 and 19.

H—5318B

3 2. Page 9, by striking line 26 through 29.

4 3. By renumbering as necessary.

Hermann of Scott asked and received unanimous consent to withdraw amendment H—5318B.

Hermann of Scott moved the adoption of amendment H—5318A, to amendment H—5275.

A non-record roll call was requested.

The ayes were 88, nays none.

Amendment H—5318A was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5353, to amendment H—5275, filed by him on February 29, 1984.

Groth of Buena Vista offered the following amendment H—5288, to amendment H—5275, filed by him and moved its adoption:

H—5288

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 10, line 33, by inserting after the word
- 4 "expire" the words "on or after".

Amendment H—5288 was adopted.

Halvorson of Clayton offered the following amendment H—5321, to amendment H—5275, filed by Halvorson of Clayton, et al.:

H—5321

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting in
- 4 lieu thereof the following: "1983, is amended by
- 5 striking the subsection and inserting in lieu thereof
- 6 the following:
- 7 11. Provide for approval of teacher education
- 8 programs at colleges and universities located in this
- 9 state and for the approval of courses and other
- 10 evidences of training and preparation from colleges
- 11 and universities located outside the state."
- 12 2. Page 2, by striking lines 30 through 37 and

- 13 inserting in lieu thereof the following:
14 " . . . Establish standards for the acceptance of
15 degrees, credits, courses and other evidences of
16 training from colleges and universities that have
17 teacher education programs approved by the state board
18 of public instruction."

(Amendment H—5321, to amendment H—5275, to House File 2217, pending at adjournment.)

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, February 24, 1984. Had I been present, I would have voted "aye" on House File 2347.

McINTEE of Black Hawk

I was necessarily absent from the House chamber on Wednesday morning, February 29, 1984. Had I been present, I would have voted "aye" on amendment H—5296, to amendment H—5275, to House File 2217.

SWEARINGEN of Keokuk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 323, a bill for an act relating to sex discrimination in retirement programs.

House File 2101, a bill for an act authorizing an area education agency to issue warrants and anticipatory warrants and providing for the payment of interest.

PRESENTATION OF VISITORS

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

Nine National Honor Society students from Manilla Community High School, Manilla, accompanied by Pat Westewald. By Muhlbauer of Crawford.

Four 4-H Club members from Jefferson County, accompanied by Stan Gerling. By Swearingen of Keokuk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 790 State Government

Relating to state boards and commissions, their membership, frequency of meetings, compensation and their abolishment or consolidation in certain cases.

S.B. 791 Ways and Means

Relating to the definition and taxation of real property within a self-supported municipal improvement district.

S.B. 792 Judiciary and Law Enforcement

Authorizing the court to require an appeal bond for appeals taken from a forcible entry or detainer judgment and providing for forfeiture of the bond.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 200, a bill for an act relating to the percentage of public cost-sharing funds necessary to require soil and water conservation practices.

Fiscal note is not required.

Committee Action: **Failed to Pass** February 29, 1984.

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 666), to establish the Iowa educational excellence program and make appropriations.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 725), relating to the repayment of loans made under the science and mathematics loan program.

Fiscal note is not required.

Recommended **Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 727), relating to school district reorganization.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 775), relating to the duties of the state board of public instruction and boards of merged areas for certification of area school personnel.

Fiscal note is not required.

Recommended **Do Pass** February 29, 1984.

Committee Bill (Formerly House File 2255), to provide additional weighting of one pupil for school districts participating in the supplementary weighting plan.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 29, 1984.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 552), relating to the selection and operation of foster care review committees under the department of human services.

Fiscal note is not required.

Recommended **Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 734), relating to the Iowa veterans home and its administration.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 777), relating to the licensure and operation of a hospice program.

Fiscal note is required.

Recommended Amend and Do Pass February 29, 1984.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 720), establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly Study Bill 596), relating to the powers of state-chartered savings and loan associations.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

Committee Bill (Formerly Study Bill 764), relating to the supervision, rehabilitation, and liquidation of insurance companies and providing penalties.

Fiscal note is not required.

Recommended Do Pass February 29, 1984.

Committee Bill (Formerly House File 318), relating to certain modifications of the law with respect to civil actions predicted upon products liability.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

Committee Bill (Formerly House File 483), relating to the sale of title insurance for real property to a bank, savings and loan association, credit union, or industrial loan company on property for which the institution has made a loan and retains a mortgage.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

Committee Bill (Formerly House File 2261), defining excess electric generating capacity.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 763), relating to the public financing of legislative elections and providing penalties and a delayed effective date.

Fiscal note is not required.

Recommended Amend and Do Pass February 29, 1984.

COMMITTEE ON TRANSPORTATION

House File 2090, a bill for an act to allow certain use tax revenues to be loaned to the special railroad facility fund to match private investment capital when the private investment capital is actually available to purchase Chicago, Rock Island and Pacific railroad right-of-way and transferring use tax revenue already transferred to the special railroad facility fund to the road use tax fund.

Fiscal note is not required.

Committee Action: Failed to Pass February 29, 1984.

House File 2221, a bill for an act relating to the operation of all-terrain vehicles subject to penalties provided by law.

Fiscal note is not required.

Recommended Amend and Do Pass with amendment H — 5354 February 29, 1984.

House File 2353, a bill for an act to require the state department of transportation to require the placement of appropriate highway signs to guide traffic to all accredited colleges and universities.

Fiscal note is not required.

Recommended Do Pass February 29, 1984.

House File 2365, a bill for an act to provide that speeding violations not greater than ten miles per hour in speed zones posted for thirty-five miles per hour or greater shall not be public records and points shall not be assessed or licenses suspended unless there are more than three violations within a twelve-month period.

Fiscal note is not required.

Recommended Do Pass February 29, 1984.

Committee Bill (Formerly Study Bill 549), to establish a public transit assistance fund.

Fiscal note is not required.

Recommended **Do Pass** February 29, 1984.

Committee Bill (Formerly Study Bill 776), to ratify and enter into an interstate compact between Iowa, Kansas, Missouri and Nebraska for the development of the Missouri river for barge traffic.

Fiscal note is not required.

Recommended **Amend and Do Pass** February 29, 1984.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2017), to provide that the taxable value of a building shall not be increased where the dollar amount of normal and necessary repairs to the building does not exceed five thousand dollars.

Fiscal note is required.

Recommended **Amend and Do Pass** February 29, 1984.

Committee Bill (Formerly House File 2041), to provide that a tax exemption for a forest reservation shall not be granted until the property qualifies as a forest reservation.

Fiscal note is required.

Recommended **Amend and Do Pass** February 29, 1984.

RESOLUTION FILED

HCR 110, by Hammond, Ollie, Lloyd-Jones, Mullins, Arnould, Blanshan, Clark, Krewson, Sherzan, Holveck, Rosenberg and Haverland, in support of a United States academy of peace and conflict resolution.

Referred to committee on **state government**.

AMENDMENTS FILED

H-5354	H.F.	2221	Committee on Transportation
H-5355	H.F.	189	Senate Amendment
H-5356	H.F.	2217	McIntee of Black Hawk
H-5357	S.F.	414	Chiodo of Polk
H-5358	S.F.	510	Jochum of Dubuque
H-5359	H.F.	2234	Tofte of Winneshiek
			Knapp of Dubuque
			Hummel of Benton

H—5360

H.F. 2230

Koenigs of Mitchell

H—5361

H.F. 2416

Sherzan of Polk

On motion by Norland of Worth, the House adjourned at 2:44 p.m., until 9:00 a.m., Friday, March 2, 1984.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day—Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 2, 1984

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

Prayer was offered by Reverend L. Hume Ward, pastor of the Windsor Presbyterian Church, Des Moines.

The Journal of Thursday, March 1, 1984.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Hummel of Benton; Schnekloth of Scott on request of Rensink of Sioux; De Groot of Lyon, Harbor of Mills, and Branstad of Winnebago, until their arrival, on request of Stromer of Hancock.

INTRODUCTION OF BILLS

House File 2419, by committee on state government, a bill for an act relating to the public financing of legislative elections and providing penalties and an effective date.

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

House File 2420, by Stueland, a bill for an act to allow farmers in drought disaster areas to harvest hay from roadsides in areas not affected by drought.

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

House File 2421, by committee on energy, a bill for an act relating to the collection, transportation, storage, and disposal of solid waste.

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

House File 2422, by committee on labor and industrial relations, a bill for an act relating to various job training programs within the state and making an appropriation.

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

House File 2423, by committee on judiciary and law enforcement, a bill for an act establishing court jurisdiction over certain nonresidents in paternity and child support cases.

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

House File 2424, by committee on judiciary and law enforcement, a bill for an act relating to expenses incurred by health care facilities in receivership and the liability of the receiver for the expenses and for suits filed against the receiver.

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

House File 2425, by committee on judiciary and law enforcement, a bill for an act relating to the commitment of children and certain adults either to the state training school or the appropriate adult correctional facility.

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

House File 2426, by committee on energy, a bill for an act relating to the study of the feasibility of a state-owned hazardous waste treatment and resource recovery facility.

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

House File 2427, by committee on judiciary and law enforcement, a bill for an act relating to disclosure of the court's decision on whether to reconsider a felon's sentence of confinement.

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H-5321, to amendment H-5275, found on pages 650 and 651 of the House Journal.

Halvorson of Clayton moved the adoption of amendment H—5321, to amendment H—5275.

Roll call was requested by Halvorson of Clayton and Bennett of Ida.

On the question "Shall amendment H—5321, to amendment H—5275, be adopted?"

The ayes were, 38:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	Diemer	Doderer
Grandia	Halvorson, R. A.	Handorf	Hanson
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Osterberg	Paulin
Pellett	Renken	Rensink	Royer
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 55:

Arnould	Baxter	Black	Blanshan
Buhr	Carter	Chapman	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Loneragan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 7:

Brammer	Branstad	Carl	Chiodo
De Groot	Harbor	Schneklath	

Amendment H—5321 lost.

Menke of O'Brien offered the following amendment H—5297, to amendment H—5275, filed by him and moved its adoption:

H-5297

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 5.
- 4 2. Page 1, by striking lines 11 through 43.
- 5 3. Page 11, by striking lines 13 through 26.
- 6 4. Page 11, line 30, by striking the words and
- 7 figure "established in section 3 of this Act".

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H-5297, to amendment H-5275, be adopted?"

The ayes were, 32:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	Diemer	Grandia
Halvorson, R. A.	Handorf	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Maulsby	McKean
Menke	Paulin	Pellett	Renken
Rensink	Royer	Schroeder	Stromer
Stueland	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden

The nays were, 61:

Arnould	Baxter	Black	Blanshan
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Cooper	Copenhaver
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. N.	Hammond	Hanson	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Lonergan	McIntee	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 7:

Brammer	Branstad	Chiodo	Connors
De Groot	Harbor	Schnekloth	

Amendment H-5297 lost.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on amendment H—5295.

Hanson of Delaware in the chair at 10:20 a.m.

Van Gerpen of Black Hawk offered the following amendment H—5344, to amendment H—5275, filed by him and moved its adoption:

H—5344

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the word "nine"
- 4 and inserting in lieu thereof the word "seven".
- 5 2. Page 1, line 25, by striking the word "Four"
- 6 and inserting in lieu thereof the word "Two".
- 7 3. Page 1, by striking lines 30 and 31 and
- 8 inserting in lieu thereof the following:
- 9 " . Two members who possess endorsement as
- 10 school administrators."
- 11 4. Page 1, line 36, by striking the word "Three"
- 12 and inserting in lieu thereof the word "Two".
- 13 5. Page 11, by striking lines 16 through 22 and
- 14 inserting in lieu thereof the following: "term of
- 15 one member representing the general public shall end
- 16 the year following appointment; one teacher and one
- 17 school administrator shall end two years after
- 18 appointment; one teacher and the faculty member shall
- 19 end three years after appointment; and one
- 20 administrator and one member representing the".

Roll call was requested by McIntee of Black Hawk and Clark of Cerro Gordo.

On the question "Shall amendment H—5344, to amendment H—5275, be adopted?"

The ayes were, 35:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	Diemer	Grandia
Halvorson, R. A.	Handorf	Hermann	Hoffmann-Bright
Hummel	Krewson	Lageschulte	Maulsby
McIntee	McKean	Menke	Paulin
Pellett	Renken	Rensink	Royer
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden	Mr. Speaker (Hanson)	

The nays were, 57:

Arnould	Avenson	Baxter	Black
Blanshan	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman			

Absent or not voting, 8:

Brammer	Branstad	Chiodo	De Groot
Harbor	Muhlbauer	Mullins	Schnekloth

Amendment H—5344 lost.

Welden of Hardin offered the following amendment H—5304, to amendment H—5275, filed by him and Pellett of Cass and requested division as follows:

H—5304

- 1 Amend the amendment H—5275 to House File 2217 as
- 2 follows:

H—5304A

- 3 1. Page 1, by striking lines 17 through 20 and
- 4 inserting in lieu thereof the word "confirmation."

H—5304B

- 5 2. Page 1, by inserting after line 38 the
- 6 following:
- 7 "Not more than five members of the board shall
- 8 be members of the same political party."

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5304A, to amendment H—5275.

On motion by Welden of Hardin, amendment H-5304B was adopted.

Doderer of Johnson offered the following amendment H-5345, to amendment H-5275, filed by her and Schnekloth of Scott and moved its adoption:

H-5345

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 2, by striking line 11 and inserting in
- 4 lieu thereof the following: "who are employed on
- 5 a full-time basis by a public employer".

Amendment H-5345 was adopted.

Speaker Avenson in the chair at 10:30 a.m.

Krewson of Polk offered the following amendment H-5362, to amendment H-5275, filed by him from the floor:

H-5362

- 1 Amend the amendment H-5275 to House File 2217
- 2 as follows:
- 3 1. Page 2, by striking lines 24 through 26 and
- 4 inserting in lieu thereof the following:
- 5 " . Prescribe the types of classes of
- 6 certificates to be issued, the subjects and fields
- 7 and positions which certificates cover and determine
- 8 the requirements for certificates for administrative,
- 9 supervisory, and instructional personnel for the
- 10 public school systems of the state."
- 11 2. Page 2, by striking lines 40 through 43.
- 12 3. Page 3, by striking lines 2 through 7 and
- 13 inserting in lieu thereof the following:
- 14 " . Establish fees for the issuance and renewal
- 15 of certificates based upon the costs incurred and
- 16 the costs of sustaining the board."
- 17 4. Page 3, by striking lines 10 and 11.
- 18 5. By striking page 3, line 24 through page 7,
- 19 line 12 and inserting in lieu thereof the following:
- 20 "Sec. . NEW SECTION. 260.8 EVALUATIONS.
- 21 The board of educational examiners shall adopt rules
- 22 requiring that boards of directors of school districts
- 23 employing administrators, supervisors, school service
- 24 persons, and teachers, possessing certificates issued

25 under this chapter, present evidence to the board.
 26 of educational examiners that evaluation procedures
 27 for their employees, required under section 279.14,
 28 have been implemented.”

29 6. Page 7, by striking lines 32 through 49.

30 7. By striking page 8, line 14 through page 10,
 31 line 35.

32 8. By striking page 10, line 43, through page
 33 11, line 12, and inserting in lieu thereof the
 34 following:

35 “Sec. . Sections 260.11 and 260.14, Code 1983,
 36 are repealed.

37 9. Page 11, by striking lines 27 through 37 and
 38 inserting in lieu thereof the following:

39 “Sec. . Certificates issued by the board of
 40 educational examiners under chapter 260 prior to the
 41 effective date of this Act are valid until their
 42 expiration.”

The House stood at ease at 10:41 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5362 to House File 2217 at 11:02 a.m., Speaker Avenson in the chair.

Krewson of Polk moved the adoption of amendment H—5362, to amendment H—5275.

Roll call was requested by Krewson of Polk and Shoultz of Black Hawk.

On the question “Shall amendment H—5362, to amendment H—5275, be adopted?”

The ayes were, 13:

Anderson	Doderer	Hammond	Hanson
Haverland	Krewson	McKean	Mullins
Osterberg	Renaud	Rosenberg	Running
Shoultz			

The nays were, 80:

Arnould	Baxter	Bennett	Black
Blanshan	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt

Diemer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	Menke	Muhlbauer	Norland
O'Kane	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renken	Rensink	Royer	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

Absent or not voting, 7:

Brammer	Branstad	De Groot	Harbor
Miller	Ollie	Schnekloth	

Amendment H—5362 lost.

McIntee of Black Hawk offered the following amendment H—5356, to amendment H—5275, filed by him and moved its adoption:

H—5356

- 1 Amend the amendment H—5275 to House File 2217
- 2 as follows:
- 3 1. Page 4, by striking lines 34 through 39 and
- 4 inserting in lieu thereof the following: "the
- 5 applicant failed to answer correctly. The applicant
- 6 may request information regarding all test questions
- 7 and all correct answers from the educational testing
- 8 service or institution of higher education that
- 9 developed and scored the examination, and the
- 10 testing service or institution of higher education
- 11 shall comply with the request."

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H—5356 lost.

Halvorson of Clayton offered the following amendment H—5295, to amendment H—5275, filed by Harbor of Mills and moved its adoption:

H-5295

- 1 Amend the amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the word "nine"
- 4 and inserting in lieu thereof the word "ten".
- 5 2. Page 1, by inserting after line 38 the
- 6 following:
- 7 " . The superintendent of public instruction
- 8 who shall be an ex-officio nonvoting member."

Roll call was requested by Stromer of Hancock and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H-5295, to amendment H-5275, be adopted?"

The ayes were, 34:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	Diemer	Halvorson, R. A.
Handorf	Hanson	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Maulsby	McIntee
McKean	Menke	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 53:

Arnould	Baxter	Black	Buhr
Carl	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Doderer	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lonergan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Tabor	Varn	Zimmerman
Mr. Speaker			

Absent or not voting, 13:

Blanshan	Brammer	Branstad	Carter
De Groot	Fey	Grandia	Harbor

Krewson
Woods

Lloyd-Jones

Schnekloth

Swartz

Amendment H—5295 lost.

The motion to reconsider amendment H—5335, to amendment H—5275, filed by Schroeder of Pottawattamie on February 29, 1984 was taken up for consideration.

Schroeder of Pottawattamie moved to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 33, nays 50.

The motion to table lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to reconsider amendment H—5335.

Norland of Worth moved to suspend the rules to move to reconsider the vote by which amendment H—5335, to amendment H—5275, was adopted by the House on February 29, 1984.

A non-record roll call was requested.

The ayes were 56, nays 35.

The motion to suspend the rules prevailed.

Norland of Worth asked and received unanimous consent to reconsider the vote by which amendment H—5335, to amendment H—5275, was adopted by the House and amendment H—5335 was taken up for reconsideration.

Schroeder of Pottawattamie moved the adoption of amendment H—5335, to amendment H—5275.

A non-record roll call was requested.

The ayes were 34, nays 54.

Amendment H—5335 lost.

Koenigs of Mitchell in the chair at 11:33 a.m.

Speaker Avenson in the chair at 11:42 a.m.

Norland of Worth asked and received unanimous consent that House File 2217 be temporarily deferred and that the bill retain its place on the calendar.

(Amendment H—5275, as amended, pending.)

INTRODUCTION OF BILLS

House File 2428, by committee on judiciary and law enforcement, a bill for an act relating to mortgage redemption periods.

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

House File 2429, by committee on judiciary and law enforcement, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

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

House File 2430, by committee on human resources, a bill for an act relating to the selection and operation of foster care review committees under the department of human services.

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

House File 2431, by committee on judiciary and law enforcement, a bill for an act relating to the issuance of arrest warrants for work release violators or escapees.

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

House File 2432, by committee on transportation, a bill for an act to establish a public transit assistance fund.

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

House File 2433, by committee on labor and industrial relations, a bill for an act amending Iowa's unemployment compensation law by limiting the waiver of certain requirements in job bumping situations, by treating educational employees similarly for purposes of denying benefits during certain regular academic recesses, by switching the burden of producing evidence back to the employee in certain cases, by modifying certain special contribution rate requirements both prospectively and retroactively, by authorizing recomputation of employer rates in certain overpayment cases, by crediting certain earned interest to the temporary emergency surcharge fund, and by providing for contribution refunds in overpayment cases.

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

House File 2434, by committee on education, a bill for an act relating to the duties of the state board of public instruction and the boards of merged areas for certification of area school personnel.

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 the confidentiality of affidavits of search warrants, sworn statements made for the purpose of obtaining a warrant and inventories of seized property.

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

House File 2436, by committee on human resources, a bill for an act relating to the licensure and operation of a hospice program.

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

House File 2437, by committee on human resources, a bill for an act relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty.

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

House File 2438, by committee on education, a bill for an act relating to the repayment of loans made under the science and mathematics loan program.

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

House File 2439, by committee on judiciary and law enforcement, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties.

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

House File 2440, by committee on human resources, a bill for an act relating to the Iowa veterans home and its administration.

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

House File 2441, by committee on local government, a bill for an act relating to urban renewal.

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

CONSIDERATION OF BILLS

The House resumed consideration of **House File 2217**, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, and amendment H—5275, as amended, by Groth of Buena Vista, et al., found on pages 582 through 592 of the House Journal.

Groninga of Cerro Gordo in the chair at 11:52 a.m.

Speaker Avenson in the chair at 12:10 p.m.

The following amendment H—5366, to amendment H—5275, filed by Groth of Buena Vista from the floor, was adopted by unanimous consent:

H-5366

- 1 Amend amendment H-5275 to House File 2217 as
- 2 follows:
- 3 1. Page 6, line 37, by striking the word "reflects"
- 4 and inserting in lieu thereof the word "reflect".

Groth of Buena Vista moved the adoption of amendment H-5275, as amended.

Roll call was requested by Stromer of Hancock and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H-5275, as amended, be adopted?"

The ayes were, 58:

Arnould	Baxter	Black	Blanshan
Buhr	Carl	Carter	Chiodo
Cochran	Connolly	Connors	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hanson	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lonergan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 38:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Grandia	Halvorson, R. A.	Hammond
Handorf	Harbor	Hermann	Hoffmann-Bright
Hummel	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schroeder	Stromer	Stueland
Swearingen	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

Absent or not voting, 4:

Brammer

Chapman

Schnekloth

Tofte

Amendment H—5275, as amended, was adopted, placing the following amendments, previously adopted, out of order:

H—5147B found on page 464 of the House Journal.

H—5147D found on pages 464 through 469 of the House Journal.

H—5208A found on pages 458 through 461 of the House Journal.

H—5208B found on pages 458 through 461 of the House Journal.

H—5213, to amendment H—5208C, (lines 3 through 16) found on pages 462 and 463 of the House Journal.

H—5232 found on pages 528 and 529 of the House Journal.

Also, with the adoption of amendment H—5275, as amended, the following amendments are out of order:

H—5147A found on page 464 of the House Journal.

H—5149, to amendment H—5147A, filed by Van Gerpen of Black Hawk on February 10, 1984.

H—5147C found on page 464 of the House Journal.

H—5114 filed by Van Gerpen of Black Hawk and Daggett of Taylor on February 8, 1984.

H—5147E found on page 465 of the House Journal.

H—5269, to amendment H—5147E, filed by Schroeder of Pottawattamie on February 23, 1984.

H—5150, to amendment H—5147E, filed by Swearingen of Keokuk on February 10, 1984.

H—5153, to amendment H—5147E, filed by Rosenberg of Story and Hammond of Story on February 10, 1984.

H—5166, to amendment H—5147E, filed by Welden of Hardin, et al., on February 14, 1984.

H—5208C found on page 459 of the House Journal.

H—5271, to amendment H—5208C, filed by Schroeder of Pottawattamie on February 24, 1984.

H—5267, to amendment H—5208C, filed by Hughes of Union on February 23, 1984.

H—5208F found on page 460 of the House Journal.

H—5154 filed by Carpenter of Polk on February 10, 1984.

H—5147H found on pages 467 and 468 of the House Journal.

H—5272, to amendment H—5147H, filed by Schroeder of Pottawattamie on February 24, 1984.

H—5127 filed by Swearingen of Keokuk on February 9, 1984.

H—5147I found on pages 467 and 468 of the House Journal.

H—5151, to amendment H—5147I, filed by Groth of Buena Vista on February 10, 1984.

H-5147J found on page 467 of the House Journal.

H-5112 filed by Swearingen of Keokuk on February 8, 1984.

H-5148, to amendment H-5112, filed by Swearingen of Keokuk on February 10, 1984.

H-5222 filed by Schroeder of Pottawattamie on February 17, 1984.

H-5236, to amendment H-5222, filed by Schroeder of Pottawattamie on February 22, 1984.

H-5205 filed by Hughes of Union on February 16, 1984.

H-5214, to amendment H-5205, filed by Daggett of Taylor on February 17, 1984.

H-5218, to amendment H-5205, filed by Hughes of Union on February 17, 1984.

H-5223 filed by Hughes of Union on February 17, 1984.

H-5224, to amendment H-5223, filed by Daggett of Taylor on February 17, 1984.

H-5111 filed by Swearingen of Keokuk on February 8, 1984.

H-5262, to amendment H-5208B (previously adopted), filed by Schroeder of Pottawattamie on February 23, 1984.

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

On the question "Shall the bill pass?" (H.F. 2217)

The ayes were, 55:

Arnould	Baxter	Black	Blanshan
Buhr	Carl	Carter	Chiodo
Cochran	Connolly	Connors	Cooper
Copenhaver	Davitt	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. N.	Haverland	Hermann	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Loneragan	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poney	Renaud	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 41:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot

Diemer	Doderer	Grandia	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Hoffmann-Bright	Hummel	Krewson	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellett
Renken	Rensink	Rosenberg	Royer
Schroeder	Stromer	Stueland	Swearingen
Torrence	Van Camp	Van Gerpen	Van Maanen
Weiden			

Absent or not voting, 4:

Brammer	Chapman	Schnekloth	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 2217)

Norland of Worth asked and received unanimous consent to immediately message House File 2217 to the Senate.

REMOVED FROM NONCONTROVERSIAL CALENDAR

(House File 591)

Hanson of Delaware requested that, pursuant to Rule 36, House File 591 be removed from the noncontroversial calendar and returned to the regular calendar.

(House File 2098)

Hanson of Delaware requested that, pursuant to Rule 36, House File 2098 be removed from the noncontroversial calendar and returned to the regular calendar.

(House File 2279)

Spear of Lee requested that, pursuant to Rule 36, House File 2279 be removed from the noncontroversial calendar and returned to the regular calendar.

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 2nd day of March, 1984: House Files 602 and 2229.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM THE SECRETARY OF STATE

February 29, 1984

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
L O C A L

Dear Mr. O'Hern:

I hereby certify that Senate File 2045 was published in The Red Oak Express, Red Oak, Iowa on February 15, 1984 and in the Daily Gate City, Keokuk, Iowa on February 27, 1984.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

SUBCOMMITTEE ASSIGNMENTS

House File 483 (Reassigned)

Small Business and Commerce: Chiodo, Chair; Gronstal and Schroeder.

House File 2192

Transportation; Woods, Chair; Koenigs and Lageschulte.

House File 2300

Ways and Means: Tabor, Chair; Bennett and Oxley.

House File 2308

Ways and Means: Connolly, Chair; Schroeder and Swartz.

House File 2314

Ways and Means: Doderer, Chair; Diemer and Osterberg.

House File 2353

Transportation: Van Maanen, Chair; Lageschulte and Muhlbauer.

House File 2354

Local Government: Connors, Chair; Renaud and Swearingen.

House File 2356

Transportation: Koenigs, Chair; Renaud and Van Camp.

House File 2358

Transportation: Muhlbauer, Chair; Bennett and Fey.

House File 2360

Transportation: Cooper, Chair; Corey and Osterberg.

House File 2361

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Tabor.

House File 2362

Local Government: O'Kane, Chair; Lageschulte and Spear.

House File 2363

Local Government: O'Kane, Chair; Menke and Spear.

House File 2364

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

House File 2365

Transportation: Muhlbauer, Chair; Lageschulte and Woods.

House File 2366

Human Resources: Carl, Chair; Arnould, Copenhaver, Daggett, Fey, Hammond, Hermann, Lonergan and Rensink.

House File 2367

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

House File 2381

Local Government: Buhr, Chair; O'Kane and Renken.

House File 2382

Transportation: Woods, Chair; Miller and Pellett.

House File 2402

Labor and Industrial Relations: Peick, Chair; Brammer and Handorf.

House Concurrent Resolution 109

Agriculture: Koenigs, Chair; De Groot and Hughes.

Senate File 347

Transportation: Fogarty, Chair; Miller and Welden.

Senate File 2160

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

Senate File 2169

Transportation: Koenigs, Chair; Bennett and Cochran.

Senate File 2187

Agriculture: Cochran, Chair; Anderson, Davitt, De Groot, Gruhn, Pellett, Skow and Zimmerman.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 552 (Reassigned)**

Human Resources: Carl, Chair; Arnould, Connors, Hammond, Mullins, Ollie, Peick, Rensink, Van Gerpen and Zimmerman.

Study Bill 599

Small Business and Commerce: Chiodo, Chair; Gronstal and Hummel.

Study Bill 724

Ways and Means: Clark, Chair; Holveck and Pavich.

Study Bill 732

Ways and Means: Varn, Chair; Connolly and De Groot.

Study Bill 738

Ways and Means: Daggett, Chair; Fey and Holveck.

Study Bill 739

Ways and Means: Gronstal, Chair; Bennett and Groninga.

Study Bill 764

Small Business and Commerce: Chiodo, Chair; Halvorson of Clayton and Skow.

Study Bill 776

Transportation: Pavich, Chair; Harbor and Pellett.

Study Bill 777

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Study Bill 778

Judiciary and Law Enforcement: Parker, Chair; Paulin and Tabor.

Study Bill 779

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Study Bill 780

State Government: Doderer, Chair; Carpenter and Halvorson of Webster.

Study Bill 781

Local Government: Buhr, Chair; O'Kane and Renken.

Study Bill 782

Judiciary and Law Enforcement: Doderer, Chair; Brammer and Chapman.

Study Bill 783

Human Resources: Arnould, Chair; Clark, Daggett, Mullins, Ollie, Running and Zimmerman.

Study Bill 784

Judiciary and Law Enforcement: McIntee, Chair; Holveck and Parker.

Study Bill 785

Agriculture: Muhlbauer, Chair; Fogarty and Handorf.

Study Bill 786

Agriculture: Cochran, Chair; Anderson and Skow.

Study Bill 788

Natural Resources: Woods, Chair; Black, Cooper, Hanson and Tofte.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2100, a bill for an act relating to the location and operation of anhydrous ammonia plants and defining nuisance as the term relates to the plants.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5374, March 1, 1984.

House File 2167, a bill for an act relating to the cost of permanent soil and water conservation practices constructed under administrative order with public cost-sharing funds.

Fiscal Note is not required.

Recommended Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 672), relating to the appointment of the commerce commission as a receiver and its duties and powers.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 689), relating to the authority of the department of water, air and waste management regarding the restoration, maintenance or improvement of a drainage district.

Fiscal Note is not required.

Recommended Without Recommendation March 1, 1984.

Committee Bill (Formerly Study Bill 786), to establish a farm mortgage interest loan program to be administered by the family farm development authority to provide no-interest loans to farmers for the period of one year to assist farmers in paying the interest costs of farm mortgage loans and containing an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

COMMITTEE ON ENERGY

House File 2243, a bill for an act providing that a person who provides assistance or advice in the abatement or attempted abatement or cleanup of a hazardous condition is not liable for damages resulting from the assistance or advice.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 673), to allow an individual income tax credit for expenditures for a solar domestic hot water system for use in a principal residence and making the act retroactive.

Fiscal Note is required.

Committee Action: **Failed to Pass** March 1, 1984.

Committee Bill (Formerly House File 2141), creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions and the management and cleanup of abandoned or uncontrolled hazardous waste disposal sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly House File 2285), relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 647), relating to the form of probate inventory.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 650), relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 651), relating to the protection of lienholders' and certificate holders' advancements.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 680), relating to the priority of construction mortgage liens.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 690), relating to the platting requirements upon the subdivision of a parcel of land.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 744), to provide a deterrent to persons operating a motor vehicle after consuming alcohol by declaring certain acts illegal and establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 746), ceding to the United States concurrent legislative jurisdiction over and within certain lands and waters dedicated to national park purposes.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 752), relating to the providing of interpreters for hearing impaired persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 756), relating to the setting aside of default judgments in small claims court.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 768), relating to administrative procedures for the establishment, determination, and collection of certain child support debts.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 769), amending a rule of criminal procedure relating to acquittal because of insanity or diminished responsibility.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 770), relating to the timing and frequency of parole interviews by the board of parole.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 773), relating to the establishment of mandatory supervised release for inmates and providing penalties.

Fiscal Note is required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 778), making employment and wage information held by the Iowa department of job service available to county attorneys in certain collection cases in favor of the state, county, or other governmental unit.

Fiscal Note is not required.

Recommended Do Pass March 1, 1984.

Committee Bill (Formerly Study Bill 782), relating to the definition of public accommodation under the Iowa civil rights law.

Fiscal Note is not required.

Recommended Do Pass March 1, 1984.

Committee Bill (Formerly House File 2054), relating to the administrative and judicial review of real property tax assessments.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly House File 2121), adopting the uniform comparative fault Act in relation to actions to recover damages for injury or death of persons or harm to property.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly House File 2139), relating to sexual abuse in the third degree by removing the exception for persons who are cohabiting as husband and wife.

Fiscal Note is not required.

Committee Action: Failed to Pass March 1, 1984.

Committee Bill (Formerly House File 2309), relating to the requirement of bail during and after a period of deferred judgment and to the discharge of surety bail upon the occurrence of specified conditions.

Fiscal Note is not required.

Recommended Do Pass March 1, 1984.

Committee Bill (Formerly House File 2328), relating to convicted offenders by allowing charges for reasonable costs of housing, providing that the assault on a peace or corrections officer is a serious misdemeanor, requiring presentence investigations for persons convicted of felony offenses, disallowing the use of good time to reduce mandatory minimum sentences, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass March 1, 1984.

Committee Bill (Formerly House File 2355), prohibiting the transfer of a jury in change of venue actions.

Fiscal Note is not required.

Recommended Do Pass March 1, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 426, a bill for an act requiring public improvement construction contracts to have provisions for the payment of at least the prevailing wage for laborers and mechanics.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5368**, March 1, 1984.

House File 2089, a bill for an act relating to the investment of retirement funds.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Senate File 2159, a bill for an act to allow limited child modeling under the child labor laws.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

COMMITTEE ON LOCAL GOVERNMENT

House File 2076, a bill for an act authorizing a county to use eminent domain to acquire an existing landfill.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 1, 1984.

House File 2256, a bill for an act relating to the publication of salary payments to county officers and employees.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

House File 2354, a bill for an act relating to the purchase of equipment and supplies by the board of trustees of a county public hospital.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 568), providing that county zoning regulations may apply to farm houses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 741), relating to military veterans benefits.

Fiscal Note is not required.

Recommended **Without Recommendation** March 1, 1984.

Committee Bill (Formerly Study Bill 759), relating to access to government records and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 781), relating to the tort liability of municipal governments by allowing self-insured cities to levy additional taxes to cover the cost of tort liability, allowing municipal taxpayers to serve as jurors in cases where the municipality is a defendant, and limiting damage awards when losses are otherwise compensated.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

COMMITTEE ON STATE GOVERNMENT

House File 2015, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5365**, March 1, 1984.

House File 2136, a bill for an act relating to the licensing and regulation of social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5370**, March 1, 1984.

House File 2301, a bill for an act relating to the sale, possession, or use of the explosive nitroglycerin, providing a penalty, and transferring the responsibility for the inspection of explosive storage facilities from county sheriffs to the state fire marshal while reducing the number of inspections per year.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5364**, March 1, 1984.

Committee Bill (Formerly Study Bill 621), relating to the administration and benefits of certain public retirement systems and to make an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 735), relating to the filing of a list of unpaid obligations by state agencies with the state comptroller.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1984.

Committee Bill (Formerly Study Bill 779), to implement certain recommendations of the governor's task force by providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1983-84 fiscal year reduced by the amount of out-of-state travel incurred in the 1982-1983 fiscal year.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

Committee Bill (Formerly House File 2239), increasing the bonding capacity of the Iowa housing finance authority and its small business loan program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1984.

AMENDMENTS FILED

H-5363	H.F.	2338	Van Camp of Scott
H-5364	H.F.	2301	Committee on State Government
H-5365	H.F.	2015	Committee on State Government
H-5367	H.F.	2416	Skow of Guthrie
H-5368	H.F.	426	Committee on Labor and Industrial Relations
H-5369	H.F.	2332	Welden of Hardin
H-5370	H.F.	2136	Committee on State Government
H-5371	S.F.	2091	Spear of Lee
H-5372	H.F.	2348	Sherzan of Polk
H-5373	H.F.	2332	Carl of Poweshiek
			Rensink of Sioux
			Peick of Linn
			Van Gerpen of Black Hawk
			Connors of Polk
			Ollie of Clinton
H-5374	H.F.	2100	Committee on Agriculture

H-5375	H.F. 2370	Hummel of Benton
		Halvorson of Clayton
H-5376	H.F. 2398	Welden of Hardin
		Miller of Woodbury
		Woods of Polk
H-5377	H.F. 2348	Spear of Lee
H-5378	H.F. 389	Carpenter of Polk
		Chiodo of Polk
H-5379	H.F. 2396	Spear of Lee
H-5380	H.F. 2396	Spear of Lee
H-5381	H.F. 140	Schroeder of Pottawattamie
H-5382	H.F. 2023	Shoultz of Black Hawk
H-5383	H.F. 2247	Royer of Page
		Lageschulte of Bremer
H-5384	H.F. 2279	Spear of Lee
H-5385	H.F. 2279	Spear of Lee
H-5386	H.F. 2395	Spear of Lee
H-5388	H.F. 2332	Carl of Poweshiek
H-5389	H.F. 2234	Carl of Poweshiek

On motion by Norland of Worth, the House adjourned at 1:20 p.m., until 10:00 a.m., Monday, March 5, 1984.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 5, 1984

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

Prayer was offered by the Reverend Ida James, pastor of the Bethel AME Church, Des Moines.

The Journal of Friday, March 2, 1984 was approved.

INTRODUCTION OF BILLS

House File 2442, by committee on small business and commerce, a bill for an act relating to the powers of state-chartered savings and loan associations.

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

House File 2443, by committee on judiciary and law enforcement, a bill for an act prohibiting the transfer of a jury in change of venue actions.

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

House File 2444, by committee on ways and means, a bill for an act to provide that the taxable value of a building shall not be increased where the dollar amount of normal and necessary repairs to the building does not exceed two thousand five hundred dollars.

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

House File 2445, by committee on state government, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program, establishing a health care equipment financing program for the purpose of issuing bonds and notes to assist health care providers in obtaining and financing health care equipment, increasing the bonding capacity, and changing the name of the authority.

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, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act relating to the membership of project advisory committees and administrative rules relating to community-based correctional programs.

Also: That the Senate has on March 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act relating to the commitment of children beyond their eighteenth birthday to the state training school.

Also: That the Senate has on March 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2135, a bill for an act relating to electric transmission line, wire, or cable franchises and making civil penalties applicable.

Also: That the Senate has on March 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2173, a bill for an act relating to appeals of awards by compensation commissions in condemnation proceedings.

Also: That the Senate has on March 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to pay scale standards for members of the Iowa national guard.

Also: That the Senate has on March 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act relating to the authority of the department of water, air and waste management over waste water disposal systems.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 389, a bill for an act to provide that a county waterworks may be financed with general obligation bonds as an essential

county purpose, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—5192 filed by the committee on local government:

H—5192

- 1 Amend House File 389 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "county" the words "with a population exceeding two
- 4 hundred fifty thousand persons".
- 5 2. Page 1, by inserting after line 7 the following:
- 6 "General obligation bonds issued pursuant to the
- 7 powers granted by this subparagraph shall be supported
- 8 by a tax levy against a special taxing district
- 9 including only those properties within the areas to
- 10 be benefited by the proposed facilities and excluding
- 11 the incorporated areas at the time of establishment
- 12 of the taxing district. The taxing district shall
- 13 be limited to properties presently served by existing
- 14 public water supply systems as defined by section
- 15 455B.171, subsection 19. The boundaries of the special
- 16 taxing district shall be designated by the board of
- 17 supervisors and included in the public notice required
- 18 in section 331.443, subsection 2."

Schroeder of Pottawattamie offered the following amendment H—5340, to the committee amendment H—5192, filed by him and moved its adoption:

H—5340

- 1 Amend amendment H—5192 to House File 389 as follows:
- 2 1. Page 1, by striking lines 10 through 12 and
- 3 inserting in lieu thereof the words "be benefited
- 4 by the proposed facilities. The taxing district
- 5 shall".

A non-record roll call was requested.

The ayes were 45, nays 45.

Amendment H—5340 lost.

Carpenter of Polk offered the following amendment H—5378, to the committee amendment H—5192, filed by her and Chiodo of Polk and moved its adoption:

H-5378

- 1 Amend amendment H-5192 to House File 389 as follows:
- 2 1. Page 1, line 18, by striking the figure "2." "
- 3 and inserting in lieu thereof the figures and words:
- 4 "2. A proposal to establish a special taxing
- 5 district and the maximum rate of tax authorized for
- 6 bond principal and interest shall be effective upon
- 7 approval of a referendum of qualified voters residing
- 8 within the territory of the district held in the
- 9 manner provided in section 331.447." "

A non-record roll call was requested.

The ayes were 56, nays 30.

Amendment H-5378 was adopted.

Sherzan of Polk moved the adoption of the committee amendment H-5192, as amended.

The committee amendment H-5192, as amended, was adopted.

Menke of O'Brien in the chair at 10:43 a.m.

Schneklath of Scott rose on a point of order and invoked Rule 32 on House File 389.

The Speaker ruled the point well taken and House File 389 referred to the committee on ways and means.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell, until his arrival, on request of Carter of Henry.

House File 2334, a bill for an act relating to the definition of burglary and attempted burglary, was taken up for consideration.

Rosenberg of Story offered the following amendment H-5312 filed by him and moved its adoption:

H-5312

- 1 Amend House File 2334 as follows:
- 2 1. Page 1, line 4, by inserting after the word

- 3 "structure," the words "appurtenances to buildings and
 4 structures,"
 5 2. Page 1, line 26, by striking the word "into".
 6 3. Page 2, line 4, by striking the word "into".

Amendment H—5312 was adopted.

Rosenberg 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. 2334)

The ayes were, 90:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Knapp	Krewson	Lageschulte	Lloyd-Jones
Longergan	McIntee	McKean	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Menke)		

The nays were, 8:

Anderson	Branstad	Grandia	Maulsby
Miller	Pellett	Skow	Van Maanen

Absent or not voting, 2:

Jochum	Koenigs
--------	---------

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

House File 2234, a bill for an act requiring repair or replacement of a new motor vehicle which does not conform to express warranties, was taken up for consideration.

Knapp of Dubuque offered the following amendment H—5359 filed by him and Hummel of Benton:

H—5359

- 1 Amend House File 2234 as follows:
- 2 1. Page 1, line 29, by inserting after the words
- 3 "with a" the word "comparable",
- 4 2. Page 1, line 32, by inserting after the word
- 5 "vehicle," the words "Replacement of the motor vehicle
- 6 with a new motor vehicle shall only take place upon
- 7 the return of the motor vehicle by the consumer
- 8 accompanied by either the certificate of title free
- 9 of liens, or an agreement of any lienholder to release
- 10 the lien on the motor vehicle and substitute a lien
- 11 on the new motor vehicle. The fact that there is
- 12 a lien on the title of the motor vehicle will not
- 13 be a bar to a decision by the consumer to return the
- 14 motor vehicle for replacement by a comparable new
- 15 motor vehicle rather than receive a refund of the
- 16 purchase price, if the lienholder is or is owned by
- 17 the manufacturer, is a subsidiary of the manufacturer,
- 18 or is under common ownership with the manufacturer."
- 19 3. Page 2, line 8, by striking the word "vehicle"
- 20 and inserting in lieu thereof the word "vehicle."
- 21 4. Page 2, by striking line 9.

Speaker of Avenson in the chair at 11:00 a.m.

Carl of Poweshiek offered the following amendment H—5389, to amendment H—5359, filed by her:

H—5389

- 1 Amend House amendment H—5359 to House File 2234
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 "1. Page 1, by inserting after line 9 the
- 5 following:
- 6 "b. "Major household appliance" means any new
- 7 appliance designed and used for household purposes
- 8 that has a purchase price in excess of five hundred
- 9 dollars."
- 10 2. Page 1, line 12, by inserting after the word
- 11 "vehicle" the words "or major household appliance".

- 12 3. Page 1, line 17, by inserting after the word
13 "vehicle" the words "or major household appliance".
- 14 4. Page 1, line 20, by inserting after the word
15 "vehicle" the words "or appliance".
- 16 5. Page 1, line 25, by inserting after the word
17 "vehicle" the words "or major household appliance".
- 18 6. Page 1, line 27, by inserting after the word
19 "vehicle" the words "or appliance".
- 20 7. Page 1, line 29, by inserting after the first
21 word "vehicle" the words "or appliance"."
- 22 2. Page 1, by inserting after line 3 the following:
23 "9. Page 1, line 29, by inserting after the words
24 "motor vehicle" the words "or appliance"."
- 25 3. Page 1, by striking line 5 and inserting in
26 lieu thereof the words " "vehicle" the words "or
27 appliance. Replacement of the motor vehicle".
- 28 4. Page 1, by inserting after line 18 the
29 following:
30 "11. Page 2, line 3, by inserting after the word
31 "vehicle" the words "or appliance".
- 32 12. Page 2, line 6, by inserting after the word
33 "vehicle" the words "or appliance"."
- 34 5. Page 1, by striking line 20 and inserting in
35 lieu thereof the words "and inserting in lieu thereof
36 the words "vehicle or appliance"."
- 37 6. Page 1, by inserting after line 21 the
38 following:
39 "15. Page 2, line 11, by inserting after the word
40 "vehicle" the words "or major household appliance".
- 41 16. Page 2, line 16, by inserting after the word
42 "vehicle" the words "or appliance".
- 43 17. Page 2, line 18, by inserting after the word
44 "vehicle" the words "or appliance".
- 45 18. Page 3, line 6, by inserting after the word
46 "vehicle" the words "or major household appliance"."

Hummel of Benton rose on a point of order that amendment H-5389 was not germane.

The Speaker ruled the point well taken and amendment H-5389 not germane.

On motion by Knapp of Dubuque, amendment H-5359 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2234)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Paulin

Absent or not voting, 3:

Blanshan

Jochum

Koenigs

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

House File 2338, a bill for an act requiring telephone companies to provide a listing of directory assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory, was taken up for consideration.

Sturgeon of Woodbury offered amendment H-5328 filed by him. Division was requested as follows:

H-5328

1 Amend House File 2338 as follows:

H-5328A

- 2 1. Page 1, line 1, by striking the figure "2"
3 and inserting in lieu thereof the figure "4".
4 2. Page 1, line 4, by striking the figure "2"
5 and inserting in lieu thereof the figure "4".

H-5328B

- 6 3. Page 1, line 9, by inserting after the word
7 "residence." the following: "The Iowa state commerce
8 commission shall also not approve a schedule of
9 directory assistance charges if the schedule provides
10 a base number of directory assistance calls for which
11 the customer is not charged."

Sturgeon of Woodbury moved the adoption of amendment
H-5328A.

A non-record roll call was requested.

The ayes were 9, nays 70.

Amendment H-5328A lost.

Van Camp of Scott offered the following amendment H-5363
filed by him and moved its adoption:

H-5363

- 1 Amend House File 2338 as follows:
2 1. Page 1, by striking lines 1 through 4 and
3 inserting in lieu thereof the following:
4 "Section 1. Section 476.6, Code Supplement 1983,
5 is amended by adding the following new subsection
6 immediately following subsection 4 and renumbering
7 the subsequent subsections:
8 NEW SUBSECTION. 5. TELEPHONE DIRECTORY ASSISTANCE
9 CHARGES - RECORD PRO".
10 2. Title page, by striking lines 2 through 4 and
11 inserting in lieu thereof the following: "directory
12 assistance charges."

A non-record roll call was requested.

The ayes were 9, nays 67.

Amendment H—5363 lost.

Gronstal of Pottawattamie asked and received unanimous consent to withdraw amendment H—5268 filed by him on February 23, 1984.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Renken of Grundy.

Sturgeon of Woodbury offered the following amendment H—5327 filed by him and moved its adoption:

H—5327

- 1 Amend House File 2338 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "residence." the following: "The Iowa state commerce
- 4 commission shall also not approve a schedule of
- 5 directory assistance charges unless the schedule
- 6 provides that no charges shall be made for directory
- 7 assistance for numbers outside the subscriber's local
- 8 calling area."

Amendment H—5327 lost.

The House resumed consideration of amendment H—5328B.

Amendment H—5328B lost.

Sturgeon of Woodbury offered the following amendment H—5326 filed by him and moved its adoption:

H—5326

- 1 Amend House File 2338 as follows:
- 2 1. Page 1, by inserting after line 9 the following:
- 3 "Sec. . The legislative council shall authorize
- 4 an interim study by a joint subcommittee composed
- 5 of members of the senate committee on commerce and
- 6 the house committee on small business and commerce
- 7 to study the area of directory assistance calls.
- 8 The study committee shall report its findings and
- 9 recommendations with legislative bill drafts required

- 10 to implement its recommendations, to the respective
 11 standing committees, the legislative council, and
 12 the general assembly."
 13 2. Page 1, line 10, by striking the words "This
 14 Act" and inserting in lieu thereof the following:
 15 "Section 1 of this Act takes effect July 1, 1985 and".

A non-record roll call was requested.

The ayes were 16, nays 69.

Amendment H—5326 lost.

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

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson; R. N.
Hammond	Handorf	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Schnekloth
Schroeder	Sherzan	Shoultz	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 7:

Carter	Gruhn	Hughes	Running
Skow	Spear	Sturgeon	

Absent or not voting, 2:

Doderer

Hanson

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

IMMEDIATE MESSAGES
(House Files 2334, 2234 and 2338)

Norland of Worth asked and received unanimous consent to immediately message House Files 2334, 2234 and 2338 to the Senate.

On motion by Norland of Worth, the House was recessed at 12:15 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 1, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2214, a bill for an act relating to the regulation of hazardous waste and subjecting violators to a civil penalty.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2386, a bill for an act relating to transportation programs by defining a public transit system, requiring coordinated funding and services, establishing criteria to determine compliance, and providing penalties for violations, was taken up for consideration.

The following amendment H—5391, filed by Woods of Polk from the floor, was adopted by unanimous consent:

H—5391

- 1 Amend House File 2386 as follows:
- 2 1. Page 4, line 35, by striking the word "of" and
- 3 insertng in lieu thereof the word "or".

Chiodo of Polk in the chair at 1:44 p.m.

Woods 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, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Chiodo)	

The nays were, 1:

Schroeder

Absent or not voting, 4:

Blanshan

Hanson

Renaud

Welden

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 relating to correctional procedures by expanding the circumstances under which home work

release may be granted, providing for the duty of counties to comply with state requests for temporary confinement of alleged parole or work release violators, allowing for treatment of work releasees at the university hospitals, allowing a designee of the warden or superintendent to hear appeals of hearing officers, extending the time for the board of directors of a judicial district department of correctional services to file its annual report, and providing for the penalty of contempt for violations of parole, was taken up for consideration.

Sherzan of Polk offered the following amendment H—5372 filed by him and moved its adoption:

H—5372

- 1 Amend House File 2348 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "home." the following: "An inmate shall receive a
- 4 unanimous vote from the work release committee to
- 5 be approved for home work release."

Amendment H—5372 was adopted.

Spear of Lee offered the following amendment H—5377 filed by him and moved its adoption:

H—5377

- 1 Amend House File 2348 as follows:
- 2 1. Page 2, by striking lines 2 through 14.
- 3 2. Title page, by striking lines 5 and 6 and
- 4 inserting in lieu thereof the following: "work release
- 5 violators, allowing a designee".
- 6 3. By renumbering to conform to this amendment.

Amendment H—5377 was adopted.

Rosenberg 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. 2348)

The ayes were, 94:

Anderson
Bennett
Buhr

Arnould
Black
Carl

Avenson
Brammer
Carpenter

Baxter
Branstad
Chapman

Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker (Chiodo)		

The nays were, none.

Absent or not voting, 6:

Blanshan	Carter	Hanson	Muhlbauer
Renaud	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 2332, a bill for an act relating to child care by requiring family or group day care providers to report child abuse, requiring child abuse identification and reporting training for mandatory reporters of child abuse, requiring foster parent training, permitting a peace officer to remove a child from a child day care facility under certain circumstances, permitting child care financial assistance funds to go to group day care homes and family day care homes, amending the definition of a family day care home, requiring registration of family day care homes but maintaining current standards for two years, requiring annual inspections or visits to group and family day care homes, expanding injunctive authority to family day care homes, and establishing fees and penalties, was taken up for consideration.

The House stood at ease at 2:17 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2332 at 3:54 p.m., Speaker Avenson in the chair.

Rosenberg of Story offered the following amendment H—5349 filed by him and moved its adoption:

H—5349

- 1 Amend House File 2332 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "academy," the words "an institution of higher
- 4 education."

Amendment H—5349 was adopted.

Carl of Poweshiek offered the following amendment H—5286 filed by Carl, et al., and moved its adoption:

H—5286

- 1 Amend House File 2332 as follows:
- 2 1. Page 4, by striking lines 16 through 19 and
- 3 inserting in lieu thereof the following:
- 4 "NEW LETTERED PARAGRAPH. e. Care to no more than
- 5 six children for less than ninety days in any twelve-
- 6 month period."

Amendment H—5286 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carpenter of Polk, for the remainder of the day, on request of Lloyd-Jones of Johnson.

Mullins of Kossuth offered the following amendment H—5280 filed by Mullins, et al., and moved its adoption:

H—5280

- 1 Amend House File 2332 as follows:
- 2 1. Page 4, line 26, by striking the word "fifteen"
- 3 and inserting in lieu thereof the word "thirty".
- 4 2. Page 5, line 20, by striking the word "fifteen"
- 5 and inserting in lieu thereof the word "thirty".
- 6 3. Page 9, line 3, by striking the word "fifteen"
- 7 and inserting in lieu thereof the word "thirty".

A non-record roll call was requested.

The ayes were 40, nays 23.

Amendment H—5280 was adopted.

Welden of Hardin offered amendment H—5369 filed by him and requested division as follows:

H—5369

1 Amend House File 2332 as follows:

H—5369A

2 1. By striking page 4, lines 28 through page 5,
3 line 15.

H—5369B

4 2. Page 6, by striking lines 4 through 10 and
5 inserting in lieu thereof the following:
6 "is granted or renewed. The director or a designee
7 may periodically visit registered family day care
8 homes for the purpose of evaluation of an inquiry
9 into matters concerning compliance with rules
10 promulgated under section 237A.12. Evaluation of
11 family day care homes under this section may include
12 consultative services provided pursuant to section
13 237A.6."

H—5369C

14 3. By striking page 8, line 33 through page 9,
15 line 26.

Welden of Hardin offered amendment H—5393, to amendment H—5369, filed by him from the floor and requested division as follows:

H—5393

1 Amend amendment H—5369 to page 4 of House File
2 2332 as follows:

H—5393A

3 1. Page 1, by striking lines 2 and 3 and inserting

- 4 in lieu thereof the following:
 5 " . Page 4, by striking lines 34 and 35, and
 6 inserting in lieu thereof the following: "care home
 7 that the home complies with rules adopted by the
 8 department conditions in the home are reasonably
 9 safe, sanitary and free of hazards and shall include
 10 the following:
 11 a. A telephone with emergency numbers posted.
 12 b. All medicines and cleaners secured from access
 13 by a child.
 14 c. First-aid supplies.
 15 d. Medications given only with parent's or doctor's
 16 direct authority.
 17 e. Electrical wiring maintained with all access-
 18 ible electrical outlets safely capped and electrical
 19 cords properly used. Improper use would include run-
 20 ning cords under rugs, over hooks, through door open-
 21 ings, or other such use that has been known to be
 22 hazardous.
 23 f. Combustible materials are kept away from furnaces,
 24 stoves, or water heaters.
 25 g. Safety barriers at stairways for preschool age
 26 children.
 27 h. Safe outdoor play area.
 28 The registration certificate shall be posted".
 29 2. By inserting after line 3, the following:
 30 " . Page 5, by striking lines 14 and 15, and
 31 inserting in lieu thereof the following: "this
 32 chapter subsection." "

H-5393B

- 33 3. By striking lines 4 through 13 and inserting in
 34 lieu thereof the following:
 35 " . Page 6, by striking lines 5 and 6, and
 36 inserting in lieu thereof the following: "periodically
 37 visit registered family day care homes group day care
 38 homes for the purpose of evaluation of an inquiry".

Cochran of Webster in the chair at 4:13 p.m.

Welden of Hardin moved the adoption of amendment H-5393A,
 to amendment H-5369A.

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H-5393A lost.

Action on amendment H-5369A was temporarily deferred.

The House resumed consideration of amendment H-5393B, to amendment H-5369B.

Welden of Hardin moved the adoption of amendment H-5393B, to amendment H-5369B.

A non-record roll call was requested.

The ayes were 29, nays 46.

Amendment H-5393B lost.

Carl of Poweshiek rose on a point of order that amendment H-5369B was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H-5369B in order.

Welden of Hardin asked and received unanimous consent to withdraw amendment H-5369B.

The House resumed consideration of amendment H-5369A.

Speaker Avenson in the chair at 4:39 p.m.

Gruhn of Dickinson offered the following amendment H-5399, to amendment H-5369A, filed from the floor by her and Cochran of Webster and moved its adoption:

H-5399

- 1 Amend amendment H-5369 to House File 2332 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and inserting
- 4 in lieu thereof the following:
- 5 " Page 4, line 31, by inserting after the word
- 6 "may" the words "in cities over 50,000 population".

Roll call was requested by Buhr of Polk and Chapman of Linn.

On the question "Shall amendment H-5399, to amendment H-5369A, be adopted?"

The ayes were, 35:

Anderson	Bennett	Black	Blanshan
Branstad	Cochran	Cooper	Corey
Daggett	Davitt	De Groot	Fogarty
Grandia	Gruhn	Halvorson, R. A.	Handorf
Harbor	Jay	Knapp	Koenigs
Lonergan	Maulsby	Menke	Muhlbauer
Oxley	Paulin	Pellett	Poncy
Renken	Royer	Schroeder	Skow
Swearingen	Van Maanen	Weiden	

The nays were, 58:

Arnould	Baxter	Brammer	Buhr
Carl	Carter	Chapman	Clark
Connors	Copenhaver	Diemer	Doderer
Fey	Groninga	Gronstal	Groth
Halvorson, R. N.	Hammond	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Krewson	Lageschulte	Lloyd-Jones
McIntee	McKean	Miller	Mullins
Norland	O'Kane	Ollie	Osterberg
Parker	Pavich	Peick	Renaud
Rensink	Rosenberg	Running	Schnekloth
Shoultz	Spear	Stromer	Stueland
Sturgeon	Sullivan	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Varn
Zimmerman	Mr. Speaker		

Absent or not voting, 7:

Carpenter	Chiodo	Connolly	Hanson
Sherzan	Swartz	Woods	

Amendment H—5399 lost.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer House File 2332 to the committee on appropriations.

The Speaker ruled the point well taken.

Norland of Worth moved to suspend Rule 32 on House File 2332.

A non-record roll call was requested.

The ayes were 57, nays 35.

The motion prevailed and Rule 32 was suspended.

Welden of Hardin asked and received unanimous consent to withdraw amendments H-5369A and H-5369C.

Carl of Poweshiek offered the following amendment H-5388 filed by her and moved its adoption:

H-5388

- 1 Amend House File 2332 as follows:
- 2 1. Page 8, line 22, by inserting after the word
- 3 "origin" the words "or child day care provider
- 4 associations".

Amendment H-5388 was adopted.

Carl of Poweshiek offered the following amendment H-5373 filed by Carl, et al.:

H-5373

- 1 Amend House File 2332 as follows:
- 2 1. Page 10, line 17, by striking the words "one
- 3 year" and inserting in lieu thereof the words "two
- 4 years".

Carl of Poweshiek offered the following amendment H-5398, to amendment H-5373, filed from the floor by her and Mullins of Kossuth and moved its adoption:

H-5398

- 1 Amend amendment H-5373 to page 10 of House File 2332
- 2 as follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting in lieu thereof the following:
- 5 " Page 10, by striking lines 15 through 17."

Amendment H-5398 was adopted.

On motion by Carl of Poweshiek, amendment H-5373, as amended, was adopted.

Bennett of Ida asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H-5392.

Objection was raised.

Bennett of Ida moved to suspend Rule 31.8 for the consideration of amendment H—5392 filed by him from the floor as follows:

H—5392

- 1 Amend House File 2332 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 232.69, subsection 1,
- 5 unnumbered paragraph 1, Code Supplement 1983, is
- 6 amended to read as follows:
- 7 The following classes of persons shall make a
- 8 report, within a reasonable time and as provided in
- 9 section 232.70, of cases of child abuse:".
- 10 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 47.

The motion to suspend the rule lost.

The following amendment H—5407 filed by Carl of Poweshiek from the floor was adopted by unanimous consent:

H—5407

- 1 Amend House File 2332 as follows:
- 2 1. Title page, by striking line 8, and inserting in
- 3 lieu thereof the following: care homes, family day care
- 4 homes, provider associations and individual providers,
- 5 amending the"
- 6 2. Title page, line 11, by striking the word "annual"
- 7 and inserting in lieu thereof the word "periodic".

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

On the question "Shall the bill pass?" (H.F. 2332)

The ayes were, 67:

Arnould	Baxter	Bennett	Black
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Clark	Connolly
Connors	Corey	De Groot	Diemer

Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Halvorson, R. N.	Hammond
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Krewson	Lageschulte	Lloyd-Jones	McIntee
McKean	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Renaud
Rensink	Rosenberg	Running	Schroeder
Shoultz	Spear	Stromer	Sturgeon
Sullivan	Swartz	Tabor	Tofte
Van Camp	Van Gerpen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 28:

Anderson	Blanshan	Branstad	Cooper
Copenhaver	Daggett	Davitt	Grandia
Halvorson, R. A.	Handorf	Harbor	Jay
Koenigs	Lonergan	Maulsby	Menke
Muhlbauer	Paulin	Pellett	Poncy
Renken	Royer	Schnekloth	Skow
Stueland	Swearingen	Torrence	Van Maanen

Absent or not voting, 5:

Carpenter	Cochran	Gruhn	Hanson
Sherzan			

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

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

The House resumed session at 6:15 p.m., Speaker Avenson in the chair.

MOTION TO RECONSIDER (House File 2332)

We move to reconsider the vote by which House File 2332 passed the House on March 5, 1984.

WELDEN of Hardin
SCHROEDER of Pottawattamie

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 28, 1984 and is on file in the office of the Chief Clerk,

February 28, 1984

Joseph O'Hern
Chief Clerk of the House
Statehouse
L O C A L

Dear Mr. O'Hern:

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 27, 1983.

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

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, Chief Clerk

OFFICE STATE COMPROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1034-70-25	Larry Edward Lalor 1506 Greene, Apt. C. Adel, Iowa 50003 License Fee Refund	Undetermined	Disapproved
1056-70-25	20th Century Plastics 3628 Crenshaw Blvd. Los Angeles, CA 90016 Outdated Invoice	\$ 72.82	Disapproved
1205-70-25	Freda F. Rott 918 7th Avenue NW Independence, Iowa 50644 Unused Sick Leave Payment	Undetermined	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1371-70-25	Lyle H. Dickinson 3217 Friendship Street Iowa City, Iowa 52240 Retroactive Pay	6,539.20	Disapproved
1591-70-25	Sharon Marie Meek 845 First Avenue SE Cedar Rapids, Iowa 52401 License Plate Refund	10.00	Disapproved
1626-70-25	Nellie A. Cobb 3107 5th Avenue Des Moines, Iowa 50313 Health Insurance Coverage	Undetermined	Disapproved
1658-70-25	N.A.B. Trucking Company, Inc. 545 W. McCarty Indianapolis, Indiana Permit Refund	320.00	Disapproved

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for twenty minutes on March 5, 1984. Had I been present, I would have voted "aye" on House File 2348.

CARTER of Henry

I was necessarily absent from the House chamber on March 2, 1984. Had I been present, I would have voted "nay" on House File 2217.

SCHNEKLOTH of Scott

I was necessarily absent from the House chamber on Friday morning, March 2, 1984. Had I been present, I would have voted "nay" on amendment H-5275 to House File 2217 and House File 2217.

TOFTE of Winneshiek

PRESENTATION OF VISITORS

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

Fifty members of the senior government class from Reinbeck Junior-Senior High School, Reinbeck, accompanied by Marvin Cook. By Renken of Grundy.

CERTIFICATE OF RECOGNITION

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

1984-8 Creston High School Speech Club— Winning "Critic's Choice" award of the Iowa High School Speech Association Reader's Theater 1984.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 793 Ways and Means

Relating to the taxation of engraving, photography, retouching, printing, and binding under the state sales, services, and use tax and to the exemption from the state sales, services, and use tax for sales by trade shops to printers and making the exemption retroactive to July 1, 1971.

S.B. 794 Ways and Means

To increase the tax on real estate transfers.

RESOLUTION FILED

HCR 111, by Harbor, Royer, Swearingen, Stueland, Grandia, Tofte, Corey, Anderson, De Groot, Branstad, Van Maanen, Renken, Maulsby, Schroeder, Welden, Pellett, Clark, Paulin, Daggett, Bennett, Stromer, Hoffmann-Bright, Halvorson of Clayton, Van Gerpen, Diemer, Hermann, Lageschulte, Torrence, Mullins, Van Camp, Hummel, Schnekloth, Renaud, Rensink, Handorf and McIntee, delaying the effective date of the salary increase for state legislators.

Referred to committee on **state government**.

AMENDMENTS FILED

H—5390

H.F. 2370

Hummel of Benton

H—5394	H.F.	2209	Schroeder of Pottawattamie
Harbor of Mills			Doderer of Johnson
Branstad of Winnebago			Royer of Page
Varn of Johnson			Rosenberg of Story
			Chapman of Linn
H—5395	H.F.	2436	Lonergan of Boone
			Cochran of Webster
			Mullins of Kossuth
H—5396	H.F.	2436	Lonergan of Boone
			Cochran of Webster
			Mullins of Kossuth
H—5397	H.F.	2426	Shoultz of Black Hawk
H—5400	H.F.	2339	Fogarty of Palo Alto
			Woods of Polk
H—5401	H.F.	2437	Spear of Lee
H—5402	H.F.	2437	Spear of Lee
H—5403	H.F.	422	Van Maanen of Mahaska
			Parker of Jasper
H—5404	H.F.	422	Krewson of Polk
H—5405	H.F.	2431	Spear of Lee
H—5406	H.F.	576	Van Camp of Scott
			Lonergan of Boone
			Running of Linn
H—5408	H.F.	2433	Blanshan of Greene
H—5409	H.F.	2433	Halvorson of Clayton
H—5410	H.F.	2421	Groninga of Cerro Gordo

On motion by Norland of Worth, the House adjourned at 6:16 p.m., until 9:00 a.m., Tuesday, March 6, 1984.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 6, 1984

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

Prayer was offered by Reverend Tomsie Duecker, pastor of the Emmanuel United Methodist Church, Granger.

The Journal of Monday, March 5, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for a portion of the day, on request of Renken of Grundy.

INTRODUCTION OF BILLS

House File 2446, by committee on agriculture, a bill for an act relating to the Iowa family farm development authority by expanding the definition of the terms "beginning farmer" and "low or moderate net worth", allowing designees of certain members to be on the board, and decreasing the number of members needed to constitute a quorum of the board.

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

House File 2447, by committee on judiciary and law enforcement, a bill for an act relating to the providing of interpreters for hearing impaired persons.

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

House File 2448, by committee on agriculture, a bill for an act relating to the authority of the department of water, air and waste management regarding the restoration, maintenance or improvement of a drainage district.

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

House File 2449, by committee on education, a bill for an act relating to funds available to school corporations, including the use of these funds.

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

House File 2450, by committee on small business and commerce, a bill for an act relating to products liability actions.

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

House File 2451, by committee on judiciary and law enforcement, a bill for an act making employment and wage information held by the Iowa department of job service available to county attorneys in certain collection cases in favor of the state, county, or other governmental unit.

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 requirement of bail during and after a period of deferred judgment and to the discharge of surety bail upon the occurrence of specified conditions.

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 protection of lienholders' and certificate holders' advancements.

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

House File 2454, by committee on state government, a bill for an act relating to the filing of a list of unpaid obligations by state agencies with the state comptroller.

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

House File 2455, by committee on judiciary and law enforcement, a bill for an act relating to the timing and frequency of interviews by the board of parole.

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

SENATE MESSAGES CONSIDERED

Senate File 2101, by Taylor, a bill for an act relating to the commitment of children beyond their eighteenth birthday to the state training school.

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

Senate File 2135, by Deluhery and Tieden, a bill for an act relating to the electric transmission line, wire, or cable franchises and making civil penalties applicable.

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

Senate File 2173, by Van Gilst, a bill for an act relating to appeals of awards by compensation commissions in condemnation proceedings.

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

Senate File 2212, by committee on state government, a bill for an act relating to pay scale standards for members of the Iowa national guard.

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

Senate File 2213, by committee on natural resources, a bill for an act relating to the authority of the department of water, air and waste management over waste water disposal systems.

Read first time and referred to committee on **natural 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 March 2, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2019, a bill for an act to protect state employees from personnel actions as reprisals for providing information to legislators or disclosing waste, mismanagement, or violations of law, and subjecting violators to a penalty.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2031, a bill for an act stipulating collective bargaining representation for employees of a district board of correctional services.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2170, a bill for an act relating to duties and responsibilities of probation officers.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2184, a bill for an act relating to publication of notice for zoning actions taken under chapter 414.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2263, a bill for an act to regulate interest rates on life insurance policy loans.

Also: That the Senate has on March 2, 1984, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2089, a bill for an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date.

Also: That the Senate has on March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2130, a bill for an act relating to the election of directors of a local school district, merged area, and an area education agency, and providing an effective date.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to tests and standards for motor vehicle fuel.

Also: That the Senate has on March 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2222, a bill for an act allowing a city to redraw precinct lines when adopting a system which provides for election of council members from wards or when changing the number of council members who are elected from wards.

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 9:50 a.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2370, a bill for an act relating to the administration of work and training programs by the department of human services and the workers compensation coverage for work and training program participants, was taken up for consideration.

Hummel of Benton offered the following amendment H—5375 filed by him and Halvorson of Clayton:

H—5375

- 1 Amend House File 2370 as follows:
- 2 1. Page 1, by striking lines 7 through 9 and
- 3 inserting in lieu thereof the words "weekly earnings
- 4 shall be considered, beginning July 1, to be equal
- 5 to the statewide average weekly amount of grants
- 6 received under the unemployed parent program of the
- 7 aid to dependent children program for the calendar
- 8 year immediately preceding July 1."
- 9 2. Page 2, by inserting after line 18 the
- 10 following:
- 11 "Sec. 7. Section 515A.5, Code 1983, is amended
- 12 by adding the following new subsection:
- 13 **NEW SUBSECTION. 4A.** The commissioner shall approve
- 14 a filing of rates for workers' compensation coverage
- 15 of liabilities under chapters 85, 85A, and 85B for
- 16 participants in a special work project established
- 17 pursuant to section 249C.5, subsection 3 only if the
- 18 rates are based on the average amount of unemployed
- 19 parent grants as provided in section 85.36, subsection
- 20 11."

Hummel of Benton offered the following amendment H—5390, to amendment H—5375, filed by him:

H—5390

- 1 Amend the amendment, H—5375, to House File 2370,
- 2 as follows:
- 3 1. Page 1, line 8, by inserting after the figure
- 4 "1" the words ", as determined by the department of
- 5 human services".

Carl of Poweshiek in the chair at 10:03 a.m.

On motion by Hummel of Benton, amendment H—5390; to amendment H—5375, was adopted.

Speaker Avenson in the chair at 10:31 a.m.

(House File 2370 and amendment H—5375, as amended, pending at recess.)

INTRODUCTION OF BILLS

House File 2456, by committee on state government, a bill for an act relating to the administration and benefits of certain public retirement systems and to make an appropriation.

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

House File 2457, by committee on judiciary and law enforcement, a bill for an act relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships, providing that certain proposed wards are entitled to representation, revising provisions governing the powers and duties of guardians and conservators, including requirements for reporting, and eliminating special provisions for guardians of mentally retarded persons.

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

House File 2458, by committee on education, a bill for an act relating to school district reorganization procedures.

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

House File 2459, by committee on judiciary and law enforcement, a bill for an act allowing a vendor to charge for reasonable attorneys fees in the forfeiture of a real estate contract.

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

House File 2460, by Connolly, a bill for an act to increase the tax levy for a municipal transit system.

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

House File 2461, by committee on transportation, a bill for an act to ratify and enter into an interstate compact between Iowa, Kansas, Missouri and Nebraska for the development of the Missouri river for barge traffic.

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

House File 2462, by committee on small business and commerce, a bill for an act authorizing the sale of title insurance for real property.

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

House File 2463, by committee on judiciary and law enforcement, a bill for an act relating to the priority of construction mortgage liens.

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

House File 2464, by committee on agriculture, a bill for an act relating to the measurement of pipeline depth by pipeline companies.

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

On motion by Norland of Worth, the House was recessed at 10:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2244, a bill for an act relating to public bonds and obligations by correcting references and providing for payment of the costs of registration.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2370**, a bill for an act relating to the administration of work and training programs by the department of human services and the workers compensation coverage for work and training program participants, and amendment H—5375, as amended.

Norland of Worth asked and received unanimous consent that House File 2370 be deferred and that the bill be placed on the calendar under unfinished business. (Amendment H—5375, as amended, pending.)

Regular Calendar

House File 2339, a bill for an act relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations, was taken up for consideration.

Norland of Worth asked and received unanimous consent that House File 2339 be deferred and that the bill be placed on the calendar under unfinished business.

House File 558, a bill for an act revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of social services, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5334 filed by the committee on human resources and moved its adoption:

H—5334

- 1 Amend House File 558 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the word "Supplement".

- 4 2. Page 1, line 7, by inserting after the word
5 "years" the words ", or a needy person eighteen years
6 of age who meets the additional eligibility criteria
7 established by federal law or regulation,".
- 8 3. Page 1, line 8, by inserting after the word
9 "from" the word "the".
- 10 4. Page 1, line 14, by striking the word "social"
11 and inserting in lieu thereof the word "human".
- 12 5. Page 1, line 16, by striking the word "social"
13 and inserting in lieu thereof the word "human".
- 14 6. Page 1, line 17, by striking the word "social"
15 and inserting in lieu thereof the word "human".
- 16 7. Page 1, line 20, by striking the word "social"
17 and inserting in lieu thereof the word "human".
- 18 8. Page 1, line 20, by striking the words "of
19 social" and inserting in lieu thereof the words "of
20 human".
- 21 9. Page 1, line 35, by inserting after the word
22 "Code" the word "Supplement".
- 23 10. Page 2, line 11, by inserting after the word
24 "Code" the word "Supplement".
- 25 11. Page 3, line 7, by inserting after the word
26 "Code" the word "Supplement".
- 27 12. Page 3, line 29, by striking the word "social"
28 and inserting in lieu thereof the word "human".
- 29 13. Page 4, line 3, by striking the word "social"
30 and inserting in lieu thereof the word "human".
- 31 14. Page 4, line 12; by striking the word "social"
32 and inserting in lieu thereof the word "human".
- 33 15. Page 7, by striking lines 1 through 21 and
34 inserting in lieu thereof the following:
35 "Sec. 8. Section 239.9, Code Supplement 1983,
36 is amended by striking the section and inserting in
37 lieu thereof the following:
38 239.9 FUNERAL EXPENSES. The department may pay,
39 from funds appropriated to it for the purpose, a
40 maximum of four hundred dollars toward funeral expenses
41 on the death of a child who is receiving or has been
42 authorized to receive assistance, provided:
43 1. The decedent does not leave an estate which
44 may be probated with sufficient proceeds to allow
45 for payment of the funeral claim.
46 2. Payments which are due the decedent's estate
47 or beneficiary by reason of the liability of a life
48 insurance, death or funeral benefit company,
49 association, or society, or in the form of United
50 States social security, railroad retirement, or

Page 2

- 1 veterans' benefits upon the death of the decedent,
2 are deducted from the department's liability under
3 this section.
- 4 Sec. 9. Section 239.12, Code Supplement 1983,
5 is amended to read as follows:
6 239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There
7 is established in the state treasury an account to
8 be known as the "Aid to Dependent Children Account"
9 to which shall be credited all funds appropriated
10 by the state for the payment of assistance and benefits
11 under this chapter, and all other moneys received
12 at any time for such purposes. Moneys assigned to
13 the department under section ~~239.12~~ 239.3 and received
14 by the child support recovery unit pursuant to section
15 252B.5 and 42 U.S.C. sec. 664 shall be credited to
16 the account in the fiscal year in which the moneys
17 are received. All assistance and benefits under this
18 chapter shall be paid from the account."
- 19 16. Page 8, line 3, by inserting after the word
20 "account." the words "The action or claim filed in
21 the name of the state shall not be considered an
22 election of remedies to the exclusion of other
23 remedies."
- 24 17. Page 8, line 4, by inserting after the word
25 "Code" the word "Supplement".
- 26 18. Page 8, line 9, by striking the word "social"
27 and inserting in lieu thereof the word "human".
- 28 19. Page 8, line 15, by striking the figure "17"
29 and inserting in lieu thereof the figure "17A".
- 30 20. Title page, line 3, by striking the word
31 "social" and inserting in lieu thereof the word
32 "human".
- 33 21. By renumbering as necessary.

The committee amendment H-5334 was adopted.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H-3458 filed by him on March 30, 1983 and found on page 2328 of the 1983 House Journal.

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?" (H.F. 558)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Muhlbauer	Müllins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Hanson	Hummel	Jay	Miller
Pellett	Shoultz	Skow	

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

House File 573, a bill for an act providing for the disposition of personal property in the possession of the department of public safety, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5229 filed by him and moved its adoption:

H—5229

- 1 Amend House File 573 as follows:
- 2 1. Page 1, by striking lines 28 through 30.
- 3 2. Page 3, by striking lines 26 through 28, and
- 4 inserting in lieu thereof the following: "be sold
- 5 at public auction. The sale of ammunition or firearms

6 pursuant to this paragraph shall be made only to
 7 federally-licensed firearms dealers or to persons
 8 who have a permit to purchase the firearms. Persons
 9 who have not obtained a permit may bid on firearms
 10 at the public auction. However, persons who bid
 11 without a permit must post a fifty percent of purchase
 12 price deposit with the commissioner on any winning
 13 bid. No transfer of firearms may be made to a person
 14 bidding without a permit until such time as the person
 15 has obtained a permit. If the person is unable to
 16 produce a permit within two weeks from the date of
 17 the auction, the person shall forfeit the fifty percent
 18 deposit to the department. All proceeds of a public
 19 auction pursuant to this paragraph, less department
 20 expenses reasonably incurred, shall be deposited in
 21 the general fund of the state."

Amendment H—5229 was adopted.

Miller of Woodbury offered the following amendment H—5037
 filed by him and moved its adoption:

H—5037

- 1 Amend House File 573 as follows:
- 2 1. Page 3, by striking lines 24 through 31.
- 3 2. Page 3, line 32, by striking the letter "c"
- 4 and inserting in lieu thereof the letter "b".
- 5 3. Page 3, line 33, by striking the words "or
- 6 sold,".
- 7 4. Page 4, line 7, by striking the word "sale"
- 8 and inserting in lieu thereof the word "exchange".

Roll call was requested by Schroeder of Pottawattamie and
 Chiodo of Polk.

On the question "Shall amendment H—5037 be adopted?"

The ayes were, 33:

Blanshan	Brammer	Buhr	Carl
Copenhaver	Doderer	Fey	Fogarty
Groninga	Groth	Gruhn	Hammond
Haverland	Holveck	Jochum	Koenigs
Lloyd-Jones	McIntee	Miller	Norland
O'Kane	Ollie	Osterberg	Oxley
Pellett	Poncy	Rensink	Rosenberg
Sherzan	Spear	Stueland	Tofte
Zimmerman			

The nays were, 62:

Anderson	Arnould	Baxter	Bennett
Black	Branstad	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Grandia
Gronstal	Halvorson, R. A.	Halvorson, R. N.	Handorf
Harbor	Hermann	Hoffmann-Bright	Hughes
Jay	Knapp	Krewson	Lageschulte
Maulsby	McKean	Menke	Muhlbauer
Mullins	Parker	Paulin	Pavich
Peick	Renaud	Renken	Royer
Running	Schneklath	Schroeder	Skow
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Mr. Speaker		

Absent or not voting, 5:

Carter	Hanson	Hummel	Lonergan
Shoultz			

Amendment H—5037 lost.

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. 573)

The ayes were, 87:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Fogarty
Grandia	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Hughes	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett

Poncy	Renaud	Renken	Rensink
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 9:

Brammer	Doderer	Fey	Groninga
Hammond	Holveck	Miller	Osterberg
Rosenberg			

Absent or not voting, 4:

Copenhaver	Hummel	Swearingen	Welden
------------	--------	------------	--------

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

House File 2401, a bill for an act relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund, was taken up for consideration.

Bennett of Ida rose on a point of order and invoked Rule 32 to refer House File 2401 to the committee on ways and means.

The Speaker ruled the point well taken.

Norland of Worth asked for unanimous consent to suspend Rule 32.

Objection was raised.

Norland of Worth moved that Rule 32 be suspended for the consideration of House File 2401.

A non-record roll call was requested.

The ayes were 53, nays 36.

The motion prevailed and Rule 32 was suspended.

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

On the question "Shall the bill pass?" (H.F. 2401)

The ayes were, 80:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rensink
Rosenberg	Running	Sherzan	Shoultz
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Gerpen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 16:

Bennett	Branstad	De Groot	Grandia
Handorf	Hermann	Hoffmann-Bright	Loneragan
Maulsby	Menke	Renken	Royer
Schneklath	Schroeder	Van Camp	Van Maanen

Absent or not voting, 4:

Doderer	Haverland	Hummel	Stromer
---------	-----------	--------	---------

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

House File 2209, a bill for an act requiring state agencies to enter into agreements with soil conservation districts for the control of soil erosion on state land under the agencies' control, with report of committee recommending amendment and passage, was taken up for consideration.

Blanshan of Greene offered the following amendment H-5274 filed by the committee on agriculture:

H-5274

- 1 Amend House File 2209 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "control" the words "in cultivation".
- 4 2. Page 1, line 8, by striking the word "purposes,"
- 5 and inserting in lieu thereof the word "purposes."
- 6 3. Page 1, by striking lines 9 and 10 and inserting
- 7 in lieu thereof the words "Soil conservation cost
- 8 sharing funds shall not be used on these public lands."
- 9 4. Title page, line 3, by inserting after the
- 10 word "land" the words "in cultivation".

Schroeder of Pottawattamie offered the following amendment H-5414, to the committee amendment H-5274, filed by him from the floor, and moved its adoption:

H-5414

- 1 Amend the committee amendment H-5274 to House File
- 2 2209 as follows:
- 3 1. Page 1, line 5, by striking the words "word
- 4 "purposes," " and inserting in lieu thereof the words
- 5 "words "purposes, except experimental farms." "

Amendment H-5414 was adopted.

Blanshan of Greene offered the following amendment H-5305, to the committee amendment H-5274, filed by Blanshan, et al., and moved its adoption:

H-5305

- 1 Amend amendment H-5274 to House File 2209 as follows:
- 2 1. Page 1, line 8, by inserting after the word "lands."
- 3 the following: "Conservation plans required by this
- 4 section shall be completed by July 1, 1985, and implementation
- 5 shall occur consistent with the schedule contained in the
- 6 conservation plan."

Amendment H-5305 was adopted.

On motion by Blanshan of Greene, the committee amendment H-5274, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H-5394 filed by Schroeder, et al.:

H-5394

- 1 Amend House File 2209 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "The costs of the soil and water conservation
- 5 practice or erosion control practice shall be paid
- 6 from the funds appropriated by the general assembly
- 7 to the department of soil conservation for public
- 8 cost sharing of soil and water conservation practices
- 9 and erosion control practices."

Cochran of Webster rose on a point of order that with the adoption of the committee amendment H-5274, amendment H-5394 was not in order.

The Speaker ruled the point well taken and amendment H-5394 not in order.

Schroeder of Pottawattamie asked for unanimous consent to reconsider the vote by which the committee amendment H-5274, as amended, was adopted.

Objection was raised.

Hughes of Union in the chair at 3:17 p.m.

Schroeder of Pottawattamie moved to reconsider the vote by which the committee amendment H-5274, as amended, was adopted by the House.

Norland of Worth asked and received unanimous consent that House File 2209 be deferred and that the bill be placed on the calendar under unfinished business. (Motion to reconsider the committee amendment H-5274, as amended, pending.)

House File 2340, a bill for an act relating to the investigations and findings of a complaint filed against a health care facility, was taken up for consideration.

Hammond 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. 2340)

The ayes were, 87:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Copenhaver	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Lonergan	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Woods	Zimmerman	Mr. Speaker (Hughes)	

The nays were, 11:

Anderson	Branstad	Cooper	Corey
Lageschulte	Maulsby	Pellett	Renken
Schneklath	Varn	Welden	

Absent or not voting, 2:

Connors	Hummel
---------	--------

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 relating to the authority of the department of water, air and waste management over wastewater disposal systems, was taken up for consideration.

Shoultz 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. 2346)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Jay	Jochum
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklöth	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Hughes)	

The nays were, 1:

Schroeder

Absent or not voting, 4:

Connors	Harbor	Hummel	Knapp
---------	--------	--------	-------

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

House File 2426, a bill for an act relating to the study of the feasibility of a state-owned hazardous waste treatment and resource recovery facility, was taken up for consideration.

Speaker Avenson in the chair at 3:42 p.m.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—5397 filed by him on March 5, 1984.

Shoultz 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. 2426)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Davitt

Absent or not voting, 3:

Connors

Hummel

Jay

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

HOUSE FILES 2433 AND 2231 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2433 and 2231 be deferred and that the bills retain their place on the calendar.

House File 2435, a bill for an act relating to the confidentiality of affidavits of search warrants, sworn statements made for the purpose of obtaining a warrant and inventories of seized property, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2435)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiado	Clark	Cochran
Connolly	Cooper	Copenhagen	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connors	Groninga	Hummel	Mullins
Stromer			

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

House File 2421, a bill for an act relating to the collection, transportation, storage, and disposal of solid waste, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H-5410 filed by him:

H-5410

- 1 Amend House File 2421 as follows:
- 2 1. Page 1, by striking lines 10 through 14 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 2. NEW SECTION. 28H.2 DEFINITIONS. As used in
- 5 this chapter, unless the context otherwise requires:
- 6 1. "Recyclable materials" means those materials
- 7 separated by a person from solid waste incidental
- 8 to the collection of the solid waste for utilization
- 9 as raw materials to be manufactured into a new product.
- 10 2. "Public agency" means a public agency as defined
- 11 in section 28E.2.
- 12 3. "Private agency" means a private agency as
- 13 defined in section 28E.2."
- 14 2. Page 2, by inserting after line 13 the
- 15 following: "However, this subsection does not prohibit
- 16 a private agency or public agency from dumping or
- 17 depositing solid waste resulting from its own
- 18 residential, farming, manufacturing, mining or
- 19 commercial activities on land owned or leased by it
- 20 if the action does not violate any statute of this
- 21 state or rules promulgated by the water, air and waste
- 22 management commission or local boards of health or
- 23 local ordinances."

The House stood at ease at 3:52 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H-5410, to House File 2421, at 4:00 p.m., Speaker Avenson in the chair.

Groninga of Cerro Gordo offered the following amendment H-5425, to amendment H-5410, filed by him from the floor and moved its adoption:

H-5425

- 1 Amend amendment H-5410 to House File 2421 as follows:
- 2 1. Page 1, by striking lines 11 and 12.
- 3 2. Page 1, line 17, by striking the words "or
- 4 public agency".

Amendment H—5425 was adopted.

On motion by Groninga of Cerro Gordo, amendment H—5410, as amended, was adopted.

Groninga 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. 2421)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Blanshan	Branstad	Connors	Handorf
Hummel	McIntee	Mullins	

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

RULE 36 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 36 for the immediate consideration of bills on the noncontroversial calendar.

House File 2187, a bill for an act to increase the filing or recording fee collected by the county recorder, was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5116 filed by him on February 8, 1984.

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. 2187)

The ayes were, 88:

Arnould	Baxter	Bennett	Black
Brammer	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin.	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Anderson

Swartz

Absent or not voting, 10:

Blanshan
Grandia
McIntee

Branstad
Handorf
Welden

Carter
Haverland

Connors
Hummel

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 authorizing cities to issue revenue bonds to refund general obligation bonds if they were issued or the proceeds were expended for certain city projects, with report of committee recommending amendment and passage was taken up for consideration.

O'Kane of Woodbury offered the following amendment H—5088 filed by the committee on local government and moved its adoption:

H—5088

- 1 Amend House File 2111 as follows:
- 2 1. Page 1, line 12, by inserting after the words
- 3 "revenue bonds" the words "or pledge orders".
- 4 2. Page 1, line 16, by inserting after the word
- 5 "bonds" the words "or pledge orders".
- 6 3. Page 1, line 27, by striking the word "and"
- 7 and inserting in lieu thereof the word "and".
- 8 4. Page 1, line 28, by inserting after the word
- 9 "refunded" the words ", to pay the costs of issuance
- 10 of the refunding revenue bonds or pledge orders, and
- 11 to fund such reserve funds as the governing body may
- 12 deem advisable in connection with the issuance of
- 13 the refunding revenue bonds or pledge orders".
- 14 5. Title page, line 1, by inserting after the
- 15 word "bonds" the words "or pledge orders".

The committee amendment H—5088 was adopted.

O'Kane 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. 2111)

The ayes were, 95:

Anderson
Black

Arnould
Blanshan

Baxter
Brammer

Bennett
Buhr

Carl	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Branstad	Carter	Connors	Handorf
Hummel			

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

House File 2267, a bill for an act relating to the waiver of presentence investigations for class "B", "C", and "D" felonies, was taken up for consideration.

Rosenberg of Story offered the following amendment H-5251 filed by him and moved its adoption:

H-5251

- 1 Amend House File 2267 as follows:
- 2 1. Page 1, by striking lines 13 through 17, and
- 3 inserting in lieu thereof the following: "shall not
- 4 be waived. The court may order, with the consent
- 5 of the defendant, that the presentence investiga-
- 6 tion begin prior to the acceptance of a plea of guilty,
- 7 or prior to a verdict of guilty. The court".

Amendment H—5251 was adopted.

Rosenberg 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. 2267)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carte
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Connors	Hermann	Knapp
---------	---------	-------

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

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following house files be deferred and that the bills retain their place on the calendar: House Files 2180, 2322, 2333, 2345 and 2284.

The House stood at ease at 4:16 p.m., until the fall of the gavel.

The House resumed session at 4:24 p.m., Speaker Avenson in the chair.

House File 434, a bill for an act authorizing cities to enter agreements to jointly invest public funds, with report of committee recommending amendment and passage, was taken up for consideration.

O'Kane of Woodbury offered the following amendment H—5170 filed by the committee on local government and moved its adoption:

H—5170

- 1 Amended House File 434 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "banks" the words "or depository institutions".

Amendment H—5170 was adopted.

O'Kane 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. 434)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg

Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 1:

Hanson

Absent or not voting, 2:

Connors

Krewson

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

House File 2211, a bill for an act making changes in the practice act relating to physical therapy, with report of committee recommending passage, was taken up for consideration.

Chiodo of Polk offered amendment H—5277 filed by him and Chapman of Linn. Division was requested as follows:

H—5277

1 Amend House File 2211 as follows:

H—5277A

2 1. Page 1, line 17, by inserting after the word
3 "evaluation" the words "of biomechanics".

H—5277B

4 2. Page 1, by striking lines 23 through 30 and
5 inserting in lieu thereof the following: "by strik-
6 ing the subsection and inserting in lieu thereof the
7 following:

8 4. Nonprofessional workers not held out as
9 physical therapists who are employed in hospitals,
10 clinics, offices or health care facilities as defined
11 in section 135C.1 working under the supervision and
12 direction of a physical therapist or physician
13 licensed pursuant to sections 148, 150 or 150A."

Chiodo of Polk moved the adoption of amendment H—5277A.

The ayes were 59, nays 18.

Amendment H—5277A was adopted.

On motion by Chiodo of Polk, amendment H—5277B was adopted.

Chapman of Linn offered the following amendment H—5194 filed by her and moved its adoption:

H—5194

- 1 Amend House File 2211 as follows:
- 2 1. Page 2, lines 4 and 5, by striking the words
- 3 "with the individual to" and inserting in lieu thereof
- 4 the word "and".

Amendment H—5194 was adopted.

Chapman 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. 2211)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen

Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Connors

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

House File 2306, a bill for an act permitting the conservation commission to alter or restrict the taking of wildlife, was taken up for consideration.

Schneklath of Scott offered the following amendment H—5350 filed by him:

H—5350

- 1 Amend House File 2306 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Chapter 107, Code 1983, is amended
- 5 by adding the following new section:
- 6 **NEW SECTION. LIABILITY TO ADJACENT PROPERTY OWNERS.**
- 7 The state conservation commission is liable for damage
- 8 caused to crops on land contiguous to state and county
- 9 parks by species protected under section 109.38.
- 10 Notwithstanding chapter 25, the claim by the landowner
- 11 or tenant for damages shall be submitted to a special
- 12 board composed of the township trustees and an employee
- 13 of the county conservation board appointed by that
- 14 board. If there is no county conservation board in
- 15 that county, the board of supervisors shall appoint
- 16 a person to the special board. The special board
- 17 shall determine the amount of damages, if any, to
- 18 be paid by the commission from the funds appropriated
- 19 to it. Upon the filing of the claim, the special
- 20 board shall serve notice of the hearing on the claim
- 21 by restricted, certified mail."

Cooper of Lucas rose on a point of order that amendment H—5350 was not germane.

The Speaker ruled the point well taken and amendment H—5350 not germane.

Debate having exceeded the ten minute time limit pursuant to Rule 36, House File 2306 was returned to the regular calendar.

House File 405, a bill for an act relating to the qualifications for certified public accountants, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent to withdraw amendment H-5211 filed by the committee on state government on February 17, 1984.

Chapman of Linn offered the following amendment H-5237 filed by her and moved its adoption:

H-5237

1 Amend House File 405 as follows:

2 1. Page 1, line 18, by striking the word and
3 figures "2, Code 1983" and inserting in lieu thereof
4 the words "3, Code Supplement 1983".

5 2. Page 1, by inserting after line 19 the
6 following:

7 "Sec. 3. A candidate who is a graduate of a high
8 school having at least a four-year course of study
9 or its equivalent as determined by the board of
10 accountancy and has had three years' continuous
11 experience under the direct supervision of a certified
12 public accountant holding a current permit to practice,
13 which experience shall include a significant amount
14 of accounting work involving third party reliance
15 on financial statements shall be considered to have
16 satisfied the requirements of section 116.5, subsection
17 2, for three years after the effective date of this
18 Act."

Amendment H-5237 was adopted.

Chapman 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. 405)

The ayes were, 89:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Menke	Miller	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 10:

Copenhagen	Grandia	Handorf	Hummel
Knapp	Maulsby	Muhlbauer	Paulin
Sherzan	Welden		

Absent or not voting, 1:

Carter

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

House File 2323, a bill for an act relating to the payment of special assessments of drainage districts, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2323)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Pony	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

House File 2335, a bill for an act relating to the liability of a county or city, or an administrative or legal entity created by a county or city, under the Iowa competition law, was taken up for consideration.

O'Kane 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. 2335)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Carter Knapp

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

House File 2274, a bill for an act relating to the designation of moneys to be paid to the state fish and game protection fund by a taxpayer on an income tax return, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2274)

The ayes were, 90:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 10:

Bennett	Branstad	De Groot	Grandia
Hoffmann-Bright	Maulsby	Renken	Schneklath
Schroeder	Welden		

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 2349, a bill for an act relating to the confidentiality of Iowa board of parole records and providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2349)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cannolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby.	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

INTRODUCTION OF BILLS

House File 2465, by committee on judiciary and law enforcement, a bill for an act relating to the discharge of seriously mentally impaired persons who have been involuntarily hospitalized in connection with a criminal conviction or unresolved criminal charge or pursuant to an acquittal due to insanity or diminished responsibility.

Read first time and placed on the calendar.

House File 2466, by committee on judiciary and law enforcement, a bill for an act relating to the definition of public accommodation under the Iowa civil rights law.

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

House File 2467, by committee on judiciary and law enforcement, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain child support debts.

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

House File 2468, by committee on state government, a bill for an act relating to the election laws by providing a method for challenging nomination petitions, eliminating the requirement for notarization of absentee ballots, allowing the mailing of certain absentee ballots, regulating the office hours of the county commissioner of elections, revising delivery of registration forms and changes in registration, requiring identification of political advertisers, providing for assistance to certain voters and making certain technical corrections to the voting laws and providing penalties and effective dates.

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

House File 2469, by committee on judiciary and law enforcement, a bill for an act relating to convicted offenders by providing that an assault on a correctional officer is an aggravated misdemeanor, allowing the use of juvenile records in certain sentencing proceedings, allowing the court to use mitigating circumstances to avoid the imposition of mandatory minimum terms, disallowing the use of good time to reduce mandatory minimum sentences imposed by the court, and providing penalties.

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 platting requirements upon the subdivision of a parcel of land.

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

House File 2471, by committee on energy, a bill for an act creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions and the management and cleanup of abandoned or uncontrolled hazardous waste disposal sites.

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

House File 2472, by committee on state government, a bill for an act relating to the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the jurisdiction of juvenile court over minors violating the provisions of chapter 123, and providing penalties.

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

House File 2473, by committee on state government, a bill for an act to implement certain recommendations of the governor's task force by providing limitations on leaves of absence for certain military purposes, providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1984-1985 fiscal year reduced by the amount of out-of-state travel incurred in the 1984-1985 fiscal year.

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

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 558, 573, 2401, 2340, 2346, 2435, 2421, 2187, 2111, 2267, 434, 2211, 405, 2323, 2335, 2274 and 2349.

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 6th day of March, 1984: House File 2347.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 6, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 602, an act repealing the requirement for a study to determine the percentage of motor fuel tax collected that derives from motor fuel used in watercraft.

House File 2229, an act modifying the definitions and schedules of controlled substances and providing a penalty.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 5, 1984. Had I been present, I would have voted "aye" on House File 2332.

CARPENTER of Polk

On March 6, 1984, I inadvertently voted "aye" on House File 405 when I intended to vote "nay."

PONCY of Wapello

RESOLUTIONS FILED

HCR 112, by Running, citing the older Iowans legislature's ratification and support for the concept of a national silver-haired congress, and asking the United States Senate and House of Representatives to support the formal adoption of a national silver-haired congress.

Referred to committee on **human resources**.

HR 104, by Hoffmann-Bright, Carpenter, Carl, Torrence, Mullins, Clark, Hammond, Doderer, Zimmerman, Lloyd-Jones and Gruhn, requesting that federal rules be rescinded which prohibit industrial homework.

Referred to committee on **labor and industrial relations**.

AMENDMENTS FILED

H-5411	H.F.	2417	Spear of Lee
H-5412	H.F.	2419	Spear of Lee
H-5413	H.F.	2247	Cooper of Lucas
H-5415	H.F.	422	Harbor of Mills
H-5416	H.F.	422	Schroeder of Pottawattamie
H-5417	H.F.	422	Hermann of Scott
			Schnekloth of Scott
			Van Camp of Scott
H-5418	H.F.	422	Schroeder of Pottawattamie
H-5419	H.F.	422	Schroeder of Pottawattamie
H-5420	H.F.	422	Schroeder of Pottawattamie
H-5421	H.F.	422	Schroeder of Pottawattamie
H-5422	H.F.	422	Schroeder of Pottawattamie
H-5423	H.F.	2339	Chapman of Linn
			Jay of Appanoose
			Woods of Polk
			McIntee of Black Hawk
H-5424	H.F.	2339	Fogarty of Palo Alto
			Woods of Polk
H-5426	H.F.	2433	Halvorson of Clayton
			Harbor of Mills
			Corey of Louisa
			Hummel of Benton
			McIntee of Black Hawk
H-5427	H.F.	2247	Schroeder of Pottawattamie
H-5428	H.F.	2393	Hughes of Union
			Van Camp of Scott
H-5429	H.F.	2405	Gronstal of Pottawattamie
H-5430	H.F.	2182	Parker of Jasper
			Schroeder of Pottawattamie
			Rosenberg of Story
			Varn of Johnson
			McIntee of Black Hawk
			Jay of Appanoose
H-5431	H.F.	422	Ollie of Clinton
H-5432	H.F.	422	Lonergan of Boone
H-5433	H.F.	422	Bennett of Ida
H-5434	H.F.	417	Parker of Jasper
H-5435	H.F.	2387	Schroeder of Pottawattamie
H-5436	H.F.	422	Schroeder of Pottawattamie
H-5437	H.F.	422	Schroeder of Pottawattamie

H-5438	H.F.	2183	Parker of Jasper Rosenberg of Story Branstad of Winnebago
H-5439	H.F.	2180	Stromer of Hancock
H-5440	H.F.	2410	Gronstal of Pottawattamie
H-5441	H.F.	2410	Gronstal of Pottawattamie
H-5442	H.F.	422	McIntee of Black Hawk
H-5443	H.F.	2301	Haverland of Polk Pavich of Pottawattamie Hanson of Delaware

On motion by Norland of Worth, the House adjourned at 5:08 p.m., until 9:00 a.m., Wednesday, March 7, 1984.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 7, 1984

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

Prayer was offered by the Reverend Barbara Shafer, pastor of the Clear Lake United Methodist Church, Clear Lake.

The Journal of Tuesday, March 6, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul D. Poncy, M.D. Centerville.

INTRODUCTION OF BILLS

House File 2474, by committee on judiciary and law enforcement, a bill for an act relating to the form of probate inventory.

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

House File 2475, by committee on judiciary and law enforcement, a bill for an act relating to the administrative and judicial review of real property tax assessments.

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

House File 2476, by committee on judiciary and law enforcement, a bill for an act relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

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

House File 2477, by committee on education, a bill for an act to establish the Iowa educational excellence program and to make an appropriation.

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

House File 2478, by committee on local government, a bill for an act relating to the administration of special assessments and other property tax laws.

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

House File 2479, by Chiodo, a bill for an act relating to the establishment of enterprise zones and providing tax abatement and refunds.

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

House File 2480, by committee on judiciary and law enforcement, a bill for an act ceding to the United States concurrent legislative jurisdiction over and within certain lands and waters dedicated to national park purposes.

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

House File 2481, by committee on ways and means, a bill for an act relating to the taxation, valuation, and qualification of a fruit-tree or forest reservation for property tax purposes.

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

House File 2482, by committee on energy, a bill for an act relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty.

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

House File 2483, by committee on local government, a bill for an act relating to the tort liability of municipal governments by allowing self-insured cities to levy additional taxes to cover the cost of tort liability and allowing municipal taxpayers to serve as jurors in cases where the municipality is a defendant.

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

House File 2484, by committee on judiciary and law enforcement, a bill for an act relating to the setting aside of default judgments in small claims court.

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

House File 2485, by committee on state government, a bill for an act relating to the management of state government forms.

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

House File 2486, by committee on judiciary and law enforcement, a bill for an act providing a fine or unpaid community service for a first offense of operating a motor vehicle while intoxicated, requiring a substance abuse evaluation for those convicted of or receiving a deferred sentence on a charge of operating a motor vehicle while intoxicated, requiring fifty hours of community service from those receiving a deferred sentence, revoking the license of a person convicted of a second or subsequent offense for five years, revoking the license of a person convicted of operating a motor vehicle while intoxicated for one additional year if the person caused an accident resulting in serious injury and for life if the person caused an accident in which there was a loss of life, allowing a person whose license was revoked for causing a serious injury to obtain a temporary restricted driving permit, and establishing new penalties for persons convicted of operating a motor vehicle without a license if the person's license was revoked under section 321.281, or chapter 321B.

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

SENATE MESSAGES CONSIDERED

Senate File 409, by committee on judiciary, a bill for an act relating to the membership of project advisory committees and administrative rules relating to community-based correctional programs.

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

Senate File 2130, by committee on education, a bill for an act relating to the election of directors of a local school district, merged area, and an area education agency, and providing an effective date.

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

Senate File 2214, by committee on natural resources, a bill for an act relating to the regulation of hazardous waste and subjecting violators to a civil penalty.

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

Senate File 2221, by committee on agriculture, a bill for an act relating to tests and standards for motor vehicle fuel.

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

Senate File 2222, by committee on state government, a bill for an act allowing a city to redraw precinct lines when adopting a system which provides for election of council members from wards or when changing the number of council members who are elected from wards.

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

Senate File 2244, by committee on local government, a bill for an act relating to public bonds and obligations by correcting references and providing for payment of the costs of registration.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2156, a bill for an act relating to the administration of the extraordinary property tax credit or reimbursement.

Also: That the Senate has on March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act relating to bacterial and organoleptic milk standards.

Also: That the Senate has on March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act relating to the procedure required for a savings and loan association chartered in another state or county to transact business in Iowa.

Also: That the Senate has on March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

Also: That the Senate has on March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2237, a bill for an act relating to the appointment, terms, retention and qualifications of magistrates.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER WITHDRAWN
(House File 2332)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2332, a bill for an act relating to child care by requiring family or group day care providers to report child abuse, requiring child abuse identification and reporting training for mandatory reporters of child abuse, requiring foster parent training, permitting a peace officer to remove a child from a child day care facility under certain circumstances, permitting child care financial assistance funds to go to group day care homes and family day care homes, amending the definition of a family day care home, requiring registration of family day care homes but maintaining current standards for two years, requiring annual inspections or visits to group and family day care homes, expanding injunctive authority to family day care homes, and establishing fees and penalties, filed by Welden of Hardin and him on March 5, 1984.

Unfinished Business Calendar

The House resumed consideration of **House File 2339**, a bill for an act relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations, placed on the unfinished business calendar on March 6, 1984.

Fogarty of Palo Alto asked and received unanimous consent to withdraw amendment H—5325 filed by him and Woods of Polk on March 5, 1984, placing out of order amendment H—5400, to amendment H—5325, filed by Fogarty of Palo Alto and Woods of Polk on March 5, 1984.

Fogarty of Palo Alto asked and received unanimous consent to withdraw amendment H-5248 filed by him on February 23, 1984.

McIntee of Black Hawk in the chair at 9:35 a.m.

Chapman of Linn offered the following amendment H-5423 filed by Chapman, et al., and moved its adoption:

H-5423

- 1 Amend House File 2339 as follows:
- 2 1. Page 1, line 27, by striking the word "An"
- 3 and inserting in lieu thereof the words "If the road
- 4 is properly marked to indicate that the road is
- 5 temporarily closed to traffic, an".
- 6 2. Page 2, line 17, by striking the word "An"
- 7 and inserting in lieu thereof the words "If the road
- 8 is properly marked to indicate that the road is a
- 9 newly established road not open to traffic, an".

Amendment H-5423 was adopted.

Fogarty of Palo Alto offered amendment H-5424 filed by him and Woods of Polk. Division was requested as follows:

H-5424

- 1 Amend House File 2339 as follows:

H-5424A

- 2 1. Page 1, by striking lines 1 through 34.

H-5424B

- 3 2. Page 2, by striking line 24.

H-5424A

- 4 3. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.
- 7 4. Amend the title, lines 2 and 3, by striking
- 8 the words "and roads temporarily closed for repair
- 9 and maintenance".

On motion by Fogarty of Palo Alto, amendment H-5424A was adopted, placing out of order lines 2 through 5 of amendment H-5423 previously adopted.

On motion by Fogarty of Palo Alto, amendment H—5424B was adopted.

Schroeder of Pottawattamie asked for unanimous consent to reconsider the vote by which amendment H—5424A was adopted.

Objection was raised.

Fogarty of Palo Alto moved that the bill be read a last time now and 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, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Maulsby	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (McIntee)			

The nays were, 3:

Lonergan	Tofte	Van Camp
----------	-------	----------

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.

Speaker Avenson in the chair at 10:00 a.m.

HOUSE FILE 2231 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2231 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House File 2247, a bill for an act relating to the reimbursement of law enforcement officer training costs incurred by cities, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—5348 filed by the committee on local government:

H—5348

- 1 Amend House File 2247 as follows:
- 2 1. Page 1, by striking lines 11 and 12 and
- 3 inserting in lieu thereof the following: "training
- 4 if the replacement officer is a temporary employee
- 5 hired for that purpose only, and salary paid to the
- 6 officer while in training. The law".
- 7 2. Page 2, line 2, by inserting after the word
- 8 "subsection." the following: "If the proceeds of
- 9 the fund are insufficient to reimburse the total
- 10 amount of all claims made during a fiscal year, the
- 11 reimbursements shall be prorated. Any unencumbered
- 12 or unobligated money remaining in the fund on June
- 13 30 of each fiscal year shall revert to the general
- 14 fund of the state."

Cooper of Lucas offered the following amendment H—5413, to the committee amendment H—5348, filed by him and moved its adoption:

H—5413

- 1 Amend the amendment, H—5348, to House File 2247
- 2 as follows:
- 3 1. Page 1, by striking line 5 and inserting in
- 4 lieu thereof the following: "hired for that purpose
- 5 only or is on overtime status, and salary costs of
- 6 the".

A non-record roll call was requested.

The ayes were 51, nays 9.

Amendment H—5413 was adopted.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer House File 2247 to the committee on ways and means.

The Speaker ruled the point well taken.

Norland of Worth moved to suspend Rule 32 on House File 2247.

A non-record roll call was requested.

The ayes were 55, nays 32.

The motion prevailed and Rule 32 was suspended.

Sherzan of Polk moved the adoption of the committee amendment H—5348, as amended.

A non-record roll call was requested.

The ayes were 67, nays none.

The committee amendment H—5348, as amended, was adopted.

Royer of Page offered amendment H—5383 filed by him and Lageschulte of Bremer and requested division as follows:

H—5383

1 Amend House File 2247 as follows:

H—5383A

2 1. Page 1, line 3, by inserting after the word
3 "Administer" the words "jointly with the county finance
4 committee".

H—5383B

5 2. Page 1, line 5, by inserting after the word
6 "city" the words "or county".
7 3. Page 1, line 7, by inserting after the word
8 "city" the words "or county".

H—5383A

- 9 4. Page 1, line 12, by inserting before the word
 10 "committee" the word "joint".
 11 5. Page 1, line 16, by inserting after the word
 12 "The" the word "joint".
 13 6. Page 1, line 35, by inserting before the word
 14 "committee" the word "joint".

H—5383B

- 15 7. Page 1, line 35, by inserting after the word
 16 "cities" the words "or counties".
 17 8. Amend the title, line 2, by inserting after
 18 the word "cities" the words "or counties".

Royer of Page asked and received unanimous consent to withdraw amendment H—5383A.

Royer of Page moved the adoption of amendment H—5383B.

Amendment H—5383B was adopted.

Schroeder of Pottawattamie offered the following amendment H—5427 filed by him and moved its adoption:

H—5427

- 1 Amend House File 2247 as follows:
 2 1. Page 2, by striking line 17 through line 30.

Amendment H—5427 lost.

Jochum of Dubuque in the chair at 10:45 a.m.

Speaker Avenson in the chair at 11:55 a.m.

Sherzan 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. 2247)

The ayes were, 85:

Anderson
 Black

Arnould
 Blanshan

Baxter
 Brammer

Bennett
 Branstad

Buhr	Carl	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Haverland
Hughes	Jochum	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 15:

Carpenter	Doderer	Grandia	Hammond
Hermann	Hoffmann-Bright	Holveck	Hummel
Jay	Krewson	McIntee	O'Kahe
Poncy	Van Camp	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.

House File 2301, a bill for an act relating to the sale, possession, or use of the explosive nitroglycerin, providing a penalty, and transferring the responsibility for the inspection of explosive storage facilities from county sheriffs to the state fire marshal while reducing the number of inspections per year, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H—5364 filed by the committee on state government and moved its adoption:

H—5364

- 1 Amend House File 2301 as follows:
- 2 1. Page 1, by striking lines 1 through 12.

3 2. Page 1, line 21, by inserting after the words
 4 "fire marshal's office." the following? "The state
 5 fire marshal shall notify the appropriate city or
 6 county governing board of licenses to be issued in
 7 their respective jurisdictions pursuant to this
 8 chapter. The notification shall contain the name
 9 of the applicant to be licensed, the location of the
 10 facilities to be used in storing explosives, the types
 11 and quantities of explosive materials to be stored,
 12 and other information deemed necessary by either the
 13 governing boards or the state fire marshal."

The committee amendment H—5364 was adopted.

Haverland of Polk offered amendment H—5443 filed by
 Haverland, et al. Division was requested as follows:

H—5443

1 Amend House File 2301 as follows:

H—5443A

2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 101A.2, subsections 1 and
 5 2, Code 1983, are amended to read as follows:
 6 1. The commissioner of public safety state fire
 7 marshal shall issue commercial licenses for the
 8 manufacture, importation, distribution, sale, and
 9 commercial use of explosives to persons who, in the
 10 commissioner's state fire marshal's discretion are
 11 of good character and sound judgment, and have
 12 sufficient knowledge of the use, handling, and storage
 13 of explosive materials to protect the public safety.
 14 Licenses shall be issued for a period of one year,
 15 but may be issued for shorter periods, and may be
 16 revoked or suspended by the commissioner of public
 17 safety state fire marshal for any of the following
 18 reasons:
 19 a. Falsification of information submitted in the
 20 application for a license.
 21 b. Proof that the licensee has violated any
 22 provisions of this chapter or any rules prescribed
 23 by the commissioner of public safety state fire marshal
 24 pursuant to the provisions of this chapter.
 25 2. Licenses shall be issued by the commissioner
 26 of public safety state fire marshal upon payment to
 27 him of a fee of sixty dollars, valid for a period
 28 of one calendar year, commencing on January 1 and

29 terminating on December 31; however, an initial license
30 may be issued during any calendar year for the number
31 of months remaining in such calendar year, computed
32 to the first day of the month when the application
33 for the license is approved. The license fee shall
34 be charged on a pro rata basis for the number of
35 months remaining in the year of issue. Applications
36 for renewal of licenses shall be submitted within
37 thirty days prior to the license expiration date and
38 shall be accompanied by payment of the prescribed
39 annual fee.

40 Sec. 2. Section 101A.3, subsections 1 and 2, Code
41 Supplement 1983, is amended to read as follows:

42 1. User's permits to purchase, possess, transport,
43 store, and detonate explosive materials shall be
44 issued by the sheriff of the county or the chief of
45 police of a city of ten thousand population or more
46 where the possession and detonation will occur. If
47 the possession and detonation are to occur in more
48 than one county or city, then such permits must be
49 issued by the sheriff or chief of police of each of
50 such counties or cities, except in counties and cities

Page 2

1 in which the explosives are possessed for the sole
2 purpose of transporting them through such counties
3 and cities. A permit shall not be issued unless the
4 sheriff or chief of police having jurisdiction is
5 satisfied that possession and detonation of explosive
6 materials is necessary to the applicant's business
7 or to improve his property. Permits shall be issued
8 only to persons who, in the discretion of the sheriff
9 or chief of police, are of good character and sound
10 judgment, and have sufficient knowledge of the use
11 and handling of explosive materials to protect the
12 public safety. The ~~commissioner of public safety~~
13 state fire marshal shall prescribe, have printed,
14 and distribute permit application forms to all local
15 permit issuing authorities.

16 2. The user's permit shall state the quantity
17 of explosive materials which the permittee may
18 purchase, the amount ~~he the permittee~~ may have in
19 ~~his possession~~ at any one time, the amount ~~he the~~
20 permittee may detonate at any one time, and the period
21 of time during which the purchase, possession, and
22 detonation of explosive materials is authorized.
23 The permit shall also specify the place where
24 detonation may occur, the location and description

25 of the place where the explosive materials will be
26 stored, if such be the case, and shall contain such
27 other information as may be required under the rules
28 and regulations of the ~~commissioner of public safety~~
29 ~~state fire marshal~~. The permit shall not authorize
30 purchase, possession, and detonation of a quantity
31 of explosive materials in excess of that which is
32 necessary in the pursuit of the applicant's business
33 or the improvement of ~~his the~~ permittee's property,
34 nor shall such purchase, possession, and detonation
35 be authorized for a period longer than is necessary
36 for the specified purpose. In no event shall the
37 permit be valid for more than thirty days from date
38 of issuance but it may be renewed upon proper showing
39 of necessity."

40 2. Page 1, by inserting after line 12 the
41 following:

42 "Sec. 4. Section 101A.4, subsection 1, Code 1983,
43 is amended to read as follows:

44 1. Judicial review of the action of the
45 ~~commissioner state fire marshal~~ may be sought in
46 accordance with the terms of the Iowa administrative
47 procedure Act.

48 Sec. 5. Section 101A.5, unnumbered paragraph 1,
49 Code 1983, is amended to read as follows:

50 The ~~commissioner of public safety state fire marshal~~

Page 3

1 shall prepare, adopt, and distribute to permit issuing
2 authorities and other interested persons, without
3 cost, rules in accordance with provisions of chapter
4 17A, pertaining to the manufacture, transportation,
5 storage, possession, and use of explosive materials.
6 Rules adopted by the ~~commissioner of public safety~~
7 ~~state fire marshal~~ shall be compatible with, but not
8 limited to the National Fire Protection Association's
9 pamphlet number 495 and federal rules pertaining to
10 commerce, possession, storage, and use of explosive
11 materials. Such rules shall:"

H-5443B

12 3. Page 2, by striking lines 20 through 28 and
13 inserting in lieu thereof the following:

14 "The licensee or permittee may obtain possession
15 of the explosives from the sheriff during the thirty-

16 day period for the purpose of disposing of them.
 17 The disposal procedure shall conform to the provisions
 18 of section 101A.9. The licensee or permittee shall
 19 first pay to the county an amount equal to the expense
 20 incurred by the county in storing the explosives
 21 during the period of confiscation. The amount of
 22 the expense shall be determined by the sheriff."

H—5443A

23 4. Page 2, by inserting after line 28 the
 24 following:

25 "Sec. 7. Section 101A.8, Code 1983, is amended
 26 to read as follows:

27 101A.8 REPORT OF THEFT OR LOSS REQUIRED. Any
 28 theft or loss of explosive materials, whether from
 29 a storage magazine, a vehicle in which they are being
 30 transported, or from a site on which they are being
 31 used, or from any other location, shall immediately
 32 be reported by the person authorized to possess such
 33 explosives to the local police or county sheriff.
 34 "The local police or county sheriff shall immediately
 35 transmit a report of such theft or loss of explosive
 36 materials to the commissioner of public safety state
 37 fire marshal.

38 Sec. 8. Section 101A.9, Code 1983, is amended
 39 to read as follows:

40 101A.9 DISPOSAL REGULATED. No person shall abandon
 41 or otherwise dispose of any explosives in any manner
 42 which might, as the result of such abandonment or
 43 disposal, create any danger or threat of danger to
 44 life or property. Any person in possession or control
 45 of explosives shall, when the need for such explosives
 46 no longer exists, dispose of them in accordance with
 47 rules prescribed by the commissioner of public safety
 48 state fire marshal.

49 Sec. 9. Section 101A.14, subsection 2, Code 1983,
 50 is amended to read as follows:

Page 4

1 2. Any person who violates the provisions of
 2 sections 101A.6, 101A.8 or 101A.9 or any of the rules
 3 adopted by the commissioner of public safety state
 4 fire marshal pursuant to the provisions of this
 5 chapter, commits a simple misdemeanor."

6 5. Renumber as necessary.

On motion by Haverland of Polk, amendment H—5443A was adopted.

Haverland of Polk moved the adoption of amendment H—5443B.

A non-record roll call was requested.

The ayes were 49, nays 13.

Amendment H—5443B was adopted.

The following amendment H—5446, filed by Pavich of Pottawattamie from the floor, was adopted by unanimous consent:

H—5446

- 1 Amend House File 2301 as follows:
- 2 1. Title page, line 1, by inserting after the word
- 3 "to" the following: "transferring responsibility for
- 4 issuing commercial licenses and permits for the sale,
- 5 use, purchase, possession and transportation, reporting
- 6 of theft or loss, and regulation of disposal of
- 7 explosives, to the state fire marshal, and".

Pavich 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. 2301)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cannolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin

Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 5:

Grandia	Handorf	Schroeder	Van Maanen
Welden			

Absent or not voting, 2:

Doderer	Shultz
---------	--------

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

REQUEST FOR IMMEDIATE MESSAGE WITHDRAWN (House File 2346)

Norland of Worth asked and received unanimous consent to withdraw his request to immediately message House File 2346 to the Senate on March 6, 1984.

IMMEDIATE MESSAGES (House Files 2247 and 2301)

Norland of Worth asked and received unanimous consent to immediately message House Files 2247 and 2301 to the Senate.

MOTION TO RECONSIDER WITHDRAWN (House File 2048)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2048, a bill for an act relating to conservation easements, filed by him on February 13, 1984.

On motion by Norland of Worth, the House was recessed at 11:34 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, until his return, on request of Cooper of Lucas.

CONSIDERATION OF BILLS

Regular Calendar

House File 2424, a bill for an act relating to expenses incurred by health care facilities in receivership and the liability of the receiver for the expenses and for suits filed against the receiver, was taken up for consideration.

Holveck 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. 2424)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connors	Doderer	Knapp	Menke
Muhlbauer	Tabor		

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

HOUSE FILE 2387 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2387 be deferred and that the bill retain its place on the calendar.

House File 2393, a bill for an act relating to the authority of the department of water, air and waste management over used oil, with report of committee recommending passage was taken up for consideration.

Hughes of Union offered the following amendment H—5428 filed by him and Van Camp of Scott and moved its adoption:

H—5428

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "control." the following: "This analysis shall be
- 4 for polychlorinated biphenyl, flashpoints, and lead."

Amendment H—5428 was adopted.

Hughes of Union moved that the bill be read a last time now and 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, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey

Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connors	Menke	Muhlbauer	Shultz
---------	-------	-----------	--------

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

House File 591, a bill for an act prohibiting the general assembly from passing any bill that uses gender as the basis for differential treatment, with report of committee recommending passage, was taken up for consideration.

Buhr of Polk in the chair at 1:42 p.m.

Hammond 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. 591)

The ayes were, 91:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran

Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochym	Koenigs	Lageschulte	Lloyd-Jones
Lonerган	Maulsby	McIntee	McKean
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Madam Speaker (Buhr)	

The nays were, 6:

Grandia	Hanson	Krewson	Renken
Spear	Welden		

Absent or not voting, 3:

Knapp	Menke	Muhlbauer
-------	-------	-----------

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

HOUSE FILES 2369 AND 2416 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2369 and 2416 be deferred and that the bills retain their place on the calendar.

House File 2414, a bill for an act relating to credit union reciprocity, par value of shares, deposits, investments, powers, membership, and reserves, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2414)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Buhr)		

The nays were, none.

Absent or not voting, 2:

Menke Muhlbauer

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

House File 2417, a bill for an act relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections, was taken up for consideration.

Spear of Lee offered the following amendment H—5411 filed by him and moved its adoption:

H-5411

- 1 Amend House File 2417 as follows:
- 2 1. Page 2, line 28, by striking the word "county"
- 3 and inserting in lieu thereof the word "county".

Amendment H-5411 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2417)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Madam Speaker (Buhr)			

The nays were, 1:

Schroeder

Absent or not voting, 2:

Menke

Muhlbauer

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

Speaker Avenson in the chair at 2:18 p.m.

House File 2221, a bill for an act relating to the operation of all-terrain vehicles subject to penalties provided by law, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5354 filed by the committee on transportation and moved its adoption:

H—5354

- 1 Amend House File 2221 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "three" the words "or four".
- 4 2. Page 1, by striking lines 7 through 11 and
- 5 inserting in lieu thereof the following new section:
- 6 "Sec. . Section 321.18, Code 1983, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 9. All-terrain vehicles."
- 9 3. Page 1, line 15, by inserting after the word
- 10 "operated" the words "between sunrise and sunset".
- 11 4. Page 1, line 21, by striking the words "high
- 12 post" and inserting in lieu thereof the words "bicycle
- 13 safety".
- 14 5. Page 1, line 24, by inserting after the period
- 15 the words "A "bicycle safety flag" is a triangular
- 16 flag with an area of not less than thirty square
- 17 inches, day-glow orange in color, and designed for
- 18 display not less than five feet above the surface
- 19 of the ground."

The committee amendment H—5354 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2221)

The ayes were, 83:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt

De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hoffmann-Bright	Holveck
Hughes	Jay	Jochum	Koenigs
Krewson	Lloyd-Jones	Maulsby	McIntee
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Schroeder
Sherzan	Shultz	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 13:

Chiodo	Clark	Copenhaver	Doderer
Halvorson, R. N.	Hummel	Knapp	Lageschulte
Lonergan	McKean	Osterberg	Royer
Welden			

Absent or not voting, 4:

Haverland	Hermann	Menke	Stromer
-----------	---------	-------	---------

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

House File 2183, a bill for an act relating to the licensing of business entities engaging in the removal or encapsulation of asbestos and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Parker of Jasper offered the following amendment H-5242 filed by the committee on labor and industrial relations and moved its adoption:

H-5242

- 1 Amend House File 2183 as follows:
- 2 1. Page 1, by inserting after line 8 the following:
- 3 "4. "Certificate" means an authorization issued
- 4 by the bureau permitting an individual person to work
- 5 on an asbestos project."
- 6 2. Page 1, line 11, by inserting after the word
- 7 "bureau" the words "permitting a business entity".

8 3. Page 1, by inserting after line 22 the
9 following:

10 "3. The commissioner shall prescribe fees for
11 the issuance and renewal of licenses and certificates.
12 The fees shall be based on the costs of licensing,
13 certification and other costs of administering this
14 chapter."

15 4. Page 1, by striking lines 30 through 33 and
16 inserting in lieu thereof the following: "be
17 responsible for an asbestos project is certified to
18 work on an asbestos project."

19 5. Page 3, line 22, by striking the words "and
20 address" and inserting in lieu thereof the words "
21 address and certificate number".

22 6. Page 3, line 23, after the word "project" by
23 inserting in lieu thereof the following: "and of
24 each employee or agent who worked on the project".

25 7. Page 4, by inserting after line 8 the following:

26 "4. Employs or permits an uncertified person to
27 work on an asbestos project."

28 8. Page 4, by inserting after line 12, the
29 following:

30 "Sec. 10. NEW SECTION. 88B.10 CERTIFICATION
31 OF WORKERS.

32 1. An individual person is not eligible to work
33 on an asbestos project unless the person holds a
34 certificate issued by the bureau.

35 2. To qualify for a certificate, a person must
36 have successfully completed a basic course, approved
37 by the commissioner, on the health and safety aspects
38 of the removal and encapsulation of asbestos including
39 the federal and state standards applicable to asbestos
40 projects, and must have been examined by a physician
41 within the preceding year and declared by the physician
42 to be physically capable of working while wearing
43 a respirator. The duration of a certificate is one
44 year. To qualify for a renewal, a person must have
45 successfully completed an annual review course approved
46 by the commissioner and have been reexamined and
47 approved by a physician for renewal of the certificate.
48 The duration of each renewal is one year.

49 3. Applications for certificates and renewals
50 shall be submitted to the bureau on forms prescribed

Page 2

1 by the bureau and shall be accompanied by the
2 prescribed fee.

3 4. The bureau may suspend or revoke a certificate,
4 in accordance with chapter 17A, for failure of the
5 holder to comply with applicable health and safety

- 6 standards and regulations.
 7 Sec. 11. **NEW SECTION. 88B.11 BIDS FOR**
 8 **GOVERNMENTAL PROJECTS.** A state agency or political
 9 subdivision shall not accept a bid in connection with
 10 any asbestos project from a business entity which
 11 does not hold a license from the bureau at the time
 12 the bid is submitted.”
 13 9. Title page, line 1, by striking the words
 14 “licensing of business entities” and inserting in
 15 lieu thereof the words “regulation of business entities
 16 and workers”.
 17 10. By renumbering as necessary.

The committee amendment H—5242 was adopted.

Parker of Jasper offered the following amendment H—5438
 filed by Parker, et al.:

H—5438

- 1 Amend House File 2183 as follows:
 2 1. Page 4, by striking line 9 and inserting in
 3 lieu thereof the following:
 4 “Sec. 9. **NEW SECTION. 88B.9 EXCEPTIONS.**
 5 1. In an emergency”.
 6 2. Page 4, by inserting after line 12 the
 7 following:
 8 “2. The commissioner may, on a case-by-case basis,
 9 approve an alternative to a specific worker protection
 10 requirement for an asbestos project if the business
 11 entity submits a written description of the alternative
 12 procedure and demonstrates to the commissioner’s
 13 satisfaction that the proposed alternative procedure
 14 provides equivalent worker protection.”

Parker of Jasper offered the following amendment H—5444, to
 amendment H—5438, filed from the floor by Parker, Rosenberg, and
 Branstad and moved its adoption:

H—5444

- 1 Amend the Parker amendment, H—5438, to House File
 2 2183 as follows:
 3 1. Page 1, line 14, by striking the word
 4 “protection.” ” and inserting in lieu thereof the
 5 following: “protection.
 6 3. If the business entity is not primarily engaged
 7 in the removal or encapsulation of asbestos, the
 8 commissioner may waive the requirement for a license
 9 if worker protection requirements are met or an

- 10 alternative procedure is approved pursuant to
11 subsection 2." "

Amendment H—5444 was adopted.

On motion by Parker of Jasper, amendment H—5438, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2183)

The ayes were, 86:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Haverland
Hermann	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 14:

Bennett	Grandia	Handorf	Harbor
Hoffmann-Bright	Maulsby	Pellett	Renken
Schroeder	Stromer	Stueland	Tofte
Torrence	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.

House File 2100, a bill for an act relating to the location and operation of anhydrous ammonia plants and defining nuisance as the term relates to the plants, with report of committee recommending amendment and passage was taken up for consideration.

Hughes of Union offered the following amendment H—5374 filed by the committee on agriculture and moved its adoption:

H—5374

- 1 Amend House File 2100 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "manufacture" the words "or distribution".
- 4 2. Page 3, by striking line 9.
- 5 3. Page 3, by striking line 12 and inserting in
- 6 lieu thereof the word "agriculture".
- 7 4. By striking page 3, line 14 through page 5,
- 8 line 9 and inserting in lieu thereof the following:
- 9 "2. Applicability of rules of the department of
- 10 agriculture.
- 11 a. A rule of the department of agriculture in
- 12 effect on July 1, 1984 applies to an anhydrous ammonia
- 13 plant with an established date of operation prior
- 14 to July 1, 1984.
- 15 b. A rule of the department of agriculture applies
- 16 to an anhydrous ammonia plant with an established
- 17 date of operation subsequent to the effective date
- 18 of the rule.
- 19 c. A rule of the department of agriculture adopted
- 20 after July 1, 1984 does not apply to an anhydrous
- 21 ammonia plant holding a department of agriculture
- 22 permit and having an established date of operation
- 23 prior to the effective date of the rule until either
- 24 the expiration of the term of the permit in effect
- 25 on the effective date of the rule, or ten years from
- 26 the established date of operation of the anhydrous
- 27 ammonia plant, whichever time period is greater.
- 28 d. A rule of the department of agriculture adopted
- 29 after July 1, 1984 does not apply to an anhydrous
- 30 ammonia plant not previously required to hold a
- 31 department of agriculture permit and having an
- 32 established date of operation prior to the effective
- 33 date of the rule for either a period of ten years
- 34 from the established date of operation of the anhydrous
- 35 ammonia plant or five years from the effective date
- 36 of the rule, whichever time period is greater.
- 37 e. To achieve compliance with applicable rules
- 38 the department of agriculture shall each issue an
- 39 appropriate compliance schedule."

The committee amendment 5374 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2100)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shultz	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carter	Clark	Jay	Menke
Stromer			

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

House File 422, a bill for an act relating to joint exercise of powers by public agencies for public works and facilities, with reports of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that House File 422 be deferred and that the bill be placed on the unfinished business calendar.

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following House Files be deferred and retain their place on the calendar: House Files 2322, 2333 and 2345.

Noncontroversial Calendar

House File 2043, a bill for an act relating to the reporting of property owned by a city utility, with report of committee recommending passage was taken up for consideration.

O'Kane 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. 2043)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklath	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen

Van Maanen
Zimmerman

Varn
Mr. Speaker

Welden

Woods

The nays were, 1:

Schroeder

Absent or not voting, 1:

Carter

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

House File 2351, a bill for an act relating to the crime of incest and providing a penalty, was taken up for consideration.

Brammer 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. 2351)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Carter

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

House File 2352, a bill for an act relating to parental financial responsibility for the acts of children, was taken up for consideration.

Brammer 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. 2352)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, 4:

Davitt	Grandia	Skow	Zimmerman
--------	---------	------	-----------

Absent or not voting, 5:

Carl
Tofte

Carter

Knapp

Lonergan

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

House File 2107, a bill for an act relating to voluntary foster care placements by the department of human services and approval of the placements by the juvenile court, with report of committee recommending amendment and passage, was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5331 filed by the committee on human resources and moved its adoption:

H—5331

1 Amend House File 2107 as follows:
2 1. Page 1, by striking lines 1 through 14 and
3 inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. 234.42 VOLUNTARY FOSTER
5 CARE PLACEMENTS—COURT APPROVAL. If the department
6 of human services places a child in a child foster
7 care facility licensed under chapter 237 pursuant
8 to a voluntary placement agreement between the
9 department and the child's parent or guardian, the
10 department shall file a copy of the agreement with
11 the juvenile court and send a copy of the agreement
12 to a noncustodial parent, unless direct physical harm
13 or significant emotional harm to the child is likely
14 to result from the sending of the agreement. The
15 clerk of the juvenile court shall send a copy of the
16 agreement to the appropriate county attorney. If
17 the child or a parent, guardian, or custodian as
18 defined in section 232.2 objects to the placement
19 by filing an objection with the juvenile court, the
20 court shall determine whether the placement is in
21 the best interests of the child and is consistent
22 with the child's rights and shall enter an appropriate
23 order."

The committee amendment H—5331 was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2107)

The ayes were, 96:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Bennett	Grandia	Hammond	Krewson
---------	---------	---------	---------

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

House File 2272, a bill for an act to authorize certain motor trucks and motor homes to tow a four-wheeled trailer with a steering axle and more than one trailer or semitrailer or both, subject to penalties provided by law, with report of committee recommending passage, was taken up for consideration.

Miller 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.

Rulé 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2272)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 3:

Chapman	Hummel	Welden
---------	--------	--------

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 2284 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2284 be deferred and that the bill retain its place on the calendar.

House File 2302, a bill for an act amending the definition of "child abuse" for purposes of reporting, investigation, and rehabilitation to include permitting a child to engage in prostitution and sexually exploiting a child in certain other ways, with report of committee recommending amendment and passage, was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5330 filed by the committee on human resources and moved its adoption:

H—5330

- 1 Amend House File 2302 as follows:
- 2 1. Page 1, by striking lines 3 through 5 and
- 3 inserting in lieu thereof the following:
- 4 "b. The commission of any sexual offense with
- 5 or to a child pursuant to chapter 709, ~~or~~ section
- 6 726.2, or section 728.12, subsection 1, as a result
- 7 of the acts or omissions of".
- 8 2. Page 1, by striking lines 10 through 13 and
- 9 inserting in lieu thereof the following:
- 10 "NEW LETTERED PARAGRAPH. d. The acts or omissions
- 11 of a person responsible for the care of a child which
- 12 allow, permit, or encourage the child to engage in
- 13 prostitution pursuant to section 725.1."

The committee amendment H—5330 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2302)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum

Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Clark	Daggett	Gruhn	Osterberg
Schroeder	Woods		

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

Hammond of Story in the chair at 3:28 p.m.

House File 2310, a bill for an act requiring a vehicle's purchase price to be listed on the certificate of title and providing a penalty, with report of committee recommending passage was taken up for consideration.

The following amendment H-5447 filed by Pavich of Pottawattamie from the floor was adopted by unanimous consent:

H-5447

- 1 Amend House File 2310 as follows:
- 2 1. Page 2, line 2, by striking the word "purchased"
- 3 and inserting in lieu thereof the word "purchased."

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2310)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Madam Speaker (Hammond)	

The nays were, 3:

Handorf	McKean	Pellet
---------	--------	--------

Absent or not voting, 2:

Knapp	Royer
-------	-------

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

House File 2330, a bill for an act relating to parking violations and providing, with certain exceptions, that parking violations not be considered for license suspensions or revocations, with report of committee recommending passage was taken up for consideration.

Miller 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. 2330)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Hammond)		

The nays were, none.

Absent or not voting, 2:

Connors Haverland

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

House File 2371, a bill for an act to require counties to assume the cost of confining probationers pending completion of arrangements for probation and pending disposition of revocation proceedings, was taken up for consideration.

Rosenberg 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. 2371)

The ayes were, 93:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Varn	Welden	Woods	Zimmerman
Madam Speaker (Hammond)			

The nays were, 3:

Branstad	Grandia	Van Maanen
----------	---------	------------

Absent or not voting, 4:

Daggett	Doderer	Maulsby	Swartz
---------	---------	---------	--------

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

Speaker Avenson in the chair at 3:40 p.m.

House File 2372, a bill for an act relating to real property legalizing Acts, was taken up for consideration.

McIntee 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. 2372)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Harbor	Knapp	Lloyd-Jones	Van Gerpen
Welden			

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 attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage, 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. 2373)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiódo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Varn

Absent or not voting, 1:

Lloyd-Jones

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 the methods used by insurance companies in reporting annual statements to the commissioner of insurance, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blañshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groningá	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Parker

Absent or not voting, 1:

Lloyd-Jones

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 providing for the surrender and disposition of earnings of persons committed to residential treatment centers operated by judicial district departments of correctional services, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2375)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Gooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lonerган
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were none.

Absent or not voting, 3:

Lloyd-Jones Royer Welden

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

House File 2376, a bill for an act to allow the voluntary discontinuance of a franchise by a motor vehicle dealer without the approval of the transportation regulation authority, was taken up for consideration.

Pavich 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. 2376)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were none.

Absent or not voting, 3:

Royer	Sullivan	Welden
-------	----------	--------

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

House File 2377, a bill for an act relating to requiring restitution for juvenile offenders, was taken up for consideration.

Brammer 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. 2377)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were none.

Absent or not voting, 5:

Gruhn	Knapp	Royer	Sullivan
Welden			

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

HOUSE FILES 2378 AND 2380 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2378 and 2380 be deferred and that the bills retain their place on the calendar.

House File 2379, a bill for an act extending the dates for application and approval of community mental health and mental retardation funding, was taken up for consideration.

Zimmerman 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. 2379)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

• The nays were, none.

Absent or not voting, 2:

Royer Swartz

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

House File 2385, a bill for an act relating to the frequency of inspection of grain dealers, was taken up for consideration.

Fogarty of Palo Alto moved that 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 77, Harbor of Mills refrained from voting.

On the question "Shall the bill pass?" (H.F. 2385)

The ayes were, 88:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	Diemer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 9:

Carter	De Groot	Jay	Koenigs
Maulsby	O'Kane	Pellett	Schroeder
Sullivan			

Absent or not voting, 3:

Doderer	Harbor	Parker
---------	--------	--------

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

House File 2389, a bill for an act relating to the interest of an elected city officer or employee in contracts for the purchase of goods and services by a city, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2389)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Davitt Hammond

Absent or not voting, 2:

Carl Welden

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

HOUSE FILE 2390 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2390 be deferred and that the bill retain its place on the calendar.

House File 2391, a bill for an act relating to license fees, inspection fees, and other fees charged by the commerce commission under chapters 542 and 543, was taken up for consideration.

Fogarty of Palo Alto moved that 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 77, Harbor of Mills refrained from voting.

On the question "Shall the bill pass?" (H.F. 2391)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 4:

Maulsby	Renken	Schroeder	Weiden
---------	--------	-----------	--------

Absent or not voting, 3:

Copenhaver	Harbor	Krewson
------------	--------	---------

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 2048)

Lloyd-Jones of Johnson and Hanson of Delaware asked and received unanimous consent to withdraw the motions to reconsider House File 2048, a bill for an act relating to conservation easements, filed by them on February 13, 1984.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2424, 2393, 591, 2414, 2417, 2221, 2183, 2100, 2043, 2351, 2352, 2107, 2272, 2302, 2310, 2330, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2379, 2385, 2389 and 2391.

PASSED ON FILE
(Senate File 2213)

The Speaker announced that Senate File 2213, previously referred to the committee on **natural resources**, was withdrawn from committee and **passed on file**.

MOTIONS TO RECONSIDER
(House File 2339)

I move to reconsider the vote by which House File 2339 passed the House on March 7, 1984.

SCHROEDER of Pottawattamie

(House File 2346)

I move to reconsider the vote by which House File 2346 passed the House on March 6, 1984.

SULLIVAN of Van Buren

PRESENTATION OF VISITORS

Jochum of Dubuque presented to the House, Sam Vaughn, former Doorkeeper of the House.

Swearingen of Keokuk presented to the House, Valerie Leiser, Student Body President of Drake University.

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

Thirty-two Seniors from Twin Cedars High School, Bussey, accompanied by Elaine Farner. By Grandia of Marion.

Thirty-five fifth grade students from Rex Mathis Elementary School, West Des Moines, accompanied by Carmel Boyle and Lorraine Cornelissens. By Carpenter of Polk.

Twenty-six eleventh and twelfth grade students from Greenfield High School, Greenfield, accompanied by Arlis Benson and Ray Leto. By Hughes of Union.

AMENDMENTS FILED

H—5448	H.F.	509	Hanson of Delaware Varn of Johnson
H—5449	H.F.	2472	Renaud of Polk De Groot of Lyon Hanson of Delaware Chapman of Linn Woods of Polk
H—5450	H.F.	2180	Stromer of Hancock
H—5451	H.F.	2209	Schroeder of Pottawattamie Doderer of Johnson
H—5452	H.F.	2114	Tofte of Winneshiek
H—5453	H.R.	102	Cochran of Webster
H—5454	H.F.	2230	Diemer of Black Hawk Black of Jasper
H—5455	S.F.	253	Rosenberg of Story
H—5456	H.F.	2370	Hummel of Benton Halvorson of Clayton
H—5457	H.F.	2380	Parker of Jasper Schroeder of Pottawattamie Rosenberg of Story Varn of Johnson McIntee of Black Hawk Jay of Appanoose
H—5458	H.F.	2436	Zimmerman of Dallas

H-5459	H.F.	2458	Spear of Lee
H-5460	H.F.	2209	Blanshan of Greene
H-5461	H.F.	2378	Spear of Lee
H-5462	H.F.	2433	Halvorson of Clayton Harbor of Mills Hummel of Benton
H-5463	H.F.	2434	Hughes of Union Daggett of Taylor Jay of Appanoose Van Gerpen of Black Hawk Groth of Buena Vista
H-5464	H.F.	2387	Groth of Buena Vista
H-5465	H.F.	2345	Woods of Polk Jay of Appanoose
H-5466	H.F.	2405	Gronstal of Pottawattamie
H-5467	H.F.	2455	Spear of Lee
H-5468	H.F.	2324	Blanshan of Greene
H-5469	H.F.	2475	Skow of Guthrie Varn of Johnson
H-5470	H.F.	2415	Holveck of Polk Hummel of Benton Chapman of Linn Van Camp of Scott
H-5471	S.F.	2122	Connolly of Dubuque
H-5472	H.F.	2416	Skow of Guthrie Chiodo of Polk
H-5473	H.F.	2415	Holveck of Polk
H-5474	S.F.	2213	Shoultz of Black Hawk

On motion by Norland of Worth, the House adjourned at 4:18 p.m., until 9:00 a.m., Thursday, March 8, 1984.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 8, 1984

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

Prayer was offered by the Reverend Suzanne Peterson of the Iowa Interchurch Agency for Church of Peace and Justice, Des Moines.

The Journal of Wednesday, March 7, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. G. Parks, M.D., Centerville.

INTRODUCTION OF BILLS

House File 2487, by committee on judiciary and law enforcement, a bill for an act relating to liability in tort by 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 and eliminating governmental immunity for certain public improvements and places.

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

House File 2488, by committee on judiciary and law enforcement, a bill for an act relating to the protection of children by amending Iowa's child abuse, delinquency, and child-in-need-of-assistance laws.

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

House File 2489, by committee on judiciary and law enforcement, a bill for an act relating to the establishment of mandatory supervised release for inmates and providing penalties.

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

House File 2490, by committee on local government, a bill for an act relating to military veterans benefits.

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

House File 2491, by committee on small business and commerce, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of affected customers to intervene in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities and providing effective dates.

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

SENATE MESSAGES CONSIDERED

Senate File 517, by Readinger, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

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

Senate File 2156, by Husak, a bill for an act relating to the administration of the extraordinary property tax credit or reimbursement.

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

Senate File 2189, by Tieden, a bill for an act relating to bacterial and organoleptic milk standards.

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

Senate File 2202, by committee on commerce, a bill for an act relating to the procedure required for a savings and loan association chartered in another state or country to transact business in Iowa.

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

Senate File 2230, by committee on judiciary, a bill for an act relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

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

Senate File 2237, by committee on judiciary, a bill for an act relating to the appointment, terms, retention and qualifications of magistrates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 32, a bill for an act to prohibit the recording of speeding tickets for certain violations ten miles per hour or less over the posted limit, subject to a penalty provided by law.

Also: That the Senate has on March 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2057, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the compensation of certain county officers and deputies.

Also: That the Senate has on March 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2238, a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties.

Also: That the Senate has on March 6, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE RESOLUTION 102

Norland of Worth called up for consideration House Resolution 102, relating to the operations of the Iowa Family Farm Development Authority.

Cochran of Webster offered the following amendment H—5453 filed by him and moved its adoption:

H—5453

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, line 8, by striking the word "property"
- 3 and inserting in lieu thereof the word "land".
- 4 2. Page 1, by striking line 16 and inserting in
- 5 lieu thereof the words "*Whereas*, over 238 Iowa lenders
- 6 have participated or have agreed to participate".
- 7 3. Page 2, by striking lines 3 through 6 and
- 8 inserting in lieu thereof the following:
- 9 "*Whereas*, all of the advantages brought about by
- 10 the Iowa Family Farm Development bond program are
- 11 in jeopardy because of a bill filed in Congress
- 12 requiring any future congressional action to be
- 13 retroactive to January 1, 1984; and".
- 14 4. Page 2, line 19, by inserting after the word
- 15 "and" the words "land for".

Amendment H—5453 was adopted.

Muhlbauer of Crawford in the chair at 9:39 a.m.

The following amendment H—5475 filed by Spear of Lee from the floor was adopted by unanimous consent:

H—5475

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, line 1, by striking the word "forefathers"
- 3 and inserting in lieu thereof the word "forebears".

Speaker Avenson in the chair at 10:00 a.m.

Cochran of Webster moved the adoption of the resolution, as amended. (H.R. 102)

The motion prevailed and the resolution, as amended, was adopted.

HOUSE FILE 2369 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2369 be deferred and that the bill retain its place on the calendar.

REFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2473)

Norland of Worth asked and received unanimous consent to refer House File 2473, presently on the **regular calendar**, to the committee on **appropriations**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2416, a bill for an act relating to employee continuation rights under an employer-provided health benefit plan and to employer liability for breaking an agreement to provide a health benefit plan for employees, was taken up for consideration.

Skow of Guthrie offered the following amendment H-5472 filed by him and Chiodo of Polk and moved its adoption:

H-5472

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "or" the word "approved".
- 4 2. Page 1, line 15, by inserting after the word
- 5 "to" the word "voluntarily".
- 6 3. Page 1, line 16, by inserting after the word
- 7 "plan" the words "at their own expense".
- 8 4. Page 1, by striking line 18 and inserting in
- 9 lieu thereof the words "layoff or approved leave of
- 10 absence for a period not to exceed six months".
- 11 5. Page 1, line 19, by striking the words
- 12 "whichever period is shorter".
- 13 6. Page 1, line 28, by striking the words "fails
- 14 to implement or".
- 15 7. Page 1, line 33, by inserting after the word
- 16 "on" the word "approved".
- 17 8. Page 1, lines 33 and 34, by striking the words
- 18 "failure to implement, termination," and inserting
- 19 in lieu thereof the word "termination".

20 9. Page 2, by striking lines 2 through 7 and
21 inserting in lieu thereof the words "known addresses
22 at least fourteen days prior to the termination or
23 substantial modification of the health benefit plan.
24 The employer is solely liable for benefits, including
25 extended benefits, which would have been payable to
26 a covered employee had the health benefit plan remained
27 in force and not been terminated or substantially
28 modified during the period of time following the
29 termination or substantial modification of the health
30 benefit plan until the employee is given notice by
31 the employer as required by this subsection."

32 10. Page 2, by inserting after line 7 the follow-
33 ing:

34 "4. The employer is also solely liable for
35 benefits, including extended benefits, which would
36 have been payable had the health benefit plan been
37 in force and the employee covered during the period
38 of time the employer failed to implement a health
39 benefit plan which the employer had agreed with its
40 employees to provide, until the employer gives its
41 employees notice of its failure or inability to provide
42 the agreed health benefit plan. The notice shall
43 be in writing and delivered in person to the employees
44 or mailed to the employees' last known addresses."

45 11. Page 2, by striking lines 8 and 9 and inserting
46 in lieu thereof the following:

47 "5. The employer is also solely liable for
48 benefits, including extended benefits, which would
49 have been payable had the health benefit plan been
50 in force and the employee covered under".

Page 2

1 12. Page 2, line 10, by striking the words "a
2 health" and inserting in lieu thereof the words "the
3 health".

4 13. Page 2, by inserting after line 16 the
5 following:

6 "5. Expenses incurred by an employee for which
7 an employer is liable under this section may be
8 assigned to and are recoverable as wages by the labor
9 commissioner under chapter 91A."

10 14. Page 2, by inserting before line 17 the
11 following:

12 "Sec. 2. Section 91A.2, subsection 4, Code 1983,
13 is amended by adding the following new lettered
14 paragraph:

15 "NEW LETTERED PARAGRAPH. d. Expenses incurred
16 and recoverable under a health benefit plan as defined
17 in and as provided in chapter 91B."

Amendment H—5472 was adopted placing out of order amendment H—5367 filed by Skow of Guthrie on March 2, 1984 and amendment H—5361 filed by Sherzan of Polk on March 1, 1984.

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

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cockran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

House File 2423, a bill for an act establishing court jurisdiction over certain nonresidents in paternity and child support cases, was taken up for consideration.

Brammer 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. 2423)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiado	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

House File 2440, a bill for an act relating to the Iowa veterans home and its administration, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Branstad Jochum

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 2306**, a bill for an act permitting the conservation commission to alter or restrict the taking of wildlife, returned to the regular calendar on March 6, 1984.

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

On the question "Shall the bill pass?" (H.F. 2306)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 1:

Stueland

Absent or not voting, 1:

Jochum

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

House File 2230, a bill for an act relating to the duty to fence along former railroad rights of way, was taken up for consideration.

Connors of Polk in the chair at 10:55 a.m.

Diemer of Black Hawk offered the following amendment H-5454 filed by him and Black of Jasper:

H-5454

- 1 Amend House File 2230 as follows:
 2 1. By striking all after the enacting clause and
 3 inserting in lieu thereof the following:
 4 "Section 1. Section 327G.81, Code 1983, is amended
 5 by adding the following new unnumbered paragraph:
 6 **NEW UNNUMBERED PARAGRAPH.** A person subject to
 7 this section is not required to construct, maintain
 8 or repair a fence under subsection 1 or chapter 113
 9 along the right of way if the adjoining property is
 10 not enclosed on its other sides and is not required
 11 to construct a fence that is more restrictive than
 12 any of the other fences enclosing the adjoining
 13 property. If a fence is not constructed, a public
 14 agency shall erect and maintain signs indicating the
 15 ownership boundary at the boundary and not more than
 16 one hundred yards apart."

(House File 2230 and amendment H-5454 pending.)

On motion by Norland of Worth, the House was recessed at 11:11 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 6, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 257, a bill for an act relating to fire safety, and liquefied petroleum gas fuel and natural gas transportation, and liquefied petroleum gas heaters, and providing penalties.

Also: That the Senate has on March 7, 1984, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 190, a bill for an act relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2230**, a bill for an act relating to the duty to fence along former railroad rights of way, and amendment H—5454 filed by Diemer of Black Hawk and Black of Jasper.

Fogarty of Palo Alto in the chair at 3:49 p.m.

Lageschulte of Bremer offered the following amendment H—5485, to amendment H—5454, filed by him and Bennett of Ida, from the floor:

H—5485

- 1 Amend amendment H—5454 to House File 2230 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the following: "or repair
- 5 a fence under subsection 1 along the right-of-way
- 6 if the adjoining property is not enclosed on its other
- 7 sides; however, the construction, maintenance and
- 8 repair of a fence may be required under chapter 113.
- 9 If a fence is constructed, it is not required to be
- 10 more restrictive than".

Speaker Avenson in the chair at 4:06 p.m.

Lageschulte of Bremer asked and received unanimous consent to temporarily defer action on amendment H—5485.

Pellett of Cass offered the following amendment H—5500, to amendment H—5454, filed from the floor by Pellett, De Groot, Cochran and Renken:

H—5500

- 1 Amend amendment H—5454 to House File 2230 as
- 2 follows:
- 3 1. Page 1, line 16, by striking the word "apart." "
- 4 and inserting in lieu thereof the words "apart. The
- 5 owner of the right-of-way shall be liable for any
- 6 damage done on the adjoining property by persons
- 7 coming from an unfenced right-of-way onto the adjoining
- 8 property without the consent of the property owner
- 9 or tenant. The township trustees shall be responsible
- 10 for the assessment of any damages incurred." "

Norland of Worth asked and received unanimous consent that House File 2230 be deferred and placed on the unfinished business calendar.

(Amendment H—5500, to amendment H—5454, pending.)

House File 2432, a bill for an act to establish a public transit assistance fund, was taken up for consideration.

Renaud 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. 2432)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiодо	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

House File 2438, a bill for an act relating to the repayment of loans made under the science and mathematics loan program, was taken up for consideration.

Buhr 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. 2438)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, none.

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

House File 2430, a bill for an act relating to the selection and operation of foster care review committees under the department of human services, was taken up for consideration.

Carl of Poweshiek moved that the bill be read a last time now and 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, 74:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Chiodo	Clark	Connolly
Connors	Cooper	Copenhaver	Daggett
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Hammond	Hanson
Haverland	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Menke	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 26:

Anderson	Branstad	Carter	Chapman
Cochran	Corey	Davitt	De Groot
Diemer	Grandia	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Harbor	Hermann
Hummel	Maulsby	Muhlbauer	Pellett
Schneklloth	Schroeder	Shoultz	Skow
Stueland	Van Maanen		

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 2136, a bill for an act relating to the licensing and regulation of social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations, with report of committee recommending amendment and passage was taken up for consideration.

Hanson of Delaware offered amendment H—5370 filed by the committee on local government. Division was requested as follows:

H—5370

1 Amend House File 2136 as follows:

H—5370A

2 1. Page 2, by inserting after line 2 the following:
3 "3. Have two years experience in the activities
4 of the practice of social work."

H—5370B

5 2. Page 2, by striking line 34 through page 3,
6 line 9.

H—5370A

7 3. Page 5, by striking lines 33 through 35 and
8 inserting in lieu thereof the following: "term.
9 For two years after the effective date of this Act,
10 the professional members of the board shall only be
11 required to possess a master's or doctoral degree
12 in social work from an accredited college or
13 university. The members of the board may be".

On motion by Hanson of Delaware, the committee amendment H—5370A was adopted.

On motion by Hanson of Delaware, the committee amendment H—5370B was adopted.

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

On the question "Shall the bill pass?" (H.F. 2136)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 9:

Brånstad	Hahndorf	Maulsby	Menke
Osterberg	Pellett	Renken	Schneklath
Welden			

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 FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and retain their place on the calendar: House Files 2429, 2015, 2434 and 422.

House File 2411, a bill for an act relating to the definition of sexual abuse in the second degree, was taken up for consideration.

Hammond 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. 2411)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiодо	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Daggett	Davitt	Haverland	Parker
Skow			

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

House File 2400, a bill for an act providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants, was taken up for consideration.

Rosenberg 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. 2400)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Daggett	Davitt	Haverland	Royer
Van Gerpen			

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

Fey of Scott in the chair at 5:12 p.m.

House File 2415, a bill for an act providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit, was taken up for consideration.

Holveck of Polk asked and received unanimous consent to temporarily defer action on amendment H-5470.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-5473 filed by him on March 7, 1984.

Norland of Worth asked and received unanimous consent that House File 2415 be temporarily deferred and that the bill retain its place on the calendar.

House File 2431, a bill for an act relating to the issuance of arrest warrants for work release violators or escapees, 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 2431 as follows:
- 2 1. Page 1, line 3, by striking the words "a
- 3 corrections officer" and inserting in lieu thereof
- 4 the words "or the director's designee".

Amendment H—5405 was adopted.

Rosenberg 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. 2431)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holbeck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet

Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Fey)		

The nays were, none.

Absent or not voting, 2:

Daggett Davitt

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

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following bills be deferred and retain their place on the calendar: House Files 2322, 2333, 2345, 2284, 2378 and 2390.

Speaker Avenson in the chair at 5:23 p.m.

Noncontroversial Calendar

House File 2180, a bill for an act relating to vehicle requirements by allowing a county treasurer to transfer title by operation of law in the county of the new owner's residence, and making odometer statement requirements affect model years after the tenth year prior to the current registration year, with report of committee recommending amendment and passage, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H-5212 filed by the committee on transportation and moved its adoption:

H-5212

- 1 Amend House File 2180 as follows:
- 2 1. Page 2, lines 15, 16, and 17, by striking the
- 3 words and figure "of a model year subsequent to the
- 4 tenth model year 1968 prior to the current registration
- 5 year" and inserting in lieu thereof the words and

- 6 figure "of a model year subsequent to the model year
 7 ~~1968~~ less than eleven model years old".
 8 2. Page 3, line 2, by striking the word "tenth"
 9 and inserting in lieu thereof the word "eleventh".
 10 3. Page 3, line 4, by striking the words "have
 11 in his possession" and inserting in lieu thereof the
 12 words "have in his possession possess".
 13 4. Amend the title, line 4, by striking the word
 14 "tenth" and inserting in lieu thereof the word
 15 "eleventh".

The committee amendment H—5212 was adopted.

Muhlbauer of Crawford offered the following amendment
 H—5233 filed by him and moved its adoption:

H—5233

- 1 Amend House File 2180 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "sale," the words "abandoned vehicle sale,".

Amendment H—5233 was adopted.

Stromer of Hancock offered the following amendment H—5439
 filed by him:

H—5439

- 1 Amend House File 2180 as follows:
 2 1. Page 2, by inserting after line 12 the
 3 following:
 4 "Sec. . Section 321.52, subsection 3, Code
 5 1983, is amended to read as follows:
 6 3. When a vehicle for which a certificate of title
 7 is issued is junked or dismantled by the owner, the
 8 owner shall detach the registration plates and
 9 surrender the plates to the county treasurer, unless
 10 the plates are properly assigned to another vehicle.
 11 The owner shall also surrender the registration receipt
 12 and certificate of title to the county treasurer.
 13 Upon surrendering the certificate of title, the county
 14 treasurer shall issue to such person, without fee,
 15 a junking certificate, which shall authorize the
 16 holder to possess, transport or transfer ownership
 17 of the junked vehicle by endorsement of the junking
 18 certificate. A The county treasurer shall hold the
 19 surrendered certificate of title, registration receipt
 20 and, if applicable, the registration plates and claim
 21 for registration fee refund for a period of fourteen

22 days following the issuance of a junking certificate
 23 under this subsection. Within the fourteen-day period
 24 the person who was issued the junking certificate
 25 may surrender to the county treasurer the junking
 26 certificate, and upon the person's payment of a two
 27 dollar fee, the county treasurer shall issue to the
 28 person a restricted certificate of title and shall
 29 cancel the person's claim for a registration fee
 30 refund. After the expiration of the fourteen-day
 31 period, a certificate of title shall not again be
 32 issued for the junked vehicle for which a junking
 33 certificate is issued. The county treasurer shall
 34 cancel the record of the vehicle and forward the
 35 certificate of title to the department."
 36 2. Title page, line 3, by inserting after the
 37 word "residence," the following: "allowing a county
 38 treasurer to issue, under certain circumstances, a
 39 restricted certificate of title to a person who was
 40 issued a junking certificate,".

41 3. Renumber sections as necessary.

Stromer of Hancock offered the following amendment H—5450,
 to amendment H—5439, filed by him and moved its adoption:

H—5450

1 Amend the Stromer amendment, H—5439, to House File
 2 2180 as follows:
 3 1. Page 1, lines 20 and 21, by striking the words
 4 "and claim for registration fee refund".
 5 2. Page 1, by striking lines 25 through 30 and
 6 inserting in lieu thereof the following: "and to
 7 whom the vehicle was titled or assigned may surrender
 8 to the county treasurer the junking certificate, and
 9 upon the person's payment of appropriate fees and
 10 taxes and payment of any credit for registration fees
 11 received by the person for the vehicle under section
 12 321.46, subsection 3, the county treasurer shall issue
 13 to the person a restricted certificate of title for
 14 the vehicle. After the expiration of the fourteen-
 15 day".

Amendment H—5450 was adopted.

On motion by Stromer of Hancock, amendment H—5439, as
 amended, was adopted.

Muhlbauer 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. 2180)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carter	Chiodo	Daggett	Davitt
Shoultz			

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

House File 2380, a bill for an act authorizing the dissemination of criminal history data to certain youth service agencies, was taken up for consideration.

Parker of Jasper offered the following amendment H-5457 filed by Parker, et al., and moved its adoption:

H-5457

1 Amend House File 2380 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section 692.2, Code Supplement 1983,
 5 is amended by adding the following new subsection:
 6 **NEW SUBSECTION. 5.** Notwithstanding other
 7 provisions of this section, the department and bureau
 8 may provide copies or communicate information from
 9 criminal history data to any youth service agency
 10 approved by the confidential records council. The
 11 department shall adopt rules to provide for the
 12 qualification and approval of youth service agencies
 13 to receive criminal history data.
 14 The department may charge a fee to any nonlaw
 15 enforcement agency to conduct criminal history record
 16 checks and otherwise administer this section and other
 17 sections of the Code providing access to criminal
 18 history records. The fee shall be set by the
 19 commissioner of public safety equal to the cost
 20 incurred not to exceed twenty dollars for each
 21 individual check requested.
 22 The criminal history data to be provided by the
 23 department and bureau to authorized youth service
 24 agencies shall be limited to information on applicants
 25 for paid or voluntary positions, where those positions
 26 would place the applicant in direct contact with
 27 children."

Amendment H—5457 was adopted.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2380)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby

McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Weiden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Daggett

Davitt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2396, a bill for an act relating to the exemption of law enforcement officials from the licensing requirements for private detectives, was taken up for consideration.

Spear of Lee offered the following amendment H—5379 filed by him and moved its adoption:

H—5379

- 1 Amend House File 2396 as follows:
- 2 1. Page 1, line 6, by striking the word "village"
- 3 and inserting in lieu thereof the words "corporation
- 4 deemed to be a city".
- 5 2. Page 1, line 10, by striking the word "village"
- 6 and inserting in lieu thereof the words "corporation
- 7 deemed to be a city".

Amendment H—5379 was adopted.

Spear of Lee offered the following amendment H—5380 filed by him and moved its adoption:

H—5380

- 1 Amend House File 2396 as follows:
- 2 1. Page 1, by striking lines 20 and 21, and

3 inserting in lieu thereof the following: "the person,
 4 firm or corporation by whom such person is solely
 5 employed person's sole employer is interested or
 6 involved; nor to any a person".

Amendment H — 5380 was adopted.

Miller 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. 2396)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Grönstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Tortence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Daggett

Davitt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2397, a bill for an act including a child in need of treatment for chemical dependency within the definition of a child in need of assistance, was taken up for consideration.

Chapman 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. 2397)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonerган	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Blanshan	Daggett	Davitt
----------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 224, a bill for an act relating to the listing of dogs and collection of license fees by the assessor, with report of committee recommending amendment and passage was taken up for consideration.

Royer of Page offered the following amendment H-5347 filed by the committee on local government and moved its adoption:

H-5347

1 Amend House File 224 as follows:

2 1. Page 1, by striking lines 1 through 30.

3 2. Page 1, line 33, by striking the word
4 "UNLICENSED" and inserting in lieu thereof the word
5 "UNLICENSED".

6 3. Page 2, line 3, by striking the words "a license
7 or" and inserting in lieu thereof the words "a license
8 an".

9 4. Page 2, line 4, by striking the words "license
10 tag or" and inserting in lieu thereof the words
11 "license tag an".

12 5. Page 2, by striking lines 9 through 11 and
13 inserting in lieu thereof the following: "for any
14 a person to kill a dog, licensed and wearing a collar
15 with license an antirabies tag attached, when such
16 the dog is caught in the".

17 6. By striking page 2, line 15 through page 3,
18 line 10 and inserting in lieu thereof the following:

19 "Sec. . Section 351.34, Code 1983, is amended
20 to read as follows:

21 351.34 CONDITION FOR LICENSE. ~~Before~~ In a city
22 or county which requires dogs to be licensed, before
23 a license is issued for any dog, the owner must present
24 evidence with the application required by section
25 351.3 that the dog has been vaccinated against rabies,
26 or if the dog license fee is paid to the assessor,
27 as permitted in section 351.16, such evidence must
28 be presented to the assessor. Such The evidence shall
29 be a certificate of vaccination signed by a licensed
30 veterinarian, and the certificate shall show that
31 the vaccination does not expire within six months
32 from the effective date of the dog license.

33 Sec. . Section 331.427, subsection 2, paragraph
34 k, Code Supplement 1983, is amended by striking the
35 paragraph.

36 Sec. . 1. Sections 351.1 through 351.14,
37 351.16, 351.17, 351.20, 351.22 through 351.27, 351.29,
38 and chapter 352, Code 1983, are repealed.

39 2. Section 351.15, Code Supplement 1983, is
40 repealed.

- 41 Sec. . This Act is effective July 1, 1985."
 42 7. By renumbering sections to conform to this
 43 amendment.

The committee amendment H—5347 was adopted, placing out of order amendment H—5031 filed by Muhlbauer of Crawford on January 25, 1984.

Royer of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 224)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koens	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 1:

Black

Absent or not voting, 2:

Daggett

Davitt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2398, a bill for an act allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises, was taken up for consideration.

Welden of Hardin offered the following amendment H—5376 filed by Welden, et al., and moved its adoption:

H—5376

- 1 Amend House File 2398 as follows;
- 2 1. Page 2, line 23, by inserting after the word
- 3 "enterprise." the following: "This section shall
- 4 not be construed as limiting the commission's right
- 5 to refuse any or all disadvantaged business enterprise
- 6 bids."
- 7 2. Page 2, by inserting after line 23 the
- 8 following:
- 9 "Sec. . Section 314.14 created under this Act
- 10 is repealed at such time as section 105(f) of the
- 11 Surface Transportation Assistance Act of 1982, Pub.
- 12 L. No. 97-424, 96 Stat. 2100, expires pursuant to
- 13 its own terms or by an act of congress."

Amendment H—5376 was adopted.

Miller 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. 2398)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby

McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Daggett	Davitt	Rosenberg	Swartz
---------	--------	-----------	--------

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 allowing employees of school corporations to use school credit cards upon authorization by their respective boards, was taken up for consideration.

Buhr of Polk in the chair at 5:54 p.m.

Debate having exceeded the ten minute time limit pursuant to Rule 36, House File 2399 was returned to the regular calendar.

The House resumed consideration of **House File 2415**, a bill for an act providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit, temporarily deferred.

Holveck of Polk offered amendment H—5470 (temporarily deferred) filed by Holveck, et al., and requested division as follows:

H—5470

1 Amend House File 2415 as follows:

H—5470A

2 1. Page 1, by inserting after line 19 the
3 following:
4 "f. The lender is a state or federally-chartered

5 bank, savings and loan association, savings bank,
6 or credit union."

H-5470B

7 2. Page 1, by striking lines 20 and 21 and
8 inserting in lieu thereof the following:
9 "2. A home equity line of credit is subject to
10 chapter 537, except section 537.2307 does not apply
11 and the home equity line of credit shall be considered
12 a consumer loan not pursuant to open end credit and
13 shall be subject to section 537.2401."

H-5470C

14 3. Page 1, by striking lines 22 through 35.
15 4. Renumber as necessary.

Holveck of Polk asked and received unanimous consent to temporarily defer action on amendment H-5470A and to withdraw amendment H-5470C.

Holveck of Polk offered the following amendment H-5523, to amendment H-5470B, filed by him from the floor and moved its adoption:

H-5523

1 Amend House amendment H-5470 to House File 2415
2 to read as follows:
3 1. Page 1, by striking lines 10 through 13 and
4 inserting in lieu thereof the following: "chapter
5 537, except sections 537.2307 and 537.2402 do not
6 apply."

A non-record roll call was requested.

The ayes were 31, nays 54.

Amendment H-5523 lost.

Speaker Avenson in the chair at 6:12 p.m.

Holveck of Polk offered the following amendment H-5515, to amendment H-5470B, filed from the floor by him and Hummel of Benton and moved its adoption:

H-5515

- 1 Amend House amendment H-5470 to House File 2415
- 2 as follows:
- 3 1. Page 1, line 13, by inserting after the figure
- 4 "537.2401." the following: "For that portion of a
- 5 home equity line of credit used to acquire a new or
- 6 used motor vehicle and to which section 322.19 is
- 7 applicable, the maximum finance charges permitted
- 8 in section 322.19 shall apply."

A non-record roll call was requested.

The ayes were 26, nays 50.

Amendment H-5515 lost.

Holveck of Polk moved the adoption of amendment H-5470B.

A non-record roll call was requested.

The ayes were 36, nays 39.

Amendment H-5470B lost.

The House resumed consideration of amendment H-5470A.

Holveck of Polk moved the adoption of amendment H-5470A.

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 25, nays 65.

Amendment H-5470A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baxter of Des Moines, for the remainder of the evening, on request of Varn of Johnson.

Chiodo of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2415)

The ayes were, 58:

Arnould	Black	Branstad	Carpenter
Carter	Chiodo	Cochran	Cooper
Copenhaver	Corey	De Groot	Diemer
Fey	Fogarty	Groninga	Gronstal
Groth	Halvorson, R. A.	Halvorson, R. N.	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jochum	Knapp
McIntee	Muhlbauer	Norland	O'Kane
Oxley	Parker	Pavich	Poney
Renken	Rensink	Royer	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Torrence	Van Camp	Van Gerpen	Van Maanen
Woods	Mr. Speaker		

The nays were, 32:

Anderson	Bennett	Blanshan	Brammer
Buhr	Carl	Chapman	Clark
Grandia	Gruhn	Hammond	Handorf
Hummel	Jay	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McKean
Mullins	Ollie	Osterberg	Paulin
Peick	Pellett	Renaud	Rosenberg
Running	Varn	Welden	Zimmerman

Absent or not voting, 10:

Baxter	Connolly	Connors	Daggett
Davitt	Doderer	Koenigs	Menke
Miller	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2416, 2423, 2440, 2306, 2432, 2438, 2430, 2136, 2411, 2400, 2431, 2180, 2380, 2396, 2397, 224 and 2398.

MOTIONS TO RECONSIDER
(House File 2415)

I move to reconsider the vote by which House File 2415 passed the House on March 8, 1984.

CHIODO of Polk

(House File 2415)

I move to reconsider the vote by which House File 2415 passed the House on March 8, 1984.

HOLVECK of Polk

SPONSOR WITHDRAWN
(House Concurrent Resolution 111)

Renaud of Polk requested to be withdrawn as a sponsor of House Concurrent Resolution 111.

REMOVED FROM NONCONTROVERSIAL CALENDAR
(House File 2394)

Hanson of Delaware requested that, pursuant to Rule 36, House File 2394 be removed from the noncontroversial calendar and returned to the regular calendar.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 8, 1984, he approved and transmitted to the Secretary of State the following bill:

House File 2347, an act relating to the appropriation of funds for the construction of a new State Historical Building and providing effective dates.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, March 6, 1984. Had I been present, I would have voted "aye" on House Files 2187 and 2421.

McINTEE of Black Hawk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Five Junior High students from Central Junior High School, Ames, accompanied by Bruce Antion. By Rosenberg of Story.

RESOLUTIONS FILED

HCR 113, by Connors, Running, Van Camp, Hermann, Clark, Ollie, Copenhaver, Hammond, Van Gerpen, Daggett, Peick, Arnould, Spear, Fey, Zimmerman, Torrence, Rensink, Royer, Corey, Sherzan, Mullins, Lonergan and Carl, a concurrent resolution relating to adoption.

Referred to committee on **human resources**.

HCR 114, by Mullins, Buhr, Carter, Branstad, Hughes, Anderson, Grandia, Osterberg, Cooper, Spear, Chapman, Tofte, Van Camp, Torrence, Blanshan, Jay, Rosenberg, Cochran, Oxley, Welden, Davitt, Lonergan, Schnekloth, Connors, Varn, Pavich, Holveck, Arnould, Rensink, Swartz, Halvorson of Webster, Norland, Fey, Corey, Peick, Halvorson of Clayton, Renaud, Woods, Running, Shoultz, Sherzan, Poncy, Lloyd-Jones, Groninga, Paulin, Black, De Groot, Koenigs, Handorf, Lageschulte, Skow, Carl, Krewson, McKean, Knapp, Stromer, Bennett, Gronstal, McIntee, Zimmerman, Pellett, Gruhn, Carpenter, Parker, Avenson, Swearingen, Fogarty, Sullivan, Renken, Schroeder, Connolly, Harbor, Doderer, Jochum, Hammond, Miller, Haverland, Hanson, Sturgeon, Ollie, Brammer, Copenhaver, Clark, Baxter, Royer, Chiodo, Hermann and Stueland, a concurrent resolution urging the United States congress to enact the Sex Discrimination in Education Reform Act of 1984 and H.R. 5011.

Referred to committee on **state government**.

HR 105, by committee on judiciary and law enforcement, a resolution relating to rules for the state racing commission.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5476	H.F.	257	Senate Amendment
H-5477	H.F.	2279	Peick of Linn
H-5478	H.F.	2279	Spear of Lee
H-5479	S.F.	190	Senate Amendment
H-5480	H.F.	2487	Halvorson of Clayton
Woods of Polk			Rensink of Sioux
Black of Jasper			Cochran of Webster
Maulsby of Calhoun			Van Camp of Scott
Daggett of Taylor			Corey of Louisa
Torrence of Muscatine			Anderson of Audubon
Gruhn of Dickinson			Lageschulte of Bremer
Pellett of Cass			Handorf of Marshall
Stueland of Clinton			Swearingen of Keokuk
Van Maanen of Mahaska			Hermann of Scott
Royer of Page			Van Gerpen of Black Hawk
Skow of Guthrie			Schroeder of Pottawattamie
Baxter of Des Moines			Stromer of Hancock
Lonergan of Boone			Oxley of Linn
Branstad of Winnebago			Muhlbauer of Crawford
Blanshan of Greene			Harbor of Mills
Fogarty of Palo Alto			Bennett of Ida
Cooper of Lucas			Renken of Grundy
Knapp of Dubuque			Hoffmann-Bright of
Koenigs of Mitchell			Muscatine
Schneklath of Scott			Hughes of Union
De Groot of Lyon			Tofte of Winneshiek
Peick of Linn			Carpenter of Polk
Poncy of Wapello			Mullins of Kossuth
McKean of Jones			Clark of Cerro Gordo
Diemer of Black Hawk			Grandia of Marion
Krewson of Polk			Renaud of Polk
			Welden of Hardin
H-5481	S.F.	2160	Tofte of Winneshiek
H-5482	H.F.	2345	Chapman of Linn
			Holveck of Polk
H-5483	H.F.	2433	Maulsby of Calhoun
H-5484	H.F.	2390	Black of Jasper
H-5486	H.F.	2230	Koenigs of Mitchell
H-5487	H.F.	2279	Spear of Lee

H-5488	H.F.	2279	Spear of Lee
H-5489	H.F.	2279	Spear of Lee
H-5490	H.F.	2279	Spear of Lee
H-5491	H.F.	2279	Spear of Lee
H-5492	H.F.	2015	Jay of Appanoose
			Schroeder of Pottawattamie
			Chiodo of Polk
H-5493	H.F.	2472	Peick of Linn
H-5494	H.F.	2279	Spear of Lee
H-5495	H.F.	2472	Lageschulte of Bremer
H-5496	H.F.	2469	McKean of Jones
			Halvorson of Clayton
			Maulsby of Calhoun
H-5497	H.F.	2394	Hammond of Story
			Chapman of Linn
H-5498	H.F.	2455	McKean of Jones
			Halvorson of Clayton
			McIntee of Black Hawk
H-5499	H.F.	2455	Spear of Lee
H-5501	H.F.	2462	Schroeder of Pottawattamie
H-5502	H.F.	2475	Skow of Guthrie
			Muhlbauer of Crawford
			Cooper of Lucas
H-5503	H.F.	2472	Carpenter of Polk
H-5504	H.F.	2487	Jay of Appanoose
			Sullivan of Van Buren
			Rosenberg of Story
			McIntee of Black Hawk
			Varn of Johnson
H-5505	H.F.	2472	Rosenberg of Story
H-5506	H.F.	2472	Van Camp of Scott
			Maulsby of Calhoun
			Branstad of Winnebago
			Van Gerpen of Black Hawk
			Corey of Louisa
			Hermann of Scott
H-5507	H.F.	2472	Sherzan of Polk
			Carpenter of Polk
			Haverland of Polk

H-5508	H.F.	2472	Swearingen of Keokuk Corey of Louisa Clark of Cerro Gordo Harbor of Mills Mullins of Kossuth Carter of Henry
H-5509	H.F.	2469	Hanson of Delaware Mullins of Kossuth
H-5510	H.F.	2468	Spear of Lee
H-5511	H.F.	2468	Spear of Lee
H-5512	H.F.	2468	Spear of Lee
H-5513	H.F.	2468	Spear of Lee
H-5514	H.F.	2472	Rosenberg of Story
H-5516	H.F.	2369	Muhlbauer of Crawford Pellett of Cass Handorf of Marshall Royer of Page Cooper of Lucas Fogarty of Palo Alto
H-5517	H.F.	2394	Hanson of Delaware Arnould of Scott Swearingen of Keokuk Carter of Henry
H-5518	H.F.	2486	Committee on Judiciary and Law Enforcement
H-5519	S.F.	292	
H-5520	H.F.	2478	O'Kane of Woodbury
H-5521	H.F.	2472	Jay of Appanoose Woods of Polk Parker of Jasper
H-5522	S.F.	414	Jochum of Dubuque
H-5524	H.F.	2387	Groth of Buena Vista Skow of Guthrie Welden of Hardin Stueland of Clinton Sullivan of Van Buren
H-5525	H.F.	2486	Rosenberg of Story Jay of Appanoose
H-5526	H.F.	2473	Blanshan of Greene
H-5527	H.F.	2472	Osterberg of Linn Branstad of Winnebago
H-5528	H.F.	2486	Sturgeon of Woodbury O'Kane of Woodbury Halvorson of Clayton McIntee of Black Hawk Miller of Woodbury Zimmerman of Dallas Hermann of Scott

H—5529	H.F.	2486	Osterberg of Linn
McIntee of Black Hawk			Haverland of Polk
Hanson of Delaware			Hammond of Story
Lonergan of Boone			Arnould of Scott
Peick of Linn			Torrence of Muscatine
Ollie of Clinton			Royer of Page
Branstad of Winnebago			Bennett of Ida
H—5530	H.F.	2486	Paulin of Plymouth
			Sturgeon of Woodbury
			O'Kane of Woodbury
			Gronstal of Pottawattamie
			Lloyd-Jones of Johnson
H—5531	H.F.	2486	Tabor of Jackson
H—5532	H.F.	2486	Jay of Appanoose
			Carl of Poweshiek
H—5533	H.F.	2455	Spear of Lee
H—5534	H.F.	2473	Blanshan of Greene
H—5535	H.F.	2472	Swartz of Marshall
H—5536	H.F.	2486	Tabor of Jackson
H—5537	H.F.	2486	Jay of Appanoose
H—5538	H.F.	2455	Spear of Lee
H—5539	H.F.	2429	Connors of Polk
H—5540	H.F.	2486	McKean of Jones

On motion by Norland of Worth, the House adjourned at 6:47 p.m., until 9:00 a.m., Friday, March 9, 1984.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 9, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Faith Ferre, pastor of the First Christian Church, Des Moines.

The Journal of Thursday, March 8, 1984 was approved.

INTRODUCTION OF BILLS

House File 2492, by committee on agriculture, a bill for an act relating to agricultural limestone fees.

Read first time and placed on the **calendar**.

House File 2493, by committee on local government, a bill for an act relating to access to government records and providing a penalty.

Read first time and referred to committee on **state government**.

House File 2494, by committee on natural resources, a bill for an act establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

Read first time and placed on the **calendar**.

House File 2495, by committee on small business and commerce, a bill for an act providing for the transfer of fiduciary accounts among affiliates and between independent banks.

Read first time and placed on the **calendar**.

House File 2496, by Norland and Stromer, a bill for an act relating to the schools subject to the provisions of chapter 601A on sex discrimination in education.

Read first time and referred to committee on **state government**.

House File 2497, by committee on agriculture, a bill for an act relating to the appointment of the commerce commission as a receiver and its duties and powers.

Read first time and placed on the **calendar**.

House File 2498, by committee on local government, a bill for an act providing that county zoning regulations or county building codes may apply to farm houses.

Read first time and placed on the **calendar**.

House File 2499, by committee on agriculture, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

Read first time and placed on the **calendar**.

House File 2500, by committee on agriculture, a bill for an act to establish a farm mortgage interest loan program to be administered by the family farm development authority to provide no-interest loans to farmers for the period of one year to assist farmers in paying the interest costs of farm mortgage loans.

Read first time and placed on the **calendar**.

House File 2501, by committee on small business and commerce, a bill for an act relating to the supervision, rehabilitation, and liquidation of insurance companies and providing penalties.

Read first time and placed on the **calendar**.

House File 2502, by committee on labor and industrial relations, a bill for an act relating to material lift elevators.

Read first time and placed on the **calendar**.

SENATE MESSAGES CONSIDERED

Senate File 32, by Lind, a bill for an act to prohibit the recording of speeding tickets for certain violations ten miles per hour or less over the posted limit, subject to a penalty provided by law.

Read first time and referred to committee on **transportation**.

Senate File 2057, by Junkins, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the compensation of certain county officers and deputies.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2238, by committee on judiciary, a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2248, by committee on energy, a bill for an act relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules in respect to hazardous chemicals which are more restrictive than, but consistent with, federal requirements.

Read first time and referred to committee on **energy**.

MOTION TO RECONSIDER PREVAILED
(House File 509)

Hanson of Delaware called up for consideration the motion to reconsider House File 509, filed on January 23, 1984, and moved to reconsider the vote by which House File 509, a bill for an act to require registration with the secretary of state of certain schools that maintain or conduct courses of instruction, passed the House and was placed on its last reading on January 23, 1984.

A non-record roll call was requested.

The ayes were 87, nays 13.

The motion prevailed and the House reconsidered House File 509.

Hanson of Delaware offered the following amendment H—5448 filed by him and Varn of Johnson and moved its adoption:

H—5448

- 1 Amend House File 509 as follows:
- 2 1. Page 5, by inserting after line 27 the
- 3 following:
- 4 " . Schools and educational programs conducted
- 5 by religious organizations solely for the religious
- 6 instruction of members of that religious organization."

Amendment H—5448 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 509)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Copenhaver	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Knapp
Koenigs	Krewson	Lageschulte	Lonerган
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stueland	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Black	Connolly	Davitt	Jochum
Lloyd-Jones	Ollie	Stromer	Sturgeon
Weiden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that the following House Files be deferred and that the bills retain their place on the calendar: House Files 2322, 2333, 2378, 2390, 2404 and 2407.

CONSIDERATION OF BILLS

Noncontroversial Calendar

House File 2345, a bill for an act relating to the maximum amount that may be garnished each year from a judgment debtor's personal income, was taken up for consideration.

Chapman of Linn offered the following amendment H-5482 filed by her and Holveck of Polk and moved its adoption:

H-5482

- 1 Amend House File 2345 as follows:
- 2 1. Page 2, line 10, by striking the word "eight"
- 3 and inserting in lieu thereof the word "twelve".
- 4 2. Page 2, by striking lines 14 and 15 and
- 5 inserting in lieu thereof the following: "than twelve
- 6 thousand dollars the maximum amount of those earnings
- 7 which may be".
- 8 3. Page 2, line 18, by striking the word "eight"
- 9 and inserting in lieu thereof the word "twelve".
- 10 4. Page 2, line 20, by striking the word "six"
- 11 and inserting in lieu thereof the word "four".
- 12 5. Page 2, line 23, by striking the words "one
- 13 thousand" and inserting in lieu thereof the word
- 14 "eight hundred".

Amendment H-5482 was adopted.

Woods of Polk offered the following amendment H—5465 filed by him and Jay of Appanoose and moved its adoption:

H—5465

- 1 Amend House File 2345 as follows:
- 2 1. Page 2, by inserting after line 33 the
- 3 following:
- 4 "Sec. 4. NEW SECTION. 642.22 VALIDITY OF
- 5 GARNISHMENT NOTICE. A notice of garnishment served
- 6 upon a garnishee is effective without serving another
- 7 notice until the earliest of the following:
- 8 1. The annual maximum permitted to be garnished
- 9 under section 642.21 has been withheld.
- 10 2. The writ of execution expires.
- 11 3. The judgment is satisfied.
- 12 4. The garnishee is served with a notice that
- 13 the garnishment shall cease."

Amendment H—5465 was adopted.

The following amendment H—5545 filed by Chapman of Linn from the floor was adopted by unanimous consent:

H—5545

- 1 Amend House File 2345 as follows:
- 2 1. Title page, line 2, by inserting after the word
- 3 "income" the words "and providing for the validity of
- 4 garnishment notice".

Chapman 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. 2345)

The ayes were, 89:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Copenhaver	Corey	Daggett
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Lonerган	Maulsby
McIntee	McKean	Menke	Miller

Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renken	Rensink	Rosenberg
Royer	Schnekloth	Schroeder	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 6:

Buhr	Davitt	Holveck	Running
Sherzan	Shoultz		

Absent or not voting, 5:

Connolly	Jochum	Lloyd-Jones	Renaud
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 2284, a bill for an act relating to agreements for indemnification by the state in the event of loss of or damage to certain art objects and artifacts borrowed by nonprofit organizations or governmental entities for special exhibits, with report of committee recommending amendment and passage was taken up for consideration.

Baxter of Des Moines offered the following amendment H—5332 filed by the committee on small business and commerce and moved its adoption:

H—5332

- 1 Amend House File 2284 as follows:
- 2 1. Page 2, by striking lines 33 and 34 and
- 3 inserting in lieu thereof the words "submitted to
- 4 the department of general services which, through
- 5 its division of risk management, shall review the
- 6 application".
- 7 2. Page 3, line 2, by striking the word "division"
- 8 and inserting in lieu thereof the word "department".
- 9 3. Page 3, by inserting after line 15 the
- 10 following:
- 11 "3. If the division of risk management of the
- 12 department of general services is not staffed, the
- 13 department shall utilize the services of a consultant
- 14 in carrying out the division's duties under this

15 chapter."

16 4. Page 3, line 18, by striking the word "division"
17 and inserting in lieu thereof the words "department
18 of general services".

19 5. Page 4, line 11, by inserting after the word
20 "time." the words "The agreements, together with the
21 claims paid to date, shall not exceed one million
22 dollars at any one time."

23 6. Page 4, line 15, by striking the word "division"
24 and inserting in lieu thereof the words "department
25 of general services which, through its division of
26 risk management, shall review the claims".

27 7. Page 4, line 19, by striking the word "division"
28 and inserting in lieu thereof the word "department".

29 8. Page 4, line 26, by inserting after the word
30 "fund" the words "out of any funds not otherwise
31 appropriated".

Amendment H—5332 was adopted.

Baxter of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2284)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Løpørgan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklöth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz

Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connolly	Jochum	Lloyd-Jones	Stromer
----------	--------	-------------	---------

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 relating to the annual meetings of shareholders of state banks, was taken up for consideration.

Gronstal of Pottawattamie offered the following amendment H—5429 filed by him and moved its adoption:

H—5429

1 Amend House File 2405 as follows:
 2 1. Page 1, by striking lines 12 through 20, and
 3 inserting in lieu thereof the following: "shall be
 4 held ~~on~~ during the specific and named day month as
 5 shall be provided in the articles of incorporation,
 6 at the date and time as stated in or fixed in
 7 accordance with the bylaws. Failure to hold the
 8 annual meeting ~~on the designated day during the month~~
 9 shall not work a forfeiture or dissolution of the
 10 state bank. Special".

Amendment H—5429 was adopted.

Gronstal of Pottawattamie offered the following amendment H—5466 filed by him and moved its adoption:

H—5466

1 Amend House File 2405 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. 3. Section 524.706, subsection 1, paragraph
 5 a, subparagraphs (2) and (3), Code Supplement 1983,
 6 are amended to read as follows:
 7 (2) An amount ~~not exceeding an aggregate of twenty~~
 8 ~~thousand dollars outstanding at any one time, to~~
 9 finance the education of a child or children of the
 10 executive officer.

- 11 (3) Any other loans or extensions of credit which
 12 in the aggregate do not at any one time exceed ten
 13 thousand dollars the higher of twenty-five thousand
 14 or two point five percent of the bank's capital and
 15 surplus, but in no event more than one hundred thousand
 16 dollars."
 17 2. Title page, line 1, by inserting after the
 18 word "shareholders" the words "and the loans to
 19 officers".

Amendment H—5466 was adopted.

Gronstal 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. 2405)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Knapp	Koenigs	Krewson	Lageschulte
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connolly	Fey	Jochum	Lloyd-Jones
Shoultz	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 2408, a bill for an act relating to the amount of securities required to be deposited by stock life insurance companies, was taken up for consideration.

Skow of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2408)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Shoultz	Skow	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connolly	Jochum	Lloyd-Jones	Sherzan
Stromer			

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 removing the priority of a mortgage given by the trustees of a cooperative housing association over any mortgage, lien, or encumbrance against an individual apartment or room or the owner's interest in an individual apartment or room, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Connolly	Jochum	Lloyd-Jones	Stromer
----------	--------	-------------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2410, a bill for an act relating to the location of the principal place of business and offices of a state bank, was taken up for consideration.

Gronstal of Pottawattamie asked and received unanimous consent to withdraw amendment H-5440 filed by him on March 6, 1984.

Gronstal of Pottawattamie offered the following amendment H-5441 filed by him and moved its adoption:

H-5441

1 Amend House File 2410 as follows:

2 1. By striking page 1, line 1 through page 2,
3 line 7.

4 2. Page 2, by inserting after line 28 the
5 following:

6 "Sec. 101. Section 524.1507, Code 1983, is amended
7 to read as follows:

8 524.1507 CHANGE OF LOCATION OF PRINCIPAL PLACE
9 OF BUSINESS.

10 1. If a change in the location of the principal
11 place of business of a state bank is proposed and
12 involves a change other than a change within the
13 municipal corporation, urban complex or unincorporated
14 area in which the state bank has its principal place
15 of business, pursuant to section 524.312 application
16 for, the required approval of the superintendent shall
17 be made in the manner required by the superintendent
18 and subject to the ~~provisions~~ of this section. ~~Any~~
19 A change in location of the principal place of business
20 of a state bank subject to this section, including
21 a change from one municipal corporation to another
22 corporation within an urban complex, shall require
23 amendment to the articles of incorporation in
24 accordance with the provisions of sections 524.1502,
25 524.1504 and 524.1506. A state bank seeking approval
26 of a change of location pursuant to this subsection
27 shall publish a notice of the proposed change of
28 location in a newspaper of general circulation
29 published in the municipal corporation or
30 unincorporated area in which the state bank has its
31 principal place of business, or if there is none,
32 in a newspaper of general circulation published in
33 the county, or in a county adjoining the county, in
34 which the state bank has its principal place of
35 business, and in the municipal corporation in which
36 it seeks to establish its principal place of business,

37 or if there is none, in a newspaper of general
 38 circulation published in the county, or in a county
 39 adjoining the county, in which such the municipal
 40 corporation is located. The notice shall be published
 41 within thirty days after making application to the
 42 superintendent for approval of the change in location.
 43 The notice shall set forth the name of the state bank,
 44 the present location of its principal place of
 45 business, the location to which it wishes to move
 46 its principal place of business and the date upon
 47 which the state bank made application to the
 48 superintendent for approval of the change.
 49 2. Upon receipt of an application for approval
 50 of a change of location of the principal place of

Page 2

1 business of a state bank pursuant to subsection 1
 2 of this section, the superintendent shall conduct
 3 such investigation as he deems deemed necessary giving
 4 due consideration to factors substantially similar
 5 to those set forth in section 524.305, subsections
 6 2 to 6 subsection 1, paragraph "c" through "f".
 7 Within one hundred eighty days after receipt of the
 8 application, the superintendent shall make a
 9 determination whether to approve or disapprove the
 10 application on the basis of his the investigation.
 11 Prior to making a determination on the pending
 12 application the superintendent shall, upon adequate
 13 notice, afford all interested persons an opportunity
 14 for a stenographically reported hearing during which
 15 such persons shall be allowed to present evidence
 16 in support of, or in opposition to, the pending
 17 application. Thereafter the superintendent shall give
 18 written notice of his the decision to the state bank
 19 and, in the event of disapproval, a statement of the
 20 reasons for his the decision. If the superintendent
 21 shall approve the change in location he the
 22 superintendent shall deliver the articles of amendment
 23 to the secretary of state. The decision of the
 24 superintendent shall be subject to judicial review
 25 in accordance with the terms of the Iowa administrative
 26 procedure Act. Before receiving the decision of the
 27 superintendent with respect to the pending application,
 28 the state bank shall upon notice reimburse the
 29 superintendent to the extent of the expenses incurred
 30 by him the superintendent in connection with the
 31 application."
 32 3. Renumber as necessary.

Amendment H—5441 was adopted.

Gronstal 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, 92:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Chiodo
Clark	Cochran	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Blanshan	Carter	Connolly	Doderer
Jochum	Lloyd-Jones	Muhlbauer	Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 509, 2284, 2345, 2405, 2408, 2409 and 2410.

RULE 35 SUSPENDED

Norland of Worth asked and received unanimous consent to suspend Rule 35 for the consideration of House Files: 2454, 2485, 2465, 2467, 2455, 2472 and 2486.

Regular Calendar

House File 2454, a bill for an act relating to the filing of a list of unpaid obligations by state agencies with the state comptroller, 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. 2454)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhņ
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Holveck
Hughes	Hummel	Jay	Knapp
Koenigs	Krewson	Lageschulte	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connolly	Halvorson, R. A.	Hoffmann-Bright	Jochum
Lloyd-Jones	Stromer	Torrence	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2485, a bill for an act relating to the management of state government forms, was taken up for consideration.

Paulin of Plymouth in the chair at 10:08 a.m.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2485)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiado	Clark
Cochran	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Paulin)		

The nays were, none.

Absent or not voting, 2:

Connolly Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:11 a.m.

House File 2465, a bill for an act relating to the discharge of seriously mentally impaired persons who have been involuntarily hospitalized in connection with a criminal conviction or unresolved criminal charge or pursuant to an acquittal due to insanity or diminished responsibility, was taken up for consideration.

Rosenberg 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. 2465)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson	Harbor
Haverland	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Toftve	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connolly	Hammond	Handorf	Hermann
Joehum			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2467, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain child support debts, was taken up for consideration.

Varn of Johnson in the chair at 10:23 a.m.

Hammond 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. 2467)

The ayes were, 90:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handoff
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poncy	Renken	Rensink
Rosenberg	Royer	Schneklath	Schroeder
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden
Zimmerman	Mr. Speaker		
	(Varn)		

The nays were, 7:

Davitt	Hummel	Pellett	Renaud
Running	Sherzan	Woods	

Absent or not voting, 3:

Connolly	Jochum	Knapp
----------	--------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2469 TEMPORARILY DEFERRED

Jay of Appanoose asked and received unanimous consent that House File 2469 be temporarily deferred and that the bill retain its place on the calendar.

House File 2455, a bill for an act relating to the timing and frequency of interviews by the board of parole, was taken up for consideration.

Spears of Lee offered the following amendment H—5467 filed by him:

H—5467

1 Amend House File 2455 as follows:
 2 1. Page 1, by striking lines 3 through 8 and
 3 inserting in lieu thereof the following:
 4 "902.2 RECORD OF CLASS "A" FELON REVIEWED. The
 5 ~~board shall interview a class "A" felon within five~~
 6 ~~years of his or her confinement and regularly~~
 7 ~~thereafter Within one year after the commitment of~~
 8 ~~a class "A" felon to the custody of the director of~~
 9 ~~the Iowa department of corrections, a member of the~~
 10 ~~board shall interview the person. Thereafter, at~~
 11 ~~intervals of not more than five years the board or~~
 12 ~~a three-member panel of the board shall interview~~
 13 ~~the person. If, in the opinion of the board or of~~
 14 ~~all members of the three-member panel, the person~~
 15 ~~should be considered for release on parole, the board~~
 16 ~~or all members of the three-member panel shall~~
 17 ~~recommend to the governor that".~~

Spears of Lee offered the following amendment H—5538, to amendment H—5467, filed by him and moved its adoption:

H—5538

1 Amend House amendment H—5467 to House File 2455
2 as follows:

3 1. Page 1, line 12, by striking the words “three-
4 member panel” and inserting in lieu thereof the words
5 “panel of three or more members”.

6 2. Page 1, line 14, by striking the words “all
7 members of the three-member panel” and inserting in
8 lieu thereof the words “at least three members of
9 a panel of the board”.

10 3. Page 1, line 16, by striking the words “all
11 members of the three-member panel” and inserting in
12 lieu thereof “the recommending members of the panel”.

Amendment H—5538 was adopted.

On motion by Spear of Lee, amendment H—5467, as amended,
was adopted.

McKean of Jones asked and received unanimous consent to
withdraw amendment H—5498 filed by McKean, et al., on March 8,
1984.

Spear of Lee asked and received unanimous consent to
withdraw amendment H—5499 filed by him on March 8, 1984.

Spear of Lee offered the following amendment H—5533 filed by
him and moved its adoption:

H—5533

1 Amend House File 2455 as follows:

2 1. Page 1, line 19, by inserting after the word
3 “board” the words “or a panel of three or more members
4 of the board”.

5 2. Page 1, line 20, by inserting after the word
6 “board” the words “or a panel of three or more members
7 of the board”.

Amendment H—5533 was adopted.

Rosenberg 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. 2455)

The ayes were, 93:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	Zimmerman
Mr. Speaker (Varn)			

The nays were, 5:

Carter	Knapp	Running	Stueland
Woods			

Absent or not voting, 2:

Connolly	Jochum
----------	--------

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 10:36 a.m., until the fall of the gavel.

The House resumed session at 10:55 a.m., Varn of Johnson in the chair.

House File 2469, a bill for an act relating to convicted offenders by providing that an assault on a correctional officer is an aggravated misdemeanor, allowing the use of juvenile records in certain sentencing proceedings, allowing the court to use mitigating circumstances to avoid the imposition of mandatory minimum terms, disallowing the use of good time to reduce mandatory minimum sentences imposed by the court, and providing penalties, was taken up for consideration.

Hanson of Delaware offered the following amendment H—5509 filed by him and Mullins of Kossuth:

H—5509

1 Amend House File 2469 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 "Sec. 2. Section 356.30, Code 1983, is amended
5 to read as follows:

6 356.30 PRISONER TO PAY FOR BOARD COSTS. Every
7 If required by the board of supervisors, every prisoner
8 gainfully employed who has not been determined indigent
9 is liable for the cost of his board the prisoner's
10 incarceration in the jail including but not limited
11 to meals, medical expenses, security, and other costs
12 as fixed by the county board of supervisors. The
13 charging of costs may, at the discretion of the board,
14 be determined according to the prisoner's ability
15 to pay or by a percentage of the prisoner's assets
16 or income. The If the prisoner is on work release,
17 the sheriff shall charge his the prisoner's account
18 for such board and any meals the costs as provided
19 in section 356.31. If the prisoner is gainfully self-
20 employed he shall pay the sheriff for such board,
21 in default of which his privilege under this chapter
22 is automatically forfeited. If necessarily absent
23 from jail at a meal time, he and the prisoner so
24 requests, the prisoner shall at his request be
25 furnished with a lunch to carry to work. If the jail
26 food is furnished directly, by the county, the sheriff
27 shall account for and pay over such the meal payments
28 to the county treasurer. The county board of
29 supervisors may by resolution provide that the county
30 furnish or pay for the transportation of prisoners
31 employed under sections ~~356.26~~ to ~~356.35~~ to and from
32 the place of employment. If the board of supervisors
33 requires prisoners to pay for the cost of their
34 incarceration, the board shall adopt rules providing
35 uniform procedures for discharged prisoners to make

36 installment payments if they are unable to pay
 37 immediately upon release.

38 Sec. 3. Section 356.31, subsection 1, Code 1983,
 39 is amended to read as follows:

40 1. The meals costs of the prisoner."

41 2. Title page, line 3, by inserting after the
 42 word "misdemeanor," the words "allowing the board
 43 of supervisors to charge jail inmates for costs
 44 incurred,".

45 3. By renumbering to conform to this amendment.

Hanson of Delaware offered the following amendment H—5547, to amendment H—5509, filed from the floor by Hanson, Schroeder and Mullins and moved its adoption:

H—5547

1 Amend House amendment H—5509 to House File 2469,
 2 as follows:

3 1. Page 1, line 12, by inserting after the word
 4 "supervisors." the following: "However, in no case
 5 may the charged costs exceed twenty dollars per day."

6 2. Page 1, by inserting after line 37, the
 7 following:

8 "Costs charged under this section shall be charged
 9 and collected as court costs and shall be deposited
 10 in the general fund of the county."

Amendment H—5547 was adopted.

Jay of Appanoose rose on a point of order that amendment H—5509 was not germane.

The Speaker ruled the point well taken and amendment H—5509 not germane.

Hanson of Delaware moved that the rules be suspended to consider amendment H—5509, as amended.

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 45, nays 50.

The motion lost.

Speaker Avenson in the chair at 11:08 a.m.

McKean of Jones offered the following amendment H—5496 filed by McKean, et al., and moved its adoption:

H—5496

- 1 Amend House File 2469 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "convicted" and inserting in lieu thereof the words
- 4 "for the person's first conviction".
- 5 2. Page 1, line 20, by striking the word and
- 6 figures "902.7 or 902.8" and inserting in lieu thereof
- 7 the word and figure "or 902.7".

Roll call was requested by McKean of Jones and Halvorson of Clayton.

On the question "Shall amendment H—5496 be adopted?"

The ayes were, 77:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chiodo
Clark	Cochran	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fogarty	Grandia
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hughes	Hummel	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Osterberg
Oxley	Paulin	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Royer	Running	Schneklath	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 20:

Carter	Chapman	Fey	Groninga
Gronstal	Hammond	Haverland	Holveck
Jay	Krewson	Norland	O'Kane
Ollie	Parker	Pavich	Rosenberg
Schroeder	Sherzan	Shoultz	Tabor

Absent or not voting, 3:

Connolly Doderer Jochum

Amendment H—5496 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Connolly Jochum

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:

Jochum of Dubuque on request of Norland of Worth.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2454, 2485, 2465, 2467, 2455 and 2469.

On motion by Norland of Worth, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2095, a bill for an act providing a penalty for violation of requirements for setting aside handicapped parking spaces.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2205, a bill for an act relating to the fees for the registration of vessels.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties.

Also: That the Senate has on March 7, 1984, passed (with Amendment S—5263 adopted) the following bill in which the concurrence of the House is asked:

Senate File 2250, a bill for an act relating to the budget year and annual report provisions for secondary roads.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the visitation rights of a grandparent.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act relating to the penalty for violation of the Iowa competition law and providing for a prohibition from bidding on governmental contracts by persons convicted of violations of the Iowa competition law.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act requiring the department of public instruction to adopt rules relating to the review of an action or omission relating to special education programs by state or local authorities.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to teaching comprehensive health education in grades one through twelve.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act relating to the death of a fire fighter during an arson and providing a penalty.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act permitting the deposit of a credit union certified share draft as security on a bid for a contract for a public improvement.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act relating to the references to "voters" in regard to school district boundary petitions.

Also: That the Senate has on March 7, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department.

K. MARIE THAYER, Secretary

SPONSORS ADDED
(Amendment H—5506 to House File 2472)

The following persons respectfully request to be added as sponsors of amendment H—5506 to House File 2472:

Welden of Hardin
Clark of Cerro Gordo
Daggett of Taylor

Hoffmann-Bright
of Muscatine
Schnekloth of Scott
Bennett of Ida
Paulin of Plymouth
Halvorson of Clayton

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Stromer of Hancock.

CONSIDERATION OF BILLS

Regular Calendar

House File 2472, a bill for an act relating to the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the jurisdiction of juvenile court over minors violating the provisions of chapter 123, and providing penalties, was taken up for consideration.

Van Camp of Scott offered the following amendment H—5506 filed by Van Camp, et al.:

H—5506

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 123.3, subsection 33, Code
5 1983, is amended to read as follows:

6 33. "Legal age" means nineteen twenty-one years
7 of age or more.

8 Sec. 2. Section 1 of this Act does not apply to
9 persons born on or before June 30, 1965."

10 2. By renumbering as required by this amendment.

Halvorson of Webster 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.

Van Camp of Scott asked for unanimous consent to suspend the rules to consider amendment H—5506.

Objection was raised.

Van Camp of Scott moved that the rules be suspended to consider amendment H—5506.

Roll call was requested by Van Camp of Scott and Bennett of Ida.

Rules 75 and 76 were invoked.

On the question "Shall the rules be suspended to consider amendment H—5506?"

The ayes were, 45:

Anderson	Bennett	Branstad	Carpenter
Clark	Cochran	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Harbor
Haverland	Hermann	Hoffmann-Bright	Hummel
Lageschulte	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Sherzan
Shoultz	Stromer	Stueland	Swearingen
Torrence	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 50:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Connors	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Holveck	Hughes	Jay	Knapp
Koenigs	Krewson	Lloyd-Jones	Lonergan
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 5:

Chiodo	Connolly	Copenhaver	Jochum
Tofte			

The motion lost.

Rosenberg of Story offered the following amendment H—5505 filed by him and moved its adoption:

H—5505

1 Amend House File 2472 as follows:
 2 1. By striking page 2, lines 17 through 32 and
 3 inserting in lieu thereof the following:
 4 "123.47 PERSONS UNDER LEGAL AGE. ~~No A~~ person
 5 shall not sell, give, or otherwise supply alcoholic
 6 liquor or beer to ~~any~~ a person knowing or having
 7 reasonable cause to believe ~~him~~ the person to be under
 8 legal age, and ~~no a person or persons~~ under legal
 9 age shall ~~individually or jointly not have or attempt~~
 10 to have alcoholic liquor or beer in his or their the
 11 person's possession or control; except in the case
 12 of liquor or beer given or dispensed to a person under
 13 legal age within a private home and with the knowledge
 14 and consent in the presence of the parent or guardian
 15 for beverage or medicinal purposes or as administered
 16 to him the person by either a physician or dentist
 17 for medicinal purposes and except to the extent that
 18 a person under legal age may handle alcoholic beverages
 19 and beer during the regular course of his or her
 20 employment by a liquor control licensee or beer
 21 permittee under this chapter."

Amendment H—5505 was adopted.

Connors of Polk in the chair at 1:41 p.m.

Sherzan of Polk offered the following amendment H—5507 filed by Sherzan, et al., and moved its adoption:

H—5507

1 Amend House File 2472 as follows:

2 1. Page 2, by inserting after line 32 the
3 following:

4 "2. A person shall not sponsor, promote, or
5 knowingly aid or assist in the sponsoring or promoting
6 of or allow use of premises for a meeting, party,
7 gathering, or other assemblage which the person knows
8 or reasonably should know will be attended by one
9 or more persons under legal age to whom alcoholic
10 beverages or beer will be sold, given or supplied
11 in violation of this chapter.

12 A district court or district associate court shall
13 enjoin a meeting, party, gathering, or other assemblage
14 if upon hearing the court finds that the sponsors
15 or promoters of the event have not taken reasonable
16 steps to prevent the possession or consumption of
17 alcoholic beverages or beer at or as a result of the
18 event by persons under legal age in violation of this
19 chapter. Injunctive relief may also be granted against
20 all persons selling, renting, or otherwise furnishing
21 any goods or services to the event."

A non-record roll call was requested.

The ayes were 46, nays 47.

Amendment H—5507 lost.

Speaker Avenson in the chair at 2:18 p.m.

Osterberg of Linn offered amendment H—5527 filed by him and Branstad of Winnebago and requested division as follows:

H—5527

1 Amend House File 2472 as follows:

H—5527A

2 1. Page 3, line 6, by striking the words "twelve
3 midnight" and inserting in lieu thereof the words

4 "ten p.m."

5 2. Page 3, line 8, by striking the words "twelve

6 midnight" and inserting in lieu thereof the words

7 "ten p.m."

H-5527B

8 3. Page 3, line 12, by striking the words "ten

9 p.m." and inserting in lieu thereof the words "ten
10 p.m."

11 4. Page 3, line 13, by striking the words "twelve

12 midnight".

Osterberg of Linn moved the adoption of amendment H-5527A.

Roll call was requested by Branstad of Winnebago and Stueland of Clinton.

On the question "Shall amendment H-5527A be adopted?"

The ayes were, 51:

Anderson	Bennett	Black	Blanshan
Brammer	Branstad	Carpenter	Carter
Clark	Cochran	Cooper	Corey
Daggett	De Groot	Fogarty	Grandia
Groth	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Hummel	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McKean	Menke
Muhlbauer	Mullins	Osterberg	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Sherzan	Stromer	Stueland
Sturgeon	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden	Zimmerman	

The nays were, 40:

Arnould	Baxter	Buhr	Carl
Chapman	Davitt	Diemer	Doderer
Fey	Groninga	Gronstal	Gruhn
Halvorson, R. N.	Holveck	Hughes	Jay
Knapp	Koenigs	Krewson	McIntee
Norland	O'Kane	Ollie	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Schroeder	Shoultz
Skow	Spear	Sullivan	Swartz
Swearingen	Varn	Woods	Mr. Speaker

Absent or not voting, 9:

Chiodo	Connolly	Connors	Copenhaver
Jochum	Miller	Oxley	Tabor
Tofte			

Amendment H—5527A was adopted.

Peick of Linn offered the following amendment H—5493 filed by her:

H—5493

- 1 Amend House File 2472 as follows:
- 2 1. Page 3, by striking lines 5 through 9 and
- 3 inserting in lieu thereof the following: "Monday,
- 4 however, a holder of a liquor control license or".

Bennett of Ida asked and received unanimous consent to temporarily defer action on amendment H—5493.

The House resumed consideration of amendment H—5527B.

Osterberg of Linn moved the adoption of amendment H—5527B.

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—5527B lost.

Peick of Linn in the chair at 2:52 p.m.

Lageschulte of Bremer offered the following amendment H—5495 filed by him and moved its adoption:

H—5495

- 1 Amend House File 2472 as follows:
- 2 1. Page 3, by inserting after line 13 the
- 3 following:
- 4 "Sec. 4. Section 123.50, subsection 3, paragraphs
- 5 a, b, and c, Code 1983, are amended to read as follows:
- 6 a. Upon a first conviction, the violator's liquor
- 7 control license or beer permit shall be suspended
- 8 for a period of fourteen ninety days.

9 b. Upon a second conviction within a period of
10 two years, the violator's liquor control license or
11 beer permit shall be suspended for a period of thirty
12 one hundred and eighty days.

13 c. Upon a third conviction within a period of
14 five years, the violator's liquor control license
15 or beer permit shall be suspended for a period of
16 sixty two hundred and seventy days."

17 2. By renumbering sections as required by this
18 amendment.

A non-record roll call was requested.

The ayes were 29, nays 55.

Amendment H—5495 lost.

Jay of Appanoose offered the following amendment H—5521
filed by Jay, et al., and moved its adoption:

H—5521

1 Amend House File 2472 as follows:

2 1. Page 3, by striking lines 21 and 22 and
3 inserting in lieu thereof the words "of one hundred
4 dollars for a first offense, two hundred and fifty
5 dollars for a second offense within a twelve month
6 period, and five hundred dollars for a third offense
7 within a twelve month period."

8 2. Page 4, by inserting after line 9 the following:
9 "Sec. . Section 602.6405, subsection 1, Code
10 Supplement 1983, is amended to read as follows:

11 1. Magistrates have jurisdiction of simple
12 misdemeanors, including traffic and ordinance
13 violations, and preliminary hearings, search warrant
14 proceedings, and small claims. They also have
15 jurisdiction to exercise the powers specified in
16 sections 644.2 and 644.12, and to hear complaints
17 or preliminary informations, issue warrants, order
18 arrests, make commitments, and take bail. They also
19 have jurisdiction of first offense violations of
20 section 321.281 but only to the extent that they may
21 approve trial informations, conduct arraignments,
22 accept guilty pleas if the defendant is represented
23 by legal counsel, sentence those pleading guilty and
24 make appropriate orders authorized by section 321.283.
25 They also have jurisdiction over violations of section
26 123.49, subsection 2, paragraph "h".

Amendment H—5521 was adopted.

Swartz of Marshall offered the following amendment H—5535 filed by him and moved its adoption:

H—5535

- 1 Amend House File 2472 as follows:
- 2 1. Page 3, line 25, by inserting after the word
- 3 "misdemeanor" the words "with a minimum fine of one
- 4 hundred dollars for a first offense, two hundred and
- 5 fifty dollars for a second offense, and five hundred
- 6 dollars for a third and subsequent offense, and a
- 7 maximum fine for any offense of not more than one
- 8 thousand dollars".

Amendment H—5535 was adopted.

Swearingen of Keokuk offered the following amendment H—5508 filed by Swearingen, et al., and moved its adoption:

H—5508

- 1 Amend House File 2472 as follows:
- 2 1. By striking page 3, line 28 through page 4,
- 3 line 3, and inserting in lieu thereof the following:
- 4 "Violations by a child of provisions of chapters
- 5 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or
- 6 321G which would be simple misdemeanors if committed
- 7 by an adult, violations of county or municipal curfew
- 8 or traffic ordinances, and violations by a child of
- 9 the provisions of section 123.47, are excluded from
- 10 the jurisdiction of the juvenile court and shall be
- 11 prosecuted as simple misdemeanors as provided by law.
- 12 The court may advise appropriate juvenile authorities
- 13 and may refer violations of section 123.47 to the
- 14 juvenile court when there is reason to believe that
- 15 the child regularly abuses alcohol and may be in need
- 16 of treatment. The court shall notify the parents
- 17 or legal guardians of a child that appears before
- 18 it for a violation of section 123.47."

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 48, nays 48.

Amendment H—5508 lost.

Speaker Avenson in the chair at 3:22 p.m.

Rosenberg of Story offered the following amendment H-5514 filed by him and moved its adoption:

H-5514

- 1 Amend House File 2472 as follows:
- 2 1. Page 4, by inserting after line 3 the following:
- 3 "Sec. . Section 232.22, Code 1983, is amended
- 4 by adding the following new subsection:
- 5 NEW SUBSECTION. 5. A child shall not be placed
- 6 in detention as provided in this section as a result
- 7 of their violation or alleged violation of section
- 8 123.47."
- 9 2. By renumbering as required by this amendment.

Amendment H-5514 was adopted.

Carpenter of Polk offered the following amendment H-5503 filed by her and moved its adoption:

H-5503

- 1 Amend House File 2472 as follows:
- 2 1. Page 4, line 9, by inserting after the figure
- 3 "123" the words and figure ", except as permitted
- 4 under section 123.47".

Amendment H-5503 was adopted.

Renaud of Polk offered the following amendment H-5449 filed by Renaud, et al., and moved its adoption:

H-5449

- 1 Amend House File 2472 as follows:
- 2 1. Page 4, by inserting after line 9 the following
- 3 new section:
- 4 "Sec. . Section 321.189, subsection 1, Code
- 5 1983, is amended by inserting after unnumbered
- 6 paragraph 1 the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. A motor vehicle license
- 8 or a nonoperator's identification card issued to a
- 9 person under nineteen years of age shall be identical
- 10 in form to any other motor vehicle license or
- 11 nonoperator's identification card issued to any other
- 12 person, except that the photograph appearing on the

13 face of the license or card shall be a side profile
 14 of the applicant. Upon attaining the age of nineteen,
 15 the person shall be entitled to a new motor vehicle
 16 license or nonoperator's identification card and the
 17 applicant shall receive a credit against the cost
 18 of a new motor vehicle license or nonoperator's
 19 identification card in an amount equal to the
 20 apportioned monthly cost for the unexpired months
 21 of the motor vehicle license or the nonoperator's
 22 identification card. This paragraph is effective
 23 for licenses or cards issued after the effective date
 24 of this Act."

25 2. Renumber sections and correct internal
 26 references as necessary in accordance with this
 27 amendment.

Amendment H—5449 was adopted.

The House resumed consideration of amendment H—5493,
 found on page 886 of the House Journal.

Bennett of Ida offered the following amendment H—5557, to
 amendment H—5493, filed by him and Miller of Woodbury from the
 floor:

H—5557

- 1 Amend House amendment H—5493 to House File 2472
- 2 as follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "Monday," the words "or sell beer for consumption
- 5 off premises to a person under twenty-one years of
- 6 age."
- 7 2. Page 1, by inserting after line 4 the following:
- 8 "2. Page 3, line 13, by inserting after the word
- 9 "Sunday" the words ", except a licensee or permittee
- 10 may not sell beer for consumption off premises to
- 11 a person under twenty-one years of age."

Woods of Polk rose on a point of order that amendment H—5557
 was not germane.

Division of the amendment was requested, lines 3 through 6,
 amendment H—5557A; lines 7 through 11, amendment H—5557B.

The Speaker ruled amendment H—5557A germane; amendment
 H—5557B not germane.

Bennett of Ida moved the adoption of amendment H—5557A, to amendment H—5493.

Roll call was requested by Hoffmann-Bright of Muscatine and Pellett of Cass.

On the question "Shall amendment H—5557A, to amendment H—5493, be adopted?"

The ayes were, 37:

Anderson	Bennett	Black	Branstad
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Grandia	Groth
Halvorson, R. A.	Handorf	Harbor	Hermann
Hoffmann-Bright	Koenigs	Lageschulte	Maulsby
McIntee	McKean	Menke	Miller
Pellett	Renken	Rensink	Royer
Running	Schnekloth	Stromer	Swartz
Swearingen	Torrence	Van Camp	Van Gerpen
Van Maanen			

The nays were, 57:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connors	Cooper
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Gruhn	Halvorson, R. N.
Hammond	Hanson	Haverland	Holveck
Hughes	Hummel	Jay	Knapp
Lloyd-Jones	Lonergan	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poncy	Renaud	Rosenberg
Schroeder	Sherzan	Shoultz	Skow
Spear	Stueland	Sturgeon	Sullivan
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 6:

Connolly	Copenhaver	Jochum	Krewson
Tofte	Welden		

Amendment H—5557A lost.

Peick of Linn moved the adoption of amendment H—5493.

A non-record roll call was requested.

The ayes were 9, nays 50.

Amendment H—5493 lost.

Miller of Woodbury called up for consideration the motion to reconsider amendment H—5505 filed by him from the floor and moved to reconsider the vote by which amendment H—5505 was adopted by the House on March 9, 1984.

The motion prevailed and the House reconsidered amendment H—5505.

Miller of Woodbury offered the following amendment H—5556, to amendment H—5505, filed by him from the floor and moved its adoption:

H—5556

- 1 Amend amendment H—5505 to House File 2472 as follows:
- 2 1. Page 1, by striking lines 6 through 9 and
- 3 inserting in lieu thereof the following: "liquor or
- 4 beer to any a person knowing or having reasonable cause
- 5 to believe him to be under legal age, and no a person
- 6 or persons under legal age shall not individually or
- 7 jointly have or attempt".

Amendment H—5556 was adopted.

On motion by Rosenberg of Story, amendment H—5505, as amended, was adopted.

Ollie of Clinton in the chair at 3:52 p.m.

Sturgeon of Woodbury called up for consideration the motion to reconsider amendment H—5527A filed by him from the floor.

Speaker Avenson in the chair at 4:05 p.m.

Sturgeon of Woodbury moved to reconsider the vote by which amendment H—5527A, was adopted by the House on March 9, 1984.

Roll call was requested by Osterberg of Linn and Branstad of Winnebago.

On the question "Shall amendment H—5527A be reconsidered?"

The ayes were, 52:

Arnould	Baxter	Brammer	Carl
Chapman	Chiodo	Cochran	Connors
Cooper	Davitt	Diemer	Doderer
Fey	Groninga	Gronstal	Halvorson, R. A.
Halvorson, R. N.	Harbor	Holveck	Hughes
Hummel	Jay	Knapp	Koenigs
Krewson	Lloyd-Jones	McIntee	Muhlbauer
Norland	O'Kane	Ollie	Oxley
Parker	Pavich	Peick	Reraud
Rosenberg	Running	Schroeder	Shoultz
Skow	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Van Camp	Varn	Woods	Mr. Speaker

The nays were, 42:

Anderson	Bennett	Black	Blanshan
Branstad	Buhr	Carpenter	Carter
Clark	Corey	De Groot	Fogarty
Grandia	Groth	Gruhn	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Lageschulte	Loneragan	Maulsby
McKean	Menke	Miller	Mullins
Osterberg	Paulin	Pellet	Renken
Rensink	Royer	Schneklath	Sherzan
Stueland	Torrence	Van Gerpen	Van Maanen
Welden	Zimmerman		

Absent or not voting, 6:

Connolly	Copenhaver	Daggett	Jochum
Poncy	Tofte		

The motion prevailed and the House reconsidered amendment H—5527A.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the day, on request of Lloyd-Jones of Johnson.

Osterberg of Linn moved the adoption of amendment H—5527A.

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 49, nays 46.

Amendment H—5527A was adopted.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5508 filed by him from the floor and moved to reconsider the vote by which amendment H—5508 failed to be adopted by the House on March 9, 1984.

A non-record roll call was requested.

The ayes were 49, nays 29.

The motion prevailed and the House reconsidered amendment H—5508.

Swearingen of Keokuk moved the adoption of amendment H—5508.

A non-record roll call was requested.

The ayes were 54, nays 32.

Amendment H—5508 was adopted.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H—5559.

Objection was raised.

Schroeder of Pottawattamie moved that the rules be suspended to consider amendment H—5559 filed from the floor by Schroeder, Doderer and Jay as follows:

H—5559

- 1 Amend House File 2472 as follows:
- 2 1. Page 4, by inserting after line 9 the following:
- 3 "Sec. Section 321B.13, Code 1983, is amended
- 4 by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The department may,
6 on application, issue a temporary restricted license
7 to a person whose license has been revoked under this
8 section and who has entered a plea of guilty to a
9 charge under section 321.281 when the person's regular
10 employment includes the operation of a motor vehicle
11 or who cannot perform the person's regular occupation
12 without the use of a motor vehicle, or when the
13 person's use of a motor vehicle is necessary to attend
14 evaluation, treatment or educational services for
15 alcohol or drug dependency, but the person shall not
16 operate a vehicle for pleasure while holding a
17 restricted license. However, this paragraph does
18 not apply to a person whose license is suspended or
19 revoked for another reason."

A non-record roll call was requested.

The ayes were 37, nays 45.

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Halvorson of Clayton.

Miller of Woodbury asked and received unanimous consent to reconsider the vote by which amendment H—5514 was adopted by the House on March 9, 1984.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5514 filed by him on March 8, 1984.

The House stood at ease at 4:50 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2472 at 5:28 p.m., Speaker Avenson in the chair.

Paulin of Plymouth asked and received unanimous consent to suspend the rules to consider amendment H—5562 filed by him from the floor as follows:

H—5562

1 Amend House File 2472 as follows:

2 1. Page 3, by striking lines 11 through 13, and
 3 inserting in lieu thereof the words "liquor or beer
 4 on Sunday may sell or dispense ~~such~~ alcoholic liquor
 5 or beer for consumption on the licensed premises
 6 between the hours of noon ten a.m. and ten p.m. twelve
 7 midnight on Sunday, and may sell or dispense beer
 8 for consumption off the licensed premises between
 9 the hours of ten a.m. and ten p.m.

Amendment H—5562 was adopted.

The following amendment H—5580 filed by Renaud of Polk from the floor was adopted by unanimous consent:

H—5580

1 Amend House File 2472 as follows:
 2 1. Title page, by striking lines 3 through 5 and
 3 inserting in lieu thereof the following: "alcoholic
 4 beverages and beer, the notification of parents or
 5 legal guardians of a child that appears before the
 6 court for a violation of section 123.47, the motor
 7 vehicle license or nonoperator's identification card
 8 issued to a person under nineteen years of age, and
 9 providing penalties."

Renaud 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. 2472)

The ayes were, 89:

Anderson	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick

Pellett	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 4:

Arnould	Fey	O'Kane	Parker
---------	-----	--------	--------

Absent or not voting, 7:

Connolly	Copenhaver	Harbor	Jochum
Menke	Poncy	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2486, a bill for an act providing a fine or unpaid community service for a first offense of operating a motor vehicle while intoxicated, requiring a substance abuse evaluation for those convicted of or receiving a deferred sentence on a charge of operating a motor vehicle while intoxicated, requiring fifty hours of community service from those receiving a deferred sentence, revoking the license of a person convicted of a second or subsequent offense for five years, revoking the license of a person convicted of operating a motor vehicle while intoxicated for one additional year if the person caused an accident resulting in serious injury and for life if the person caused an accident in which there was a loss of life, allowing a person whose license was revoked for causing a serious injury to obtain a temporary restricted driving permit, and establishing new penalties for persons convicted of operating a motor vehicle without a license if the person's license was revoked under section 321.281, or chapter 321B, was taken up for consideration.

Hanson of Delaware in the chair at 5:37 p.m.

Sturgeon of Woodbury offered the following amendment
H-5530 filed by Sturgeon, et al.:

H-5530

- 1 Amend House File 2486 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 * "Section 1. NEW SECTION. 123.151 PRELIMINARY
5 SCREENING TESTS AVAILABLE. Each commercial
6 establishment holding a license or permit under this
7 chapter which allows the consumption of an alcoholic
8 beverage or beer on the premises shall maintain a
9 test machine and an adequate supply of testing
10 receptacles used for the preliminary screening test
11 under section 321B.3 for breath analysis of blood
12 alcohol content. The establishment shall make the
13 test available for use by its customers and may impose
14 a charge, not exceeding fifty cents, for its use.
15 The department shall assist licensees and permittees
16 in obtaining test machines and receptacles."

Paulin of Plymouth rose on a point of order that amendment H-5530 was not germane.

The Speaker ruled the point well taken and amendment H-5530 not germane.

Sturgeon of Woodbury moved that the rules be suspended to consider amendment H-5530.

A non-record roll call was requested.

The ayes were 22, nays 52.

The motion lost.

Carter of Henry offered the following amendment H-5518 filed by him and moved its adoption:

H-5518

- 1 Amend House File 2486 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "suspended" the words "or deferred".

Amendment H-5518 was adopted.

Speaker Avenson in the chair at 5:49 p.m.

Sturgeon of Woodbury offered the following amendment H-5528 filed by Sturgeon, et al.:

H-5528

- 1 Amend House File 2486 as follows:
2 1. Page 1, by inserting after line 16 the
3 following:
4 "Sec. . Section 321.281, subsection 2, paragraph
5 b, Code 1983, is amended to read as follows:
6 b. An aggravated misdemeanor for a second offense
7 and shall be imprisoned in the county jail or
8 community-based correctional facility not less than
9 ~~seven~~ thirty days, which minimum term cannot be
10 suspended notwithstanding section 901.5, subsection
11 3 and section 907.3, subsection 2."
12 2. By renumbering as required by this amendment.

Swartz of Marshall offered the following amendment H-5553, to amendment H-5528, filed by him from the floor and moved its adoption:

H-5553

- 1 Amend House amendment H-5528 to House File 2486
2 as follows:
3 1. Page 1, by striking lines 2 through 11, and
4 inserting in lieu thereof the following:
5 " "Sec. . Section 321.281, subsection 2,
6 paragraphs b and c, Code 1983, are amended to read
7 as follows:
8 b. An aggravated misdemeanor for a second offense
9 and shall be imprisoned in the county jail or
10 community-based correctional facility not less than
11 ~~seven~~ thirty days, which minimum term cannot be
12 suspended notwithstanding section 901.5, subsection
13 3 and section 907.3, subsection 2.
14 c. A class "D" felony for a third offense and
15 each subsequent offense. Upon a third or subsequent
16 offense, the department of public safety may impound
17 the motor vehicle used by the offender during the
18 offense, if owned by the offender, and sell the motor
19 vehicle at public auction with the proceeds of the
20 sale to be paid to the treasurer of state for deposit
21 in the general fund."

A non-record roll call was requested.

The ayes were 23, nays 52.

Amendment H-5553 lost.

Sturgeon of Woodbury moved the adoption of amendment H—5528.

A non-record roll call was requested.

The ayes were 60, nays 24.

Amendment H—5528 was adopted.

Tabor of Jackson offered the following amendment H—5531 filed by him:

H—5531

- 1 Amend House File 2486 as follows:
- 2 1. Page 1, by inserting after line 16 the
- 3 following:
- 4 "Sec. . Section 321.281, subsection 2,
- 5 unnumbered paragraph 2, Code 1983, is amended to read
- 6 as follows:
- 7 No conviction for, or plea of guilty to, a violation
- 8 of this section ~~which occurred more than six years~~
- 9 ~~prior to the date of the violation charged or a~~
- 10 ~~violation of a corresponding statute of any other~~
- 11 ~~state that would have been a violation of this section~~
- 12 ~~if it had occurred in this state shall be considered~~
- 13 ~~in determining that the violation charged is a second,~~
- 14 ~~third or subsequent offense if that previous violation~~
- 15 ~~occurred more than six years prior to the date of~~
- 16 ~~the violation charged."~~
- 17 2. By renumbering sections as required by this
- 18 amendment.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5531.

Rosenberg of Story offered the following amendment H—5525 filed by him and Jay of Appanoose and moved its adoption:

H—5525

- 1 Amend House File 2486 as follows:
- 2 1. Page 1, lines 21 and 22, by striking the words
- 3 "under section 125.33" and inserting in lieu thereof
- 4 the words "as ordered by the court".

Amendment H—5525 was adopted.

McKean of Jones offered the following amendment H—5540 filed by him:

H-5540

1 Amend House File 2486 as follows:

2 1. By striking page 1, line 1 through page 2,
3 line 5, and inserting in lieu thereof the following:

4 "Sec. Section 321.1, Code Supplement 1983,
5 is amended by adding the following new subsections:
6 NEW SUBSECTION. "Alcohol concentration" means
7 the number of grams of alcohol per any of the
8 following:

- 9 a. One hundred milliliters of blood.
- 10 b. Two hundred ten liters of breath.
- 11 c. Sixty-seven milliliters of urine.

12 NEW SUBSECTION. "Alcoholic beverage" includes
13 alcohol, wine, spirits, beer, or any other beverage
14 which contains ethyl alcohol and is fit for human
15 consumption.

16 Sec. Section 321.213, Code 1983, is amended
17 to read as follows:

18 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE
19 TO VIOLATIONS BY JUVENILE DRIVERS. Upon the entering
20 entry of an order at the conclusion of an adjudicatory
21 hearing under section 232.47 that the child violated
22 a provision of this chapter or chapter 321A or 321B
23 for which the penalty is greater than a simple
24 misdemeanor, or that the child refused to submit to
25 chemical testing under section 321B.4, the clerk of
26 the juvenile court in the adjudicatory hearing shall
27 forward a copy of the adjudication to the department.
28 Notwithstanding section 232.55, a final adjudication
29 in a juvenile court that the child violated a provision
30 of this chapter or chapter 321A or 321B constitutes
31 a final conviction of a the respective violation of
32 a provision of this chapter or chapter 321A for
33 purposes of section 321.189, subsection 2, paragraph
34 "b", and sections 321.193, 321.194, 321.200, 321.209,
35 321.210, 321.215, and 321A.17. Notwithstanding section
36 232.55, the director shall revoke the license or
37 permit of a child under section 321B.13 upon receipt
38 of a copy of the final adjudication in a juvenile
39 court that the child refused to submit to chemical
40 testing under section 321B.4.

41 Sec. Section 321.281, subsections 1 and 2,
42 Code 1983, are amended to read as follows:

43 1. A person shall not operate a motor vehicle
44 upon the public highways of in this state in either
45 of the following conditions:

46 a. While under the influence of an alcoholic
47 beverage, a narcotic, hypnotic, or other drug; or
48 any a combination of such substances.

49 b. While having thirteen an alcohol concentration
50 of ten hundredths or more of one percent by weight

Page 2

1 of alcohol in the blood.

2 2. A person convicted who pleads or is found
3 guilty of a violation of this section, upon conviction
4 or a plea of guilty, is guilty of shall be sentenced
5 upon conviction for:

6 a. A serious misdemeanor for the first offense
7 and shall be fined not less than five hundred dol-
8 lars and imprisoned in the county jail for not less
9 than forty-eight hours, less credit for any time the
10 person was confined in a jail or detention facility
11 following arrest. The court cannot suspend the minimum
12 fine or term of forty-eight hours, notwithstanding
13 section 901.5, subsection 3, and section 907.3, sub-
14 section 2, but the court may accommodate the sentence
15 to the work schedule of the defendant.

16 b. An aggravated misdemeanor for a second offense
17 and shall be fined not less than eight hundred dollars
18 and imprisoned in the county jail or community-based
19 correctional facility not less than seven days, which
20 minimum fine and term cannot be suspended,
21 notwithstanding section 901.5, subsection 3, and
22 section 907.3, subsection 2.

23 c. A class "D" felony for a third offense and
24 each or subsequent offense and shall be fined not
25 less than one thousand dollars and, in addition, shall
26 be imprisoned in the county jail or a community-based
27 correctional facility for a determinate term of not
28 less than thirty nor more than one hundred eighty
29 days as a condition of probation if the court suspends
30 the indeterminate term prescribed by section 902.9,
31 subsection 4.

32 No conviction for, or plea of guilty to, a violation
33 of this section which occurred more than six years
34 prior to the date of violation charged or a violation
35 of a corresponding statute of any other state that
36 would have been a violation of this section if it
37 had occurred in this state shall be considered in
38 determining that the violation charged is a second,
39 third or subsequent offense if that previous violation
40 occurred more than six years prior to the date of
41 the violation charged.

42 Sec. . Section 321.281, subsection 3, Code
43 1983, is amended by striking the subsection and
44 inserting in lieu thereof the following:

45 3. A person shall be punished for only one
46 violation of this section based on each occurrence
47 but either or both of the alternative means described
48 in subsection 1 may be proved at trial.

49 Sec. . Section 321.281, subsections 6, 7 and
50 8, Code 1983, are amended to read as follows:

Page 3

1 6. If the court defers judgment pursuant to section
2 907.3 for an offense under this section and the
3 defendant's license has not already been revoked under
4 chapter 321B, the court shall order that the
5 defendant's license to operate a motor vehicle be
6 revoked for a period of not less than thirty days
7 nor more than ninety days, during which time no new
8 license to operate a motor vehicle shall be issued
9 to the defendant. The court shall immediately require
10 the defendant to surrender to it all operator's or
11 chauffeur's licenses held by the defendant which the
12 court shall forward to the department with a copy
13 of the order deferring judgment. The revocation is
14 effective immediately upon entry of the order. A
15 person whose license to operate a motor vehicle is
16 revoked pursuant to this subsection may be issued
17 a temporary restricted driving permit by the department
18 allowing the person to drive to and from between the
19 person's home and place of employment and in the
20 person's employment and to attend evaluation, treatment
21 or educational services for alcohol or drug dependency,
22 if the person's license to operate a motor vehicle
23 is not subject to revocation under section 321B.13
24 for refusal to submit to chemical testing person is
25 otherwise eligible for a temporary restricted driving
26 permit.

27 7. This section does not apply to a person
28 operating a motor vehicle while under the influence
29 of a narcotic, hypnotic, or other drug if such
30 substances were the substance was prescribed for the
31 person and were was taken under the prescription and
32 in accordance with the directions of a medical
33 practitioner as defined in section 155.3, subsection
34 11, if there is no evidence of the consumption of
35 alcohol and the medical practitioner had not directed
36 the person to refrain from operating a motor vehicle.

37 8. In any prosecution under this section, evidence
38 of the results of analysis of a specimen of the
39 defendant's blood, breath, saliva, or urine is
40 admissible upon proof of a proper foundation. In
41 an action in which a violation of by the means
42 described in subsection 1, paragraph "a" of this
43 section is alleged, evidence that there was, at the
44 time, the defendant had an alcohol concentration of
45 ten hundredths or more of one percent by weight of
46 alcohol in the defendant's blood is presumptive
47 evidence that the defendant was under the influence
48 of an alcoholic beverage."

49 2. By striking page 4, line 8 through page 5,
50 line 3, and inserting in lieu thereof the following:

Page 4

1 "Sec. . Section 321.282, Code 1983, is amended
2 to read as follows:
3 321.282 VIOLATIONS. A person whose license or
4 privilege to operate is revoked or denied because
5 the person has been convicted or has pleaded or been
6 found guilty to of a violation of section 321.281
7 or is revoked under subsection 6 of that section who
8 is found driving drives or operating any operates
9 a motor vehicle upon a highway in this state while
10 the license or privilege is revoked or denied is
11 guilty of commits a serious misdemeanor and,
12 notwithstanding section 907.3, shall be imprisoned
13 in the county jail not less than seven days for a
14 first offense under this section and not less than
15 thirty days for a second or subsequent offense under
16 this section.

17 Sec. . Section 321.283, Code 1983, is amended
18 by striking the section and inserting in lieu thereof
19 the following:
20 321.283 TREATMENT OR INSTRUCTION FOR DRINKING
21 DRIVERS.

22 1. As used in this section, unless the context
23 otherwise requires:

24 a. "Course for drinking drivers" means an approved
25 course designed to inform the offender about drinking
26 and driving and encourage the offender to assess the
27 driver's drinking and driving behavior in order to
28 select practical alternatives.

29 b. "Satisfactory completion of a course" means
30 receipt of a grade of "C" or "2.0" or better from
31 the course instructor at the completion of the course.

32 2. After a conviction for, or a plea of guilty
33 of, a violation of section 321.281, the court in
34 addition to its power to commit the defendant for
35 treatment of alcoholism under section 321.281, may
36 in lieu of, or prior to or after the pronouncement
37 of sentence for any subsequent offense, order the
38 defendant to submit to evaluation, treatment or
39 rehabilitation services under section 125.33 at the
40 defendant's expense and to furnish evidence of
41 successful completion. A copy of the order shall
42 be forwarded to the department.

43 3. After a conviction for a violation of section
44 321.281, the court may refer the defendant for
45 treatment at a facility as defined in section 125.1
46 to 125.43 and designated by the Iowa department of
47 substance abuse. The court may prescribe the length
48 of time for treatment or it may be left to the discre-
49 tion of the facility to which the defendant was
50 referred. A person referred under this section who

Page 5

1 does not have sufficient income or estate to pay the
2 costs of the treatment in whole or in part is a state
3 patient and the costs of the treatment shall be paid
4 under section 125.44.

5 4. A person whose operating privileges have been
6 revoked under chapter 321B or for a conviction of
7 a violation of section 321.281 and who has had no
8 previous revocation under section 321.209, subsection
9 2, section 321.281, or chapter 321B shall not be
10 eligible for reinstatement of operating privileges
11 until the person has filed with the department proof
12 of satisfactory completion of a course for drinking
13 drivers or completion of evaluation, treatment or
14 rehabilitation services under section 125.33 and has
15 filed proof of compliance with chapter 321A.

16 5. A person whose operating privileges have been
17 revoked under chapter 321B or for a conviction of
18 a violation of section 321.281 and who has had one
19 or more previous revocations under section 321.209,
20 subsection 2, section 321.281, or chapter 321B shall
21 not be eligible for reinstatement of operating
22 privileges until the person has filed with the
23 department proof of completion of a substance abuse
24 evaluation and, if recommended by the evaluation,
25 a course of treatment or rehabilitation under section
26 125.33 and has filed proof of compliance with chapter
27 321A.

28 6. A person who is attending evaluation, treatment
29 or rehabilitation services voluntarily or under a
30 court order may be issued a temporary restricted
31 driving permit by the department for driving between
32 the person's home and place of employment, in the
33 person's employment, and to and from the location
34 of the evaluation, treatment or rehabilitation services
35 if the person has complied with chapter 321A. The
36 fee for a temporary restricted driving permit issued
37 under this subsection is ten dollars. The permit
38 must be in the permittee's immediate possession while
39 the permittee is operating a motor vehicle and shall
40 be invalid when the permittee is issued a drivers
41 license. The temporary restricted driving permit
42 shall be canceled upon conviction of a moving traffic
43 violation. A violation of a restriction of a permit
44 issued under this subsection is a simple misdemeanor.

45 7. Successful completion of a course for drinking
46 drivers or evaluation, treatment or rehabilitation
47 services under this section does not reverse or reduce
48 the length of a revocation or denial of operating
49 privileges for a violation of section 321.281 or under
50 chapter 321B.

Page 6

1 8. The course for drinking drivers shall be offered
2 on a regular basis at each area school as defined
3 in section 280A.2. Enrollment in the courses is not
4 limited to persons required to attend the course and
5 any person may enroll in and attend a course for
6 drinking drivers.

7 9. The department of public instruction shall
8 establish reasonable fees to defray the expense of
9 obtaining classroom space, instructor salaries, and
10 class materials for the courses for drinking drivers.
11 No person shall be denied enrollment in a course by
12 reason of indigency.

13 10. No employer shall discharge a person from
14 employment solely for the reason that the person is
15 absent from work in order to attend a course for
16 drinking drivers. An employer who violates this
17 section shall be liable for triple damages occasioned
18 by the unlawful discharge from employment.

19 11. The department of public instruction shall
20 prepare a list of the locations where the course for
21 drinking drivers is offered, the dates and times the
22 course is taught, the procedure for enrollment, and
23 the schedule of course fees. The list shall be kept
24 current and shall be provided to the department and
25 to each district court.

26 12. The department of public instruction shall
27 maintain enrollment, attendance, successful and
28 nonsuccessful completion data on the persons who have
29 enrolled in a course for drinking drivers. This data
30 shall be forwarded to the department.

31 Sec. . Section 321B.1, Code 1983, is amended
32 to read as follows:

33 321B.1 DECLARATION OF POLICY. The general assembly
34 declares that this chapter is necessary to aid the
35 enforcement of laws prohibiting operation of a motor
36 vehicle while under the influence of an alcoholic
37 beverage, a narcotic, hypnotic, or other drug or any
38 a combination of such substances, or while having
39 an alcohol concentration of a certain amount of alcohol
40 in the blood or more.

41 Sec. . Section 321B.2, unnumbered paragraph
42 2, Code 1983, is amended to read as follows:

43 As used in this chapter and sections 29B.106,
44 ~~321.209, and 321.281, 321.494 and 690.2~~ the words
45 "alcoholic beverage" include and alcohol, wine,
46 spirits, beer, or any other beverage which contains
47 ethyl alcohol and is fit for human consumption
48 concentration means as defined in section 321.1.

49 Sec. . Section 321B.4, subsection 1, unnumbered
50 paragraph 1, Code 1983, is amended to read as follows:

Page 7

1 Any person who operates a motor vehicle in this
2 state upon a public highway under circumstances which
3 give reasonable grounds to believe that the person
4 to have has been operating a motor vehicle in violation
5 of section 321.281, is deemed to have given consent
6 to the withdrawal of specimens of the person's blood,
7 breath, saliva, or urine; and to a chemical test or
8 tests of the specimens for the purpose of determining
9 the alcoholic content of the blood alcohol
10 concentration or presence of drugs, subject to this
11 section. The withdrawal of the body substances and
12 the test or tests shall be administered at the written
13 request of a peace officer having reasonable grounds
14 to believe that the person to have been was operating
15 a motor vehicle in violation of section 321.281, and
16 if any of the following conditions exist:

17 Sec. . Section 321B.4, subsection 1, paragraph
18 d, Code 1983, is amended to read as follows:

19 d. The preliminary breath screening test was
20 administered and it recorded indicated an alcohol
21 concentration of ten hundredths or more of one percent
22 by weight of alcohol in the blood.

23 Sec. . Section 321B.4, subsection 2, Code 1983,
24 is amended to read as follows:

25 2. The peace officer shall determine which of
26 the four three substances, breath, blood, saliva,
27 or urine, shall be tested. Refusal to submit to a
28 chemical test of urine, saliva or breath is deemed
29 a refusal to submit, and section sections 321B.13
30 applies and 321B.29 apply. A refusal to submit to
31 a chemical test of blood is not deemed a refusal to
32 submit, but, in that case, the peace officer shall
33 then determine which one of the other three substances
34 shall be tested and shall offer the test. If the
35 peace officer fails to provide a test within two hours
36 after the preliminary screening test is was
37 administered or refused or the arrest is was made,
38 whichever occurs occurred first, a test is not
39 required, and there shall be no revocation under
40 section 321B.13.

41 Sec. . Chapter 321B, Code 1983, is amended
42 by adding the following new section:

43 **NEW SECTION. 321B.5 URINE TEST REQUIRED.** If
44 there are reasonable grounds to believe that the
45 person was operating a motor vehicle while under the
46 influence of a drug other than or in addition to
47 alcohol and which may not be readily detected by a
48 blood or breath test, the peace officer may request
49 a urine specimen for testing even after a blood or
50 breath specimen has been withdrawn. If the person

Page 8

1 refuses to submit to a request under this section,
2 sections 321B.13 and 321B.29 apply.

3 Sec. . Section 321B.12, Code 1983, is amended
4 by striking the section and inserting in lieu thereof
5 the following:

6 321B.12 STATEMENT OF OFFICER. A person who has
7 been requested to submit to a chemical test shall
8 be advised by a peace officer of the following:

9 1. If the person refuses to submit to the test,
10 the person's license or operating privilege will be
11 revoked by the department for the applicable period
12 under section 321B.13.

13 2. If the person submits to the test and the
14 results indicate an alcohol concentration of ten
15 hundredths or more, the person's license or operating
16 privilege will be revoked by the department for the
17 applicable period under section 321B.16.

18 This section does not apply in any case involving
19 a person described in section 321B.11.

20 Sec. . Section 321B.13, Code 1983, is amended
21 to read as follows:

22 321B.13 REFUSAL TO SUBMIT. If a person refuses
23 to submit to the chemical testing, a test shall not
24 be given, but the department, upon the receipt of
25 a sworn report of certification by the peace officer
26 that the officer had reasonable grounds to believe
27 that the person to have been was operating a motor
28 vehicle in violation of section 321.281, that specified
29 there existed one or more of the necessary conditions
30 existed for chemical testing pursuant to described
31 in section 321B.4, subsection 1, and that the person
32 had refused to submit to the chemical testing, the
33 department shall revoke the person's license or permit
34 to drive and any nonresident operating privilege for
35 a period of one hundred eighty days year if the person
36 has no previous revocation under section 321.209,
37 subsection 2, section 321.281, or this chapter; one
38 year if the person has one previous revocation under
39 those provisions; and five hundred forty days two
40 years if the person has two one or more previous
41 revocations under those provisions; or if, if the
42 person is a resident without a license or permit to
43 operate a motor vehicle in this state, the department
44 shall deny to the person the issuance of a license
45 or permit for the same period a license or permit
46 would be have been revoked, subject to review as
47 provided in this chapter.

48 PARAGRAPH DIVIDED. The effective date of revocation
49 shall be twenty days after the department has mailed
50 notice of revocation to the person by certified mail

Page 9

1 ~~or, on behalf of the department, a. The peace officer~~
2 ~~offering or directing the administration of a who~~
3 ~~requested the chemical test may, on behalf of the~~
4 ~~department, serve immediate notice of intention to~~
5 ~~revoke and of revocation on a person who refuses to~~
6 ~~permit chemical testing. If the peace officer serves~~
7 ~~that immediate notice, the peace officer shall take~~
8 ~~the person's Iowa license or permit of the driver,~~
9 ~~if any, and issue a temporary license effective valid~~
10 ~~for only twenty days. The peace officer shall~~
11 ~~immediately send the person's license to the department~~
12 ~~along with an affidavit the officer's certificate~~
13 ~~indicating the person's refusal to submit to chemical~~
14 ~~testing.~~

15 Sec. . Section 321B.14, subsection 4, Code
16 1983, is amended to read as follows:

17 4. Search warrants issued under this section shall
18 authorize and direct peace officers to secure the
19 withdrawal of blood specimens by medical personnel
20 under section 321B.15. Reasonable care shall be
21 exercised to ensure the health and safety of the
22 persons from whom specimens are withdrawn in execution
23 of the warrants. If a peace officer elects to seek
24 withdrawal of a blood specimen but the person from
25 whom a the specimen is to be withdrawn objects to
26 the withdrawal of blood, the officer may still secure
27 a urine specimen at that time if possible or, if the
28 person is capable of giving a specimen of breath,
29 and a direct breath testing instrument is readily
30 available, the warrant may be executed by the
31 withdrawal of a breath specimen of breath for chemical
32 testing.

33 Sec. . Section 321B.15, Code 1983, is amended
34 to read as follows:

35 321B.15 TAKING SAMPLE FOR TEST. Only a licensed
36 physician, physician's assistant as defined in section
37 148C.1, subsection 6, medical technologist or
38 registered nurse, acting at the request of a peace
39 officer, may withdraw body substances a specimen of
40 blood for the purpose of determining the alcoholic
41 or drug content of the person's blood alcohol
42 concentration or the presence of drugs. However,
43 any peace officer, using devices and methods approved
44 by the commissioner of public safety, may take a
45 specimen of a person's breath or urine for the purpose
46 of determining the alcoholic or drug content of the
47 person's blood alcohol concentration or the presence
48 of drugs. Only new, originally factory wrapped,
49 disposable syringes and needles, kept under strictly
50 sanitary and sterile conditions shall be used for

Page 10

1 drawing blood.

2 PARAGRAPH DIVIDED. The person may have an
3 independent chemical test or tests administered by
4 a person of the person's own choosing and at the
5 person's own expense in addition to any administered
6 at the direction of a peace officer. The failure
7 or inability of the person to obtain an independent
8 chemical test or tests does not preclude the admission
9 in of evidence of the results of the test or tests
10 taken administered at the direction of the peace
11 officer. Upon the request of the person who is tested,
12 the results of the test or tests taken administered
13 at the direction of the peace officer shall be made
14 available to the person.

15 Sec. Section 321B.16, Code 1983, is amended
16 to read as follows:

17 321B.16 TEST RESULT REVOCATION. Upon certification
18 by the peace officer that there existed reasonable
19 grounds to believe that the person to have had been
20 operating a motor vehicle in violation of section
21 321.281, that there existed one or more of the
22 necessary conditions for chemical testing described
23 in section 321B.4, subsection 1, and that the person
24 submitted to chemical testing and the test results
25 indicate indicated an alcohol concentration of ten
26 hundredths or more of one percent by weight of alcohol
27 in the person's blood, the department shall revoke
28 the person's license or permit to drive or nonresident
29 operating privilege for a period of one hundred twenty
30 eighty days if the person has had no revocation within
31 the previous six years under section 321.209,
32 subsection 2, section 321.281 or this chapter, two
33 hundred forty days if the person has one previous
34 revocation under those provisions, and one year if
35 the person has two had one or more previous revocations
36 under those provisions arising from separate
37 occurrences.

38 The effective date of the revocation shall be
39 twenty days after the department has mailed notice
40 of revocation to the person by certified mail or,
41 on behalf of the department, a. The peace officer
42 offering a chemical test or directing who requested
43 or directed the administration of a the chemical test
44 may, on behalf of the department, serve immediate
45 notice of intention to revoke and of revocation on
46 a person when the person's whose test results indicate
47 indicated an alcohol concentration of ten hundredths
48 or more of one percent by weight of alcohol in the
49 blood.

50 If the peace officer serves that immediate notice,

Page 11

1 the peace officer shall take the person's Iowa license
2 or permit of the driver, if any, and issue a temporary
3 license valid only for twenty days. The peace officer
4 shall immediately send the person's driver's license
5 to the department along with an affidavit stating
6 the officer's certificate indicating that the test
7 results indicate indicated an alcohol concentration
8 of ten hundredths of one percent or more by weight
9 of alcohol in the person's blood.

10 The Not less than thirty days after the effective
11 date of a revocation under this section, the department
12 may, on application, issue a temporary restricted
13 license to a the person whose license has been revoked
14 under this section when the person's regular employment
15 includes the operation of a motor vehicle or who the
16 person cannot perform his or her regular occupation
17 without the use of a motor vehicle, or when the
18 person's use of a motor vehicle is necessary to attend
19 evaluation, treatment or educational services for
20 alcohol or drug dependency, but the person shall not
21 operate a vehicle for pleasure while holding a
22 restricted license. However, this paragraph does
23 not apply to a person whose license is suspended or
24 revoked for another reason.

25 Sec. Section 321B.26, Code 1983, is amended
26 to read as follows:

27 321B.26 HEARING. Upon the written request of
28 a person whose privilege to drive has been revoked
29 or denied, or who has been issued a twenty-day license
30 pursuant to section 321B.13 or section 321B.16, the
31 department shall grant the person an opportunity to
32 be heard within twenty days after the receipt of the
33 request, but the request must be made within ten days
34 of the effective date of revocation or denial of
35 driving privileges or the issuance of a temporary
36 permit license. A revocation or denial of driving
37 privileges under this chapter shall not be stayed
38 upon a request for a hearing but the department may
39 upon application grant a stay of the balance of the
40 revocation if the hearing has not been held within
41 sixty days. The hearing shall be before the department
42 in the county where the alleged events occurred,
43 unless the director and the person agree that the
44 hearing may be held in some other county. The hearing
45 may be recorded and its scope shall cover be limited
46 to the issues of whether a peace officer had reasonable
47 grounds to believe that the person to have been was
48 operating a motor vehicle in violation of section
49 321.281; whether and either of the following:

50 a. Whether the person refused to submit to the

Page 12

1 test or tests,

2 b. Whether a test was administered and the test
3 results if a person consented to a test and whether
4 the person should be issued a temporary restricted
5 license indicated an alcohol concentration of ten
6 hundredths or more.

7 PARAGRAPH DIVIDED. The department shall order
8 that the revocation or denial be either rescinded
9 or sustained.

10 Sec. . Section 321B.28, Code 1983, is amended
11 to read as follows:

12 321B.28 EVIDENCE IN ANY ACTION. Upon the trial
13 of any civil or criminal action or proceeding arising
14 out of acts alleged to have been committed by any
15 a person while operating a motor vehicle in violation
16 of section 321.281, evidence of the amount of alcohol
17 concentration or the presence of drugs in the person's
18 blood body substances at the time of the act alleged
19 as shown by a chemical analysis of the person's blood,
20 breath, saliva or urine is admissible. If it is
21 established at trial that an analysis of a breath
22 specimen was performed by use of a device and methods
23 approved by the commissioner of public safety, it
24 is presumed that the test results are valid and no
25 further foundation is necessary for introduction
26 of the evidence.

27 Sec. . Chapter 321B, Code 1983, is amended
28 by adding the following new section:

29 NEW SECTION. 321B.30 YOUTHFUL OFFENDERS—
30 PROVISIONAL LICENSE.

31 1. A license or permit to operate a motor vehicle
32 in this state held by a person less than twenty-one
33 years of age is provisional in that the license or
34 permit is subject to revocation or denial under the
35 special provisions of this section.

36 2. For purposes of this section, a person less
37 than twenty-one years of age who operates a motor
38 vehicle in this state after consuming an alcoholic
39 beverage is deemed to have given consent to the
40 withdrawal of specimens of the person's blood, breath
41 or urine for testing to determine the alcohol
42 concentration.

43 3. The body substances shall be withdrawn and
44 the test or tests shall be administered at the written
45 request of a peace officer having reasonable grounds
46 to believe that the person operated a motor vehicle
47 in this state after consuming an alcoholic beverage.

48 4. Section 321B.4, subsection 2, section 321B.11,
49 and section 321B.15 apply to the withdrawal of body
50 substances and chemical testing under this section.

Page 13

- 1 5. Before requiring a person to elect whether
2 to submit to a chemical test under this section, a
3 peace officer shall advise the person of the following:
- 4 a. If the person is less than nineteen years of
5 age and the person refuses to submit to the test or
6 the person submits to the test and the results indicate
7 an alcohol concentration of two hundredths or more,
8 the person's license or permit to drive or any
9 nonresident operating privilege will be revoked or
10 denied by the department until the person is twenty-
11 one years of age.
- 12 * b. If the person is nineteen or twenty years of
13 age and the person refuses to submit to the test or
14 the person submits to the test and the results indicate
15 an alcohol concentration of ten hundredths or more,
16 the person's license or permit to drive or any
17 nonresident operating privilege will be revoked or
18 denied by the department for the applicable period
19 prescribed by this section.
- 20 6. If a person less than nineteen years of age
21 refuses to submit to chemical testing under this
22 section, a test shall not be administered but the
23 department, upon receipt of the officer's certificate
24 under subsection 10, shall revoke the person's license
25 or permit to drive or any nonresident operating
26 privilege until the person is twenty-one years of
27 age.
- 28 7. If a person less than nineteen years of age
29 submits to a test under this section, the department,
30 upon receipt of the officer's certificate under
31 subsection 10, that the alcohol concentration was
32 two hundredths or more shall revoke the person's
33 license or permit to drive or any nonresident operating
34 privilege until age twenty-one.
- 35 8. If a person nineteen or twenty years of age
36 refuses to submit to chemical testing under this
37 section, a test shall not be administered but the
38 department, upon receipt of the officer's certificate
39 under subsection 10, shall revoke the person's license
40 or permit to drive or nonresident operating for two
41 years.
- 42 9. If a person nineteen or twenty years of age
43 submits to a test under this section, the department,
44 upon receipt of the officer's certificate under
45 subsection 10 that the alcohol concentration was ten
46 hundredths of a percent or more, shall revoke the
47 person's license or permit to drive or nonresident
48 operating privilege until age twenty-one or for one
49 year, whichever is greater.
- 50 10. The peace officer who requested or administered

Page 14

1 the chemical test or tests shall serve immediate
2 notice of revocation on a person subject to revocation
3 under this section and shall take the person's Iowa
4 license or permit, if any. The peace officer shall
5 give the person a temporary license or permit valid
6 for only twenty days if the person already had a valid
7 Iowa license or permit at the time of the violation.
8 The peace officer shall promptly forward the person's
9 license or permit to the department along with the
10 officer's certificate indicating the grounds for
11 chemical testing under this section, the person's
12 response to the request for testing, and the results
13 of the chemical test if one was administered.

14 11. Upon the written request of a person whose
15 privilege to drive has been revoked or denied under
16 this section, the department shall set the matter
17 for hearing as soon as possible but the request must
18 be made within ten days after the service of notice
19 of revocation.

20 The scope of the hearing shall be limited to the
21 following in determining the validity of the revocation
22 or denial:

23 a. Whether the necessary grounds existed for
24 chemical testing under this section.

25 b. Whether the person refused to submit to the
26 chemical test or tests that were requested.

27 c. Whether the chemical test or tests indicated
28 the presence of alcohol in sufficient concentration
29 to cause a revocation or denial of driving privileges
30 under this section.

31 12. Not less than thirty days after the effective
32 date of revocation or denial of driving privileges
33 under this section, the department may, if the person
34 submitted to chemical testing and the person's driving
35 privileges are not subject to suspension or revocation
36 for any other reason, issue the person a temporary
37 restricted driving license or permit if the depart-
38 ment determines that the revocation or denial causes
39 an undue hardship for the person's family and if all
40 of the following have been received by the department:

41 a. An affidavit of need from the person.

42 b. An affidavit from a parent, guardian, or spouse
43 describing the hardship created.

44 c. An affidavit from the person's employer or
45 the principal or superintendent of the school which
46 the person attends verifying the hardship.

47 d. Evidence of completion of a substance abuse
48 evaluation and, if indicated, substantial completion
49 of a course of treatment or rehabilitation.

50 e. Evidence of satisfactory compliance with section

Page 15

1 321.283 if the person was required to attend a course
2 for drinking drivers.

3 A person may not operate a motor vehicle for
4 pleasure while holding a temporary restricted license
5 or permit received after this section.

6 13. This section does not affect the provisions
7 of this chapter which relate to investigation or
8 prosecution of violations of section 321.281 nor does
9 it limit the jurisdiction and authority of the juvenile
10 courts regarding violations of that section.

11 Sec. . Section 321B.36, Code 1983, is amended
12 to read as follows:

13 321B.36 OTHER EVIDENCE. The provisions of this
14 This chapter shall does not be construed as limiting
15 limit the introduction of any other competent evidence
16 bearing on the question of whether the person was
17 under the influence of an alcoholic beverage or other
18 drugs.

19 Sec. . Section 321B.38; Code 1983, is amended
20 to read as follows:

21 321B.38 DRIVING WHILE LICENSE DENIED OR REVOKED.

22 Any A person whose license or driving privilege has
23 been denied or revoked as provided in under this
24 chapter and who drives any a motor vehicle upon the
25 highways of in this state while the license or
26 privilege is denied or revoked is guilty of commits
27 a serious misdemeanor and, notwithstanding section
28 907.3, shall be imprisoned in the county jail not
29 less than seven days for a first offense under this
30 section and not less than thirty days for a second
31 or subsequent offense under this section. The In
32 addition, the department, upon receiving the record
33 of the conviction of any a person under this section
34 upon a charge of driving a motor vehicle while the
35 license of the person was revoked or denied, shall
36 extend the period of revocation or denial for an
37 additional like period, and the department shall not
38 issue a new license during the additional period.

39 Sec. . Section 602.6405, Code Supplement 1983,
40 is amended by striking the section and inserting in
41 lieu thereof the following:

42 602.6405 JURISDICTION – PROCEDURE.

43 1. Magistrates have jurisdiction as follows:

44 a. Of simple misdemeanors, including traffic and
45 ordinance violations.

46 b. Of preliminary hearings.

47 c. Of search warrant proceedings.

48 d. Of small claims.

49 e. To exercise the powers specified in sections
50 644.2 and 644.12.

Page 16

1 f. To hear complaints, issue warrants, order
2 arrests, make commitments, and take bail.
3 g. Of first offense violations of section 321.281
4 to the extent that they may approve trial informations,
5 conduct arraignments, accept guilty pleas from
6 defendants represented by leal counsel, and sentence
7 persons whose guilty pleas they accept.

8 h. Of violations of sections 321.218, 321.282,
9 321A.32 and 321B.38 to the extent that they may approve
10 trial informations, conduct arraignments, accept
11 guilty pleas, hear bench trials, and sentence persons.

12 2. The criminal procedure before magistrates is
13 as provided in chapters 804, 806, 808, 811, 820 and
14 821 and the rules of criminal procedure applicable
15 to the offenses of which they exercise jurisdiction.
16 The civil procedure before magistrates shall be as
17 provided in chapters 631 and 648.

18 Sec. . Section 690.2, Code 1983, is amended
19 to read as follows:

20 690.2 FINGER AND PALM PRINTS—DUTY OF SHERIFF
21 AND CHIEF OF POLICE. It shall be the duty of the
22 sheriff of every county, and the chief of police of
23 each city regardless of the form of government thereof
24 and having a population of over ten thousand or over more,
25 to take the fingerprints of all persons held either
26 for investigation, for or the commission of a felony,
27 as a fugitive from justice, or for bootlegging, the
28 maintenance of an intoxicating liquor nuisance,
29 manufacturing intoxicating liquor, operating a motor
30 vehicle while under the influence of an alcoholic
31 beverage in violation of section 321.281 or for illegal
32 transportation of intoxicating liquor, and to take
33 the fingerprints of all unidentified dead bodies in
34 their respective jurisdictions, and to forward such
35 the fingerprint records on such forms and in such
36 a manner as may be prescribed by the commissioner
37 of public safety, within forty-eight hours after the
38 same fingerprints are taken, to the bureau division
39 of criminal investigation. If the fingerprints of
40 any person are taken under the provisions hereof of this
41 section whose fingerprints are not already on file,
42 and said the person is not convicted of any offense,
43 then said the fingerprint records shall be destroyed
44 by any officer having them. In addition to the taking
45 fingerprints as herein provided any such under this
46 section, an officer may also take the person's palm
47 prints of any such person."

Groth of Buena Vista in the chair at 6:16 p.m.

Speaker Avenson in the chair at 6:20 p.m.

McKean of Jones asked and received unanimous consent to temporarily defer action on amendment H—5540.

Osterberg of Linn asked and received unanimous consent to temporarily defer action on amendment H—5529.

Jay of Appanoose offered the following amendment H—5532 filed by him and Carl of Poweshiek and moved its adoption:

H—5532

- 1 Amend House File 2486 as follows:
- 2 1. Page 4, by inserting before line 8 the
- 3 following:
- 4 "Sec. . Section 321.281, Code 1983, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. The court may assess as court
- 7 costs the cost of imprisoning a person for the minimum
- 8 sentence required for a conviction of a violation
- 9 of this section. The cost of imprisonment may not
- 10 exceed a maximum of forty dollars per day."

Amendment H—5532 was adopted.

Jay of Appanoose offered the following amendment H—5537 filed by him:

H—5537

- 1 Amend House File 2486 as follows:
- 2 1. Page 4, by inserting before line 8 the
- 3 following:
- 4 "Sec. . Section 321.281, Code 1983, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. A person whose license to operate
- 7 a motor vehicle is revoked because the person has
- 8 been convicted or has pleaded guilty to a violation
- 9 of section 321.281 or is revoked under subsection
- 10 6 of that section shall pay a fifty dollar fee in
- 11 addition to the reinstatement fee provided in section
- 12 321.191 upon an application by the person for
- 13 reinstatement of the person's license to operate a
- 14 motor vehicle."

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H—5537.

Tabor of Jackson offered the following amendment H—5536 filed by him and moved its adoption:

H—5536

- 1 Amend House File 2486 as follows:
- 2 1. Page 4, by inserting after line 22 the
- 3 following:
- 4 "Sec. . Section 321B.28, Code 1983, is amended
- 5 to read as follows:
- 6 321B.28 EVIDENCE IN ANY ACTION. Upon the trial
- 7 of any civil or criminal action or proceeding arising
- 8 out of acts alleged to have been committed by any
- 9 a person while operating a motor vehicle in violation
- 10 of section 321.281, evidence of the amount of alcohol
- 11 concentration or the presence of drugs in the person's
- 12 blood body substances at the time of the act alleged
- 13 as shown by a chemical analysis of the person's blood,
- 14 breath, saliva or urine is admissible. If it is
- 15 established at trial that an analysis of a breath
- 16 specimen was performed by use of a properly certified
- 17 device and methods approved by the commissioner of
- 18 public safety, no further foundation is necessary
- 19 for introduction of the evidence."
- 20 2. By renumbering as required by this amendment.

A non-record roll call was requested.

The ayes were 55, nays 24.

Amendment H—5536 was adopted.

Osterberg of Linn offered the following amendment H—5529, temporarily deferred, filed by Osterberg, et al.:

H—5529

- 1 Amend House File 2486 as follows:
- 2 1. Page 4, by inserting after line 7 the following:
- 3 "Sec. . Section 321.281, Code 1983, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. If a defendant is convicted of
- 6 a first offense of this section and the defendant's
- 7 license or permit to operate a motor vehicle is revoked
- 8 under section 321.209 or chapter 321B for the

9 occurrence from which the arrest arose, the period
10 of revocation shall be the period provided for such
11 a revocation or until the defendant reaches the age
12 of nineteen whichever period is longer."

Osterberg of Linn offered the following amendment H—5576, to amendment H—5529, filed by him from the floor and moved its adoption:

H—5576

1 Amend House amendment H—5529 to House File 2486
2 as follows:
3 1. Page 1, line 5, by inserting after the word
4 "of" the words "or adjudicated under chapter 232,
5 division II for".

Amendment H—5576 was adopted.

Osterberg of Linn moved the adoption of amendment H—5529, as amended.

Amendment H—5529, as amended, was adopted.

The House resumed consideration of amendment H—5540, temporarily deferred.

Buhr of Polk in the chair at 6:48 p.m.

Tabor of Jackson offered the following amendment H—5577, to amendment H—5540, filed from the floor by him and Jay of Appanoose:

H—5577

1 Amend House amendment H—5540 to House File 2486
2 as follows:
3 1. By striking page 1, line 2 through page 16,
4 line 47, and inserting in lieu thereof the following:
5 "1. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 321.1, Code Supplement 1983,
8 is amended by adding the following new subsections:
9 NEW SUBSECTION. "Alcohol concentration" means
10 the number of grams of alcohol per any of the
11 following:
12 a. One hundred milliliters of blood.
13 b. Two hundred ten liters of breath.

14 c. Sixty-seven milliliters of urine.

15 **NEW SUBSECTION.** "Alcoholic beverage" includes
16 alcohol, wine, spirits, beer, or any other beverage
17 which contains ethyl alcohol and is fit for human
18 consumption."

19 2. Page 1, by inserting after line 16, the
20 following:

21 "Sec. 3. Section 321.281, subsection 2, unnumbered
22 paragraph 2, Code 1983, is amended to read as follows:

23 No conviction for, or plea of guilty to, a violation
24 of this section ~~which occurred more than six years~~
25 prior to the date of the violation charged or a
26 violation of a corresponding statute of any other
27 state that would have been a violation of this section
28 if it had occurred in this state shall be considered
29 in determining that the violation charged is a second,
30 third or subsequent offense if that previous violation
31 occurred more than six years prior to the date of
32 the violation charged."

33 3. Page 4, by inserting after line 22 the
34 following:

35 "Sec. . Section 321B.13, Code 1983, is amended
36 to read as follows:

37 321B.13 REFUSAL TO SUBMIT. If a person refuses
38 to submit to the chemical testing, a test shall not
39 be given, but the department, upon the receipt of
40 a sworn report of the peace officer that the officer
41 had reasonable grounds to believe the person to have
42 been operating a motor vehicle in violation of section
43 321.281, that specified conditions existed for chemical
44 testing pursuant to section 321B.4, and that the
45 person had refused to submit to the chemical testing,
46 shall revoke the person's license or permit to drive
47 and any nonresident operating privilege for a period
48 of ~~one hundred eighty days~~ year if the person has
49 no previous revocation under section 321.209,
50 subsection 2, section 321.281, or this chapter; ~~one~~

Page 2

1 ~~year if the person has one previous revocation under~~
2 ~~those provisions; and five hundred forty days~~ two
3 ~~years if the person has two~~ one or more previous
4 revocations under those provisions; or if the person
5 is a resident without a license or permit to operate
6 a motor vehicle in this state, the department shall
7 deny to the person the issuance of a license or permit
8 for the same period a license or permit would be
9 revoked, subject to review as provided in this chapter.
10 The effective date of revocation shall be twenty days
11 after the department has mailed notice of revocation
12 to the person by certified mail or, on behalf of the

13 department, a peace officer offering or directing
 14 the administration of a chemical test may serve
 15 immediate notice of intention to revoke and of
 16 revocation on a person who refuses to permit chemical
 17 testing. If the peace officer serves that immediate
 18 notice, the peace officer shall take the Iowa license
 19 or permit of the driver, if any, and issue a temporary
 20 license effective for only twenty days. The peace
 21 officer shall immediately send the person's license
 22 to the department along with an affidavit indicating
 23 the person's refusal to submit to chemical testing.

24 Sec. . Section 321B.16, unnumbered paragraph
 25 1, Code 1983, is amended to read as follows:

26 Upon certification by the peace officer that there
 27 existed reasonable grounds to believe the person to
 28 have been operating a motor vehicle in violation of
 29 section 321.281 and that the person submitted to
 30 chemical testing and the test results indicate ten
 31 hundredths or more of one percent by weight of alcohol
 32 in the person's blood, the department shall revoke
 33 the person's license or permit to drive or nonresident
 34 operating privilege for a period of one hundred ~~twenty~~
 35 eighty days if the person has no revocation within
 36 the previous six years under section 321.209,
 37 subsection 2, section 321.281 or this chapter, ~~two~~
 38 hundred forty days if the person has one previous
 39 revocation under those provisions, and one year if
 40 the person has ~~two~~ one or more revocations under those
 41 provisions arising from separate occurrences.

42 Sec. . Section 321B.28, Code 1983, is amended
 43 to read as follows:

44 321B.28 EVIDENCE IN ANY ACTION. Upon the trial
 45 of any civil or criminal action or proceeding arising
 46 out of acts alleged to have been committed by any
 47 a person while operating a motor vehicle in violation
 48 of section 321.281, evidence of the ~~amount~~ of alcohol
 49 concentration or the presence of drugs in the person's
 50 blood body substances at the time of the act alleged

Page 3

1 as shown by a chemical analysis of the person's blood,
 2 breath, ~~saliva~~ or urine is admissible. If it is
 3 established at trial that an analysis of a breath
 4 specimen was performed by use of a properly certified
 5 device and methods approved by the commissioner of
 6 public safety, no further foundation is necessary
 7 for introduction of the evidence." "

8 4. By numbering and renumbering to conform to
 9 this amendment.

Speaker Avenson in the chair at 7:07 p.m.

Tabor of Jackson asked for unanimous consent to withdraw amendment H—5577.

Objection was raised.

The House stood at ease at 7:14 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5577, to amendment H—5540, at 7:40 p.m., Speaker Avenson in the chair.

Norland of Worth moved that amendment H—5577 be withdrawn.

A non-record roll call was requested.

The ayes were 71, nays 3.

The motion prevailed and amendment H—5577 was withdrawn.

McKean of Jones offered the following amendment H—5542, to amendment H—5540, filed by him from the floor and moved its adoption:

H—5542

- 1 Amend amendment H—5540 to House File 2486 as
- 2 follows:
- 3 1. Page 2, line 34, by inserting after the words
- 4 "~~date of~~" the word "the".
- 5 2. Page 4, line 45, by striking the word "section"
- 6 and inserting in lieu thereof the word "sections".
- 7 3. Page 8, line 24, by striking the word and comma
- 8 "~~department,~~" and inserting in lieu thereof the following:
- 9 "~~department,~~".
- 10 4. Page 13, line 40, by inserting after the word
- 11 "operating" the word "privilege".
- 12 5. Page 16, line 6, by striking the word "leal" and
- 13 inserting in lieu thereof the word "legal".

Amendment H—5542 was adopted.

McIntee of Black Hawk offered the following amendment H—5579, to amendment H—5540, filed by him from the floor and moved its adoption:

H—5579

- 1 Amend House amendment H—5540 to House File 2486
 2 as follows:
 3 1. Page 2, by striking lines 49 and 50 and
 4 inserting in lieu thereof the following:
 5 "Sec. . Section 321.281, subsection 6, Code
 6 1983, is amended by striking the subsection.
 7 Sec. . Section 321.281, subsections 7 and 8,
 8 Code 1983, are amended to read as follows:"
 9 2. Page 3, by striking lines 1 through 26.
 10 3. Page 16, by inserting after line 47 the
 11 following:
 12 "Sec. . Section 907.3, subsection 1, paragraph
 13 g, Code 1983, is amended to read as follows:
 14 g. The offense is a violation of section 321.281
 15 and, within the previous six years, the person has
 16 been convicted of a violation of that section or the
 17 person's driver's license has been revoked pursuant
 18 to that section or chapter 321B."

Amendment H—5579 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5558, to amendment H—5540, filed from the floor by Schroeder, Doderer and Jay and moved its adoption:

H—5558

- 1 Amend amendment H—5540 to House File 2486 as
 2 follows:
 3 1. Page 9, by inserting after line 14 the
 4 following:
 5 "The department may, on application, issue a
 6 temporary restricted license to a person whose license
 7 has been revoked under this section and who has entered
 8 a plea of guilty to a charge under section 321.281
 9 when the person's regular employment includes the
 10 operation of a motor vehicle or who cannot perform
 11 the person's regular occupation without the use of
 12 a motor vehicle, or when the person's use of a motor
 13 vehicle is necessary to attend evaluation, treatment
 14 or educational services for alcohol or drug dependency,
 15 but the person shall not operate a vehicle for pleasure
 16 while holding a restricted license. However, this
 17 paragraph does not apply to a person whose license
 18 is suspended or revoked for another reason."

Amendment H—5558 was adopted.

McKean of Jones asked for unanimous consent to withdraw line 27, page 12 through page 15, line 10 of amendment H—5540.

Objection was raised.

McKean of Jones moved the adoption of amendment H—5588, to amendment H—5540, filed by him from the floor as follows:

H—5588

- 1 Amend amendment H—5540 to House File 2486 as
- 2 follows:
- 3 1. By striking page 12, line 27 through page 15,
- 4 line 10.

Roll call was requested by Jay of Appanoose and Arnould of Scott.

On the question "Shall amendment H—5588 be adopted?"

The ayes were, 87:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Zimmerman	Mr. Speaker	

The nays were, 1:

Woods

Absent or not voting, 12:

Carter	Connolly	Copenhaver	Harbor
Haverland	Hummel	Jochum	Krewson
Menke	Poncy	Shoultz	Tofte

Amendment H—5588 was adopted, placing out of order lines 10 and 11 of amendment H—5542, previously adopted.

On motion by McKean of Jones, amendment H—5540, as amended, was adopted, placing out of order the following amendments:

H—5518 (previously adopted) filed by Carter of Henry on March 8, 1984.

H—5528 (previously adopted) filed by Sturgeon, et al., on March 8, 1984.

H—5525 (previously adopted) filed by Rosenberg of Story and Jay of Appanoose on March 8, 1984.

H—5536 (previously adopted) filed by Tabor of Jackson on March 8, 1984.

H—5531 (found on page 900 of the House Journal) filed by Tabor of Jackson on March 8, 1984.

The House resumed consideration of amendment H—5537, temporarily deferred.

Connors of Polk offered the following amendment H—5584, to amendment H—5537, filed by him from the floor and moved its adoption:

H—5584

1 Amend House amendment H—5537 to House File 2486
 2 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 "Sec. . . . Section 321.191, unnumbered paragraph
 8 2, Code 1983, is amended to read as follows:
 9 There shall be a fee of twenty fifty dollars for
 10 reinstatement of a chauffeur's license or operator's
 11 license which is, after notice and opportunity for
 12 hearing, suspended or revoked pursuant to sections
 13 321.193, 321.209 and 321.210, except subsection 4
 14 thereof, 321.513, 321.560, 321A.6, and chapter 321B.
 15 The twenty dollar fee shall be collected only if the
 16 person whose license was suspended or revoked was
 17 served personally with notice. If the person whose
 18 license was suspended or revoked was served notice
 19 by certified mail, the reinstatement fee shall be
 20 ten dollars." "

Amendment H—5584 was adopted.

On motion by Jay of Appanoose, amendment H—5537, as amended, was adopted.

Van Camp of Scott moved that the rules be suspended to consider amendment H—5543, filed from the floor by Van Camp, Hermann, Handorf, Royer, Paulin, Maulsby, Corey, Clark, Haverland, Stromer, Hoffmann-Bright, Harbor, Rensink, Miller, McKean, Stueland, McIntee, Renken, Anderson, Grandia, Cooper, Carpenter and Black as follows:

H—5543

- 1 Amend House File 2486 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, subsection 33, Code
- 5 1983, is amended to read as follows:
- 6 33. "Legal age" means ~~nineteen~~ twenty-one years
- 7 of age or more.
- 8 Sec. 2. Section 1 of this Act does not apply to
- 9 persons born on or before June 30, 1965."
- 10 2. By renumbering as required by this amendment.

Roll call was requested by Bennett of Ida and Van Camp of Scott.

On the question "Shall the rules be suspended to consider amendment H—5543?"

The ayes were, 41:

Anderson	Bennett	Black	Branstad
Carpenter	Clark	Cochran	Cooper
Corey	Daggett	Davitt	De Groot
Diemer	Grandia	Groth	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hermann	Hoffmann-Bright
Lageschulte	Maulsby	McIntee	McKean
Miller	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Stromer	Stueland	Swearingen
Torrence	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 49:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Connors	Doderer	Fey

Fogarty	Groninga	Gronstal	Gruhn
Hammond	Hanson	Holveck	Hughes
Jay	Knapp	Koenigs	Krewson
Lloyd-Jones	Loneragan	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Renaud
Rosenberg	Running	Sherzan	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 10:

Connolly	Copenhaver	Harbor	Haverland
Hummel	Jochum	Menke	Poncy
Shoultz	Tofte		

The motion lost.

The following amendment H-5593, filed by Jay of Appanoose from the floor, was adopted by unanimous consent:

H-5593

- 1 Amend House File 2486 as follows:
- 2 1. Title page by striking lines 1 through 19 and
- 3 inserting in lieu thereof the following: "An Act to
- 4 provide a deterrent to persons operating a motor
- 5 vehicle while under the influence of an alcoholic
- 6 beverage or other drug, providing instruction and
- 7 treatment for drinking drivers, declaring certain acts
- 8 illegal and establishing penalties."

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 76:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Ciemer	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson

Hermann	Hoffmann-Bright	Holveck	Hughes
Knapp	Koenigs	Lageschulte	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pellett	Renaud	Renken	Rensink
Royer	Schnekloth	Schroeder	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Zimmerman	Mr. Speaker

The nays were, 13:

Chapman	Doderer	Gronstal	Jay
Krewson	Lloyd-Jones	O'Kane	Pavich
Peick	Rosenberg	Running	Tabor
Woods			

Absent or not voting, 11:

Connolly	Copenhaver	Halvorson, R. N.	Harbor
Haverland	Hummel	Jochum	Menke
Poncy	Shoultz	Toft	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES (House Files 2472 and 2486)

Norland of Worth asked and received unanimous consent to immediately message House Files 2472 and 2486 to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon and evening, March 8, 1984. Had I been present, I would have voted "aye" on House Files 224, 2180, 2380, 2396, 2397, 2398, 2400, 2411, 2415 and 2431.

DAGGETT of Taylor

PROOF OF PUBLICATION
(Senate File 2057)

Published copy of Senate File 2057 and verified proof of publication of said bill in the Daily Democrat, a daily newspaper printed and published in Fort Madison, Lee County, Iowa, on January 27, 1984 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

Grandia of Marion presented to the House, Foreign Exchange Student, Anouk Kooijmans, of the Netherlands.

The Speaker announced that the following visitors were present in the House chamber:

Members of the Girls' Basketball Team from Oelwein, accompanied by John Youngblut, Les Williams and Russ Ubben. By Avenson of Fayette.

Twenty students from Murray High School, Murray, accompanied by Mr. Paul Skinner. By Hughes of Union.

Forty Juniors from Danville High School, Danville, accompanied by Robert Heffelfinger. By Carter of Henry.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

OFFICE FOR PLANNING AND PROGRAMMING

The First Quarterly Reports for the period of October 1, 1983 to December 31, 1983, pursuant to Chapter 207, Sec. 79, Acts of the Seventieth General Assembly, 1983 Session.

SUBCOMMITTEE ASSIGNMENTS

House File 2418

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

House Resolution 104

Labor and Industrial Relations: Running, Chair; Handorf and Sherzan.

House Concurrent Resolution 110

State Government: Hammond, Chair; Arnould and Hanson.

House Concurrent Resolution 111

State Government: Pavich, Chair; Rensink and Woods.

House Concurrent Resolution 112

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Senate File 7

State Government: Halvorson of Webster, Chair; Arnould and Krewson.

Senate File 409

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

Senate File 449

State Government: Woods, Chair; Pavich and Swearingen.

Senate File 2116

Small Business and Commerce: Parker, Chair; Chiodo and Schroeder.

Senate File 2117

State Government: Lloyd-Jones, Chair; Gruhn and Hanson.

Senate File 2127

Agriculture: Gruhn, Chair; Anderson and Hughes.

Senate File 2135

Small Business and Commerce: Chiodo, Chair; Parker and Schroeder.

Senate File 2155

State Government: Rensink, Chair; Buhr and Renaud.

Senate File 2167

Education: Buhr, Chair; Haverland and Van Gerpen.

Senate File 2168

Education: Ollie, Chair; Krewson and Zimmerman.

Senate File 2170

Local Government: Cooper, Chair; Grandia and Oxley.

Senate File 2174

Education: Buhr, Chair; Jay and Krewson.

Senate File 2176 (Reassigned)

Human Resources: Mullins, Chair; Connors, Sherzan and Van Camp.

Senate File 2177

Education: Hughes, Chair; Carl and Menke.

Senate File 2182

Small Business and Commerce: Chiodo, Chair; Hummel and Swartz.

Senate File 2184

Education: Shoultz, Chair; Swearingen and Varn.

Senate File 2189

Agriculture: Hughes, Chair; De Groot and Skow.

Senate File 2202

Small Business and Commerce: Gronstal, Chair; Lonergan and Schnekloth.

Senate File 2212

State Government: Blanshan, Chair; Renaud and Van Maanen.

Senate File 2221

Agriculture: Carter, Chair; Handorf and Hughes.

Senate File 2222

Local Government: Poncy, Chair; O'Kane and Swearingen.

Senate File 2248

Energy: Rosenberg, Chair; Jay, Mullins, Osterberg and Paulin.

Senate Joint Resolution 2001

State Government: Blanshan, Chair; Buhr and De Groot.

STUDY BILL SUBCOMMITTEE ASSIGNMENT**Study Bill 787**

Education: Varn, Chair; Branstad and Hughes.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2168, a bill for an act relating to programs for returning dropouts and dropout prevention by a local school district.

Fiscal Note is required.

Recommended **Do Pass** March 8, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 292, a bill for an act relating to qualification and compensation of court interpreters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5519**, March 8, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2160, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2002, a bill for an act relating to ownership rights to dies, molds, and forms.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1984.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the general assembly to specify by law when acts of the general assembly take effect.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1984.

Senate File 2042, a bill for an act abolishing the council on child abuse information.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1984.

RESOLUTION FILED

HCR 115, by Ollie, a concurrent resolution for evaluation of Job Programs.

Referred to committee on **labor and industrial relations**.

AMENDMENTS FILED

H-5544	H.F.	2369	Gruhn of Dickinson
H-5546	H.F.	2369	Royer of Page
H-5549	H.F.	2464	Schneklath of Scott
			Stueland of Clinton
H-5550	H.F.	2369	Gruhn of Dickinson
H-5551	H.F.	2490	Connors of Polk
			Menke of O'Brien
			Poncy of Wapello
H-5552	H.F.	2491	Chiodo of Polk
H-5554	H.F.	2458	Krewson of Polk
H-5563	H.F.	2015	Harbor of Mills
			Connors of Polk
			Schroeder of Pottawattamie
			Branstad of Winnebago
			Jay of Appanoose
			Mullins of Kossuth
			Fogarty of Palo Alto
			Sherzan of Polk
			Chapman of Linn
			Krewson of Polk
			Lonergan of Boone
			Buhr of Polk
			Chiodo of Polk

H-5564	H.F.	2491	Schroeder of Pottawattamie
H-5565	H.F.	2491	Holveck of Polk
			Chiodo of Polk
			Sturgeon of Woodbury
			Parker of Jasper
			Gronstal of Pottawattamie
H-5566	H.F.	2491	Holveck of Polk
			Chiodo of Polk
			Sturgeon of Woodbury
			Parker of Jasper
			Gronstal of Pottawattamie
H-5567	H.F.	2491	McIntee of Black Hawk
H-5569	H.F.	2491	Krewson of Polk
			Van Gerpen of Black Hawk
H-5570	H.F.	2487	Schroeder of Pottawattamie
H-5571	H.F.	2487	O'Kane of Woodbury
H-5572	H.F.	2491	Harbor of Mills
H-5573	H.F.	2475	Maulsby of Calhoun
H-5574	H.F.	2458	Cochran of Webster
H-5581	H.F.	2458	Krewson of Polk
			Poncy of Wapello
H-5582	H.F.	2491	McIntee of Black Hawk
H-5583	H.F.	2491	Parker of Jasper
			Chiodo of Polk
			Schroeder of Pottawattamie
			McIntee of Black Hawk
			Gronstal of Pottawattamie
H-5585	H.F.	2470	Schroeder of Pottawattamie
H-5586	H.F.	2279	Spear of Lee
H-5587	H.F.	2279	Spear of Lee
H-5589	H.F.	2394	Hammond of Story
			Chapman of Linn
H-5590	H.F.	2491	Schroeder of Pottawattamie
H-5591	H.F.	2425	Rosenberg of Story
H-5592	H.F.	2378	Spear of Lee
H-5594	H.F.	2491	Running of Linn

On motion by Norland of Worth, the House adjourned at 7:52 p.m., until 10:00 a.m., Monday, March 12, 1984.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 12, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Perry De Groot, pastor of the Bethany Reform Church, Des Moines.

The Journal of Friday, March 9, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, for the morning, on request of Fey of Scott; Schnekloth of Scott on request of Rensink of Sioux; Connolly of Dubuque, until his arrival, on request of Knapp of Dubuque.

PETITIONS FILED

The following petitions were received and placed on file:

By Royer of Page, from seventy-seven constituents of the 93rd District, opposing the new ruling of "having our physician call Des Moines and prove to the Iowa Foundation for Medical Care that you are sick enough to be admitted to the hospital."

By Van Maanen of Mahaska, a resolution adopted by the Mahaska County Board of Supervisors, urging the General Assembly to continue state assumption of costs related to the operation of the Courts on the timetable now established by law.

SENATE MESSAGES CONSIDERED

Senate File 2095, by Hall, a bill for an act providing a penalty for violation of requirements for setting aside handicapped parking spaces.

Read first time and referred to committee on **human resources**.

Senate File 2205, by committee on natural resources, a bill for an act relating to the fees for the registration of vessels.

Read first time and referred to committee on **natural resources**.

Senate File 2215, by committee on education, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

Read first time and referred to committee on **education**.

Senate File 2247, by committee on judiciary, a bill for an act relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2250, by committee on transportation, a bill for an act relating to the budget year and annual report provisions for secondary roads.

Read first time and referred to committee on **local government**.

Senate File 2252, by committee on judiciary, a bill for an act relating to the visitation rights of a grandparent.

Read first time and referred to committee on **human resources**.

Senate File 2253, by committee on judiciary, a bill for an act relating to the penalty for violation of the Iowa competition law and providing for a prohibition from bidding on governmental contracts by persons convicted of violations of the Iowa competition law.

Read first time and referred to committee on **state government**.

Senate File 2263, by committee on education, a bill for an act requiring the department of public instruction to adopt rules relating to the review of an action or omission relating to special education programs by state or local authorities.

Read first time and referred to committee on **education**.

Senate File 2264, by committee on education, a bill for an act relating to teaching comprehensive health education in grades one through twelve.

Read first time and referred to committee on **education**.

Senate File 2283, by committee on judiciary, a bill for an act relating to the death of a fire fighter during an arson and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2285, by committee on small business and economic development, a bill for an act permitting the deposit of a credit union certified share draft as security on a bid for a contract for a public improvement.

Read first time and referred to committee on **small business and commerce**.

Senate File 2290, by committee on education, a bill for an act relating to the references to "voters" in regard to school district boundary petitions.

Read first time and referred to committee on **education**.

Senate File 2298, by committee on transportation, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department.

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 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 54, 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.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act relating to the establishment and dissolution of a sanitary district.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2254, a bill for an act relating to the state employee suggestion system.

Also: That the Senate has on March 8, 1984, passed (with amendment S-5294 adopted) the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act limiting the amount charged employed county prisoners for meals.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to modification of orders made in proceedings for dissolution of marriage, annulment or separate maintenance.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2300, a bill for an act relating to the sentencing of habitual offenders under section 902.8.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to the protection of lienholders' and certificate holders' advancements.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or deliver, a controlled substance.

K. MARIE THAYER, Secretary

HOUSE FILE 2333 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2333 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Noncontroversial Calendar

SENATE FILE 2244 SUBSTITUTED FOR HOUSE FILE 2322

Connors of Polk asked and received unanimous consent to substitute Senate File 2244 for House File 2322.

Senate File 2244, a bill for an act relating to public bonds and obligations by correcting references and providing for payment of the costs of registration, was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2244)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Menke	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connolly	Jay	Lonergan	Miller
Schneklath	Welden		

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 board of parole, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5461 filed by him on March 7, 1984.

Spear of Lee offered the following amendment H—5592 filed by him and moved its adoption:

H—5592

- 1 Amend House File 2378 as follows:
- 2 1. Page 1, by striking lines 1 through 16.
- 3 2. Page 1, line 21, by striking the words "three
- 4 member panel" and inserting in lieu thereof the words
- 5 "panel of three or more members".
- 6 3. Page 1, line 24, by striking the words "three
- 7 member" and inserting in lieu thereof the words "panel
- 8 of three or more members".
- 9 4. Page 1, line 25, by striking the word "panel".
- 10 5. Page 1, line 30, by striking the words "three
- 11 member panel" and inserting in lieu thereof the words
- 12 "panel of three or more members".
- 13 6. Page 2, line 1, by striking the words "three
- 14 member panel" and inserting in lieu thereof the words
- 15 "panel of three or more members".
- 16 7. Page 2, line 3, by striking the words "three
- 17 member panel" and inserting in lieu thereof the words
- 18 "panel of three or more members".
- 19 8. Page 2, line 12, by striking the words "three
- 20 member panel" and inserting in lieu thereof the words
- 21 "panel of three or more members".
- 22 9. Page 2, line 24, by striking the words "three
- 23 member panel" and inserting in lieu thereof the words
- 24 "panel of three or more members".
- 25 10. Page 2, line 26, by striking the words "three
- 26 member panel" and inserting in lieu thereof the words
- 27 "panel of three or more members".
- 28 11. Page 2, line 29, by striking the words "three
- 29 member panel" and inserting in lieu thereof the words
- 30 "panel of three or more members".

Amendment H—5592 was adopted.

Rosenberg 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. 2378)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Menke
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connolly	Connors	Gruhn	Jay
Loneragan	Miller	Schnekloth	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2390, a bill for an act relating to county finance by deleting or amending incorrect references to county funds and making amendments to resolve conflicts in county finance laws, was taken up for consideration.

Black of Jasper offered the following amendment H-5484 filed by him and moved its adoption:

H-5484

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, line 25, by striking the word
- 3 "probation" and inserting in lieu thereof the words
- 4 "~~probation~~ court".
- 5 2. Page 3, line 26, by striking the figure "231"

- 6 and inserting in lieu thereof the figures "231 602".
 7 3. Page 3, lines 29 and 30, by striking the words
 8 and figure "required under section 602.34" and
 9 inserting in lieu thereof the words and figure
 10 "required under section 602.34 to a retirement system
 11 for bailiffs".
 12 4. Page 3, line 31, by striking the figure "602.42"
 13 and inserting in lieu thereof the figures "602.42
 14 602.6501".

Amendment H—5484 was adopted.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Menke
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connolly	Connors	Copenhaver	Jay
Loneragan	Miller	Schnekloth	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2404, a bill for an act relating to the definition of telephone companies not generally subject to rate regulation, was taken up for consideration.

Chiodo of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Menke
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connolly	Connors	Hermann	Jay
Lonergan	Miller	Schnekloth	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2015 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2015 be deferred and that the bill retain its place on the calendar.

Doderer of Johnson in the chair at 10:54 a.m.

Regular Calendar

House File 2369, a bill for an act relating to noxious weeds listed in chapter 317, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—5516 filed by Muhlbauer, et al.:

H—5516

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. . Section 317.6, Code 1983, is amended
- 5 by adding the following as the first unnumbered
- 6 paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** If an owner or person
- 8 in possession or control of land fails to sub-
- 9 stantially comply with an order for destruction of
- 10 noxious weeds lawfully issued under this chapter,
- 11 the board of supervisors may impose, in accordance
- 12 with section 331.302, a penalty of a fine not to
- 13 exceed one hundred dollars for each day up to a total
- 14 of fourteen days that the owner or person in possession
- 15 or control of the land fails to comply and may provide
- 16 for entry upon the land for the purpose of destroying
- 17 noxious weeds. Entry or a fine ordered by the board
- 18 shall not commence until five days after the ser-
- 19 vice of notice in writing to the owner or person in
- 20 possession or control of the land. Only a single
- 21 service of notice is required for the board to commence
- 22 either entry or a fine or both."
- 23 2. By renumbering as required by this amendment.

Gruhn of Dickinson offered the following amendment H—5550, to amendment H—5516, filed by her and moved its adoption:

H—5550

- 1 Amend House amendment H—5516 to House File 2369
- 2 as follows:
- 3 1. Page 1, line 13, by striking the words "one
- 4 hundred" and inserting in lieu thereof the word
- 5 "fifty".

Amendment H—5550 was adopted.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—5544, to amendment H—5516, filed by her on March 9, 1984.

Royer of Page asked and received unanimous consent to withdraw amendment H—5546, to amendment H—5516, filed by him on March 9, 1984.

Norland of Worth asked and received unanimous consent that House File 2369 be temporarily deferred and that the bill retain its place on the calendar.

(Amendment H—5516, as amended, pending.)

House File 2387, a bill for an act relating to the authority of the department of water, air and waste management over public water supply systems, was taken up for consideration.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5464 filed by him on March 7, 1984.

Schroeder of Pottawattamie offered the following amendment H—5435 filed by him and moved its adoption:

H—5435

- 1 Amend House File 2387 as follows:
- 2 1. Page 1, by striking lines 32 through page 2,
- 3 line 1 and inserting in lieu thereof the following:
- 4 "and applicable safety standards. The material
- 5 standards for polyvinyl chloride pipe shall not exceed
- 6 the specifications for polyvinyl chloride pipe in
- 7 designations D-1784-69, D-2241-73, D-2564-76, D-2672-
- 8 76, D-3036-73 and D-3139-73 of the American society
- 9 of testing and material. The rules adopted".
- 10 2. Page 3, line 29, by inserting after the word
- 11 "modification" the words "except repairs,".

Amendment H—5435 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone, until her arrival, on request of Sturgeon of Woodbury.

Groth of Buena Vista offered the following amendment H—5524 filed by Groth, et al., and moved its adoption:

H—5524

1 Amend House File 2387 as follows:

2 1. Page 1, by striking line 1 through page 6,
3 line 25, and inserting in lieu thereof the following:

4 "Section 1. Section 455B.183, subsection 1 and
5 unnumbered paragraph 4, Code Supplement 1983, are
6 amended to read as follows:

7 1. The construction, installation or modification
8 of any disposal system or public water supply system
9 or part thereof or any extension or addition thereto
10 except those sewer extensions and water supply
11 distribution system extensions that are subject to
12 review and approval by a city or county public works
13 department pursuant to this section and private sewage
14 disposal systems. A permit shall be issued for the
15 construction, installation or modification of a public
16 water supply ~~distribution~~ system or part of a system
17 if a qualified, registered engineer certifies to the
18 commission that the plans for the system or part of
19 the system meet the requirements of state and federal
20 law or regulations. The permit shall state that
21 approval is based only upon the engineer's
22 certification that the system's design meets the
23 requirements of all applicable state and federal laws
24 and regulations and the review of the department shall
25 be advisory.

26 Plans and specifications for all other waste
27 disposal systems and public water supply systems,
28 including sewer extensions and water supply
29 distribution system extensions not reviewed by a city
30 or county public works department under this section,
31 shall be submitted to the department before a written
32 permit may be issued. Plans and specifications for
33 public water supply systems and water supply
34 distribution system extensions must be certified by
35 a registered engineer as provided in subsection 1.
36 The construction of any such waste disposal system
37 or public water supply system shall be in accordance
38 with standards formulated and adopted by the commission
39 pursuant to section 455B.173, subsections 6 to 9,
40 ~~or otherwise approved by the department.~~ If it is
41 necessary or desirable to make material changes in
42 the plans or specifications, revised plans or
43 specifications together with reasons for the proposed
44 changes must be submitted to the department for a
45 supplemental written permit. The revised plans and
46 specifications for a public water supply system must
47 be certified by a registered engineer as provided in
48 subsection 1."

Amendment H—5524 was adopted, placing out of order amendment H—5435, previously adopted.

Groth of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2387)

The ayes were, 91:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	De Groot	Diemer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McIntee	McKean	Menke
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Madam Speaker (Doderer)	

The nays were, 1:

Mullins

Absent or not voting, 8:

Carpenter	Connors	Davitt	Jay
Lonergan	Miller	Parker	Schneklath

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2378, 2390, 2404 and 2387.

On motion by Norland of Worth, the House was recessed at 11:47 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

HOUSE FILE 2491 TEMPORARILY DEFERRED

Norland of Worth asked and received unanimous consent that House File 2491 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS**Regular Calendar**

House File 2436, a bill for an act relating to the licensure and operation of a hospice program, was taken up for consideration.

Lloyd-Jones of Johnson in the chair at 1:42 p.m.

Zimmerman of Dallas offered amendment H—5458 filed by her. Division was requested as follows:

H—5458

1 Amend House File 2436 as follows:

H—5458A

2 1. Page 1, line 12, by inserting after the word
3 "A" the word "licensed".

H—5458B

4 2. Page 1, line 35, by inserting after the word
5 "physician," the words "the dispensing pharmacist,".

H—5458C

6 3. Page 4, by striking lines 7 through 18.
7 4. By renumbering as necessary.

On motion by Zimmerman of Dallas, amendment H—5458A was adopted.

Zimmerman of Dallas moved the adoption of amendment H—5458B.

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 45, nays 50.

Amendment H—5458B lost.

Lonergan of Boone asked and received unanimous consent to temporarily defer action on amendment H—5395.

Lonergan of Boone offered the following amendment H—5396 filed by Lonergan, et al., and moved its adoption:

H—5396

- 1 Amend House File 2436 as follows:
- 2 1. Page 2, line 31, by striking the words "shall
- 3 not" and inserting in lieu thereof the word "may".
- 4 2. Page 2, line 32, by striking the words "without
- 5 a" and inserting in lieu thereof the words "and
- 6 receive".
- 7 3. Page 2, line 33, by inserting after the word
- 8 "department" the words "after meeting the requirements
- 9 of this division".
- 10 4. Page 2, line 35, by inserting after the word
- 11 "necessary." the words "Nothing in this division shall
- 12 prohibit a person or governmental unit from
- 13 establishing, conducting, or maintaining a hospice
- 14 program without a license."

Amendment H—5396 was adopted.

Lonergan of Boone asked and received unanimous consent to withdraw amendment H—5395 filed by Lonergan, et al., on March 5, 1984.

The House resumed consideration of amendment H—5458C.

On motion by Zimmerman of Dallas, amendment H—5458C was adopted.

Zimmerman 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. 2436)

The ayes were, 92:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lonergan	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Varn	Woods	Zimmerman	Madam Speaker (Lloyd-Jones)

The nays were, 6:

Branstad	Handorf	Maulsby	Renken
Van Maanen	Weiden		

Absent or not voting, 2:

Jay	Schneklath
-----	------------

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:

Jay of Appanoose, until his arrival, on request of Sullivan of Van Buren.

House File 2464, a bill for an act relating to the measurement of pipeline depth by pipeline companies, was taken up for consideration.

Stueland of Clinton asked and received unanimous consent to withdraw amendment H—5549 filed by Schnekloth of Scott and him on March 9, 1984.

Copenhaver of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 99:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poney	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Madam Speaker (Lloyd-Jones)	

The nays were, none.

Absent or not voting, 1:

Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2439 TEMPORARILY DEFERRED

Norland of Worth asked and received unanimous consent that House File 2439 be temporarily deferred and that the bill retain its place on the calendar.

House File 2425, a bill for an act relating to the commitment of children and certain adults either to the state training school or the appropriate adult correctional facility, was taken up for consideration.

Rosenberg of Story offered the following amendment H-5591 filed by him:

H-5591

1 Amend House File 2425 as follows:

2 1. Page 1, by striking lines 1 through 31 and
3 inserting in lieu thereof the following:

4 "Section 1. Section 217A.31, Code Supplement 1983,
5 is amended by adding the following new unnumbered
6 paragraph:

7 **NEW UNNUMBERED PARAGRAPH.** If a child over thirteen
8 and under eighteen years of age is convicted of a
9 public offense in the district court and committed
10 to the custody of the director under section 901.7,
11 the director may request transfer of the child to
12 the state training school under this section. If
13 the director of a division of the department of human
14 services consents and approves the transfer, the child
15 may be retained in temporary custody by the state
16 training school until attaining the age of eighteen,
17 at which time the child shall be returned to the
18 custody of the director of the department of
19 corrections to serve the remainder of the sentence
20 imposed by the district court. If the child becomes
21 a security risk or becomes a danger to other residents
22 of the state training school at any time before
23 reaching eighteen years of age, the director of the
24 division of the department of human services may
25 immediately return the child to the custody of the
26 director of the department of corrections to serve
27 the remainder of the sentence."

28 2. Page 1, by striking line 32 and inserting in
29 lieu thereof the following:

30 "Sec. 2. Sections 242.6 and 245.5, Code 1983,
31 are repealed."

Rosenberg of Story offered the following amendment H—5601, to amendment H—5591, filed by him from the floor and moved its adoption:

H—5601

- 1 Amend the amendment, H—5591, to House File 2425
- 2 as follows:
- 3 1. Page 1, by striking lines 7 and 8 and inserting
- 4 in lieu thereof the following:
- 5 "NEW UNNUMBERED PARAGRAPH. If the juvenile court
- 6 waives its jurisdiction over a child over thirteen
- 7 and under eighteen years of age pursuant to section
- 8 232.45 so that the child may be prosecuted as an adult
- 9 and if the child is convicted of a".

Amendment H—5601 was adopted.

On motion by Rosenberg of Story, amendment H—5591, as amended, was adopted.

Rosenberg 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. 2425)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running

Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, none.

Absent or not voting, 2:

Haverland Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2439, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties, temporarily deferred, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2439)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond

Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lonergan
Mausby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Pony	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, 1:

Branstad

Absent or not voting, 1:

Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2478, 2458 and 422 be deferred and that the bills retain their place on the calendar.

House File 2167, a bill for an act relating to the cost of permanent soil and water conservation practices constructed under administrative order with public cost-sharing funds, with report of committee recommending passage, was taken up for consideration.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2167)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrente	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, 1:

Schroeder

Absent or not voting, 1:

Schnéklöth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 2:58 p.m.

House File 2279, a bill for an act relating to regulation of taxicabs by cities, with report of committee recommending passage, was taken up for consideration.

Spear of Lee offered the following amendment H—5488 filed by him and moved its adoption:

H-5488

- 1 Amend House File 2279 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 " . Require that operators carry insurance on
- 5 their taxicabs to cover their legal liability for
- 6 property damage, bodily injury, and death."

Amendment H-5488 was adopted.

Spear of Lee offered the following amendment H-5489 filed by him and moved its adoption:

H-5489

- 1 Amend House File 2279 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 " . Require that operators prominently display
- 5 the name under which the taxicab business is being
- 6 conducted on each side of their taxieabs."

A non-record roll call was requested.

The ayes were 63, nays 20.

Amendment H-5489 was adopted.

Spear of Lee offered the following amendment H-5490 filed by him and moved its adoption:

H-5490

- 1 Amend House File 2279 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 " . Require that drivers be photographed and
- 5 fingerprinted by the city police department."

A non-record-roll call was requested.

The ayes were 47, nays 37.

Amendment H-5490 was adopted.

Spear of Lee offered the following amendment H-5491 filed by him and moved its adoption:

H—5491

- 1 Amend House File 2279 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "franchises" the words "and establish fees to be
- 4 charged for each".

Amendment H—5491 was adopted.

Spear of Lee offered the following amendment H—5586 filed by him and moved its adoption:

H—5586

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, line 8, by striking the words "five years"
- 3 and inserting in lieu thereof the words "twenty-four
- 4 months".

A non-record roll call was requested.

The ayes were 34, nays 41.

Amendment H—5586 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5478 filed by him on March 8, 1984.

Spear of Lee offered the following amendment H—5587 filed by him and moved its adoption:

H—5587

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, line 5, by striking the words "five years"
- 3 and inserting in lieu thereof the words "twenty-four
- 4 months".

Amendment H—5587 lost.

Spear of Lee offered the following amendment H—5385 filed by him:

H—5385

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, line 9, by striking the words "or
- 3 habitual use of".

Spear of Lee offered the following amendment H—5597, to amendment H—5385, filed by him from the floor and moved its adoption:

H—5597

- 1 Amend House amendment H—5385 to House File 2279
- 2 as follows:
- 3 1. Page 1, by striking lines 2 and 3 and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 2, by striking lines 9 and 10 and
- 6 inserting in lieu thereof the following:
- 7 "c. Addiction to intoxicating liquors, or addiction
- 8 to or habitual use of controlled substances." "

Amendment H—5597 was adopted.

On motion by Spear of Lee, amendment H—5385, as amended, was adopted.

Spear of Lee offered the following amendment H—5384 filed by him and moved its adoption:

H—5384

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, by striking lines 11 and 12.
- 3 2. By renumbering paragraphs as required by this
- 4 amendment.

Amendment H—5384 was adopted.

Spear of Lee offered the following amendment H—5494 filed by him and moved its adoption:

H—5494

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "ordinances" the words "classified as moving traffic
- 4 violations".

Amendment H—5494 was adopted.

Spear of Lee offered the following amendment H—5487 filed by him:

H-5487

1 Amend House File 2279 as follows:

2 1. Page 2, by inserting after line 26 the
3 following:

4 "4. A city shall submit its proposed ordinance
5 to the department of transportation for approval
6 before it may be put in effect and the department
7 shall approve the ordinance if it substantially
8 conforms to the requirements of this section. The
9 city shall file an annual report to the department
10 of transportation on the operation of its ordinance.
11 The department of transportation shall adopt rules
12 under chapter 17A to implement the requirements of
13 this subsection."

14 2. By renumbering as required by this amendment.

Peick of Linn offered the following amendment H-5596, to amendment H-5487, filed by her from the floor and moved its adoption:

H-5596

1 Amend House amendment H-5487 to House File 2279
2 as follows:

3 1. Page 1, line 5, by striking the words
4 "department of transportation" and inserting in lieu
5 thereof the words "transportation regulation
6 authority".

7 2. Page 1, line 6, by striking the word
8 "department" and inserting in lieu thereof the word
9 "authority".

10 3. Page 1, line 9, by striking the words "to the
11 department" and inserting in lieu thereof the words
12 "with the authority".

13 4. Page 1, line 10, by striking the words "of
14 transportation".

15 5. Page 1, line 11, by striking the words
16 "department of transportation" and inserting in lieu
17 thereof the word "authority".

Amendment H-5596 was adopted.

On motion by Spear of Lee, amendment H-5487, as amended, was adopted.

Peick of Linn offered the following amendment H—5477 filed by her and moved its adoption:

H—5477

- 1 Amend House File 2279 as follows:
- 2 1. Page 2, by striking lines 33 and 34 and
- 3 inserting in lieu thereof the following:
- 4 "c. "Operator" means a person who owns taxicabs,
- 5 or contracts with others for the use of taxicabs in
- 6 conducting a taxicab business, but does not include
- 7 a person who owns and drives a taxicab under contract
- 8 with another who conducts a taxicab business."

Amendment H—5477 was adopted.

Peick 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 76 was invoked.

On the question "Shall the bill pass?" (H.F. 2279)

The ayes were, 53:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Davitt	Doderer	Fey	Fogarty
Gronstal	Groth	Halvorson, R. N.	Hammond
Haverland	Hermann	Holveck	Hughes
Jochum	Koenigs	Krewson	Lloyd-Jones
Menke	Miller	Norland	O'Kane
Ollie	Oxley	Pavich	Peick
Poney	Renaud	Rosenberg	Running
Schroeder	Sherzan	Skow	Spear
Stromer	Swartz	Tabor	Tofte
Van Camp	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 46:

Anderson	Bennett	Black	Branstad
Carl	Carter	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Grandia	Groninga	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hoffmann-Bright

Hummel	Jay	Knapp	Lageschulte
Loneragan	Maulsby	McIntee	McKean
Muhlbauer	Mullins	Osterberg	Parker
Paulin	Pellett	Renken	Rensink
Royer	Shoultz	Stueland	Sturgeon
Sullivan	Swearingen	Torrence	Van Gerpen
Van Maanen	Welden		

Absent or not voting, 1:

Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2394 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2394 be temporarily deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2369**, a bill for an act relating to noxious weeds listed in chapter 317, and amendment H—5516, as amended, temporarily deferred.

Maulsby of Calhoun offered the following amendment H—5603, to amendment H—5516, filed by him from the floor and moved its adoption:

H—5603

1 Amend House amendment H—5516 to House File 2369
 2 as follows:
 3 1. Page 1, line 17, by inserting after the word
 4 "weeds." the following: "However, the method used
 5 to destroy the weeds shall not be a method which has
 6 an adverse effect on the future productivity of the
 7 soil."

Amendment H—5603 was adopted.

Muhlbauer of Crawford offered the following amendment H—5602, to amendment H—5516, filed by him from the floor and moved its adoption:

H-5602

- 1 Amend House amendment H-5516 to House File 2369
- 2 as follows:
- 3 1. Page 1, line 19, by striking the word "or"
- 4 and inserting in lieu thereof the word "and".

Amendment H-5602 was adopted.

On motion by Muhlbauer of Crawford, amendment H-5516, as amended, was adopted.

The following amendment H-5611 filed by Muhlbauer of Crawford from the floor was adopted by unanimous consent:

H-5611

- 1 Amend House File 2369 as follows:
- 2 1. Title Page, line 1, by inserting after the
- 3 numeral "317" the following: "and providing a
- 4 penalty".

Gruhn of Dickinson moved that the bill be read a last time now and 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, 88:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
De Groot	Diemer	Fey	Fogarty
Groninga	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Rensink	Rosenberg	Royer
Running	Sherzan	Shultz	Skow

Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 9:

Anderson	Daggett	Davitt	Grandia
Gronstal	McKean	Renken	Schroeder
Van Maanen			

Absent or not voting, 3:

Doderer	Schnekloth	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 2015, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo, with report of committee recommending amendment and passage, was taken up for consideration.

Harbor of Mills offered the following amendment H—5365 filed by the committee on state government:

H—5365

- 1 Amend House File 2015 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "commission" and inserting in lieu thereof the word
- 4 "department".
- 5 2. Page 1, line 7, by striking the word
- 6 "commission" and inserting in lieu thereof the word
- 7 "department".
- 8 3. By striking page 1, line 9 through page 3,
- 9 line 13.
- 10 4. By striking page 4, line 17 through page 7,
- 11 line 17 and inserting in lieu thereof the following:
- 12 "Sec. 13. Section 99B.14, Code 1983, is amended
- 13 to read as follows:
- 14 99B.14 REVOCATION OF LICENSE. The department
- 15 shall revoke a license issued pursuant to this chapter
- 16 if the licensee or ~~any~~ an agent of the licensee
- 17 violates or permits a violation of ~~any of the~~
- 18 provisions a provision of this chapter, or departmental
- 19 rules adopted pursuant to chapter 17A, or if any cause
- 20 exists for which the director would have been justified
- 21 in refusing to issue a license, or upon the conviction

22 of any person of a violation of this chapter or rules
 23 adopted under this chapter which occurred on the
 24 licensed premises.

25 Revocation proceedings shall be held only after
 26 giving notice and an opportunity for hearing to the
 27 licensee. Notice shall be given at least ten days
 28 in advance of the date set for hearing. If the
 29 department finds cause for revocation, the license
 30 shall be revoked and thereafter no license may be
 31 issued to the person, or to the agent of the person
 32 found to be in violation of this chapter for a period
 33 not to exceed three years.

34 Sec. 14. Section 99B.19, Code 1983, is amended
 35 to read as follows:

36 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.

37 Upon request of the department of revenue or the
 38 division of criminal investigation of the department
 39 of public safety, the attorney general shall institute
 40 in the name of the state the proper proceedings against
 41 a person charged by the either department with
 42 violating a provision of this chapter, and a county
 43 attorney, at the request of the attorney general,
 44 shall appear and prosecute an action when brought
 45 in the county attorney's county."

46 5. Renumber as necessary.

Jay of Appanoose offered the following amendment H—5492, to
 the committee amendment H—5365, filed by Jay, et al., and moved
 its adoption:

H—5492

1 Amend House amendment H—5365 to House File 2015
 2 as follows:

3 1. Page 1, by inserting after line 1 the following:

4 "1. Page 1, by inserting before line 1 the
 5 following:

6 "Section 1. NEW SECTION. 99B.9A EXCEPTIONS FOR
 7 CERTAIN AREAS. The department may, at its discretion,
 8 allow a qualified organization under section 99B.7
 9 to hold a game of bingo in a building where another
 10 qualified organization also holds a game of bingo
 11 or where the building is adjacent, but not
 12 intraconnected, with an establishment holding a liquor
 13 license and the building is located in a municipality
 14 of a recorded census of less than two thousand people
 15 and the municipality is not located adjacent to another
 16 municipality." "

17 2. By renumbering to conform to this amendment.

Amendment H—5492 was adopted.

Harbor of Mills offered the following amendment H—5563, to the committee amendment H—5365, filed by Harbor, et al., and moved its adoption:

H—5563

1 Amend House amendment H—5365 to House File 2015
2 as follows:

3 1. Page 1, by striking lines 8 through 45 and
4 inserting in lieu thereof the following:

5 "3. By striking page 1, line 9 through page 3,
6 line 13 and inserting in lieu thereof the following:

7 "Sec. 101. Section 99B.1, subsections 3 and 6,
8 Code 1983, are amended to read as follows:

9 3. "Raffle" means a lottery in which each
10 participant buys a ticket for a chance at a prize
11 with the winner determined by a random method and
12 the winner is not required to be present to win.

13 "Raffle" does not include a slot machine.

14 6. "Net receipts" means gross receipts less amounts
15 awarded as prizes and state sales tax paid upon the
16 gross receipts. Reasonable expenses, charges, fees,
17 taxes other than the state sales tax, and deductions
18 allowed by the department of revenue shall not exceed
19 twenty-five percent of net receipts.

20 Sec. 102. Section 99B.2, Code 1983, is amended
21 to read as follows:

22 99B.2 LICENSING — RECORDS REQUIRED.

23 1. The department is the agency responsible for
24 issuing any a license required by this chapter. A
25 license shall not be issued, except upon submission
26 to the department of an application on forms furnished
27 by the department, and the required license fee.
28 A license may be issued to any applicant who is an
29 eligible applicant. However, a license shall not
30 be issued to an applicant who has been convicted of
31 or pled guilty to a violation of this chapter, or
32 who has been convicted of or pled guilty to a violation
33 of chapter 123 that resulted, at any time, in
34 revocation of a license issued to the applicant under
35 chapter 123 or that resulted, within the twelve months
36 preceding the date of application for a license
37 required by this chapter, in suspension of a license
38 issued under chapter 123. To be eligible for a two
39 year license under section 99B.7, an organization
40 shall have been in existence at least five years prior
41 to the date of issuance of the license. A license
42 also shall not be issued for a location for which
43 a previous license issued under this chapter or chapter
44 123 has been revoked within the preceding two years.
45 Except as otherwise provided in this chapter, a license
46 is valid for a period of two years from the date of
47 issue. The license fee is not refundable, but shall
48 be returned to the applicant if an application is
49 not approved.

50 2. A licensee other than one issued a license

Page 2

1 pursuant to section 99B.6 or section 99B.9 shall
2 maintain proper books of account and records showing
3 in addition to any other information required by the
4 department, gross receipts and the amount of the gross
5 receipts taxes collected or accrued with respect to
6 gambling activities, all expenses, charges, fees and
7 other deductions, and the cash amounts, or the cost
8 to the licensee of goods or other noncash valuables,
9 distributed to participants in the licensed activity.
10 If the licensee is a qualified organization, the
11 amounts dedicated and the date and name and address
12 of each person to whom distributed also shall be kept
13 in the books and records. The books of account and
14 records shall be made available to the department
15 or a law enforcement agency for inspection at
16 reasonable times, with or without notice. A failure
17 to permit inspection is a serious misdemeanor.

18 3. A qualified organization conducting bingo
19 occasions under a two year license and expecting to
20 have annual gross receipts of more than ten thousand
21 dollars shall establish and maintain one regular
22 checking account designated the "bingo account" and
23 may also maintain one or more interest-bearing savings
24 accounts designated as "bingo savings account."

25 a. Funds derived from the conduct of bingo, less
26 the amount awarded as cash prizes, shall be deposited
27 in the bingo account. No other funds except limited
28 funds of the organization deposited to pay initial
29 or unexpected emergency expenses shall be deposited
30 in the bingo account. Deposits shall be made no later
31 than the next business day following the day of the
32 bingo occasion on which the receipts were obtained.
33 Accounts shall be maintained in a financial institution
34 in Iowa.

35 b. Funds from the bingo account shall be withdrawn
36 by preprinted, consecutively numbered checks or share
37 drafts, signed by a duly authorized representative
38 of the licensee and made payable to a person or
39 organization. Checks shall be imprinted with the
40 words "Bingo Account" and shall contain the
41 organization's gambling license number on the face
42 of the check. There shall also be noted on the face
43 of the check or share draft the nature of the payment
44 made. A check or slip shall not be made payable to
45 "cash," "bearer," or a fictitious payee. Checks,
46 including voided checks and drafts, shall be kept
47 and accounted for.

48 c. Checks shall be drawn on the bingo account
49 for only the following purposes:

50 (1) The payment of necessary and reasonable bona

Page 3

1 fide expenses permitted under section 99B.7, subsection
2 3, paragraph "b", incurred and paid in connection
3 with the conduct of bingo.

4 (2) The disbursement of net proceeds derived from
5 the conduct of bingo to charitable purposes as required
6 by section 99B.7, subsection 3, paragraphs "b" and
7 "c".

8 (3) The transfer of net proceeds derived from
9 the conduct of bingo to a bingo savings account pending
10 disbursement to a charitable purpose.

11 (4) To withdraw initial or emergency funds
12 deposited under section 99B.2, subsection 3, paragraph
13 "a".

14 (5) To pay prizes if the qualified organization
15 decides to pay prizes by check rather than cash.

16 d. The disbursement of net proceeds on deposit
17 in a bingo savings account to a charitable purpose
18 shall be made by transferring the intended disbursement
19 back into the bingo account and then withdrawing the
20 amount by a check drawn on that account as prescribed
21 in this section.

22 e. Except as permitted by section 99B.2, subsection
23 3, paragraph "a", gross receipts derived from the
24 conduct of bingo shall not be commingled with other
25 funds of the licensed organization. Except as
26 permitted by paragraph "c", subparagraphs (3) and
27 (4), gross receipts shall not be transferred to another
28 account maintained by the licensed organization.

29 § 4. Each A licensee required by subsection 2
30 to maintain records shall submit quarterly reports
31 to the department on forms furnished by the department.
32 These reports shall be due thirty days following the
33 end of each calendar quarter. The reports shall
34 contain a compilation of the information required
35 to be recorded by subsection 2, and shall include
36 all of the transactions occurring during the three-
37 month period for which the report is submitted.
38 Failure to submit the quarterly reports is grounds
39 for revocation of the license. Willful failure to
40 submit quarterly reports is a serious misdemeanor.
41 However, the time for filing of reports may be extended
42 for thirty days if the licensee makes written request
43 to the department for an extension which request shows
44 good cause for granting the extension. The making
45 of any A person who intentionally files a false or
46 fraudulent report or application with intent to defeat
47 or evade any tax assessment, fee, or charitable
48 dedication and distribution required by law is a
49 serious misdemeanor the department commits a fraudulent
50 practice.

Page 4

1 5. An organization receiving funds reported as
2 being dedicated by a qualified organization shall
3 maintain proper books of account and records showing
4 both the receipt and the use of the funds. These
5 records shall be made available to the department
6 or a law enforcement agency for inspection with or
7 without notice at reasonable times. A failure to
8 permit inspection is a serious misdemeanor.

9 . Sec. 103. Section 99B.7, subsection 1, unnumbered
10 paragraph 1, Code Supplement 1983, is amended to read
11 as follows:

12 Except as otherwise provided in section 99B.8,
13 games of skill, games of chance and raffles lawfully
14 may be conducted at a ~~location specified in specified~~
15 location meeting the requirements of subsection 2
16 of this section, but only if all of the following
17 are complied with:".

18 4. Page 3, line 23, by striking the words "doubles
19 if" and inserting in lieu thereof the words "doubles
20 if".

21 5. Page 3, line 24, by striking the words "not
22 won at one" and inserting in lieu thereof the following
23 "not won at one may be increased by not more than
24 one hundred dollars after each day's".

25 6. By striking page 4, line 17 through page 7,
26 line 17, and inserting in lieu thereof the following:

27 "Sec. 104. Section 99B.7, subsection 1, paragraph
28 1, Code Supplement 1983, is amended to read as follows:

29 1. During the entire time that games permitted
30 by this section are being engaged in, no other gambling
31 is engaged in at the same location and no free prize
32 or other gift is given to a participant. However,
33 one or more door prizes of a value not to exceed ten
34 dollars each may be given by random drawing.

35 Sec. 105. Section 99B.7, subsection 1, Code
36 Supplement 1983, is amended by adding the following
37 new lettered paragraph:

38 **NEW LETTERED PARAGRAPH. o.** A person shall not
39 conduct, promote, administer, or assist in the
40 conducting, promoting or administering of a bingo
41 occasion, unless the person regularly participates
42 in activities of the qualified organization other
43 than conducting bingo occasions.

44 Sec. 106. Section 99B.7, subsection 3, paragraph
45 b, Code Supplement 1983, is amended by adding the
46 following new unnumbered paragraph:

47 **NEW UNNUMBERED PARAGRAPH.** Proceeds given to another
48 charitable organization to satisfy the seventy-five
49 percent dedication requirement shall not be used by
50 the donee to pay any expenses in connection with the

Page 5

1 conducting of bingo by the donor organization, or
2 for any cause, deed, or activity that would not
3 constitute a valid dedication under this section.

4 Sec. 107. Section 99B.7, subsection 3, paragraph
5 c, Code Supplement 1983, is amended by adding the
6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If permission is granted
8 to hold the net receipts, the person shall, as a part
9 of the quarterly report required by section 99B.2,
10 report the amount of money currently being held and
11 all expenditures of the funds. This report shall
12 be filed even if the person no longer holds a gambling
13 license.

14 Sec. 108. Section 99B.7, Code Supplement 1983,
15 is amended by adding the following new subsection:

16 NEW SUBSECTION. 6. Proceeds coming into the
17 possession of a person under this section are deemed
18 to be held in trust for payment of expenses and
19 dedication to charitable purposes as required by this
20 section.

21 a. A person shall not be compensated for services
22 rendered in connection with a game of skill, game
23 of chance, or raffle conducted under this section.
24 This section forbids payment of compensation to persons
25 including, but not limited to, managers, callers,
26 cashiers, floor workers, janitorial personnel,
27 accountants and bookkeepers. The privilege of selling
28 merchandise on the premises during a bingo occasion
29 is deemed to be compensation. This section does not
30 prohibit the employment of one or more individuals
31 to serve as security officers. A person who knowingly
32 pays or receives compensation in violation of this
33 section commits a fraudulent practice.

34 b. A licensee or agent who willfully fails to
35 dedicate the required amount of proceeds to charitable
36 purposes as required by this section commits a
37 fraudulent practice.

38 c. Violations of paragraphs "a" and "b" may be
39 considered as a single fraudulent practice and the
40 value may be the total value of all money, property
41 and services involved.

42 Sec. 109. Section 99B.14, Code 1983, is amended
43 to read as follows:

44 99B.14 REVOCATION OF LICENSE. The department
45 shall revoke a license issued pursuant to this chapter
46 if the licensee or ~~any~~ an agent of the licensee
47 violates or permits a violation of ~~any~~ of the
48 provisions a provision of this chapter, or departmental
49 rules adopted pursuant to chapter 17A, or if any cause
50 exists for which the director would have been justified

Page 6

1 in refusing to issue a license, or upon the conviction
 2 of any person of a violation of this chapter or rules
 3 adopted under this chapter which occurred on the
 4 licensed premises.

5 Revocation proceedings shall be held only after
 6 giving notice and an opportunity for hearing to the
 7 licensee. Notice shall be given at least ten days
 8 in advance of the date set for hearing. If the
 9 department finds cause for revocation, the license
 10 shall be revoked and thereafter no license may be
 11 issued to the person, or to the agent of the person
 12 found to be in violation of this chapter for a period
 13 not to exceed three years.

14 Sec. 110. Section 99B.19, Code 1983, is amended
 15 to read as follows:

16 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.

17 Upon request of the department of revenue or the
 18 division of criminal investigation of the department
 19 of public safety, the attorney general shall institute
 20 in the name of the state the proper proceedings against
 21 a person charged by the either department with
 22 violating a provision of this chapter, and a county
 23 attorney, at the request of the attorney general,
 24 shall appear and prosecute an action when brought
 25 in the county attorney's county."

26 7. Title page, line 2, by inserting after the
 27 word "bingo" the words "and providing penalties".

28 8. Renumber as necessary."

Amendment H—5563 was adopted.

On motion by Harbor of Mills, the committee amendment
 H—5365, as amended, was adopted.

Harbor of Mills moved that the bill be read a last time now and
 placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question "Shall the bill pass?" (H.F. 2015)

The ayes were, 81:

Anderson
 Black
 Buhr
 Chiodo
 Connors

Arnould
 Blanshan
 Carl
 Clark
 Cooper

Baxter
 Brammer
 Carter
 Cochran
 Copenhagen

Bennett
 Branstad
 Chapman
 Connolly
 Corey

Daggett	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halverson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Koenigs
Krewson	Lageschulte	Lonergan	Maulsby
Menke	Muhlbauer	Mullins	Norland
Ollie	Osterberg	Oxley	Parker
Paulin	Pellett	Poncy	Renken
Rensink	Rosenberg	Royer	Schroeder
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Varn	Welden
Mr. Speaker			

The nays were, 18:

Carpenter	Davitt	De Groot	Grandia
Knapp	Lloyd-Jones	McIntee	McKean
Miller	O'Kane	Pavich	Peick
Renaud	Running	Sherzan	Van Maarien
Woods	Zimmerman		

Absent or not voting, 1:

Schneklloth

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

Black of Jasper called up for consideration **House File 111**, a bill for an act relating to reseeded the topsoil of open ditches with prairie grass seed, amended by the Senate amendment H—5033 as follows:

H—5033

- 1 Amend House File 111 as follows:
- 2 1. Page 1, by striking lines 3 through 7 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. After the construction, reconstruc-
- 5 tion, improvement, repair, or maintenance of a high-
- 6 way, the department shall have the topsoil of each
- 7 open ditch along the side of a highway reseeded with
- 8 adapted grass and legumes including native grass
- 9 species where feasible and in accordance with
- 10 recommendations of the Iowa state university depart-
- 11 ment of agronomy."

Schroeder of Pottawattamie offered the following amendment H—5342, to the Senate amendment H—5033, filed by him and moved its adoption:

H—5342

- 1 Amend Senate amendment H—5033 to House File 111
- 2 as passed by the House, as follows:
- 3 1. Page 1, by striking lines 2 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, line 5, by inserting after the word
- 6 "seed" the words "and the seed of other adapted grass
- 7 and legumes including native grass species".

Amendment H—5342 was adopted.

On motion by Black of Jasper, the House concurred in the Senate amendment H—5033, as amended.

Black of Jasper 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. 111)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear

Stromer
Swartz
Torrence
Varn
Mr. Speaker

Stueland
Swearingen
Van Camp
Welden

Sturgeon
Tabor
Van Gerpen
Woods

Sullivan
Tofte
Van Maanen
Zimmerman

The nays were, none.

Absent or not voting, 3:

Blanshan

Hermann

Schnekloth

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE REFUSED TO CONCUR

Black of Jasper called up for consideration **House File 406**, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles, amended by the Senate, and moved that the House concur in the following Senate amendment H—5227:

H—5227

1 Amend House File 406 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:
5 "Section 1. Section 109.38, subsection 2, Code
6 1983, is amended to read as follows:
7 2. If following an investigation the commission
8 finds that the number of hunters licensed to take
9 deer or wild turkey should be limited or further
10 regulated, the commission shall conduct a drawing
11 to determine which applicants shall receive a license.
12 Applications for licenses shall be received and
13 accepted during a thirty-day forty-five day period
14 established by the commission. At the end of such
15 period the drawing shall be conducted. If the quota
16 has not been filled, licenses shall then be issued
17 in the order in which such applications are received
18 and shall continue to be issued until such quota has
19 been met or until a date fifteen days prior to the
20 opening day of the season, whichever first occurs.
21 If an applicant receives a deer license which is more
22 restrictive than licenses issued to others for the
23 same period and place, the applicant shall receive
24 a certificate with his or her license entitling the

25 applicant to priority in the drawing for the less
 26 restrictive deer licenses the following year. The
 27 certificate must accompany that person's application
 28 the following year, or the applicant will not receive
 29 this priority. Persons purchasing a deer license
 30 for the gun season as provided under this section
 31 and under section 110.1 shall not be eligible for
 32 a deer-hunting license under the provisions of section
 33 110.24. This subsection shall not apply to the hunting
 34 of wild turkey on game breeding and shooting preserves
 35 licensed under chapter 110A.

36 Sec. 2. Section 110.1, subsections 1 through 4,
 37 Code 1983, are amended to read as follows:

38 1. Fishing licenses:

39 a. Legal residents except as otherwise provided	\$ 6.00
40	<u>8.50</u>
41 b. Legal residents permanently disabled or sixty-	
42 five years of age or older	\$ 1.25
43 e b. Lifetime license for legal residents permanent-	
44 ly disabled or sixty-five years of age or older	\$ 6.00
45	<u>8.50</u>
46 d c. Nonresident license	\$ 12.00
47	<u>15.50</u>
48 e d. Three-day license for resident or non-	
49 resident	\$ 3.00
50	<u>4.50</u>

Page 2

1	e. <u>Three-day license for nonresident</u>	<u>\$ 8.00</u>
2	f. <u>Special trout license Trout stamp</u>	<u>\$ 5.00</u>
3		<u>8.00</u>
4	2. Hunting licenses:	
5	a. Legal residents except as otherwise provided	\$ 6.00
6		<u>8.50</u>
7	b. Legal residents permanently disabled or	
8	sixty-five years of age or older	\$ 1.25
9	c. Lifetime license for legal residents permanent-	
10	ly disabled or sixty-five years of age or older	\$ 6.00
11	d b. Deer hunting license for residents	\$ 15.00
12		<u>20.00</u>
13	e c. Wild turkey hunting license for residents	\$ 15.00
14		<u>20.00</u>
15	f d. Nonresidents hunting license	\$ 35.00
16		<u>47.50</u>
17	g. Nonresidents raecoon stamp and tags	\$100.00
18	h. Nonresidents pheasant stamp	\$ 5.00
19	3. Hunting and fishing combined licenses:	
20	a. Legal residents except as otherwise provided	\$ 11.00
21		<u>15.50</u>
*22	b. Legal residents permanently disabled or	

23	sixty-five years of age or older	\$ 2.50
24	e b. Lifetime license for residents permanently dis-	
25	abled or sixty-five years of age or older	\$ 8.00
26		<u>15.50</u>
27	4. <u>Trapping Fur harvesters, dealers and</u>	
28	game breeders licenses:	
29	a. <u>Trapping Fur harvester license for</u>	
30	legal residents sixteen years of age or older	\$ 10.00
31		<u>15.50</u>
32	b. <u>Trapping Fur harvester license for legal</u>	
33	residents under sixteen years of age	\$ 1.00
34		<u>2.50</u>
35	c. <u>Trapping Fur harvester license</u>	
36	for nonresidents	\$100.00
37		<u>150.50</u>
38	d. Fur dealers license for residents	\$150.00
39		<u>200.00</u>
40	e. Fur dealers license for nonresidents	\$300.00
41		<u>400.00</u>
42	f. Game breeder's license	\$ 10.00

43 Sec. 3. Section 110.3, Code 1983, is amended to
 44 read as follows:

45 110.3 WILDLIFE HABITAT STAMP. A resident or
 46 nonresident person required to have a hunting or
 47 trapping fur harvester license shall not hunt or trap
 48 unless he or she has on his or her person a valid
 49 wildlife habitat stamp signed in ink with his or her
 50 signature across the face of the stamp. This section

Page 3

1 shall not apply to residents who are permanently
 2 disabled or who are younger than sixteen or older
 3 than sixty-five years of age. Special wildlife habitat
 4 stamps shall be administered in the same manner as
 5 hunting and trapping fur harvester licenses except
 6 all revenue derived from the sale of the wildlife
 7 habitat stamps shall be used within the state of Iowa
 8 for habitat development and shall be deposited in
 9 the state fish and game protection fund. The revenue
 10 may be used for the matching of federal funds. The
 11 revenues and any matched federal funds shall be used
 12 for acquisition of land, leasing of land or obtaining
 13 of easements from willing sellers for use as wildlife
 14 habitats. Notwithstanding the exemption provided
 15 by section 427.1, any land acquired with the revenues
 16 and matched federal funds shall be subject to the
 17 full consolidated levy of property taxes which shall
 18 be paid from those revenues. In addition such revenue
 19 may be used for the development and enhancement of
 20 wildlife lands and habitat areas. Not less than fifty

21 percent of all revenue from the sale of wildlife
22 habitat stamps shall be used by the commission to
23 enter into agreements with county conservation boards
24 or other public agencies in order to carry out the
25 purposes of this section. The state share of funding
26 of those agreements provided by the revenue from the
27 sale of wildlife habitat stamps shall not exceed
28 seventy-five percent.

29 Sec. 4. Section 110.4, Code 1983, is amended to
30 read as follows:

31 110.4 PERMANENTLY DISABLED DEFINED. For the
32 purpose of obtaining a license, a person is permanently
33 disabled if that any of the following apply:

34 1. The person has been found under the provisions
35 of the federal Social Security Act, title II, or any
36 other public or private pension system to have a
37 total, permanent physical or mental condition which
38 prevents that person from engaging in his or her
39 occupation or qualifies that person for retirement.

40 2. The person is physically severely handicapped
41 and has qualified for a special license under section
42 110.24.

43 Sec. 5. Section 110.10, Code 1983, is amended
44 to read as follows:

45 110.10 ISSUANCE OF LICENSE. All licenses other
46 than hunting, fishing, and trapping fur harvester
47 licenses, shall be issued by the director upon
48 application to the departmental office at Des Moines.
49 Hunting, fishing, and trapping fur harvester licenses
50 shall be issued by the recorder of each county.

Page 4

1 Sec. 6. Section 110.11, Code 1983, is amended
2 to read as follows:

3 110.11 DEPOSITARIES - BOND. The county recorder
4 may designate various depositaries for the sale of
5 such licenses other than the office of the county
6 recorder. The director may designate depositaries
7 other than those designated by the recorders of the
8 various counties but in so doing the interest of the
9 state shall be fully protected either by a sufficient
10 cash deposit or a satisfactory bond. Depositaries
11 designated by the county recorder or the director
12 may have the privilege of charging an additional shall
13 retain twenty-five cents for from the sale of each
14 license to be retained for the service rendered in
15 issuing the license.

16 Sec. 7. Section 110.12, unnumbered paragraph 2,
17 Code Supplement 1983, is amended to read as follows:

18 The county recorder may require that shall retain

19 a writing fee of ~~twenty-five~~ fifty cents be charged
 20 ~~for from the sale of each license~~ sold by the county
 21 recorder's office and require that each depository
 22 designated by the county recorder pay a service fee
 23 of twenty-five cents for each license sold by the
 24 depository. The service and writing fees shall be
 25 deposited in the general fund of the county.

26 Sec. 8. Section 110.17, Code 1983, is amended
 27 to read as follows:

28 110.17 TENURE OF LICENSE. Every license, except
 29 lifetime hunting and fishing licenses and falconry
 30 licenses, shall ~~expire on December 31~~ following its
 31 issuance be valid from the date issued to January
 32 10 of the succeeding calendar year for which it is
 33 issued. A license shall not be issued prior to
 34 December 15 for the subsequent calendar year.

35 Sec. 9. Section 110.18, Code 1983, is amended
 36 to read as follows:

37 110.18 FORM OF LICENSE. All hunting, fishing,
 38 and ~~trapping~~ fur harvester licenses shall contain
 39 a general description of the licensee. Such licenses
 40 shall be upon such forms as the commission shall
 41 adopt. The address and the signature of the applicant
 42 and all signatures and other writing shall be in ink.
 43 All licenses shall clearly indicate the nature of
 44 the privilege granted.

45 Sec. 10. Section 110.24, unnumbered paragraphs
 46 2, 3, 4, 5, and 6, Code Supplement 1983, are amended
 47 to read as follows:

48 Upon written application to the state conservation
 49 commission, one of the following persons shall be
 50 issued a deer or a wild turkey hunting license:

Page 5

- 1 1. The owner of a farm unit; or
- 2 2. One member of the family of the farm owner;
- 3 or
- 4 3. The tenant residing on the farm unit; or
- 5 4. One member of the family of the tenant, who
- 6 resides on the farm unit.

7 The deer or wild turkey hunting permit shall be
 8 valid only for hunting on the farm unit upon which
 9 the licensee to whom it is issued resides.

10 The application required ~~herein~~ for the deer or
 11 wild turkey hunting license shall be on forms furnished
 12 by the conservation commission and shall be without
 13 fee.

14 Deer or wild turkey hunting licenses issued under
 15 this section shall be subject to all other provisions
 16 of the laws and regulations pertaining to the taking

17 of deer and wild turkey.

18 No A resident of the state under sixteen years
19 of age or a nonresident of the state under fourteen
20 years of age shall be is not required to have a license
21 to fish in the waters of the state. However, residents
22 under sixteen years of age and nonresidents under
23 fourteen years of age must possess a valid trout stamp
24 to possess trout or they must fish for trout with
25 a licensed adult who possesses a valid trout stamp
26 and limit their combined catch to the daily limit
27 established by the commission.

28 Sec. 11. Section 110.26, Code 1983, is amended
29 to read as follows:

30 110.26 NONRESIDENT MAKING FALSE CLAIM. A
31 nonresident shall not obtain a resident license by
32 falsely claiming residency in the state. The
33 presumptions and provisions of section 321.1A, Code
34 Supplement 1983, relating to residency shall apply
35 to licenses under this chapter. The use of a license
36 by a person other than the person to whom the license
37 is issued is unlawful and shall nullify the license.

38 A resident or nonresident who violates this section
39 is guilty of a simple misdemeanor.

40 Sec. 12. Chapter 110, Code 1983, is amended by
41 adding the following new section:

42 NEW SECTION. FUR HARVESTER LICENSE. A fur
43 harvester license is required to hunt all furbearers,
44 except coyote and ground hog and to trap any fur-
45 bearing animal. A hunting license is not required
46 when hunting furbearers, except coyote and ground
47 hog, with a fur harvester's license.

48 Sec. 13. A trapping license valid on the effective
49 date of this Act shall remain valid until it expires
50 under the provisions of the 1983 Code.

Page 6

1 Sec. 14. The provisions of this Act take effect
2 December 15 following enactment. Notwithstanding
3 the provisions of this Act, section 10 of this Act
4 takes effect July 1 following enactment and the price
5 for the deer hunting license, and wild turkey hunting
6 license for the 1984 calendar year shall be twenty
7 dollars.

8 Sec. 15. Sections 110.7, and 110.38, Code 1983,
9 are repealed."

A non-record roll call was requested.

The ayes were 9, nays 71.

The motion lost and the House refused to concur in the Senate amendment.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2464, 2439, 2425, 2167, 2369, 2015, 111 and 406.

Hanson of Delaware in the chair at 4:39 p.m.

PASSED ON FILE (Senate File 2122)

The Speaker announced that Senate File 2122, previously referred to the committee on local government, was withdrawn from committee and passed on file.

MOTIONS TO RECONSIDER (House File 2436)

I move to reconsider the vote by which House File 2436 passed the House on March 12, 1984.

ZIMMERMAN of Dallas

(Amendment H—5458B to House File 2436)

I move to reconsider the vote by which amendment H—5458B to House File 2436 failed to be adopted by the House on March 12, 1984.

HAVERLAND 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 March 5, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to child custody.

K. MARIE THAYER, Secretary

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12, 1984, he approved and transmitted to the Secretary of State the following bill:

Senate File 442, an act relating to access to library records by criminal justice agencies.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 9, 1984, and Monday morning, March 12, 1984. Had I been present, I would have voted "aye" on House Files 509, 2345, 2284, 2405, 2408, 2409, 2410, 2454, 2485, 2465, 2467, 2455, 2469, 2472 and 2486 on March 9; and "nay" on amendment H-5527A to House File 2472 on March 9; and "aye" on Senate File 2244 and House Files 2378, 2390 and 2404 on March 12.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Friday afternoon, March 9, 1984. Had I been present, I would have voted "aye" on House File 2472 and "nay" on House File 2486.

PONCY of Wapello

PRESENTATION OF VISITORS

Carpenter of Polk presented to the House the Honorable Ed Bittle, former member of the House representing Polk County.

AMENDMENTS FILED

H-5595	H.F. 2491	Hummel of Benton
H-5598	H.F. 2491	McIntee of Black Hawk
H-5599	H.F. 2491	McIntee of Black Hawk
H-5600	H.F. 2458	Poncy of Wapello
H-5604	S.F. 2160	Hanson of Delaware
		Rensink of Sioux
H-5605	H.F. 2392	Sherzan of Polk
H-5606	H.F. 2489	Spear of Lee
H-5607	H.F. 2462	Schroeder of Pottawattamie

H-5608	H.F.	2209	Groth of Buena Vista Blanshan of Greene
H-5609	H.F.	2471	Spear of Lee
H-5610	H.F.	2478	Diemer of Black Hawk O'Kane of Woodbury
H-5612	H.F.	2471	Hermann of Scott
H-5613	H.F.	2471	Hermann of Scott
H-5614	H.F.	2471	Hermann of Scott
H-5615	H.F.	2471	Shoultz of Black Hawk
H-5616	H.F.	2392	Spear of Lee
H-5617	H.F.	2488	Spear of Lee
H-5618	H.F.	2468	Swearingen of Keokuk Swartz of Marshall
H-5619	H.F.	2471	Welden of Hardin Copenhaver of Buchanan Hermann of Scott Van Camp of Scott Cooper of Lucas
H-5620	H.F.	2471	Van Camp of Scott Osterberg of Linn
H-5621	H.F.	2471	Osterberg of Linn
H-5622	H.F.	2471	Rosenberg of Story
H-5623	H.F.	2468	Swearingen of Keokuk
H-5624	H.F.	2491	Chiodo of Polk
H-5625	H.F.	2471	Osterberg of Linn

On motion by Norland of Worth, the House adjourned at 4:43 p.m., until 9:00 a.m., Tuesday, March 13, 1984.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day—Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 13, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Henry Huddleston, pastor of the Newell United Methodist Church, Newell.

The Journal of Monday, March 12, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster on request of Connors of Polk.

SENATE MESSAGES CONSIDERED

Senate File 54, 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 2254, by committee on state government, a bill for an act relating to the state employee suggestion system.

Read first time and referred to committee on **state government**.

Senate File 2268, by committee on judiciary, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

Read first time and **passed on file**.

Senate File 2269, by committee on judiciary, a bill for an act limiting the amount charged employed county prisoners for meals.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2272, by committee on judiciary, a bill for an act relating to modification of orders made in proceedings for dissolution of marriage, annulment or separate maintenance.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2300, by committee on judiciary, a bill for an act relating to the sentencing of habitual offenders under section 902.8.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2301, by committee on judiciary, a bill for an act relating to the protection of lienholders' and certificate holders' advancements.

Read first time and **passed on file**.

Senate File 2304, by committee on judiciary, a bill for an act relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or deliver, a controlled substance.

Read first time and referred to committee on **judiciary and law enforcement**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2069, a bill for an act relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel.

Also: That the Senate has on March 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2121, a bill for an act relating to the establishment of a state historic building code.

Also: That the Senate has on March 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2265, a bill for an act allowing employees of area education agencies, school corporations, merged area schools, and regional library systems to use school credit cards upon authorization by their respective boards.

Also: That the Senate has on March 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act to ratify and enter into an interstate compact between Iowa, Kansas, Missouri, and Nebraska for the development of the Missouri river for barge traffic.

Also: That the Senate has on March 9, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to access to records by the legislative fiscal bureau.

K. MARIE THAYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Fey of Scott called up for consideration Senate Concurrent Resolution 101, relating to the joint rules, found on pages 62 and 63 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 2478, a bill for an act relating to the administration of special assessments and other property tax laws, was taken up for consideration.

Diemer of Black Hawk offered the following amendment H-5610 filed by him and O'Kane of Woodbury and moved its adoption:

H-5610

- 1 Amend House File 2478 as follows:
- 2 1. Page 1, line 27, by inserting after the word
- 3 "services" the following: "upon certification to
- 4 the county treasurer that the rates or charges are

5 due. The lien shall not be less than five dollars.
6 The county treasurer may charge two dollars for each
7 lien certified as an administrative expense, which
8 amount shall be added to the amount of the lien and
9 deposited in the county general fund”.

Amendment H—5610 was adopted.

O’Kane of Woodbury offered the following amendment H—5520 filed by him and moved its adoption:

H—5520

1 Amend House File 2478 as follows:
2 1. Page 2, by inserting after line 9 the following:
3 “Sec. . Section 445.8, subsection 2, Code 1983,
4 is amended to read as follows:
5 2. The treasurer shall cause to be compiled a
6 list of all delinquent personal property taxes for
7 the current assessment year, as shown by the delinquent
8 personal property tax list. Such list shall show the
9 amount of the taxes delinquent when the amount of
10 the tax is more than five dollars and the amount of
11 penalty, interest and costs thereon, the name of the
12 owner, if known, or the person, if any, to whom it
13 is taxed, and shall be published in some newspaper
14 in the county once each week for two consecutive
15 weeks, the last of which shall be not more than two
16 weeks before the first third Monday in June, and by
17 immediately posting a copy of the first publication
18 thereof at the door of the courthouse, if there be
19 one, if not, at the door of the place where the last
20 term of district court was held. The provisions of
21 sections 446.10 and 446.11 shall prevail in connection
22 with the publication of such notice. The treasurer
23 shall obtain a copy of the notice as published, and
24 a certificate of the publication thereof from the
25 printer or publisher, and file it in the office of
26 the auditor.”

Amendment H—5520 was adopted.

O’Kane 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. 2478)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Branstad	Chiodo	Halvorson, R. N.	Jochum
Ollie			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2392, a bill for an act relating to the psychological testing of law enforcement and corrections officers, was taken up for consideration.

Brammer of Linn offered the following amendment H—5352 filed by him and moved its adoption:

H—5352

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "the" the word "initial".
- 4 2. Page 1, line 29, by inserting after the word
- 5 "the" the word "initial".

A non-record roll call was requested.

The ayes were 45, nays 29.

Amendment H—5352 was adopted.

Spear of Lee offered the following amendment H—5616 filed by him and moved its adoption:

H—5616

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "career." the following: "However, tests, test
- 4 questions, and standards or norms used pursuant to
- 5 this subsection shall not differ on the basis of the
- 6 gender of the applicant."
- 7 2. Page 1, line 34, by inserting after the word
- 8 "career." the following: "However, tests, test
- 9 questions, and standards or norms used pursuant to
- 10 this subsection shall not differ on the basis of the
- 11 gender of the applicant."

A non-record roll call was requested.

The ayes were 29, nays 44.

Amendment H—5616 lost.

Sherzan of Polk offered the following amendment H—5605 filed by him and moved its adoption:

H—5605

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, line 30, by striking the words
- 3 "correctional officers" and inserting in lieu thereof
- 4 the words "corrections, parole, and probation officers
- 5 and community correctional service workers".
- 6 2. Page 1, line 33, by striking the word "a" and
- 7 inserting in lieu thereof the words "their respective
- 8 careers."
- 9 3. Page 1, by striking line 34.

Amendment H—5605 was adopted.

Jay of Appanoose in the chair at 9:57 a.m.

The following amendment H—5626 filed by Brammer of Linn from the floor was adopted by unanimous consent:

H—5626

- 1 Amend House File 2392 as follows:
- 2 1. Title page, lines 1 and 2, by striking the words
- 3 "enforcement and corrections officers" and inserting in
- 4 lieu thereof the words "enforcement, corrections, parole,
- 5 and probation officers and community correctional service
- 6 workers".

Brammer 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. 2392)

The ayes were, 56:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Carl	Carter
Chapman	Clark	Cochran	Connors
Cooper	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Hammond	Hanson
Haverland	Holveck	Hughes	Hummel
Jochum	Koenigs	Lloyd-Jones	Loneragan
McIntee	McKean	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Renaud	Rosenberg	Sherzan	Shoultz
Skow	Sturgeon	Sullivan	Tabor
Varn	Woods	Zimmerman	Mr. Speaker (Jay)

The nays were, 42:

Anderson	Bennett	Branstad	Buhr
Carpenter	Connolly	Copenhaver	Corey
Daggett	De Groot	Diemer	Grandia
Handorf	Harbor	Hermann	Hoffmann-Bright
Knapp	Krewson	Lageschulte	Maulsby
Menke	Mullins	Paulin	Pellett
Poncy	Renken	Rensink	Royer
Running	Schnekloth	Schroeder	Spear
Stromer	Stueland	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

Absent or not voting, 2:

Chiodo

Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2471, a bill for an act creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions and the management and cleanup of abandoned or uncontrolled hazardous waste disposal sites, was taken up for consideration.

Osterberg of Linn offered the following amendment H—5621 filed by him and moved its adoption:

H—5621

- 1 Amend House File 2471 as follows:
- 2 1. Page 4, by striking lines 9 through 14 and
- 3 inserting in lieu thereof the following: "section
- 4 455B.423 and used in the manner permitted for the
- 5 fund."

Amendment H—5621 was adopted.

Spear of Lee offered the following amendment H—5609 filed by him and moved its adoption:

H—5609

- 1 Amend House File 2471 as follows:
- 2 1. Page 7, line 24, by striking the word "and"
- 3 and inserting in lieu thereof the word "or".

Amendment H—5609 was adopted.

Shultz of Black Hawk offered the following amendment H—5615 filed by him and moved its adoption:

H—5615

- 1 Amend House File 2471 as follows:
- 2 1. Page 7, line 29, by inserting after the word
- 3 "site" the following: ", excluding the water content
- 4 of any waste that is transported to another facility
- 5 under the ownership of the generator for the purposes
- 6 of waste treatment or recycling".

Amendment H—5615 was adopted.

Welden of Hardin offered the following amendment H—5619 filed by Welden, et al., and moved its adoption:

H—5619

- 1 Amend House File 2471 as follows:
- 2 1. By striking, page 7, line 32 through page 8,
- 3 line 3 and inserting in lieu thereof the following:
- 4 "waste at the facility shall pay forty dollars for
- 5 each ton of hazardous wastes placed, deposited, dumped
- 6 or disposed of onto or into the land at a disposal
- 7 facility."

Roll call was requested by Welden of Hardin and Stueland of Clinton.

On the question "Shall amendment H—5619 be adopted?"

The ayes were, 40:

Anderson	Baxter	Bennett	Branstad
Carpenter	Cooper	Copenhaver	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Harbor	Hermann	Hoffmann-Bright
Knapp	Koenigs	Maulsby	Menke
Miller	O'Kane	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tofte
Torrence	Van Camp	Van Maanen	Welden

The nays were, 57:

Arnould	Avenson	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Clark	Cochran	Connolly
Connors	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Hammond	Handorf	Hanson
Haverland	Holveck	Hughes	Hummel
Jochum	Krewson	Lloyd-Jones	Lonergan
McIntee	McKean	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Shenzyan
Shoultz	Skow	Sturgeon	Tabor
Van Gerpen	Varn	Woods	Zimmerman
Mr. Speaker (Jay)			

Absent or not voting, 3:

Chiodo Halvorson, R. N. Lageschulte

Amendment H—5619 lost.

Osterberg of Linn offered the following amendment H—5625 filed by him and moved its adoption:

H—5625

- 1 Amend House File 2471 as follows:
- 2 1. Page 8, by inserting after line 14 the following:
- 3 "d. Influent waste water to a treatment facility
- 4 which is subject to regulation under either 33 U.S.C.
- 5 1317(b) or 33 U.S.C. 1342."

Amendment H—5625 was adopted.

Hermann of Scott asked and received unanimous consent to withdraw amendment H—5614 filed by him on March 12, 1984.

Rosenberg of Story offered the following amendment H—5622 filed by him and moved its adoption:

H—5622

- 1 Amend House File 2471 as follows:
- 2 1. Page 8, by striking line 16 and inserting in
- 3 lieu thereof the following: "department on a quarterly
- 4 basis. Fees are due on January 15, April 15, July
- 5 15, and October 15 for the previous quarter."
- 6 2. Page 14, by inserting after line 4 the
- 7 following:
- 8 "Sec. 19. The fees imposed by section 455B.424,
- 9 subsection 2, shall not begin to accrue until January
- 10 1, 1985. However, by October 15, 1984, and January
- 11 15, 1985, a person who would have been required to
- 12 pay fees, except for this section, shall file a report
- 13 with the department stating the amounts of hazardous
- 14 wastes generated, transported, or disposed of by the
- 15 person in the previous quarter and a calculation of
- 16 the amount of fees that would have been due if the
- 17 imposition of the fees had not been delayed."

Amendment H—5622 was adopted.

Hermann of Scott offered the following amendment H-5612 filed by him and moved its adoption:

H-5612

- 1 Amend House File 2471 as follows:
- 2 1. Page 8, by inserting after line 25 the following:
- 3 "8. No fee shall be collected under this section
- 4 after January 1, 1990."

Amendment H-5612 lost.

Van Camp of Scott offered the following amendment H-5620 filed by him and Osterberg of Linn and moved its adoption:

H-5620

- 1 Amend House File 2471 as follows:
- 2 1. Page 8, by inserting after line 25 the
- 3 following:
- 4 "8. The fees imposed by this section shall be
- 5 suspended if after collection of the fees due from
- 6 the previous quarter, the hazardous waste remedial
- 7 fund has a balance in excess of six million dollars.
- 8 If the balance falls below three million dollars,
- 9 the fees shall be reimposed commencing the beginning
- 10 of the next calendar quarter."

Amendment H-5620 was adopted.

Hermann of Scott offered the following amendment H-5613 filed by him and moved its adoption:

H-5613

- 1 Amend House File 2471 as follows:
- 2 1. Page 10, line 31, by inserting after the
- 3 word "each" the words "abandoned or uncontrolled".

Amendment H-5613 was adopted.

Osterberg 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. 2471)

The ayes were, 78:

Anderson	Arnould	Avenson	Baxter
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Hammond
Handorf	Hanson	Harbor	Haverland
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Lonergan	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Royer
Running	Sherzan	Shultz	Skow
Stueland	Sturgeon	Sullivan	Swartz
Tabor	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker (Jay)		

The nays were, 17:

Bennett	Daggett	Grandia	Hermann
Mausby	Pellett	Renken	Rensink
Schneklath	Spear	Stromer	Swearingen
Tofte	Torrence	Van Camp	Van Maanen
Welden			

Absent or not voting, 5:

Chiodo	Halvorson, R. N.	Lageschulte	Menke
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2394, a bill for an act relating to the licensure of dietitians and nutritionists, was taken up for consideration.

Norland of Worth asked and received unanimous consent that House File 2394 be deferred and that the bill be placed on the unfinished business calendar.

Speaker Avenson in the chair at 11:44 a.m.

House File 2488, a bill for an act relating to the protection of children by amending Iowa's child abuse, delinquency, and child-in-need-of-assistance laws, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5617 filed by him on March 12, 1984.

Brammer 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. 2488)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Hammond	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Halvorson, R. N.	Handorf	Harbor
Lageschulte	Menke	Welden	

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 2436)

Zimmerman of Dallas asked and received unanimous consent to withdraw the motion to reconsider House File 2436, a bill for an act relating to the licensure and operation of a hospice program, filed by her on March 12, 1984.

Haverland of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H—5458B, to House File 2436, filed by him on March 12, 1984.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2478, 2392, 2471, 2488 and 2436.

On motion by Norland of Worth, the House was recessed at 11:54 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2220, a bill for an act relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2457, a bill for an act relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships, providing that certain pro-

posed wards are entitled to representation, revising provisions governing the powers and duties of guardians and conservators, including requirements for reporting, and eliminating special provisions for guardians of mentally retarded persons, was taken up for consideration.

Norland of Worth asked and received unanimous consent that House File 2457 be deferred and placed on the unfinished business calendar.

House File 2452, a bill for an act relating to the requirement of bail during and after a period of deferred judgment and to the discharge of surety bail upon the occurrence of specified conditions, 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. 2452)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 531, a bill for an act to revise the procedures for the assessment of penalties under the laws regulating coal mining, with report of committee recommending amendment and passage was taken up for consideration.

Cooper of Lucas asked and received unanimous consent to withdraw amendment H—5199 filed by the committee on natural resources, on February 16, 1984, placing out of order amendment H—5238, to amendment H—5199, filed by O’Kane of Woodbury on February 22, 1984.

Cooper of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 531)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O’Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath

Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 2:

Schroeder Welden

Absent or not voting, 3:

Halvorson, R. N. Lonergan Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2468, a bill for an act relating to the election laws by providing a method for challenging nomination petitions, eliminating the requirement for notarization of absentee ballots, allowing the mailing of certain absentee ballots, regulating the office hours of the county commissioner of elections, revising delivery of registration forms and changes in registration, requiring identification of political advertisers, providing for assistance to certain voters and making certain technical corrections to the voting laws and providing penalties and effective dates, was taken up for consideration.

Swearingen of Keokuk offered the following amendment H-5623 filed by him:

H-5623

- 1 Amend House File 2468 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "d. Those filed with a city clerk under section
- 5 43.115, not less than twenty-five days before the
- 6 date of the election."
- 7 2. Page 2, line 20, by inserting after the word
- 8 "commissioner" the words "or with a city clerk under
- 9 section 43.115".
- 10 3. Page 2, by inserting after line 27 the
- 11 following:
- 12 "Sec. 2. Section 43.115, Code 1983, is amended
- 13 by adding the following new unnumbered paragraph:
- 14 **NEW UNNUMBERED PARAGRAPH.** Objections to nomination
- 15 petitions and certificates of nominations shall be
- 16 filed and decided as provided in section 43.24."

Swearingen of Keokuk offered the following amendment H—5633, to amendment H—5623, filed by him from the floor and moved its adoption:

H—5633

- 1 Amend amendment H—5623 to House File 2468 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "d. Those filed with the city clerk under chap-
- 6 ter 43, at least thirty days prior to the municipal
- 7 election."
- 8 2. Page 2, by inserting after line 27 the fol-
- 9 lowing:
- 10 "Objections filed with the city clerk shall be
- 11 considered by the mayor and clerk and one member of
- 12 the council chosen by the council by ballot, and a
- 13 majority decision shall be final; but if the objec-
- 14 tion is to the certificate of nomination of either
- 15 of those city officials, that official shall not
- 16 pass upon said objection, but that official's place
- 17 shall be filled by a member of the council against
- 18 whom no objection exists, chosen as above." "

Amendment H—5633 was adopted.

On motion by Swearingen of Keokuk, amendment H—5623, as amended, was adopted.

Swearingen of Keokuk offered the following amendment H—5618 filed by him and moved its adoption:

H—5618

- 1 Amend House File 2468 as follows:
- 2 1. Page 4, line 31, by striking the word "printed"
- 3 and inserting in lieu thereof the word "published".

Amendment H—5618 was adopted.

Spear of Lee offered the following amendment H—5513 filed by him and moved its adoption:

H—5513

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, line 5, by striking the word

- 3 "advertisements" and inserting in lieu thereof the
- 4 word "articles".

Amendment H—5513 was adopted.

Spear of Lee offered the following amendment H—5512 filed by him:

H—5512

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, lines 28 and 29, by striking the words
- 3 "blind or physically disabled" and inserting in lieu
- 4 thereof the words "blind or physically disabled".

Spear of Lee offered the following amendment H—5630, to amendment H—5512, filed by him from the floor and moved its adoption:

H—5630

- 1 Amend amendment H—5512 to House File 2468 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 "1. Page 5, line 22, by inserting after the word
- 5 "voter" the words "is blind,""

Amendment H—5630 was adopted.

On motion by Spear of Lee, amendment H—5512, as amended, was adopted.

Spear of Lee offered the following amendment H—5510 filed by him and moved its adoption:

H—5510

- 1 Amend House File 2468 as follows:
- 2 1. Page 5, line 31, by striking the word "same"
- 3 and inserting in lieu thereof the words "same vote
- 4 cast".

Amendment H—5510 was adopted.

Spear of Lee offered the following amendment H—5511 filed by him and moved its adoption:

H-5511

- 1 Amend House File 2468 as follows:
- 2 1. Page 6, line 27, by striking the word "or"
- 3 and inserting in lieu thereof the words "~~or~~ and".

Amendment H-5511 was adopted.

The following amendment H-5636 filed by Arnould of Scott from the floor, was adopted by unanimous consent:

H-5636

- 1 Amend House File 2468 as follows:
- 2 1. Page 9, line 25, by striking the words "the
- 3 United States" and inserting in lieu thereof the words
- 4 "an officially authorized".

Arnould of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2468)

The ayes were, 86:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Torrence	Van Camp
Van Gerpen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 13:

Anderson	Bennett	Black	Branstad
Corey	Grandia	Krewson	Maulsby
Mullins	Paulin	Schroeder	Tofte
Van Maanen			

Absent or not voting, 1:

Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 4:28 p.m.

Unfinished Business Calendar

Norland of Worth asked and received unanimous consent to resume consideration of **House File 2209**, a bill for an act requiring state agencies to enter into agreements with soil conservation districts for the control of soil erosion on state land under the agencies' control (placed on the unfinished business calendar on March 6, 1984), and the motion to reconsider the vote by which the committee amendment H-5274, as amended, (found on page 731 of the House Journal) was adopted by the House on March 6, 1984.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on the motion to reconsider the committee amendment H-5274.

Schroeder of Pottawattamie offered the following amendment H-5451 filed by him and Doderer of Johnson and moved its adoption:

H-5451

- 1 Amend House File 2209 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. NEW SECTION. 467A.54 Each state
- 5 agency shall enter into an agreement with the soil
- 6 conservation district in which the state agency has
- 7 public land under its control in cultivation. The
- 8 agreement shall contain a plan of the state agency
- 9 to prevent soil erosion in excess of soil loss limits

10 by the use of soil and water conservation practices.
 11 and erosion control practices. This section applies
 12 only to public land which is used for horticultural
 13 or agricultural purposes. Conservation plans required
 14 by this section shall be completed by July 1, 1985,
 15 and implementation shall occur consistent with the
 16 schedule contained in the conservation plan.

17 The costs of the soil and water conservation
 18 practice or erosion control practice shall be paid
 19 from the funds appropriated by the general assembly
 20 to the department of soil conservation for public
 21 cost sharing of soil and water conservation practices
 22 and erosion control practices.

23 As used in this section "cultivation" means placing
 24 the land in production of grain as defined in section
 25 543.1."

Roll call was requested by Cochran of Webster and Groth of Buena Vista.

On the question "Shall amendment H—5451 be adopted?"

The ayes were, 22:

Bennett	Diemer	Gronstal	Halvorson, R. A.
Hammond	Harbor	Hoffmann-Bright	Hummel
Maulsby	McIntee	McKean	O'Kane
Parker	Royer	Schneklath	Schroeder
Stromer	Stueland	Swearingen	Van Camp
Van Gerpen	Welden		

The nays were, 72:

Anderson	Arnould	Avenson	Baxter
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Fey	Fogarty
Grandia	Groninga	Groth	Gruhn
Handorf	Hanson	Haverland	Hermann
Holveck	Hughes	Jay	Jochum
Knapp	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Running	Sherzan	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Tefte	Torrence	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker (Connors)

Absent or not voting, 6:

Branstad
Menke

Doderer
Shoultz

Halvorson, R. N.

Koenigs

Amendment H—5451 lost.

Groth of Buena Vista offered the following amendment H—5608 filed by him and Blanshan of Greene and moved its adoption:

H—5608

- 1 Amend House File 2209 as follows:
- 2 1. Page 1, by inserting after line 10 the following:
- 3 "Application for exemption from this section may be
- 4 submitted to the appropriate soil conservation district.
- 5 The exemption shall be granted for land upon which soil
- 6 management research for the purposes of the study,
- 7 evaluation, understanding and control of erosion,
- 8 sedimentation and run-off water is conducted by or in
- 9 conjunction with institutions governed by the board
- 10 of regents."

Amendment H—5608 was adopted.

The House resumed consideration of the motion to reconsider the committee amendment H—5274, as amended, (found on page 731 of the House Journal).

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H—5274.

Schroeder of Pottawattamie asked for unanimous consent to reconsider amendment H—5274.

Objection was raised.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—5274, as amended, was adopted by the House on March 6, 1984.

A non-record roll call was requested.

The ayes were 40, nays 49.

The motion lost, placing out of order amendment H—5460, to the committee amendment H—5274, filed by Blanshan of Greene on March 7, 1984.

Blanshan 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. 2209)

The ayes were, 85:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McIntee
Menke	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Royer	Running	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, 14:

Anderson	Bennett	Branstad	Diemer
Doderer	Maulsby	McKean	Mullins
Renken	Rensink	Schnekloth	Schroeder
Torrence	Van Camp		

Absent or not voting, 1:

Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2452, 531, 2468 and 2209.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan.

Also: That the Senate has on March 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered.

Also: That the Senate has on March 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2284, a bill for an act relating to lease-purchase agreements made by an area education agency.

K. MARIE THAYER, Secretary

SPONSOR WITHDRAWN
(House File 2383)

Mullins of Kossuth requested to be withdrawn as a sponsor of House File 2383.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the

House and the President of the Senate, and presented to the Governor for his approval on this 13th day of March, 1984: House Files 2019, 2031, 2170, 2184 and 2263.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 12, 1984. Had I been present, I would have voted "aye" on House Files 111, 2015, 2167, 2369, 2378, 2387, 2390, 2404, 2425, 2436, 2439 and 2464, and Senate File 2244; and "nay" on House File 2279.

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

Mullins of Kossuth presented to the House the Honorable Karl E. Kiilsholm, former member of the House representing Kossuth County.

Sherzan of Polk presented to the House Karen Daniels, Representative Bob Denney, Senator Greg Lunn and Judge Roger Strand, visiting from Arizona.

RESOLUTION FILED

HCR 116, by Running and Sherzan, a concurrent resolution relating to the unilateral rejection or modification of collective bargaining agreements by employers filing chapter 11 bankruptcy petitions.

Referred to committee on **labor and industrial relations**.

AMENDMENTS FILED

H-5627	H.F.	2501	Skow of Guthrie Chiodo of Polk Halvorson of Clayton
H-5628	H.F.	140	Schroeder of Pottawattamie
H-5629	H.F.	2458	Haverland of Polk
H-5631	H.F.	2433	Sturgeon of Woodbury
H-5632	S.F.	2122	Connolly of Dubuque Lageschulte of Bremer

H-5634	H.F.	2419	Halvorson of Webster Swartz of Marshall
H-5635	H.F.	2437	Fey of Scott Arnould of Scott Royer of Page Hammond of Story Branstad of Winnebago Torrence of Muscatine
H-5637	H.F.	2394	Hammond of Story Chapman of Linn
H-5638	H.F.	2457	Varn of Johnson
H-5639	H.F.	2453	Tabor of Jackson
H-5640	H.F.	2415	Holveck of Polk Krewson of Polk Rosenberg of Story Mullins of Kossuth
H-5641	H.F.	2008	Tabor of Jackson
H-5642	H.F.	2437	Mullins of Kossuth Pellett of Cass Van Maanen of Mahaska Lonergan of Boone
H-5643	H.F.	2415	Gruhn of Dickinson Blanshan of Greene Varn of Johnson McKean of Jones Krewson of Polk Lageschulte of Bremer Pellett of Cass Lloyd-Jones of Johnson
H-5644	H.F.	422	Parker of Jasper Chapman of Linn Gronstal of Pottawattamie Tabor of Jackson McIntee of Black Hawk
H-5645	H.F.	2394	Chiodo of Polk Spear of Lee

On motion by Norland of Worth, the House adjourned at 5:12 p.m., until 9:00 a.m., Wednesday, March 14, 1984.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day—Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 14, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Fred Richardson, pastor of the Morley Faith United Methodist Church, Olin.

The Journal of Tuesday, March 13, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. X. Latella, D.O., Webster City.

SENATE MESSAGES CONSIDERED

Senate File 2069, by Holden, a bill for an act relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel.

Read first time and **passed on file.**

Senate File 2121, by Gentleman, a bill for an act relating to the establishment of a state historic building code.

Read first time and referred to committee on **state government.**

Senate File 2163, by Horn, a bill for an act relating to child custody.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 2197, by Waldstein, a bill for an act relating to the establishment and dissolution of a sanitary district.

Read first time and referred to committee on **local government.**

Senate File 2265, by committee on education, a bill for an act

allowing employees of area educational agencies, school corporations, merged area schools and regional library systems to use school credit cards upon authorization by their respective boards.

Read first time and referred to committee on **education**.

Senate File 2273, by committee on transportation, a bill for an act to ratify and enter into an interstate compact between Iowa, Kansas, Missouri, and Nebraska for the development of the Missouri river for barge traffic.

Read first time and **passed on file**.

Senate File 2311, by committee on state government, a bill for an act relating to access to records by the legislative fiscal bureau.

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 12, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2330, a bill for an act relating to parking violations and providing, with certain exceptions, that parking-violations not be considered for license suspensions or revocations.

Also: That the Senate has on March 12, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2335, a bill for an act relating to the liability of a county or city, or an administrative or legal entity created by a county or city, under the Iowa competition law.

Also: That the Senate has on March 12, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act relating to the annexation of land located within a rural water district or association.

Also: That the Senate has on March 12, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2294, a bill for an act relating to the examination of government records by providing for the procedures for their examination, for enforcement of those procedures, for the availability of certain records, and for the duties of the lawful custodians and providing for civil damages.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **House File 2457**, a bill for an act relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships, providing that certain proposed wards are entitled to representation, revising provisions governing the powers and duties of guardians and conservators, including requirements for reporting, and eliminating special provisions for guardians of mentally retarded persons, placed on the unfinished business calendar on March 13, 1984.

Varn of Johnson offered the following amendment H—5638 filed by him and moved its adoption:

H—5638

- 1 Amend House File 2457 as follows:
- 2 1. Page 3, line 18, by striking the words
- 3 "guardianship proceeding" and inserting in lieu thereof
- 4 the words "proceeding for the appointment of a
- 5 guardian".
- 6 2. Page 3, line 20, by striking the words
- 7 "guardianship proceeding" and inserting in lieu thereof
- 8 the words "proceeding for the appointment of a
- 9 guardian".
- 10 3. Page 3, line 25, by striking the words "but
- 11 is unable to afford counsel" and inserting in lieu
- 12 thereof the words "counsel but is indigent".
- 13 4. Page 3, by striking lines 28 through 31 and
- 14 inserting in lieu thereof the following: "against
- 15 the county of legal settlement of the proposed ward.
- 16 For purposes of this subsection, a person is indigent
- 17 if the person's income and resources do not exceed
- 18 one hundred fifty percent of the federal poverty
- 19 level."
- 20 5. Page 5, line 10, by striking the words
- 21 "conservatorship proceeding" and inserting in lieu
- 22 thereof the words "proceeding for the appointment

23 of a conservator".

24 6. Page 5, line 12, by striking the words
25 "conservatorship proceeding" and inserting in lieu
26 thereof the words "proceeding for the appointment
27 of a conservator".

28 7. Page 5, line 17, by striking the words "but
29 is unable to afford counsel" and inserting in lieu
30 thereof the words "counsel but is indigent".

31 8. Page 5, by striking lines 20 through 23 and
32 inserting in lieu thereof the following: "against
33 the county of legal settlement of the proposed ward.
34 For purposes of this subsection, a person is indigent
35 if the person's income and resources do not exceed
36 one hundred fifty percent of the federal poverty
37 level."

38 9. Page 7, line 2, by striking the words
39 "Designation of a change in" and inserting in lieu
40 thereof the words "Changing, at the guardian's
41 request,".

42 10. Page 7, by inserting after line 6 the
43 following: If the court determines that it would be
44 in the ward's best interest to have legal
45 representation with respect to proceedings under this
46 subsection, the court may appoint an attorney to
47 represent the ward at the expense of the ward or the
48 ward's estate."

Amendment H—5638 was adopted.

Varn of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte

Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklloth	Schroeder
Sherzan	Shoultz	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingin
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Chiodo	Connors	Groth	Skow
Sullivan	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 **House File 2394**, a bill for an act relating to the licensure of dietitians and nutritionists, placed on the unfinished business calendar on March 13, 1984.

Hanson of Delaware asked and received unanimous consent to temporarily defer action on amendment H—5517.

Hammond of Story offered the following amendment H—5637 filed by her and Chapman of Linn and moved its adoption:

H—5637

- 1 Amend House File 2394 as follows:
- 2 1. Page 3, lines 18 and 19, by striking the words
- 3 "and educate groups or".
- 4 2. Page 3, line 19, by inserting before the word
- 5 "normal" the word "total".
- 6 3. Page 3, line 29, by inserting after the word
- 7 "professions." the words "The provisions of this Act
- 8 do not apply to medically approved weight-loss programs
- 9 as approved by the state department of health. The
- 10 commissioner of public health shall adopt rules for
- 11 the approval of such programs. An organization
- 12 offering an approved program shall not advertise the
- 13 department's approval of the program."

Amendment H—5637 was adopted.

Spear of Lee offered amendment H—5645 filed by him and requested division as follows:

H—5645

- 1 Amend House File 2394 as follows:

H—5645A

- 2 1. Page 3, by striking lines 24 through 29.

H—5645B

- 3 2. Page 4, line 20 by adding after the word "care"
- 4 the following: "and as otherwise authorized by law".

Spear of Lee asked and received unanimous consent to withdraw amendment H—5645A.

Menke of O'Brien in the chair at 9:49 a.m.

Spear of Lee moved the adoption of amendment H—5645B.

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H—5645B lost.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5497 filed by her and Chapman of Linn on March 8, 1984.

Hammond of Story offered amendment H—5589 filed by her and Chapman of Linn. Division was requested as follows:

H—5589

- 1 Amend House File 2394 as follows:

H—5589A

- 2 1. Page 4, line 34, by striking the words "the
- 3 board of dietetic examiners or".
- 4 2. Page 5, by inserting after line 2 the following
- 5 new lettered paragraph:

6 "NEW LETTERED PARAGRAPH. d. The board of dietetic
7 examiners may accept the registration exam or require
8 an additional exam."

H—5589B

9 3. Page 5, by inserting after line 12 the following
10 new sections:
11 "Sec. NEW SECTION. RULES FOR REVOCATION
12 OR SUSPENSION OF LICENSE. The dietetic examining
13 board shall include in its provisions the rules for
14 revocation or suspension of a license as stated in
15 section 258A.10.
16 Sec. NEW SECTION. CONTESTED CASES. The
17 board shall prescribe rules of procedure by which
18 it will suspend or revoke a license or impose any
19 other sanction as authorized by chapter 258A. The
20 provisions shall conform to the contested case
21 provisions of chapter 17A."

H—5589C

22 4. Page 5, by striking lines 13 through 23 and
23 inserting in lieu thereof the following new section:
24 "Sec. NEW SECTION. INITIAL LICENSING PERIOD.
25 For one year, beginning on the effective date of this
26 Act, the board shall waive the examination requirement
27 under this Act and grant a license under this Act
28 to any person who is registered by the commission
29 on dietetic registration as a registered dietitian
30 on the effective date of this Act, or who becomes
31 registered before the one-year anniversary of the
32 effective date of this Act."
33 5. Renumber and reletter as necessary.

On motion by Hammond of Story, amendment H—5589A was adopted.

Hammond of Story moved the adoption of amendment H—5589B.

A non-record roll call was requested.

The ayes were 49, nays 36.

Amendment H—5589B was adopted.

Hammond of Story moved the adoption of amendment H—5589C.

A non-record roll call was requested.

The ayes were 44, nays 36.

Amendment H—5589C was adopted.

Speaker Avenson in the chair at 10:16 a.m.

Hanson of Delaware offered amendment H—5517, (temporarily deferred) filed by Hanson, et al. Division was requested as follows:

H—5517

1 Amend House File 2394 as follows:

H—5517A

2 1. Page 1, by striking lines 19 through 29.

H—5517B

3 2. Page 4, by inserting after line 20 the
4 following:

5 "5. Individuals who are not licensed as licensed
6 registered dietitians or licensed nutritionists who
7 do not hold themselves out to the public as being
8 licensed registered dietitians or licensed
9 nutritionists. Section 147.83 does not apply to
10 persons who are not so licensed and do not hold
11 themselves out as licensed registered dietitians or
12 licensed nutritionists."

Hanson of Delaware moved the adoption of amendment H—5517A.

A non-record roll call was requested.

The ayes were 49, nays 30.

Amendment H—5517A was adopted.

On motion by Hanson of Delaware, amendment H—5517B was adopted.

The following amendment H-5655 filed by Spear of Lee from the floor was adopted by unanimous consent:

H-5655

- 1 Amend House File 2394 as follows:
- 2 1. Page 3, line 27, by striking the word "hygienists"
- 3 and inserting in lieu thereof the word "hygienists".
- 4 2. Page 4, lines 17 and 18, by striking the word
- 5 "hygienist" and inserting in lieu thereof the word
- 6 "hygienist".

Lonergan of Boone moved to reconsider the vote by which amendment H-5645B failed to be adopted by the House on March 14, 1984.

A non-record roll call was requested.

The ayes were 44, nays 47.

The motion to reconsider lost.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H-5654, (not timely filed pursuant to Rule 31.8) filed by him from the floor as follows:

H-5654

- 1 Amend House File 2394 as follows:
- 2 1. Page 3, by striking line 25 and inserting in
- 3 lieu thereof the following: "This chapter does not
- 4 apply to the following classes of".

Objection was raised.

Chapman 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. 2394)

The ayes were, 91:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo

Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Rensink	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoultz	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 8:

Bennett	Branstad	Jay	Lageschulte
Maulsby	Muhlbauer	Renken	Schroeder

Absent or not voting, 1:

Skow

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 2495, 417 AND 2466 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2495, 417 and 2466 be deferred and that the bills retain their place on the calendar.

IMMEDIATE MESSAGE (House File 2457)

Norland of Worth asked and received unanimous consent to immediately message House File 2457 to the Senate.

On motion by Norland of Worth, the House was recessed at 10:55 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 13, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2224, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

Also: That the Senate has on March 14, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2228, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

K. MARIE THAYER, Secretary

REFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 2475)

The Speaker announced that House File 2475, presently on the **regular calendar**, was referred to the committee on **ways and means**.

The House stood at ease at 2:26 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS

House File 2098, a bill for an act relating to locations where nonresident fur dealers may conduct business, with report of committee recommending passage was taken up for consideration.

Woods 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. 2098)

The ayes were, 81:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Harbor	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Oxley	Parker	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 16:

Corey	Gronstal	Hanson	Haverland
Hermann	Hoffmann-Bright	Hummel	McKean
Osterberg	Paulin	Running	Schneklath
Schroeder	Swearingen	Tabar	Welden

Absent or not voting, 3:

Doderer	Menke	Shoultz
---------	-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 426, a bill for an act requiring public improvement construction contracts to have provisions for the payment of at least the prevailing wage for laborers and mechanics, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—5368 filed by the committee on labor and industrial relations:

H-5368

1 Amend House File 426 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 91B.1 PREVALING WAGE
5 RATE ACT. This chapter shall be known as the
6 prevailing wage rate Act.

7 Sec. 2. NEW SECTION. 91B.2 DEFINITIONS. As
8 used in this chapter:

9 1. "Governmental body" means the state of Iowa,
10 its agencies and departments, and the state board
11 of regents.

12 2. "Contracting party" means all contractors and
13 subcontractors which are parties to a contract for
14 a public improvement.

15 3. "Contract for a public improvement" means a
16 contract for the construction, alteration, repair,
17 remodeling or repair, including painting and decorating
18 of a public building or structure or other public
19 improvement of any type to which a governmental body
20 is a party.

21 4. "Wages" or "wage rates" means:

22 a. The basic hourly rate of pay; and

23 b. The amount of:

24 (1) The rate of contribution irrevocably made
25 by a contractor or subcontractor to a trustee or to
26 a third person pursuant to a fund, plan, or program;
27 and

28 (2) The rate of costs to the contractor or
29 subcontractor which may be reasonably anticipated
30 in providing benefits to laborers and mechanics
31 pursuant to an enforceable commitment to carry out
32 a financially responsible plan or program which was
33 communicated in writing to the laborers and mechanics
34 affected, for medical or hospital care, pensions on
35 retirement or death, compensation for injuries or
36 illness resulting from occupational activity, or
37 insurance to provide any of the foregoing, for
38 unemployment benefits, life insurance, disability
39 and sickness insurance or accident insurance, for
40 vacation and holiday pay, for defraying costs of
41 apprenticeship or other similar programs, or for other
42 bona fide fringe benefits, but only where the
43 contractor or subcontractor is not required by other
44 federal, state, or local law to provide any of such
45 benefits.

46 5. "Prevailing wage rates" means rates of wages
47 for mechanics, and skilled and unskilled laborers,
48 who perform work pursuant to a contract for a public
49 improvement, as determined by the labor commissioner
50 under section 91B.6.

Page 2

1 Sec. 3. NEW SECTION. 91B.3 SPECIFICATIONS FOR
2 CONTRACT. All specifications for a contract for a
3 public improvement in excess of two thousand dollars
4 and a contract for a public improvement in excess
5 of two thousand dollars shall contain provisions:
6 1. Requiring the contracting party to pay mechanics
7 and skilled and unskilled laborers, whom it employs
8 to perform work on the project under the contract
9 for a public improvement not less than the prevailing
10 wage rates.

11 2. Requiring the contracting party to pay its
12 mechanics and skilled and unskilled laborers not less
13 often than once a week and without subsequent deduction
14 or rebate on any account, the full amounts accrued
15 at the time of payment, computed at wage rates not
16 less than the prevailing wage rates, regardless of
17 any contractual relationship alleged to exist between
18 the contracting party and its mechanics and skilled
19 and unskilled laborers.

20 3. Requiring the contracting party to post the
21 prevailing wage rates in a prominent and easily
22 accessible place at the site of work under the contract
23 for a public improvement.

24 4. Requiring the contracting party to maintain
25 records of the wages paid to its mechanics and skilled
26 and unskilled laborers employed to perform work under
27 the contract in such form as may be determined
28 necessary by the labor commissioner.

29 5. Permitting the governmental body to inspect
30 the records, required to be maintained by the
31 contracting party under this section, at all reasonable
32 times and places upon demand by the governmental body.

33 6. a. Permitting the governmental body to withhold
34 from the contracting party so much of accrued payments
35 under the contract as the governmental body deems
36 necessary to pay the mechanics and skilled and
37 unskilled laborers employed by the contracting party
38 to perform work under the contract the difference
39 between the prevailing wage rates and the wages
40 received by them; and

41 b. Allowing the governmental body, upon not less
42 than seven days written notice to the contracting
43 party, to terminate the contract, in the event the
44 governmental body determines the contracting party
45 has or is failing to perform any of its duties under
46 this section and permitting the governmental body
47 the right to institute an action in the district court
48 for damages reasonably related to the termination
49 of the contract.

50 Sec. 4. NEW SECTION. 91B.4 GOVERNMENTAL BODY

Page 3

- 1 DUTIES. In addition to any other duties imposed and
2 authority granted by law concerning the letting of
3 a bid for, entering into and performing a contract
4 for a public improvement, a governmental body:
- 5 1. Shall ascertain the prevailing wage rates for
6 inclusion in any contract for a public improvement.
- 7 2. Shall comply with the provisions of section
8 91B.3 in the letting of bids for a contract for a
9 public improvement.
- 10 3. Shall not enter into a contract for a public
11 improvement which fails to contain the provisions
12 set out in section 91B.3.
- 13 4. Shall take all actions reasonably necessary
14 to insure the contracting party is in compliance with
15 the terms and conditions of a contract for a public
16 improvement, including inspecting the records
17 maintained by the contracting party pursuant to
18 sections 91B.3 and 91B.5 and investigating complaints
19 by any person that the contracting party is not in
20 compliance with the terms and conditions of the
21 contract for a public improvement.
- 22 5. Shall not enter into a contract for a public
23 improvement with a contracting party, which has been
24 found to be in violation of a contract for a public
25 improvement as determined by the labor commissioner.
- 26 6. Shall report to the labor commissioner, in
27 such form and manner as the labor commissioner
28 determines, the violation of the provisions of this
29 chapter by any contracting party which is a party
30 to a contract for a public improvement with the
31 governmental body.
- 32 7. May require the contracting party to post a
33 bond as deemed necessary by the governmental body
34 to provide for the payment of the prevailing wage
35 rates.
- 36 8. May take any action to enforce the terms and
37 provisions of the contract for a public improvement.
- 38 Sec. 5. **NEW SECTION. 91B.5 DUTIES OF CONTRACTING**
39 **PARTY.** A contracting party:
- 40 1. Shall, at the time of submitting a bid for
41 a contract for a public improvement, state to the
42 governmental body the identity of all other persons,
43 partnerships, corporations or other entities to which
44 it is subcontracting any portion of the work to be
45 performed under a contract for a public improvement,
46 and no work under a contract for a public improvement
47 shall be performed by any persons, partnerships,
48 corporations or other entities other than those stated
49 to the governmental body in the contracting party's
50 bid proposal, except in the event of exigent

Page 4

1 circumstances which require the substitution of a
2 subcontractor, and which substitution has been approved
3 in writing by the governmental body and by the labor
4 commissioner.

5 2. Shall comply with the terms of the contract
6 for a public improvement required by section 91B.3.

7 3. Shall provide to the governmental body records
8 showing payment of the prevailing wage rates to its
9 mechanics and skilled and unskilled laborers under
10 the contract for a public improvement in such form
11 and manner as the labor commissioner shall determine.

12 4. Shall not attempt in any manner either directly
13 or indirectly to avoid the requirements of this
14 chapter.

15 Sec. 6. NEW SECTION. 91B.6 LABOR COMMISSIONER
16 DUTIES. The labor commissioner shall have the
17 following duties and powers:

18 1. Shall by rule, at least annually, establish
19 and determine the wage rates for mechanics and skilled
20 and unskilled laborers of the type customarily employed
21 to perform work under a contract for a public
22 improvement, which prevail in each county and city
23 over twenty thousand in population in the state among
24 workers performing work similar in character to that
25 performed on projects under contracts for a public
26 improvement. The wage rates so determined for each
27 county and city by the labor commissioner shall be
28 the prevailing wage rates for work to be performed
29 by a contracting party under a contract for a public
30 improvement within that county or city.

31 2. In establishing and determining the prevailing
32 wage rates for each county and city, the labor
33 commissioner shall consider prevailing wage rate data
34 established by the United States secretary of labor
35 pursuant to 40 U.S.C. secs. 276a through 276a-7, wage
36 rates for mechanics and skilled and unskilled laborers
37 for work performed within the county or city provided
38 for in bona fide collective bargaining agreements
39 and any other reliable and relevant information
40 concerning wages. In the event the labor commissioner
41 reasonably deems it necessary, the labor commissioner
42 may conduct surveys within the county or city to
43 acquire information regarding wages paid.

44 3. Annually publish all prevailing wage rates
45 established and determined by the labor commissioner.

46 4. Upon request by a governmental body the labor
47 commissioner shall determine the prevailing wage rates
48 applicable to work to be performed pursuant to a
49 contract for a public improvement. The labor
50 commissioner shall provide by rule an expedited

Page 5

1 procedure for resolution of disputes concerning the
2 applicable prevailing wage rate for work to be
3 performed pursuant to a contract for a public
4 improvement. Such a dispute shall not be a contested
5 case under chapter 17A.

6 5. The labor commissioner shall by rule provide
7 that if work pursuant to a contract for a public
8 improvement is to be performed in more than a single
9 county or a single city, the highest prevailing wage
10 rates applicable shall apply to all work performed
11 pursuant to the contract for a public improvement.

12 6. The labor commissioner shall establish rules
13 for the maintenance of wage records and the reports
14 required by section 91B.3, subsection 4, and section
15 91B.5, subsection 3. At a minimum, the records
16 required by section 91B.3, subsection 4, shall contain
17 the name, address and social security number of each
18 mechanic and skilled and unskilled laborer, the number
19 of hours worked each day and the gross wages paid
20 each day. At a minimum, the reports required by
21 section 91B.5, subsection 3, to be submitted to the
22 governmental body shall contain the same information
23 as contained in the records required under section
24 91B.3, subsection 4 and shall be submitted at least
25 once a week. The reports submitted to the governmental
26 body as required by section 91B.5, subsection 3, shall
27 be public records under chapter 68A, and shall not
28 be exempt under chapter 68A.

29 7. The labor commissioner may enter upon the
30 premises of any work site where work is being performed
31 pursuant to a contract for a public improvement at
32 any reasonable time and may interview any mechanic
33 or skilled or unskilled laborer for the purposes of
34 determining whether the contracting party is complying
35 with the provisions of this chapter. No worker shall
36 be discharged or otherwise disciplined or discriminated
37 against by the contracting party for providing
38 information to the labor commissioner in such an
39 interview. Any worker subject to discharge or other
40 discipline or otherwise discriminated against by the
41 contracting party for providing information to the
42 labor commissioner in such an interview shall have
43 a right of action for reinstatement, back pay and
44 such other equitable relief as may be appropriate
45 in the district court.

46 8. The labor commissioner shall maintain and
47 publish, at least semi-annually, a listing of all
48 contracting parties which have been found by a
49 governmental body, the labor commissioner or a court
50 who have violated this chapter.

Page 6

1 9. The labor commissioner shall promulgate pursuant
2 to chapter 17A all rules and regulations necessary
3 to perform duties under this chapter.

4 Sec. 7. NEW SECTION. 91B.7 REMEDIES. In addition
5 to any remedies otherwise available under law, the
6 following remedies for violation of any provisions
7 of this chapter shall be available:

8 1. A mechanic or a skilled or unskilled laborer,
9 who performed work pursuant to a contract for a public
10 improvement but to whom the contracting party failed
11 to pay the applicable prevailing wage rates may
12 maintain an action in the district court to recover
13 the difference between the applicable prevailing wage
14 rates and the wages the worker received from the
15 contracting party. The provisions of chapter 91A
16 shall apply to the action, except that the labor
17 commissioner may institute an action for the collection
18 of unpaid wages on behalf of all employees affected
19 by the actions of the same employer on the same project
20 without the necessity of obtaining a wage assignment
21 from any of the affected employees. The fact that
22 the mechanic or skilled or unskilled laborer knowingly
23 accepted payment of wages less than the applicable
24 prevailing wage rate does not relieve the contracting
25 party from liability.

26 2. The labor commissioner may maintain an action
27 in district court against a contracting party for
28 a knowing and intentional failure to pay the prevailing
29 wage rates by the contracting party. The district
30 court shall provide for a penalty against the
31 contracting party of one hundred dollars per day for
32 each day it finds the contracting party has failed
33 to pay the required prevailing wage rates.

34 Sec. 8. NEW SECTION. 91B.8 PENALTY. Violation
35 of any provisions by a contracting party or its
36 representative or by a representative or employee
37 of a governmental body is a serious misdemeanor.

38 Sec. 9. NEW SECTION. 91B.9 FEDERAL FUND PROJECTS.

39 The provisions of this chapter shall not apply to
40 any contract for a public improvement which is funded
41 in whole or in part by federal funds and to which
42 the provisions of 40 U.S.C. secs. 276a through 276a-
43 7 apply to all portions of the work to be performed
44 under the contract for a public improvement."

45 2. Title page, by striking lines 1 through 3 and
46 inserting in-lieu thereof the following:

47 "An Act to provide for payment of prevailing wage
48 rates on public construction projects and to provide
49 enforcement through the labor commissioner and
50 providing penalties."

Bennett of Ida rose on a point of order that amendment H—5368 was not germane.

The Speaker ruled the point well taken and amendment H—5368 not germane.

Norland of Worth asked for unanimous consent to consider amendment H—5368.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H—5368.

A non-record roll call was requested.

The ayes were 57, nays 33.

The motion prevailed and the rules were suspended to consider amendment H—5368.

Schnekloth of Scott offered the following amendment H—5660, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5660

- 1 Amend the amendment, H—5368, to House File 426,
- 2 as follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "party" the words ", but does not mean a contract
- 5 for the construction, alteration, or repair of a farm-
- 6 to-market road, as defined in section 306.3, to which
- 7 a governmental body is a party".

Roll call was requested by Schnekloth of Scott and Stromer of Hancock.

On the question "Shall amendment H—5660, to amendment H—5368, be adopted?"

The ayes were, 50:

Anderson
Carpenter

Bennett
Clark

Black
Cooper

Branstad
Copenhaver

Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gruhn	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hughes
Hummel	Koenigs	Lageschulte	Maulsby
McIntee	McKean	Muhlbauer	Mullins
Norland	Paulin	Pellett	Renken
Rensink	Royer	Schnekloth	Schroeder
Stromer	Stueland	Swearingen	Tofte
Torrence	Van Gerpen	Van Maanen	Varn
Welden	Zimmerman		

The nays were, 48:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Davitt	Doderer	Gronstal	Groth
Halvorson, R. N.	Hammond	Haverland	Holveck
Jay	Jochum	Krewson	Lloyd-Jones
Lonergan	Miller	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Van Camp	Woods	Mr. Speaker

Absent or not voting, 2:

Knapp Menke

Amendment H—5660 was adopted.

Welden of Hardin offered the following amendment H—5670, to amendment H—5368, filed by him from the floor:

H—5670

- 1 Amend the amendment, H—5368, to House File 426,
- 2 as follows:
- 3 1. Page 1, line 49, by inserting after the word
- 4 "commissioner" the words "or state transportation
- 5 commission".
- 6 2. Page 2, line 28, by inserting after the word
- 7 "commissioner" the words "or state transportation
- 8 commission".
- 9 3. Page 3, line 25, by inserting after the word
- 10 "commissioner" the words "or state transportation
- 11 commission".
- 12 4. Page 3, line 26, by inserting after the word

13 "commissioner" the words "or state transportation
14 commission".

15 5. Page 4, line 4, by inserting after the word
16 "commissioner" the words "or state transportation
17 commission".

18 6. Page 4, line 11, by inserting after the word
19 "commissioner" the words "or state transportation
20 commission".

21 7. Page 4, line 16, by inserting after the word
22 "commissioner" the words "and the state transportation
23 commission for contracts under the commission's
24 jurisdiction".

25 8. Page 4, line 27, by inserting after the word
26 "commissioner" the words "or state transportation
27 commission".

28 9. Page 4, line 33, by inserting after the word
29 "commissioner" the words "or state transportation
30 commission".

31 10. Page 4, line 40, by inserting after the word
32 "commissioner" the words "or state transportation
33 commission".

34 11. Page 4, line 41, by inserting after the word
35 "commissioner" the words "or state transportation
36 commission".

37 12. Page 4, line 45, by inserting after the word
38 "commissioner" the words "or state transportation
39 commission".

40 13. Page 4, line 47, by inserting after the word
41 "commissioner" the words "or state transportation
42 commission".

43 14. Page 4, line 50, by inserting after the word
44 "commissioner" the words "or state transportation
45 commission".

46 15. Page 5, line 6, by inserting after the word
47 "commissioner" the words "or state transportation
48 commission".

49 16. Page 5, line 12, by inserting after the word
50 "commissioner" the words "or state transportation

Page 2

1 commission".

2 17. Page 5, line 29, by inserting after the word
3 "commissioner" the words "or state transportation
4 commission".

5 18. Page 5, line 38, by inserting after the word
6 "commissioner" the words "or state transportation
7 commission".

8 19. Page 5, line 42, by inserting after the word
9 "commissioner" the words "or state transportation
10 commission".

11 20. Page 5, line 46, by inserting after the word
12 "commissioner" the words "or state transportation
13 commission".

14 21. Page 5, line 49, by inserting after the word
15 "commissioner" the words ", or state transportation
16 commission,".

17 22. Page 6, line 1, by inserting after the word
18 "commissioner" the words "or state transportation
19 commission".

20 23. Page 6, line 17, by inserting after the word
21 "commissioner" the words "or the labor commissioner
22 and the state transportation commission together".

23 24. Page 6, line 26, by inserting after the word
24 "commissioner" the words "or the labor commissioner
25 and the state transportation commission together".

Connors of Polk in the chair at 5:33 p.m.

Welden of Hardin moved the adoption of amendment H—5670,
to amendment H—5368.

Roll call was requested by Stromer of Hancock and Branstad of
Winnebago.

Rule 76 was invoked.

On the question "Shall amendment H—5670, to amendment
H—5368, be adopted?"

The ayes were, 47:

Anderson	Bennett	Black	Branstad
Carpenter	Clark	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Groth	Gruhn
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Lageschulte
Maulsby	McIntee	McKean	Muhlbauer
Mullins	Norland	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Spear	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Gerpen
Van Maanen	Welden	Zimmerman	

The nays were, 52:

Arnould	Avenson	Baxter	Blanshan
Brammer	Buhr	Carl	Carter

Chapman	Chiodo	Cochran	Connolly
Davitt	Doderer	Fey	Groninga
Gronstal	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Loneragan	Miller	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Sturgeon	Sullivan	Swartz	Tabor
Van Camp	Varn	Woods	Mr. Speaker (Connors)

Absent or not voting, 1:

Menke

Amendment H—5670 lost.

Corey of Louisa offered the following amendment H—5661, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5661

- 1 Amend the amendment H—5368 to House File 426 as
- 2 follows:
- 3 1. Page 2, line 3 by striking the word "two"
- 4 and inserting in lieu thereof the words "seven
- 5 hundred fifty".
- 6 2. Page 2, line 5 by striking the word "two"
- 7 and inserting in lieu thereof the words "seven
- 8 hundred fifty".

A non-record roll call was requested.

The ayes were 36, nays 54.

Amendment H—5661 lost.

Halvorson of Clayton offered the following amendment H—5663, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5663

- 1 Amend the amendment H—5368 to House File 426 as
- 2 follows:

3 1. Page 3, by inserting after line 37 the
 4 following new subsection:
 5 "9. Following the letting of a contract for a
 6 public improvement, cause to be printed in two
 7 newspapers of general circulation within the
 8 geographical area of the public improvement for
 9 which the contract has been let, the change in
 10 cost of the specific project as a result of the
 11 imposition of prevailing wage rates."

Roll call was requested by Bennett of Ida and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H-5663, to amendment H-5368, be adopted?"

The ayes were, 44:

Anderson	Bennett	Blanshan	Branstad
Carpenter	Clark	Corey	Daggett
De Groot	Diemer	Grandia	Groth
Gruhn	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hughes
Hummel	Koenigs	Lageschulte	Maulsby
McIntee	McKean	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Skow	Stromer
Stueland	Swartz	Swearingen	Torrence
Van Gerpen	Van Maanen	Varn	Welden

The nays were, 52:

Arnould	Avenson	Baxter	Black
Brammer	Buhr	Carl	Carter
Chiodo	Cochran	Connolly	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Halvorson, R. N.
Hammond	Haverland	Holveck	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Sullivan	Tabor
Van Camp	Woods	Zimmerman	Mr. Speaker (Connors)

Absent or not voting, 4:

Chapman	Krewson	Menke	Tofte
---------	---------	-------	-------

Amendment H-5663 lost.

Grandia of Marion offered the following amendment H—5662, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5662

- 1 Amend the amendment H—5368 to House File 426
- 2 as follows:
- 3 1. Page 4, line 23, by striking the word
- 4 "twenty" and inserting in lieu thereof the word
- 5 "five".

Roll call was requested by McKean of Jones and Hoffmann-Bright of Muscatine.

On the question "Shall amendment H—5662, to amendment H—5368, be adopted?"

The ayes were, 43:

Anderson	Bennett	Branstad	Carpenter
Clark	Cochran	Cooper	Corey
Daggett	De Groot	Diemer	Fogarty
Grandia	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Maulsby
McIntee	McKean	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Spear	Stromer
Stueland	Swartz	Swearingen	Torrence
Van Gerpen	Van Maanen	Welden	

The nays were, 52:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chiodo	Connolly	Copenhaver
Davitt	Doderer	Fey	Groninga
Gronstal	Hammond	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Lloyd-Jones	Loneragan	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Pony	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Sturgeon	Sullivan	Tabor	Van Camp
Varn	Woods	Zimmerman	Mr. Speaker (Connors)

Absent or not voting, 5:

Chapman
Tofte

Krewson

Lageschulte

Menke

Amendment H—5662 lost.

Schneklath of Scott offered the following amendment H—5664, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5664

- 1 Amend the amendment H—5368 to House File 426
- 2 as follows:
- 3 1. Page 4, by striking lines 40 through 43
- 4 and inserting in lieu thereof the following:
- 5 "concerning wages. The labor commissioner shall
- 6 survey at least fifty percent of all construction
- 7 projects within the county or city over 20,000 to
- 8 document information on wages paid and shall consider
- 9 this data in determining prevailing wage rates."

A non-record roll call was requested.

The ayes were 36, nays 56.

Amendment H—5664 lost.

Hummel of Benton offered the following amendment H—5666, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5666

- 1 Amend the amendment H—5368 to House File 426
- 2 as follows:
- 3 1. Page 5, by striking lines 4 and 5 and
- 4 inserting in lieu thereof the following:
- 5 "improvement. Such a dispute shall be subject to
- 6 appeal under chapter 17A."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 41, nays 54.

Amendment H—5666 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for a portion of the evening, on request of Schnekloth of Scott.

Halvorson of Clayton offered the following amendment H—5665, to amendment H—5368, filed by him from the floor and moved its adoption:

H—5665

- 1 Amend the amendment H—5368 to House File 426
- 2 as follows:
- 3 1. Page 6, by inserting after line 3 the
- 4 following new subsection:
- 5 "10. The labor commissioner shall cause to
- 6 be published at least annually, in a newspaper having
- 7 statewide circulation, and in three newspapers having
- 8 regional circulation, a list of the change in cost
- 9 of each project for public improvement resulting
- 10 from the imposition of prevailing wage rates under
- 11 this Act. The list shall be maintained in the
- 12 labor commissioner's office and made available
- 13 for public inspection. A copy of the list shall
- 14 also be transmitted to each county auditor and
- 15 each city clerk of each city over twenty thousand
- 16 in population in this state, who shall make it
- 17 available for public inspection."

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H—5665, to amendment H—5368, be adopted?"

The ayes were, 41:

Anderson	Bennett	Branstad	Buhr
Carl	Carpenter	Clark	Corey
Daggett	De Groot	Diemer	Grandia
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hughes	Hummel	Maulsby	McIntee
McKean	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Stromer	Stueland	Swartz	Swearingen
Tofte	Torrence	Van Gerpen	Van Maanen
Varn			

The nays were, 54:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Carter	Chiodo
Cochran	Connolly	Cooper	Copenhaver
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Halvorson, R. N.
Haverland	Holveck	Jay	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Loneragan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Tabor	Van Camp	Woods
Zimmerman	Mr. Speaker (Connors)		

Absent or not voting, 5:

Chapman	Lageschulte	Menke	Schroeder
Welden			

Amendment H—5665 lost.

Arnould of Scott in the chair at 7:14 p.m.

Welden of Hardin offered the following amendment H—5668, to amendment H—5368, filed by him from the floor:

H—5668

- 1 Amend the amendment H—5368 to House File 426
- 2 as follows:
- 3 1. Page 6, by inserting after line 44 the
- 4 following:
- 5 "2. This Act shall take effect on July 1
- 6 following a regular session of the general assembly
- 7 during which legislation has been enacted and duly
- 8 signed into law by the governor which provides a
- 9 line item appropriation of not less than \$250,000
- 10 to the office of the labor commissioner for the
- 11 purpose of implementing and administering this
- 12 Act."
- 13 2. By renumbering as necessary.

Connors of Polk in the chair at 7:18 p.m.

Speaker Avenson in the chair at 7:22 p.m.

Norland of Worth asked and received unanimous consent to defer action on House File 426.

(Amendment H—5668, to amendment H—5368, pending.)

House File 2437, a bill for an act relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty, was taken up for consideration.

Fey of Scott offered the following amendment H—5635 filed by Fey, et al., and moved its adoption:

H—5635

- 1 Amend House File 2437 as follows:
- 2 1. Page 6, line 32, by striking the word "render"
- 3 and inserting in lieu thereof the words "by rendering".
- 4 2. Page 7, by striking lines 8 and 9 and inserting
- 5 in lieu thereof the following:
- 6 "d. Employed by or assigned to a hospital as a
- 7 member of an authorized ambulance service or rescue
- 8 squad for prehospital care, by performing nonlife-
- 9 saving procedures when assigned by a physician or
- 10 registered nurse and for which those individuals have
- 11 been trained and which are designated in a written
- 12 job description."

Amendment H—5635 was adopted, placing out of order amendment H—5642 filed by Mullins, et al., on March 13, 1984, and amendment H—5647 (to amendment H—5642) filed by Mullins of Kossuth from the floor.

Spear of Lee offered the following amendment H—5401 filed by him:

H—5401

- 1 Amend House File 2437 as follows:
- 2 1. Page 8, line 22, by striking the word
- 3 "REGISTERED".
- 4 2. Page 8, line 23, by striking the word
- 5 "registered".

Zimmerman of Dallas offered the following amendment H—5669, to amendment H—5401, filed by her from the floor and moved its adoption:

H—5669

- 1 Amend amendment H—5401 to House File 2437 as
- 2 follows:

- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 8, line 22, by inserting after the word
- 6 "REGISTERED" the words "OR LICENSED PRACTICAL".
- 7 2. Page 8, line 23, by inserting after the word
- 8 "registered" the words "or licensed practical".

Amendment H—5669 was adopted.

On motion by Spear of Lee, amendment H—5401, as amended, was adopted.

Spear of Lee offered the following amendment H—5402 filed by him and moved its adoption:

H—5402

- 1 Amend House File 2437 as follows:
- 2 1. Page 9, line 1, by inserting after the word
- 3 "nurse" the words "or a licensed practical nurse".

Amendment H—5402 was adopted.

Fey 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. 2437)

The ayes were, 87:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lloyd-Jones	Loneragan	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schroeder	Sherzan	Shoultz	Spear
Stromer	Stueland	Sturgeon	Sullivan

Swartz	Swearingen	Tabor	Tofte
Torrence	Van Gerpen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 7:

Daggett	Grandia	Handorf	Maulsby
Skow	Van Camp	Van Maanen	

Absent or not voting, 6:

Branstad	Chapman	Lageschulte	Menke
Rensink	Royer		

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:

Rensink of Sioux, for the remainder of the evening, on request of Schnekloth of Scott.

HOUSE FILE 2453 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2453 be deferred and that the bill retain its place on the calendar.

House File 2428, a bill for an act relating to mortgage redemption periods, was taken up for consideration.

McIntee 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. 2428)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer

Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 1:

Holveck

Absent or not voting, 4:

Branstad	Chapman	Menke	Rensink
----------	---------	-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2474, a bill for an act relating to the form of probate inventory, 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. 2474)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia

Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schroeder
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Weiden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chapman	Menke	Rensink	Sherzan
---------	-------	---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2490 DEFERRED

Connors of Polk asked and received unanimous consent that House File 2490 be deferred and that the bill retain its place on the calendar.

RULES SUSPENDED

Norland of Worth moved to suspend the rules for the immediate consideration of House File 2492.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed.

House File 2492, a bill for an act relating to agricultural limestone fees, was taken up for consideration.

Blanshan 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. 2492)

The ayes were, 86:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Davitt
De Groot	Diémér	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schroeder
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 10:

Branstad	Daggett	Handorf	Hermann
Hoffmann-Bright	Hummel	McKean	Renken
Swartz	Welden		

Absent or not voting, 4:

Chapman	Menke	Rensink	Sherzan
---------	-------	---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULES SUSPENDED

Norland of Worth moved to suspend the rules for the immediate consideration of House File 2497.

A non-record roll call was requested.

The ayes were 54, nays 34.

The motion prevailed.

House File 2497, a bill for an act relating to the appointment of the commerce commission as a receiver and its duties and powers, was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and 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, 85:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Poney	Renaud	Rosenberg
Running	Schneckloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Varn	Zimmerman
Mr. Speaker			

The nays were, 11:

De Groot	Grandia	Handorf	Harbor
Hummel	Maulsby	Pellett	Renken
Royer	Van Maanen	Welden	

Absent or not voting, 4:

Chapman

Menke

Rensink

Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 2415)

Chiodo of Polk called up for consideration the motion to reconsider House File 2415, filed on March 8, 1984, and moved to reconsider the vote by which House File 2415, a bill for an act providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit, passed the House and was placed on its last reading on March 8, 1984.

A non-record roll call was requested.

The ayes were 37, nays 50.

The motion lost, placing out of order the motion to reconsider filed by Holveck of Polk on March 8, 1984, as well as the following amendments:

H—5640 filed by Holveck, et al., on March 13, 1984.

H—5643 filed by Blanshan, et al., on March 13, 1984.

H—5657, to amendment H—5640, filed by Holveck of Polk from the floor.

The House stood at ease at 8:20 p.m., until the fall of the gavel.

The House resumed session at 8:34 p.m., Speaker Avenson in the chair.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Five government students from Maquoketa High School, Maquoketa. By Tabor of Jackson.

Eighteen students from Moravia High School, Moravia, accompanied by Roy Wigen. By Jay of Appanoose.

Forty-five eleventh and twelfth grade students from North High School, Sioux City, accompanied by Larry Twait. By O'Kane and Sturgeon of Woodbury.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 795 Ways and Means

To provide funding for the removal or encapsulation of asbestos by school districts.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2167, a bill for an act to repeal the requirement that a meeting be called upon request by the area education agency board or a contiguous school district concerning a proposal by a school district board to issue general obligation bonds for construction or renovation of a school building.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1984.

Senate File 2174, a bill for an act to require the state board of regents to inform the student government organizations at its institutions of higher learning about proposed tuition and fee increases.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 12, 1984.

Senate File 2184, a bill for an act relating to the qualifications of the superintendent of public instruction.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1984.

COMMITTEE ON HUMAN RESOURCES

Senate File 324, a bill for an act relating to skilled nursing care coverage provided by insurers and hospital and medical service corporations to hospitalized insureds and subscribers.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1984.

Senate File 2175, a bill for an act relating to dispensing of generically equivalent drugs.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1984.

Senate File 2176, a bill for an act eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1984.

COMMITTEE ON TRANSPORTATION

Senate File 347, a bill for an act providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular registration fee.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5653**, March 13, 1984.

AMENDMENTS FILED

H-5646	S.F.	32	Chapman of Linn
H-5648	H.F.	417	O'Kane of Woodbury
H-5649	H.F.	422	McIntee of Black Hawk
H-5650	H.F.	422	Bennett of Ida
H-5651	H.F.	422	Krewson of Polk
H-5652	H.F.	2365	Chapman of Linn
H-5653	S.F.	347	Committee on Transportation
H-5656	S.F.	2301	Tabor of Jackson
H-5658	H.F.	2487	O'Kane of Woodbury
H-5659	S.F.	497	Lloyd-Jones of Johnson

H-5667	S.F.	2273	Pavich of Pottawattamie
H-5671	H.F.	422	Jay of Appanoose
H-5672	H.F.	422	Woods of Polk
H-5673	H.F.	2487	Rosenberg of Story
H-5674	H.F.	2487	Jay of Appanoose
H-5675	H.F.	2487	Varn of Johnson
H-5676	H.F.	2487	Jay of Appanoose
H-5677	H.F.	2491	Chiodo of Polk
H-5678	H.F.	2419	Halvorson of Webster
			Swartz of Marshall
H-5679	H.F.	2075	Hughes of Union
H-5680	H.F.	2491	Sturgeon of Woodbury
			McIntee of Black Hawk
			Van Gerpen of Black Hawk
			O'Kane of Woodbury
			Miller of Woodbury
H-5681	H.F.	422	Schroeder of Pottawattamie
H-5682	S.F.	449	Brammer of Linn
H-5683	H.F.	417	O'Kane of Woodbury
H-5684	H.F.	422	Schroeder of Pottawattamie
			McIntee of Black Hawk
H-5685	H.F.	2491	Lonergan of Boone
			Chiodo of Polk
			Running of Linn
			Woods of Polk
			Sherzan of Polk
			Peick of Linn
H-5686	H.F.	422	Schroeder of Pottawattamie
H-5687	H.F.	422	Schroeder of Pottawattamie
H-5688	H.F.	422	Schroeder of Pottawattamie
H-5689	H.F.	422	Schroeder of Pottawattamie
H-5690	H.F.	422	Schroeder of Pottawattamie
H-5691	H.F.	2487	Parker of Jasper
H-5692	H.F.	422	Schroeder of Pottawattamie
H-5693	H.F.	422	Schroeder of Pottawattamie
H-5694	H.F.	422	McIntee of Black Hawk
			Copenhaver of Buchanan
H-5695	H.F.	2487	Hummel of Benton
			Copenhaver of Buchanan
H-5696	H.F.	2487	Hummel of Benton
			Copenhaver of Buchanan
H-5697	H.F.	2487	Hummel of Benton
			Copenhaver of Buchanan

H-5698	H.F. 426	Krewson of Polk
H-5699	H.F. 426	Sherzan of Polk

On motion by Norland of Worth, the House adjourned at 8:35 p.m., until 9:00 a.m., Thursday, March 15, 1984.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 15, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend T. J. Wiggins, pastor of the Faith Lutheran Church, Andover.

The Journal of Wednesday, March 14, 1984 was approved.

PETITION FILED

The following petition was received and placed on file:

By Daggett of Taylor, from the Decatur County Board of Supervisors urging the General Assembly to continue state assumption of costs related to the operation of the courts on the timetable now established by law.

SENATE MESSAGES CONSIDERED

Senate File 2108, by Vande Hoef, a bill for an act relating to the annexation of land located within a rural water district or association.

Read first time and referred to committee on **local government**.

Senate File 2220, by committee on commerce, a bill for an act relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds, requiring a commitment to community reinvestment to receive state public funds, providing for the giving of notice on minimum interest rates for public funds, providing for the pledging of assets, providing for the dissolution of the state sinking fund, expanding the deposit limits for bank holding companies, and providing reciprocity for credit unions.

Read first time and referred to committee on **small business and commerce**.

Senate File 2224, by committee on judiciary, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2228, by committee on local government, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

Read first time and referred to committee on **local government**.

Senate File 2232, by committee on commerce, a bill for an act relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan.

Read first time and referred to committee on **small business and commerce**.

Senate File 2262, by committee on commerce, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered.

Read first time and referred to committee on **small business and commerce**.

Senate File 2284, by committee on education, a bill for an act relating to lease-purchase agreements made by an area education agency.

Read first time and referred to committee on **education**.

Senate File 2294, by committee on state government, a bill for an act relating to the examination of government records by providing for the procedures for their examination, for enforcement of those procedures, for the availability of certain records, and for the duties of the lawful custodians and providing for civil damages.

Read first time and referred to committee on **state government**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2295, a bill for an act relating to lotteries.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS**Regular Calendar**

The House resumed consideration of **House File 426**, a bill for an act requiring public improvement construction contracts to have provisions for the payment of at least the prevailing wage for laborers and mechanics, and amendment H-5668 (found on page 1037 of the House Journal), to amendment H-5368, temporarily deferred on March 14, 1984.

Welden of Hardin moved the adoption of amendment H-5668, to amendment H-5368.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H-5668 lost.

Sherzan of Polk offered the following amendment H-5699, to amendment H-5368, filed by him and moved its adoption:

H-5699

- 1 Amend amendment H-5368 to House File 426 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "type" the following: "located in whole or in part in
- 4 a city over twenty thousand in population or located
- 5 in whole or in part in the unincorporated part of a
- 6 county over twenty thousand in population and".

Amendment H-5699 was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—5698, to amendment H—5368, filed by him on March 14, 1984.

Harbor of Mills rose on a point of order and invoked Rule 32 to refer House File 426 to the committee on appropriations.

The Speaker ruled the point well taken.

Norland of Worth moved to suspend Rule 32 to further consider House File 426.

A non-record roll call was requested.

The ayes were 53, nays 32.

The motion prevailed and Rule 32 was suspended.

Sherzan of Polk moved the adoption of the committee amendment H—5368, as amended.

A non-record roll call was requested.

The ayes were 55, nays 36.

The committee amendment H—5368, as amended, was adopted.

Sherzan 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. 426)

The ayes were, 55:

Arnould	Baxter	Black	Brammer
Buhr	Carter	Chapman	Chiodo
Cochran	Connolly	Connors	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	Loneragan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker

Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Schroeder	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Tabor	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 45:

Anderson	Bennett	Blanshan	Branstad
Carl	Carpenter	Clark	Cooper
Copenhaver	Corey	Daggett	De Groot
Diemer	Grandia	Groth	Gruhn
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Koenigs
Lageschulte	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Stromer	Stueland	Swartz	Swearingen
Tofte	Torrence	Van Gerpen	Van Maanen
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.

RULE 35 SUSPENDED

Norland of Worth moved that Rule 35, relating to the debate calendars, be suspended for the immediate consideration of Senate File 2160.

Roll call was requested by Norland of Worth and Arnould of Scott.

On the question. "Shall the rules be suspended to immediately consider Senate File 2160?"

The ayes were, 57:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Chiodo	Connolly	Connors	Cooper
Copenhaver	Davitt	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Haverland
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Lloyd-Jones	Loneragan

Miller	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shoultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 39:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Hummel
Krewson	Lageschulte	Maulsby	McIntee
McKean	Menke	Mullins	Paulin
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

Absent or not voting, 4:

Blanshan	Branstad	Cochran	Muhlbauer
----------	----------	---------	-----------

The motion prevailed and the rules were suspended.

Senate File 2160, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Avenson in the chair.

(Senate File 2160 pending at recess.)

On motion by Norland of Worth, the House was recessed at 11:06 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 12, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2203, a bill for an act to allow a person who is an instructor or proprietor at a licensed school of cosmetology to serve on the board of cosmetology examiners.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 2160**, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations, pending at recess.

Norland of Worth asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, on Senate File 2160.

Halvorson of Clayton offered the following amendment H—5704 filed by him and Corey of Louisa from the floor and moved its adoption:

H—5704

1 Amend Senate File 2160, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the word
4 "chapter," the words and figures "chapter 73, chapter
5 309, chapter 310,".

6 2. Page 1, by inserting after line 22 the
7 following:

8 "For purposes of this section, "public improvement"
9 means public improvements as defined in section 23.1
10 and includes road construction, reconstruction, and
11 maintenance projects.

12 This section applies to the state, its agencies,
13 and any political subdivisions of the state.

14 If it is determined that this may cause denial
15 of federal funds which would otherwise be available,
16 or would otherwise be inconsistent with requirements
17 of federal law, this section shall be suspended, but

18 only to the extent necessary to prevent denial of
19 the funds or to eliminate the inconsistency with
20 federal requirements."

Amendment H—5704 was adopted.

Hanson of Delaware offered the following amendment H—5604
filed by him and Rensink of Sioux and moved its adoption:

H—5604

1 Amend Senate File 2160 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 22 the
4 following:
5 "Sec. . Section 1 applies to contracts for
6 public improvements for which requests for bids are
7 published or requested after the effective date of
8 this Act."
9 2. Renumber sections and correct internal
10 references as necessary in accordance with this
11 amendment.

Amendment H—5604 was adopted.

Tofte of Winneshiek asked and received unanimous consent to
withdraw amendment H—5481 filed by him on March 8, 1984.

The House stood at ease at 3:28 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File
2160 at 3:34 p.m., Speaker Avenson in the chair.

Sherzan of Polk offered the following amendment H—5707 filed
by him from the floor and moved its adoption.

H—5707

1 Amend Senate File 2160, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by inserting after the period
4 the words "Following the letting of a contract for
5 a public improvement, the public agency receiving
6 the bids shall publish in two newspapers of general
7 circulation within the geographical area of the public
8 agency, the two lowest bids to publicly indicate the
9 change in the cost of the public improvement as a
10 result of this section."

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—5707 be adopted?"

The ayes were, 60:

Anderson	Arnould	Baxter	Bennett
Black	Branstad	Buhr	Carl
Carpenter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Core	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Lageschulte	Maulsby
McIntee	McKean	Menke	Muhlbauer
Mullins	O'Kane	Oxley	Paulin
Pellet	Poncy	Renken	Rensink
Royer	Schnekloth	Schroeder	Skow
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Mr. Speaker

The nays were, 37:

Blanshan	Brammer	Carter	Connors
Davitt	Doderer	Fey	Fogarty
Groninga	Gronstal	Gruhn	Halvorson, R. N.
Hammond	Haverland	Jay	Jochum
Koenigs	Krewson	Lloyd-Jones	Lonergan
Miller	Norland	Ollie	Osterberg
Parker	Pavich	Peick	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Tabor	Woods
Zimmerman			

Absent or not voting, 3:

Groth	Knapp	Welden
-------	-------	--------

Amendment H—5707 was adopted.

Connors of Polk in the chair at 4:00 p.m.

Sturgeon of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F.2160)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker (Connors)

The nays were, 3:

Hanson	Renken	Rensink
--------	--------	---------

Absent or not voting, 1:

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 2453 AND 2490 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2453 and 2490 be deferred and that the bills retain their place on the calendar.

Regular Calendar

House File 2463, a bill for an act relating to the priority of construction mortgage liens, was taken up for consideration.

McIntee 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. 2463)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, 2:

Hummel Schneklath

Absent or not voting, 1:

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2458, a bill for an act relating to school district reorganization procedures, was taken up for consideration.

Cochran of Webster offered amendment H—5574 filed by him. Division was requested as follows:

H—5574

1 Amend House File 2458 as follows:

H—5574A

2 1. Page 1, by striking lines 26 through 32 and
3 inserting in lieu thereof the words "required by law."

H—5574B

4 2. Page 4, by striking lines 29 and 30 and
5 inserting in lieu thereof the words ". The agency
6 administrator shall at".

Speaker Avenson in the chair at 4:33 p.m.

Cochran of Webster moved the adoption of amendment H—5574A.

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H—5574A lost.

Haverland of Polk offered the following amendment H—5629 filed by him and moved its adoption:

H—5629

1 Amend House File 2458 as follows:
2 1. Page 4, by striking lines 6 through 13.
3 2. Page 5, line 4, by striking the figure "275.8"
4 and inserting in lieu thereof the figure "275.16".
5 3. Page 7, by striking lines 4 through 16.
6 4. By renumbering sections as necessary.

Amendment H—5629 was adopted.

The House resumed consideration of amendment H—5574B.

Cochran of Webster moved the adoption of amendment H—5574B.

A non-record roll call was requested.

The ayes were 4, nays 52.

Amendment H—5574B lost.

Spear of Lee offered the following amendment H—5459 filed by him and moved its adoption:

H—5459

- 1 Amend House File 2458 as follows:
- 2 1. Page 5, line 20, by inserting after the word
- 3 "filed" the words "or a member of the board
- 4 designated by the president,".

Amendment H—5459 was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—5554 filed by him on March 9, 1984.

Krewson of Polk offered the following amendment H—5581 filed by him and Poncy of Wapello:

H—5581

- 1 Amend House File 2458 as follows:
- 2 1. Page 7, by inserting after line 16 the
- 3 following:
- 4 "Sec. 100. As used in sections 101 through 106
- 5 of this Act:
- 6 1. "Commission" means the temporary school district
- 7 reorganization advisory commission established pursuant
- 8 to sections 101 through 106 of this Act.
- 9 2. "Four selecting authorities" means:
- 10 a. The majority floor leader of the state senate.
- 11 b. The minority floor leader of the state senate.
- 12 c. The majority floor leader of the state house
- 13 of representatives.
- 14 d. The minority floor leader of the state house
- 15 of representatives.

16 3. "Plan" means a plan for school district
17 reorganization drawn up pursuant to the requirements
18 of this Act.

19 Sec. 101. PREPARATIONS FOR REDISTRICTING.

20 1. The legislative service bureau shall acquire
21 appropriate information, review and evaluate available
22 facilities, and develop programs and procedures in
23 preparation for drawing school district reorganization
24 plans on the basis of school district projected
25 enrollments. Funds shall be expended for the purchase
26 or lease of equipment and materials only with prior
27 approval of the legislative council.

28 2. Not later than July 1, 1986, the legislative
29 service bureau shall obtain from the department of
30 public instruction present and projected enrollment
31 information and shall obtain other information
32 regarding geographic and political units in this state
33 deemed necessary for determining the boundary lines
34 for twenty-five school districts in this state.

35 3. The legislative service bureau shall prepare
36 maps of the various areas and political subdivisions
37 of this state which may be used to illustrate the
38 locations of school districts proposed in plans drawn
39 in accordance with section 103 of this Act.

40 Sec. 102. TIMETABLE FOR PREPARATION OF PLAN.

41 1. Not later than January 15, 1987, the legislative
42 service bureau shall deliver to the secretary of the
43 senate and the chief clerk of the house of
44 representatives identical bills embodying a plan of
45 school district reorganization prepared in accordance
46 with section 103 of this Act. It is the intent of
47 this Act that the general assembly shall bring the
48 bill to a vote in either the senate or the house of
49 representatives expeditiously, but not less than seven
50 days after the report of the commission required by

Page 2

1 section 105 of this Act is received and made available
2 to the members of the general assembly, under a
3 procedure or rule permitting no amendments except
4 those of a purely corrective nature.

5 It is further the intent of this Act that if the bill
6 is approved by the first house in which it is
7 considered, it shall expeditiously be brought to a
8 vote in the second house under a similar procedure
9 or rule.

10 2. If the bill embodying the plan submitted by
11 the legislative service bureau under subsection 1
12 fails to be approved by a constitutional majority
13 in either the senate or the house of representatives,

14 the secretary of the senate or the chief clerk of
15 the house, as the case may be, shall at once transmit
16 to the legislative service bureau information which
17 the senate or house may direct regarding reasons why
18 the plan was not approved. The legislative service
19 bureau shall prepare a bill embodying a second plan
20 of school district reorganization prepared in
21 accordance with section 103 of this Act, and taking
22 into account the reasons cited by the senate or house
23 of representatives for its failure to approve the
24 plan insofar as it is possible to do so within the
25 requirements of section 103 of this Act. If a second
26 plan is required under this subsection, the bill
27 embodying it shall be delivered to the secretary of
28 the senate and the chief clerk of the house of
29 representatives not later than February 15, 1987,
30 or fourteen days after the date of the vote by which
31 the senate or the house of representatives fails to
32 approve the bill submitted under subsection 1,
33 whichever date is later. It is the intent of this
34 Act that, if it is necessary to submit a bill under
35 this subsection, the bill be brought to a vote not
36 less than seven days after the bill is printed and
37 made available to the members of the general assembly,
38 in the same manner as prescribed for the bill required
39 under subsection 1.

40 3. If the bill embodying the plan submitted by
41 the legislative service bureau under subsection 2
42 fails to be approved by a constitutional majority
43 in either the senate or the house of representatives,
44 the same procedure as prescribed by subsection 2 shall
45 be followed. If a third plan is required under this
46 subsection, the bill embodying it shall be delivered
47 to the secretary of the senate and the chief clerk
48 of the house of representatives not later than March
49 15, 1987, or fourteen days after the date of the vote
50 by which the senate or the house of representatives

Page 3

1 fails to approve the bill submitted under subsection
2 2, whichever date is later. It is the intent of this
3 Act that, if it is necessary to submit a bill under
4 this subsection, the bill be brought to a vote within
5 the same time period after its delivery to the
6 secretary of the senate and the chief clerk of the
7 house of representatives as is prescribed for the
8 bill submitted under subsection 2, but shall be subject
9 to amendment in the same manner as other bills.

10 Sec. 103. REORGANIZATION STANDARDS.

11 1. School districts shall be established on the

12 basis of present and projected school enrollments.

13 2. To the extent consistent with subsection 1
14 of this section, school district boundaries shall
15 coincide with the boundaries of political subdivisions
16 of the state. The number of counties and cities
17 divided among more than one school district shall
18 be as small as possible.

19 3. Districts shall be composed of convenient
20 contiguous territory. Areas which meet only at the
21 points of adjoining corners are not contiguous.

22 4. It is preferable that districts be compact
23 in form, but the standards established by subsections
24 1, 2 and 3 of this section take precedence over
25 compactness where a conflict arises between compactness
26 and these standards. In general, compact districts
27 are those which are square, rectangular or hexagonal
28 in shape to the extent permitted by natural or
29 political boundaries.

30 Sec. 104. TEMPORARY SCHOOL DISTRICT REORGANIZATION
31 ADVISORY COMMISSION.

32 1. Not later than August 1, 1986, a five member
33 temporary school district reorganization advisory
34 commission shall be established as provided by this
35 section. The commission's only functions shall be
36 those prescribed by section 105 of this Act.

37 a. Each of the four selecting authorities shall
38 certify to the legislative council his or her
39 appointment of a person to serve on the commission.

40 b. Within thirty days after the four selecting
41 authorities have certified their respective
42 appointments to the commission, the four commission
43 members so appointed shall select, by a vote of at
44 least three members, the fifth commission member,
45 who shall serve as chairperson.

46 c. A vacancy on the commission shall be filled
47 by the initial selecting authority within fifteen
48 days after the vacancy occurs.

49 d. Members of the commission shall receive a per
50 diem of forty dollars, travel expenses at the rate

Page 4

1 provided by section 79.9, and reimbursement for other
2 necessary expenses incurred in performing their duties
3 under this section and section 105 of this Act. The
4 per diem and expenses shall be paid from funds
5 appropriated by section 2.12.

6 2. No person shall be appointed to the commission
7 who:

8 a. Is not an eligible elector of the state at
9 the time of selection.

10 b. Holds partisan public office or political party
11 office.

12 c. Is a relative of or is employed by a member
13 of the general assembly or of the United States
14 congress, or is employed directly by the general
15 assembly or by the United States' congress.

16 Sec. 105. DUTIES OF COMMISSION. The functions
17 of the commission shall be as follows:

18 1. If, in preparation of plans, the legislative
19 service bureau is confronted with the necessity to
20 make any decision for which no clearly applicable
21 guideline is provided by section 103 of this Act,
22 the bureau may submit a written request for direction
23 to the commission.

24 2. Prior to delivering any plan and the bill
25 embodying that plan to the secretary of the senate
26 and the chief clerk of the house of representatives
27 in accordance with section 102 of this Act, the
28 legislative service bureau shall provide to persons
29 outside the bureau staff only such information
30 regarding the plan as may be required by policies
31 agreed upon by the commission.

32 3. Upon each delivery by the legislative service
33 bureau to the general assembly of a bill embodying
34 a plan, the commission shall at the earliest feasible
35 time make available to the public the following
36 information:

37 a. Copies of the bill delivered by the legislative
38 service bureau to the general assembly.

39 b. Maps illustrating the plan.

40 c. A summary of the standards prescribed by section
41 103 of this Act for development of the plan.

42 d. A statement of the enrollment and projected
43 enrollment of each school district included in the
44 plan.

45 4. Upon the delivery by the legislative service
46 bureau to the general assembly of a bill embodying
47 an initial plan, the commission shall:

48 a. As expeditiously as reasonably possible,
49 schedule and conduct at least three public hearings,
50 in different geographic regions of the state, on the

Page 5

1 plan embodied in the bill delivered by the legislative
2 service bureau to the general assembly.

3 b. Following the hearings, promptly prepare and
4 submit to the secretary of the senate and the chief
5 clerk of the house a report summarizing information
6 and testimony received by the commission in the course
7 of the hearings. The commission's report shall include

8 any comments and conclusions which its members deem
9 appropriate on the information and testimony received
10 at the hearings, or otherwise presented to the
11 commission.

12 Sec. 106. EFFECTIVE DATE. The school district
13 reorganization plan adopted by the general assembly
14 shall take effect July 1, 1988.

15 Sec. 107. INTERIM STUDY. Not later than May 1,
16 1986, the legislative council shall appoint a joint
17 subcommittee composed of members of both political
18 parties of the house of representatives and senate
19 committees on education to conduct a comprehensive
20 study of the education laws of this state and shall
21 make recommendations to the general assembly meeting
22 in 1987 concerning the changes in education laws
23 needed to implement the creation of twenty-five school
24 districts in this state."

25 2. By renumbering sections and correcting internal
26 references as necessary.

Poncy of Wapello offered the following amendment H—5600, to amendment H—5581, filed by him and moved its adoption:

H—5600

1 Amend the amendment H—5581 to House File 2458
2 as follows:

3 1. Page 1, line 34, by striking the word "twenty-five"
4 and inserting in lieu thereof the words "one hundred six".

5 2. Page 5, line 23, by striking the word "twenty-five"
6 and inserting in lieu thereof the words "one hundred six".

Amendment H—5600 was adopted.

Krewson of Polk moved the adoption of amendment H—5581, as amended.

Amendment H—5581, as amended, lost.

Haverland 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. 2458)

The ayes were, 82:

Anderson
Blanshan

Arnould
Brammer

Baxter
Buhr

Black
Carl

Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Daggett	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoultz	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 15:

Bennett	Branstad	Corey	De Groot
Grandia	Handorf	Harbor	Hummel
Maulsby	McKean	Renken	Schroeder
Stromer	Torrence	Van Maanen	

Absent or not voting, 3:

Davitt	McIntee	Welden
--------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2491, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of affected customers to intervene in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities and providing effective dates, was taken up for consideration.

Zimmerman of Dallas in the chair at 5:13 p.m.

Hummel of Benton offered the following amendment H—5595 filed by him and moved its adoption:

H-5595

- 1 Amend House File 2491 as follows:
- 2 1. Page 2, by striking lines 2 and 3, and inserting
- 3 in lieu thereof the following: "public utility becomes
- 4 a party to a class".

Amendment H-5595 lost.

Parker of Jasper offered the following amendment H-5583 filed by Parker, et al., and moved its adoption:

H-5583

- 1 Amend House File 2491 as follows:
- 2 1. Page 2, by striking lines 8 through 30.
- 3 2. Page 3, by striking lines 9 and 10 and inserting
- 4 in lieu thereof the following: "it deems appropriate.
- 5 All parties to the formal proceeding have the right
- 6 to appeal the commission's final decision pursuant
- 7 to section 476.13. The".
- 8 3. Page 5, by striking line 14 and inserting in
- 9 lieu thereof the following:
- 10 "Sec. . Section 476.53 as amended by this Act
- 11 applies to".
- 12 4. Page 5, by inserting after line 16 the
- 13 following:
- 14 "Sec. . Section 476.6, subsection 7 as amended
- 15 by this Act applies to formal proceedings in which
- 16 the commission has not rendered a final decision prior
- 17 to the effective date of this Act."
- 18 5. Title page, lines 3 and 4, by striking the
- 19 words "affected customers to intervene" and inserting
- 20 in lieu thereof the words "parties to appeal the final
- 21 decision".
- 22 6. Renumber sections as necessary.

Amendment H-5583 was adopted.

Harbor of Mills offered the following amendment H-5572 filed by him:

H-5572

- 1 Amend House File 2491 as follows:
- 2 1. Page 3, by striking lines 30 through 35 and
- 3 inserting in lieu thereof the words: "determined to
- 4 be excess electric generating capacity. Excess
- 5 electric generating".

McIntee of Black Hawk offered the following amendment H—5599, to amendment H—5572, filed by him and moved its adoption:

H—5599

- 1 Amend the Harbor amendment, H—5572, to House File
- 2 2491 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "capacity." the following: "In determining the amount
- 5 of common equity investment associated with excess
- 6 electric generating capacity, the commission shall
- 7 use the cost of those particular electric generating
- 8 units which represent the most expensive operating
- 9 cost."

Amendment H—5599 lost.

Speaker Avenson in the chair at 5:58 p.m.

Harbor of Mills moved the adoption of amendment H—5572.

Roll call was requested by Chiodo of Polk and Parker of Jasper.

On the question "Shall amendment H—5572 be adopted?"

The ayes were, 40:

Anderson	Bennett	Branstad	Carpenter
Clark	Cooper	Copenhaver	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Maulsby	McIntee	Menke
Mullins	Paulin	Pellett	Renken
Rensink	Royer	Schneklath	Schroeder
Stromer	Stueland	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen

The nays were, 57:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes

Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Loneragan	McKean	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Pavich
Peick	Poncy	Renaud	Rosenberg
Running	Sherzan	Shultz	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Woods	Zimmerman
Mr. Speaker			

Absent or not voting, 3:

Carl Davitt Welden

Amendment H—5572 lost.

Norland of Worth asked and received unanimous consent that House File 2491 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message House Files 2463 and 2458 to the Senate.

MOTIONS TO RECONSIDER (House File 426)

I move to reconsider the vote by which House File 426 passed the House on March 15, 1984.

SHERZAN of Polk

(House File 426)

I move to reconsider the vote by which House File 426 passed the House on March 15, 1984.

GRONSTAL of Pottawattamie

(House File 426)

I move to reconsider the vote by which House File 426 passed the House on March 15, 1984.

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 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2257, a bill for an act relating to the ownership of joint transmission facilities.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act to amend the merit review standards for new issues of securities under the Iowa blue sky law.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards.

K. MARIE THAYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday morning, March 12, 1984. Had I been present, I would have voted "aye" on House Files 2378, 2387, 2390, 2404 and Senate File 2244.

LONERGAN of Boone

I was necessarily absent from the House chamber on March 14, 1984. Had I been present, I would have voted "aye" on House Files 2428, 2437, 2474, 2492 and 2497.

RENSINK of Sioux

PRESENTATION OF VISITORS

Doderer of Johnson presented to the House the Honorable Joseph C. Johnston, former member of the House representing Johnson County.

Jochum of Dubuque presented to the House Foreign Exchange

Student, Susanne Ferch from Munich, West Germany. She is staying with Ron and Helen Schmitt of Balltown, Iowa.

The Speaker announced that the following visitors were present in the House chamber:

Sixty students from Leo High School, Holy Cross, accompanied by John Kohlstedt. By Knapp of Dubuque.

A group of 4-H Club members from Jones County, accompanied by Varlyn Fink. By McKean of Jones.

Fourteen sixth grade students from Gilmore City Elementary School, Gilmore City, accompanied by Darlene Hudak. By Mullins of Kossuth.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 605), subjecting an executory contract for the sale of land and the assignment of such a contract to the state real estate transfer tax.

Fiscal note is required.

Recommended **Do Pass** March 14, 1984.

Committee Bill (Formerly Study Bill 662), relating to the taxation of engraving, photography, retouching, printing and binding under the state sales, services and use tax.

Fiscal note is not required.

Recommended **Do Pass** March 14, 1984.

Committee Bill (Formerly Study Bill 722), relating to the interest and penalty on delinquent property taxes.

Fiscal note is required.

Recommended **Amend and Do Pass** March 14, 1984.

Committee Bill (Formerly Study Bill 723), relating to the penalties for certain taxes including cigarette and tobacco taxes, state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, withholding taxes, franchise taxes, inheritance and estate taxes, sales and use taxes, and generation skipping transfer taxes.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 14, 1984.

Committee Bill (Formerly House File 2047), relating to the taxation of services rendered or furnished by private employment agencies and executive search agencies under the state sales, service, and use tax.

Fiscal note is required.

Recommended **Do Pass** March 14, 1984.

AMENDMENTS FILED

H-5701	H.F.	2491	Chapman of Linn
H-5702	H.F.	2487	Chapman of Linn
H-5703	H.F.	2487	Chapman of Linn
H-5705	H.F.	140	Schroeder of Pottawattamie
H-5706	H.F.	422	Renken of Grundy
H-5708	S.F.	2163	Clark of Cerro Gordo
H-5709	H.F.	2491	Holveck of Polk
H-5710	S.F.	414	Hanson of Delaware
H-5711	S.F.	414	Jochum of Dubuque
			Chiodo of Polk
H-5712	S.F.	2117	Hanson of Delaware
			Krewson of Polk
			Carpenter of Polk
H-5713	H.F.	2487	Jay of Appanoose
H-5714	H.F.	2433	Corey of Louisa
			Branstad of Winnebago
			Halvorson of Clayton
			Hermann of Scott
			Renken of Grundy
H-5715	H.F.	2487	Doderer of Johnson
			Copenhaver of Buchanan
			Halvorson of Clayton
			Mullins of Kossuth

H—5716	H.F.	2487	Doderer of Johnson Copenhaver of Buchanan Jay of Appanoose Mullins of Kossuth
H—5717	H.F.	2487	Varn of Johnson
H—5718	H.F.	2500	Daggett of Taylor
H—5719	S.F.	414	Hanson of Delaware
H—5720	H.F.	2500	Pellett of Cass Bennett of Ida Anderson of Audubon Grandia of Marion Corey of Louisa Schroeder of Pottawattamie
			Handorf of Marshall Stueland of Clinton Daggett of Taylor Maulsby of Calhoun
H—5721	H.F.	2501	Halvorson of Clayton
H—5722	S.F.	2040	Halvorson of Clayton

On motion by Norland of Worth, the House adjourned at 6:18 p.m., until 9:00 a.m., Friday, March 16, 1984.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 16, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Mark Urlaub, pastor of the St. Andrew Lutheran Church, Cedar Rapids.

The Journal of Thursday, March 15, 1984 was approved.

PETITION FILED

The following petition was received and placed on file:

By Muhlbauer of Crawford, a resolution adopted by the Shelby County Board of Supervisors that this county is strongly opposed to any plan to modify state assumption of court operation costs on the timetable established in the court reorganization Act of 1983 particularly in light of the state already receiving revenue since July 1, 1983, to date, specifically for the purpose of state assumption of court operating costs.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon on request of Maulsby of Calhoun; Tabor of Jackson on request of Chiodo of Polk; Branstad of Winnebago on request of Fogarty of Palo Alto.

INTRODUCTION OF BILLS

House File 2503, by committee on ways and means, a bill for an act relating to the taxation of engraving, photography, retouching, printing, and binding under the state sales, services, and use tax.

Read first time and placed on the **ways and means calendar**.

House File 2504, by committee on ways and means, a bill for an act relating to the interest and penalty on delinquent property taxes.

Read first time and referred to committee on **finance**.

House File 2505, by committee on ways and means, a bill for an act relating to the taxation of services rendered or furnished by private employment agencies and executive search agencies under the state sales, service and use tax.

Read first time and referred to committee on **finance**.

House File 2506, by committee on ways and means, a bill for an act subjecting an executory contract for the sale of land and the assignment of such a contract to the state real estate transfer tax.

Read first time and referred to committee on **finance**.

SENATE MESSAGE CONSIDERED

Senate File 2203, by committee on state government, a bill for an act to allow a person who is an instructor or proprietor at a licensed school of cosmetology to serve on the board of cosmetology examiners.

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 15, 1984, insisted on its amendment to House File 406, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild animals, fish, birds, amphibians, and reptiles, and the members of the conference committee, on the part of the Senate, appointed March 15, 1984, are: The Senator from Warren, Senator Van Gilst, Chair; the Senator from Wapello, Senator Gettings; the Senator from Linn, Senator Hall; the Senator from Jefferson, Senator Schwengels; and the Senator from Clayton, Senator Tieden.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act authorizing the use of computer data storage systems for the collection, storage, and retrieval of intelligence data.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act permitting a financial institution to retain ownership of farmland for up to five years if the land is acquired by foreclosure of a mortgage.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2314, a bill for an act relating to the authority of the department of water, air and waste management regarding the restoration, maintenance or improvement of a drainage district.

K. MARIE THAYER, Secretary

CONFERENCE COMMITTEE APPOINTED (House File 406)

The Speaker announced the appointment of the conference committee to consider the differences between the House and the Senate concerning House File 406: Black of Jasper, Chair; Sullivan of Van Buren, Tabor of Jackson, Diemer of Black Hawk and Tofte of Winneshiek.

CONSIDERATION OF BILLS

Regular Calendar

Norland of Worth asked and received unanimous consent to take up out of order **House File 2499**, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

Koenigs of Mitchell moved that the bill be read a last time now and 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, 91:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth

Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Blanshan	Branstad	De Groot	Doderer
Harbor	Osterberg	Shoultz	Tabor
Zimmerman			

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 2491**, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of affected customers to intervene in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities and providing effective dates.

McIntee of Black Hawk offered the following amendment H-5582 filed by him:

H-5582

- 1 Amend House File 2491 as follows:
- 2 1. Page 4, line 4, by striking the word "fifteen"
- 3 and inserting in lieu thereof the word "twenty".
- 4 2. Page 4, by striking lines 6 through 15 and
- 5 inserting in lieu thereof the following: "test
- 6 period."

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5582, to House File 2491, at 9:57 a.m., Speaker Avenson in the chair.

McIntee of Black Hawk moved the adoption of amendment H—5582.

Roll call was requested by Chiodo of Polk and Sturgeon of Woodbury.

On the question "Shall amendment H—5582 be adopted?"

The ayes were, 41:

Anderson	Bennett	Carpenter	Clark
Cooper	Copenhaver	Corey	Daggett
Diemer	Fogarty	Grandia	Halvorson, R. A.
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Koenigs	Krewson	Lageschulte
Maulsby	McIntee	Menke	Miller
Mullins	Paulin	Pellett	Renken
Rensink	Royer	Schneklloth	Schroeder
Stromer	Stueland	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Welden			

The nays were, 55:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Davitt	Fey	Groninga
Gronstal	Groth	Gruhn	Halvorson, R.N.
Hammond	Handorf	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Lloyd-Jones	Loneragan	McKean	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 4:

Branstad	De Groot	Doderer	Tabor
----------	----------	---------	-------

Amendment H—5582 lost.

McIntee of Black Hawk asked and received unanimous consent to withdraw amendment H—5567 filed by him on March 9, 1984, placing out of order amendment H—5598, to amendment H—5567, filed by him on March 12, 1984.

Halvorson of Webster in the chair at 10:10 a.m.

Krewson of Polk offered the following amendment H—5569 filed by him and Van Gerpen of Black Hawk and moved its adoption:

H—5569

- 1 Amend House File 2491 as follows:
- 2 1. Page 4, by striking lines 2 through 15 and
- 3 inserting in lieu thereof the following:
- 4 "generating capacity which exceeds the amount reasonably
- 5 necessary to provide adequate and reliable service as
- 6 determined by the commission."

Roll call was requested by Krewson of Polk and Mullins of Kossuth.

On the question "Shall amendment H—5569 be adopted?"

The ayes were, 38:

Anderson	Bennett	Carpenter	Clark
Copenhaver	Corey	Daggett	Diemer
Grandia	Groth	Halvorson, R. A.	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Hummel	Koenigs	Krewson	Maulsby
McKean	Menke	Mullins	Pauin
Pellett	Renken	Rensink	Royer
Schnekloth	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 53:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Davitt
Fey	Fogarty	Groninga	Gronstal
Gruhn	Hammond	Holveck	Hughes
Jay	Jochum	Knapp	Loneragan
McIntée	Miller	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker

Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Schroeder	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Varn	Zimmerman
Mr. Speaker (Halvorson of Webster)			

Absent or not voting, 9:

Branstad	De Groot	Doderer	Harbor
Lageschulte	Lloyd-Jones	O'Kane	Tabor
Woods			

Amendment H — 5569 lost.

Speaker Avenson in the chair at 10:50 a.m.

Sturgeon of Woodbury offered the following amendment H — 5680 filed by Sturgeon, et al.:

H — 5680

- 1 Amend House File 2491 as follows:
- 2 1. Page 4, by inserting after line 15 the
- 3 following:
- 4 "Sec. . NEW SECTION. 476.56 PURCHASE OF
- 5 MUNICIPAL GAS REQUIRED. An investor-owned public
- 6 utility providing natural gas service to a municipality
- 7 shall purchase, when it is offered for sale by a
- 8 municipality, combustible gas which is produced as
- 9 a by-product of municipal services. The rate for
- 10 the purchases shall be, on a heating value equivalent
- 11 basis, the commodity rate paid by the investor-owned
- 12 utility to its natural gas supplier for natural gas
- 13 used in serving the municipality. The municipality
- 14 is responsible for delivering the gas to the utility
- 15 at a pressure and quality compatible with the investor-
- 16 owned utility's natural gas distribution system."
- 17 2. Title page, line 9, by inserting after the
- 18 word "utilities" the following: ", by requiring
- 19 investor-owned utilities to purchase combustible gas
- 20 from municipalities under certain circumstances,
- 21 making civil penalties applicable".
- 22 3. Renumbering sections and correcting internal
- 23 references as necessary.

Mullins of Kossuth rose on a point of order that amendment H — 5680 was not germane.

The Speaker ruled the point well taken and amendment H-5680 not germane.

McIntee of Black Hawk asked for unanimous consent to consider amendment H-5680.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H-5680.

A non-record roll call was requested.

The ayes were 63, nays 13.

The motion prevailed and the rules were suspended.

Sturgeon of Woodbury moved the adoption of amendment H-5680.

Amendment H-5680 was adopted.

Running of Linn asked and received unanimous consent to temporarily defer action on amendment H-5594.

Chiodo of Polk offered the following amendment H-5624 filed by him:

H-5624

- 1 Amend House File 2491 as follows:
- 2 1. By striking page 4, line 16 through page 5,
- 3 line 11, and inserting in lieu thereof the following:
- 4 "Sec. . NEW SECTION. 476.60 COMPETITIVE
- 5 PROCEDURES.
- 6 1. BIDDING PROCEDURES REQUIRED. A public utility
- 7 shall purchase equipment and supplies and make
- 8 improvements through use of competitive bidding
- 9 procedures as provided in this section. The public
- 10 utility shall use competitive bidding procedures for
- 11 purchase of equipment, supplies and improvements where
- 12 the estimated total cost of the equipment, supplies
- 13 and improvements exceeds twenty-five thousand dollars.
- 14 The public utility shall use competitive bidding
- 15 procedures specified by rules adopted by the Iowa

16 state commerce commission.

17 2. PROHIBITED CHARGES --WAIVERS. If the public
18 utility accepts a bid which is not the lowest bid,
19 the public utility is prohibited from including either
20 directly or indirectly in their charges or rates to
21 customers the difference between the bid accepted
22 and the low bid, unless the public utility is granted
23 a waiver from this requirement from the commission.
24 The commission may grant a waiver if it determines
25 that the bid accepted by the public utility was more
26 beneficial to its customers. The public utility may
27 also request a waiver from the competitive bidding
28 procedures of this section in the case of an emergency.
29 The commission shall adopt rules stating what
30 constitutes an emergency for purposes of granting
31 waivers from the competitive bidding procedures of
32 this section.

33 3. IN-STATE PREFERENCE. For purposes of this
34 section, a bid received from an Iowa corporation or
35 Iowa business manufacturing or selling equipment,
36 supplies or improvements shall be deemed to be ten
37 percent less than its actual amount only for the
38 purpose of awarding the contract.

39 4. EXEMPTIONS. This section does not apply to
40 public utilities defined under section 476.1,
41 subsection 2 or 3, municipally owned public utilities
42 or rural electric cooperatives."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carpenter of Polk, until her return, on request of Stromer of Hancock.

Chapman of Linn offered the following amendment H—5701, to amendment H—5624, filed by her and moved its adoption:

H—5701

1 Amend the Chiodo amendment, H—5624, to House
2 File 2491 as follows:
3 1. Page 1, line 16, by inserting after the word
4 "commission," the following: "However, a public
5 utility is not required to use competitive bidding
6 procedures if the equipment or supplies which are
7 the subject of the expenditure are only available
8 from a single source, when they are a unique concept,
9 or in an emergency when failure to make the purchase
10 can reasonably be expected to disrupt utility ser-
11 vice to the public or otherwise jeopardize the
12 utility's requirement to furnish service under sec-
13 tion 476.8."

A non-record roll call was requested.

The ayes were 47, nays 34.

Amendment H—5701 was adopted.

Norland of Worth asked and received unanimous consent that House File 2491 be temporarily deferred and that the bill retain its place on the calendar.

(Amendment H—5624, as amended, pending.)

Norland of Worth asked and received unanimous consent to take up out of order the following bills: House Files 2354, 2446, 2484, 2008, 2480, 2459, 2447, 2443 and 2243.

Noncontroversial Calendar

House File 2354, a bill for an act relating to the purchase of equipment and supplies by the board of trustees of a county public hospital, with report of committee recommending passage was taken up for consideration.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 89:

- | | | | |
|------------------|------------------|-----------|-----------------|
| Anderson | Arnould | Baxter | Bennett |
| Black | Blanshan | Brammer | Buhr |
| Carl | Carter | Chapman | Chiodo |
| Clark | Cochran | Connolly | Connors |
| Cooper | Corey | Daggett | Davitt |
| Diemer | Doderer | Fey | Fogarty |
| Grandia | Gronstal | Groth | Gruhn |
| Halvorson, R. A. | Halvorson, R. N. | Hammond | Handorf |
| Hanson | Haverland | Hermann | Hoffmann-Bright |
| Holveck | Hughes | Hummel | Jay |
| Jochum | Knapp | Krewson | Lageschulte |
| Lloyd-Jones | Loneragan | Maulsby | McIntee |
| McKean | Miller | Muhlbauer | Norland |
| O'Kane | Ollie | Osterberg | Oxley |

Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Mr. Speaker			

The nays were, 1:

Zimmerman

Absent or not voting, 10:

Branstad	Carpenter	Copenhaver	De Groot
Groninga	Harbor	Koenigs	Menke
Mullins	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2446, a bill for an act relating to the Iowa family farm development authority by expanding the definition of the terms "beginning farmer" and "low or moderate net worth", allowing designees of certain members to be on the board, and decreasing the number of members needed to constitute a quorum of the board, was taken up for consideration.

Skow of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2446)

The ayes were, 86:

Arnould	Baxter	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck

Hughes	Jay	Jochum	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 3:

Hummel	Maulsby	Rbyer
--------	---------	-------

Absent or not voting, 11:

Anderson	Branstad	Carpenter	Carter
Copenhaver	De Groot	Harbor	Koenigs
Menke	Miller	Tabor	

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:

Koenigs of Mitchell, for the remainder of the day, on request of Hughes of Union.

House File 2484, a bill for an act relating to the setting aside of default judgments in small claims court, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 86:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt
Diemer	Doderer	Fey	Fogarty

Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Hanson	Hermann	Hoffmann-Bright	Holveck
Hughes	Jay	Jochum	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Torrence
Van Gerpen	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker		

The nays were, 2:

Hummel Van Camp

Absent or not voting, 12:

Branstad	Carpenter	Copenhaver	De Groot
Halvorson, R. A.	Harbor	Haverland	Koenigs
Menke	Stromer	Tabor	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2008, a bill for an act relating to penalties assessed on delinquent canoe renewal registrations, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winneshiek offered the following amendment H—5047 filed by the committee on natural resources and moved its adoption:

H—5047

- 1 Amend House File 2008 as follows:
- 2 1. Amend the title, line 1, by striking the word
- 3 "canoe" and inserting in lieu thereof the words "water
- 4 vessel".

The committee amendment H—5047 was adopted.

Sherzan of Polk offered the following amendment H—5641 filed by Tabor of Jackson and moved its adoption:

H-5641

1 Amend House File 2008 as follows:

2 1. Page 1, by inserting after line 16 the follow-
3 ing:
4 "Sec. 2. Section 106.16, subsection 1, Code 1983,
5 is amended to read as follows:
6 1. The commission may authorize the holding of
7 regattas, motorboat or other boat races, marine
8 parades, tournaments or exhibitions on any waters
9 of this state under the jurisdiction of the commission.
10 The commission shall adopt and may, from time to time,
11 amend regulations concerning the registration for
12 such events and the safety of vessels and persons,
13 either observers or participants. If a regatta,
14 motorboat or other boat race, marine parade, tournament
15 or exhibition is proposed to be held, the person in
16 charge thereof shall file an application with the
17 commission for permission to hold such regatta,
18 motorboat or other boat race, marine parade, tournament
19 or exhibition. The application shall set forth the
20 date, time and location where it is proposed to hold
21 such regatta, motorboat or other boat race, marine
22 parade, tournament or exhibition and it shall not
23 be conducted without written authorization of the
24 commission."

Amendment H-5641 was adopted.

The following amendment H-5733 filed by Tofte of Winneshiek from the floor was adopted by unanimous consent:

H-5733

1 Amend House File 2008 as follows:

2 1. Title page, line 2, by adding after the word
3 "registrations" the following: "and authorizing the
4 state conservation commission to amend regulations
5 concerning the registration for the holding of regattas,
6 motorboat or other boat races, marine parades, tournaments
7 or exhibitions on any waters of this state".

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. 2008)

The ayes were, 81:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Chapman	Chiodo	Cochran
Connolly	Connors	Cooper	Copenhaver
Davitt	Diemer	Doderer	Fey
Fogarty	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Knapp	Krewson	Lageschulte	Lloyd-Jones
Loneragan	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Poncy	Rensink	Rosenberg	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 11:

Corey	Daggett	Grandia	Groninga
Hummel	Maulsby	Paulin	Renaud
Renken	Royer	Van Maanen	

Absent or not voting, 8:

Branstad	Carpenter	Carter	Clark
De Groot	Harbor	Koenigs	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2480, a bill for an act ceding to the United States concurrent legislative jurisdiction over and within certain lands and waters dedicated to national park purposes, was taken up for consideration.

Haverland 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. 2480)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poney	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Carpenter	De Groot	Harbor
Koenigs	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2459, a bill for an act allowing a vendor to charge for reasonable attorneys fees in the forfeiture of a real estate contract, 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. 2459)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Carpenter	De Groot	Gruhn
Harbor	Koenigs	Sherzan	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2447, a bill for an act relating to the providing of interpreters for hearing-impaired persons, was taken up for consideration.

Varn of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2447)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Carpenter	De Groot	Groninga
Koenigs	Sherzan	Tabor	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2443, a bill for an act prohibiting the transfer of a jury in change of venue actions, was taken up for consideration.

Varn of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Carpenter	De Groot	Koenigs
Mullins	Sherzan	Tabor	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2243, a bill for an act providing that a person who provides assistance or advice in the abatement or attempted abatement or cleanup of a hazardous condition is not liable for damages resulting from the assistance or advice, with report of committee recommending passage was taken up for consideration.

Baxter of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2243)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Branstad	Carpenter	Cochran	De Groot
Jay	Koenigs	Sherzan	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2499, 2354, 2446, 2484, 2008, 2480, 2459, 2447, 2443 and 2243.

On motion by Norland of Worth, the House was recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 absent.

HOUSE FILES 2487 AND 414 DEFERRED

Norland of Worth asked and received unanimous consent that House Files 2487 and 414 be deferred and that the bills retain their place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bennett of Ida, for the remainder of the day, on request of Schroeder of Pottawatamie.

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 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2099, a bill for an act to require competitive bidding procedures for a project for renovation or remodeling of physical facilities used or to be used by the general assembly or legislative agencies.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act relating to the maximum fine assessable upon the conviction of a class "C" or class "D" felony.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to the penalties for operating a motor vehicle when the operator's license has been suspended or revoked.

Also: That the Senate has on March 14, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act relating to the involvement of the state in a world trade center.

Also: That the Senate has on March 15, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act prohibiting reductions in sick leave, vacation leave, or compensatory time entitlements while an employee is receiving weekly workers' compensation benefits.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act relating to payments to state employees for accrued sick leave and disability.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2312, a bill for an act relating to the deposit of interest earnings in designated employee insurance funds.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2500, a bill for an act to establish a farm mortgage interest loan program to be administered by the family farm development authority to provide no-interest loans to farmers for the period of one year to assist farmers in paying the interest costs of farm mortgage loans, was taken up for consideration.

Daggett of Taylor offered the following amendment H-5718 filed by him and moved its adoption:

H-5718

- 1 Amend House File 2500 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:

- 4 "Sec. 2. There is appropriated from the general
 5 fund of the state to the family farm development
 6 authority the sum of ten million (10,000,000) dollars
 7 to be deposited in the farm mortgage interest loan
 8 fund for the purpose provided in section 175.35."
 9 2. By renumbering to conform to this amendment.

Roll call was requested by Daggett of Taylor and Maulsby of Calhoun.

On the question "Shall amendment H—5718 be adopted?"

The ayes were, 35:

Anderson	Blanshan	Clark	Corey
Daggett	Davitt	Diemer	Grandia
Halvorson, R. A.	Handorf	Hanson	Hermann
Hoffmann-Bright	Hughes	Hummel	Krewson
Maulsby	McIntee	McKean	Menke
Mullins	Paulin	Pellett	Renken
Rensink	Royer	Schnekloth	Schroeder
Stromer	Stueland	Swearingen	Torrence
Van Camp	Van Gerpen	Welden	

The nays were, 54:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carter	Chapman
Cochran	Connolly	Connors	Cooper
Copenhaver	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Hammond	Haverland	Holveck	Jay
Jochum	Knapp	Lloyd-Jones	Lonergan
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 11:

Bennett	Branstad	Carpenter	Chiodo
De Groot	Halvorson, R. N.	Harbor	Koenigs
Lageschulte	Tabor	Tofte	

Amendment H—5718 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Stromer of Hancock; Harbor of Mills on request of Halvorson of Clayton, both for the remainder of the day.

Cooper of Lucas in the chair at 1:40 p.m.

Pellett of Cass offered the following amendment H—5720 filed by Pellett, et al., and moved its adoption:

H—5720

- 1 Amend House File 2500 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. 2. There is appropriated from the general
- 5 fund of the state to the family farm development
- 6 authority the sum of five million (5,000,000) dollars
- 7 to be deposited in the farm mortgage interest loan
- 8 fund for the purpose provided in section 175.3."
- 9 2. By renumbering to conform to this amendment.

Roll call was requested by Pellett of Cass and Maulsby of Calhoun.

On the question "Shall amendment H—5720 be adopted?"

The ayes were, 37:

Anderson	Blanshan	Clark	Corey
Daggett	Davitt	Diemer	Grandia
Groth	Halvorson, R. A.	Handorf	Hanson
Hermann	Hoffmann-Bright	Hughes	Hummel
Krewson	Maulsby	McIntee	McKean
Menke	Mullins	Paulin	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Skow	Stromer	Stueland
Swearingen	Torrence	Van Camp	Van Gerpen
Welden			

The nays were, 53:

Arnould	Avenson	Baxter	Black
Brammer	Buhr	Carl	Carter
Chapman	Cochran	Connolly	Connors
Copenhaver	Doderer	Fey	Fogarty

Groninga	Gronstal	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Jay
Jochum	Knapp	Lloyd-Jones	Lonerган
Miller	Muhlbauer	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Sullivan	Swartz
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Cooper)			

Absent or not voting, 10:

Bennett	Branstad	Carpenter	Chiodo
De Groot	Harbor	Koenigs	Lageschulte
Tabor	Tofte		

Amendment H—5720 lost.

Speaker Avenson in the chair at 2:46 p.m.

Cochran of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 71:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	Doderer	Fey
Fogarty	Grandia	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Holveck
Hughes	Jay	Jochum	Knapp
Lloyd-Jones	Lonerган	McIntee	McKean
Menke	Miller	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellet	Poncy
Renaud	Rosenberg	Royer	Running
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 21:

Buhr	Carpenter	Clark	Diemer
Groninga	Hermann	Hoffmann-Bright	Hummel
Krewson	Maulsby	Mullins	O'Kane
Paulin	Renken	Rensink	Schneklath
Schroeder	Shoultz	Torrence	Van Camp
Welden			

Absent or not voting, 8:

Bennett	Branstad	De Groot	Harbor
Koenigs	Lageschulte	Tabor	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2433 DEFERRED

Norland of Worth asked and received unanimous consent that House File 2433 be deferred and that the bill retain its place on the calendar.

House File 2489, a bill for an act relating to the establishment of mandatory supervised release for inmates and providing penalties, was taken up for consideration.

Spear of Lee offered the following amendment H—5606 filed by him and moved its adoption:

H—5606

- 1 Amend House File 2489 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "board" the words "or a panel of three or more members
- 4 of the board".
- 5 2. Page 2, line 25, by inserting after the word
- 6 "board" the words "or a panel of three or more members
- 7 of the board".
- 8 3. Page 2, line 26, by striking the words "it
- 9 ~~shall determine~~" and inserting in lieu thereof the
- 10 words "it shall determine the board or panel".
- 11 4. Page 3, line 27, by inserting after the word
- 12 "board" the words "or a panel of three or more members
- 13 of the board".
- 14 5. Page 5, line 8, by striking the words "same
- 15 county as" and inserting in lieu thereof the words

- 16 "same county as".
 17 6. Page 6, line 13, by inserting after the word
 18 "board" the words "or a panel of three or more members
 19 of the board".
 20 7. Page 6, line 27, by inserting after the word
 21 "board" the words "or panel of the board".
 22 8. Page 6, line 28, by striking the word "it"
 23 and inserting in lieu thereof the words "it the board
 24 or panel".
 25 9. Page 6, line 29, by inserting after the word
 26 "board" the words "or panel".

Amendment H—5606 was adopted.

The following amendment H—5737 filed by Rosenberg of Story from the floor was adopted by unanimous consent:

H—5737

- 1 Amend House File 2489 as follows:
 2 1. Page 8, line 27, by inserting after the word
 3 "the" the word "next".

Rosenberg 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. 2489)

The ayes were, 85:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Krewson	Lloyd-Jones
Loergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Running	Schroeder

Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Torrence	Van Camp
Van Gerpen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 7:

Grandia	Handorf	Mullins	Royer
Schnekloth	Van Maanen	Welden	

Absent or not voting, 8:

Bennett	Branstad	De Groot	Harbor
Koenigs	Lageschulte	Tabor	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2502, a bill for an act relating to material lift elevators, was taken up for consideration.

Peick 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. 2502)

The ayes were, 92:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Krewson	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth

Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bennett	Branstad	De Groot	Harbor
Koenigs	Lageschulte	Tabor	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2470, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land, was taken up for consideration.

O'Kane of Woodbury offered the following amendment H—5585 filed by Schroeder of Pottawattamie and moved its adoption:

H—5585

- 1 Amend House File 2470 as follows:
- 2 1. Page 2, by inserting after line 5 the following:
- 3 "Sec. Section 409.25, Code 1983, is amended
- 4 to read as follows:
- 5 409.25 PUBLIC LANDS.
- 6 1. Vacations made under this chapter shall not
- 7 be construed to affect any lands lying within any
- 8 a city which have been dedicated or deeded to the
- 9 public for parks or other public purposes except as
- 10 provided in subsection 2.
- 11 2. A city council, by ordinance, may vacate a
- 12 street, alley, or other public land dedicated by plat
- 13 if the street, alley, or other public land has been
- 14 dedicated for at least ten years and has not been
- 15 open to vehicular traffic or has not been used for
- 16 placement of city or franchise utility equipment.
- 17 The recording of a vacation ordinance is equivalent
- 18 to a deed of conveyance of the vacated land
- 19 proportionately to the proprietors of the adjoining
- 20 land. The county recorder shall correct the plat
- 21 or part of the plat which is vacated as provided in
- 22 section 409.21."
- 23 2. Title page, line 2, by inserting after the
- 24 word "land" the following: "and the vacating of
- 25 certain public streets, alleys, and other public
- 26 lands".

Amendment H—5585 was adopted.

Varn of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2470)

The ayes were, 85:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Krewson	Lloyd-Jones
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Sherzan	Shoultz	Skow	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Torrence	Van Camp	Van Gerpen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 5:

Lonergan	Schneklath	Schroeder	Spear
Van Maanen			

Absent or not voting, 10:

Bennett	Branstad	De Groot	Harbor
Hermann	Knapp	Koenigs	Lageschulte
Tabor	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2412, a bill for an act relating to informing defendants of an applicable mandatory minimum sentence, was taken up for consideration.

Rosenberg 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. 2412)

The ayes were, 92:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Krewson	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bennett	Branstad	De Groot	Harbor
Koenigs	Lageschulte	Tabor	Tofte

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 3:22 p.m., until the fall of the gavel.

The House resumed session at 3:29 p.m., Speaker Avenson in the chair.

The House resumed consideration of **House File 2491**, a bill for an act relating to public utilities by providing for an income tax

checkoff for the low income home energy assistance program, the right of affected customers to intervene in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities and providing effective dates, and amendment H—5624, as amended, temporarily deferred.

(House File 2491 and amendment H—5624, as amended, pending at adjournment.)

GOVERNOR'S VETO MESSAGE

March 16, 1984

The Honorable Donald Avenson
Speaker
House of Representatives
State Capitol Building
L O C A L

Dear Speaker Avenson:

I am enclosing House File 2031, an act which would exempt Fifth Judicial District employees from the present law which requires that all employees of district boards be included within one collective bargaining unit.

Under the language of this bill, employees of a district board, who as of June 30, 1983, were included in a bargaining unit of the administrative agent shall continue to be represented on the same basis.

Present law requires the Department of Corrections to fix salary ranges for all employees of the judicial districts. This bill would authorize a glaring inconsistency in the law. The employees of a single judicial district would be allowed to bargain with Polk County for salaries and benefits that are funded by state appropriations. Creating this statutory exception provides a potential for pay inequities for other employees.

Further, it is unwise to authorize a county bargaining agent, such as the Polk County Board of Supervisors, to bargain compensation packages for which they are not financially responsible. Present law assures that the government agent has optimal cause to promote the general public's interest and to maintain competitive salary levels for all employees that are doing similar work.

For the above reasons, I hereby respectfully disapprove House File 2031.

Sincerely,
Terry E. Branstad
Governor

**REMOVED FROM NONCONTROVERSIAL CALENDAR
(House File 2448)**

Black of Jasper requested that, pursuant to Rule 36, House File 2448 be removed from the noncontroversial calendar and returned to the regular calendar.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 16, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 2019, an act to protect state employees from personnel actions as reprisals for providing information to legislators or disclosing waste, mismanagement, or violations of law, and subjecting violators to a penalty.

House File 2170, an act relating to duties and responsibilities of probation officers.

House File 2184, an act relating to publication of notice for zoning actions taken under Chapter 414.

House File 2263, an act to regulate interest rates on life insurance policy loans.

Senate File 2089, an act requiring children under the age of six being transported in certain motor vehicles to be secured by child restraint systems, seat belts, or harnesses and providing a penalty and effective date.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY

A progress report of the Juvenile Restitution Program, pursuant to Chapter 232A.4, 1983 Supplement, Code of Iowa.

PRESENTATION OF VISITORS

Pellett of Cass presented to the House the Honorable Frank Crabb, former member of the House representing Crawford County.

The Speaker announced that the following visitors were present in the House chamber:

Forty eighth grade students from Corwith, Wesley, LuVerne Middle School, LuVerne, accompanied by Dennis Holmes and Marvin Boehme. By Branstad of Winnebago and Mullins of Kossuth.

The boys' basketball team, coach and cheerleaders from Denver High School, Denver. By Lageschulte of Bremer.

SUBCOMMITTEE ASSIGNMENTS

House File 389

Ways and Means: Chiodo, Chair; Carpenter and Koenigs.

House File 2235

Ways and Means: Rosenberg, Chair; Pavich and Renken.

House File 2383

Ways and Means: Copenhaver, Chair; Anderson and Varn.

House File 2384

Ways and Means: O'Kane, Chair; De Groot and Fey.

House File 2418 (Corrected)

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

House File 2441

Ways and Means: Rosenberg, Chair; Holveck and Lageschulte.

House File 2460

Ways and Means: Copenhaver, Chair; Connolly and McKean.

House File 2479

Ways and Means: Osterberg, Chair; Clark and Swartz.

House File 2483

Ways and Means: O'Kane, Chair; Maulsby and Swartz.

House File 2496

State Government: Doderer, Chair; Arnould and Carpenter.

House Concurrent Resolution 113

Human Resources: Carl, Chair; Arnould, Copenhaver, Daggett, Fey, Hammond, Hermann, Lonergan and Rensink.

House Concurrent Resolution 114

State Government: Doderer, Chair; Arnould and Carpenter.

House Concurrent Resolution 115

Labor and Industrial Relations: Sturgeon, Chair; Connors, Corey, Groth and Halvorson of Clayton.

House Concurrent Resolution 116

Labor and Industrial Relations: Running, Chair; Branstad and Sherzan.

Senate File 19 (Reassigned)

Education: Varn, Chair; Branstad and Groth.

Senate File 32

Transportation: Muhlbauer, Chair; Lageschulte and Woods.

Senate File 54

Energy: Black, Chair; Knapp and Paulin.

Senate File 465

State Government: Carl, Chair; Hammond and Van Maanen.

Senate File 517

Judiciary and Law Enforcement: Hammond, Chair; Brammer, Clark, Malsby and Miller.

Senate File 2057

Judiciary and Law Enforcement: Parker, Chair; Schroeder and Varn.

Senate File 2073

Ways and Means: Cochran, Chair; Bennett and Swartz.

Senate File 2095

Human Resources: Zimmerman, Chair; Fey, Hammond, Peick, Royer, Torrence and Van Gerpen.

Senate File 2101

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2121

State Government: Lloyd-Jones, Chair; Gruhn and Tofte.

Senate File 2132

Judiciary and Law Enforcement: Doderer, Chair; Schroeder and Tabor.

Senate File 2156

Ways and Means: Holveck, Chair; Davitt and De Groot.

Senate File 2163

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

Senate File 2173

Judiciary and Law Enforcement: Parker, Chair; Corey and Varn.

Senate File 2180

Education: Jay, Chair; Connolly and Van Gerpen.

Senate File 2183

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2197

Local Government: Black, Chair; Cooper and Lageschulte.

Senate File 2205

Natural Resources: Skow, Chair; Fogarty and Welden.

Senate File 2215

Education: Carter, Chair; Krewson, Poncy, Shultz and Swearingen.

Senate File 2224

Judiciary and Law Enforcement: Jay, Chair; Parker and Rosenberg.

Senate File 2228

Local Government: Renken, Chair; Black and Spear.

Senate File 2230

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Senate File 2237

Judiciary and Law Enforcement: Hammond, Chair; Maulsby and Miller.

Senate File 2238

Judiciary and Law Enforcement: Chapman, Chair; Jay and Schroeder.

Senate File 2247

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

Senate File 2250

Local Government: Renken, Chair; Buhr and Lageschulte.

Senate File 2252

Human Resources: Mullins, Chair; Connors, Ollie, Sherzan and Van Camp.

Senate File 2253

State Government: Blanshan, Chair; Hanson and Pavich.

Senate File 2254

State Government: Swartz, Chair; Blanshan, Carpenter, Gruhn and Hoffmann-Bright.

Senate File 2263

Education: Haverland, Chair; Buhr and Carpenter.

Senate File 2264

Education: Zimmerman, Chair; Menke and Poncy.

Senate File 2269

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2272

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Maulsby and Miller.

Senate File 2283

Judiciary and Law Enforcement: Clark, Chair; Miller and Paulin.

Senate File 2285

Small Business and Commerce: Gronstal, Chair; Groninga and Hummel.

Senate File 2290

Education: Hughes, Chair; Branstad and Carl.

Senate File 2294

State Government: Buhr, Chair; Arnould, Halvorson of Webster, Hoffmann-Bright and Rensink.

Senate File 2298

Transportation: Koenigs, Chair; Corey and Fogarty.

Senate File 2300

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2304

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2311

State Government: Halvorson of Webster, Chair; De Groot and Renaud.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 791

Ways and Means: Fey, Chair; Cochran and Diemer.

Study Bill 793

Ways and Means: Tabor, Chair; Diemer and Oxley.

Study Bill 794

Ways and Means: O'Kane, Chair; Brammer and Daggett.

Study Bill 795

Ways and Means: Varn, Chair; Lageschulte and Swartz.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 510, a bill for an act relating to liens against crops and livestock to secure payment for agricultural chemicals, seed, petroleum products, and feed used in the production of growing crops and livestock and providing for the perfection, enforcement, assignment, and satisfaction of these liens, and providing for statutory damages.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Senate File 2189, a bill for an act relating to bacterial and organoleptic milk standards.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Senate File 2221, a bill for an act relating to tests and standards for motor vehicle fuel.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

COMMITTEE ON ENERGY

Senate File 2248, a bill for an act relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules in respect to hazardous chemicals which are more restrictive than, but consistent with, federal requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5738**, March 15, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2104, a bill for an act relating to the collections of fines and penalties by a county attorney.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Senate File 2129, a bill for an act to make nonsubstantive corrections to the Code.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Senate File 2138, a bill for an act relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2040, a bill for an act amending Iowa's unemployment compensation law by crediting earned interest on the special employment security contingency fund to the temporary emergency surcharge fund, by limiting expenditures from the special employment security contingency fund, by annually transferring certain amounts from the special employment security contingency fund to the temporary emergency surcharge fund or to the unemployment trust fund, and by requiring an annual departmental report detailing planned expenditures from the special employment security contingency fund.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Pursuant to House Rule 31.7, Senate File 2040 was referred to the committee on Appropriations.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2170, a bill for an act to provide temporary funding for the brucellosis and tuberculosis eradication fund.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Pursuant to House Rule 31.7, Senate File 2170 was referred to the committee on Appropriations.

Senate File 2222, a bill for an act allowing a city to redraw precinct lines when adopting a system which provides for election of council members from wards or when changing the number of council members who are elected from wards.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

COMMITTEE ON STATE GOVERNMENT

Senate File 497, a bill for an act relating to activities of the citizens' aide and members of the citizens' aide staff.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

Senate File 2117, a bill for an act relating to solicitation of charitable contributions from state officers and employees.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1984.

AMENDMENTS FILED

H-5724	H.F.	2491	Chapman of Linn
H-5725	H.F.	2491	Schroeder of Pottawattamie
H-5726	H.F.	2491	Royef of Page
H-5727	H.F.	2491	Schroeder of Pottawattamie
H-5728	H.F.	2491	Schroeder of Pottawattamie
H-5729	H.F.	48	Schroeder of Pottawattamie
			McIntee of Black Hawk
H-5730	H.F.	523	Schroeder of Pottawattamie
H-5731	S.F.	414	Jochum of Dubuque
H-5732	S.F.	2248	Rosenberg of Story
H-5735	H.F.	2494	Welden of Hardin
H-5736	H.F.	2491	Halvorson of Clayton
H-5738	S.F.	2248	Committee on Energy
H-5739	H.F.	2477	Ollie of Clinton
H-5740	H.F.	2422	Ollie of Clinton
H-5741	H.F.	2422	Ollie of Clinton
H-5742	H.F.	2487	Varn of Johnson
H-5743	H.F.	2487	Halvorson of Clayton
			Skow of Guthrie
			Baxter of Des Moines
			Schroeder of Pottawattamie

On motion by Norland of Worth, the House adjourned at 3:32 p.m., until 10:00 a.m., Monday, March 19, 1984.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day—Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 19, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Friday, March 16, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn, today and until his arrival March 20, 1984, on request of Woods of Polk; Harbor of Mills, until his arrival, on request of Halvorson of Clayton; McKean of Jones, until his arrival, on request of Bennett of Ida; Hanson of Delaware, until his arrival, on request of Renken of Grundy; Tabor of Jackson, until his arrival, on request of Peick of Linn.

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 15, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2338, a bill for an act requiring telephone companies to provide a listing of directory assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2098, a bill for an act relating to the liability for torts committed by offenders assigned to perform unpaid community service.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2206, a bill for an act relating to the safety and security of passengers on buses and in bus terminals, by establishing criminal offenses and providing penalties.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act providing for the transfer of fiduciary accounts among affiliates and between independent banks.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2276, a bill for an act relating to the state board of engineering examiners.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to the competitive bidding procedures of the department of general services.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2491**, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of affected customers to intervene in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities and providing effective dates, and amendment H-5624, as amended, found on pages 1083 and 1084 of the House Journal.

Chiodo of Polk offered the following amendment H-5677, to amendment H-5624, filed by him and moved its adoption:

H-5677

- 1 Amend the Chiodo amendment, H-5624, to House File
- 2 2491 as follows:
- 3 1. Page 1, line 18, by inserting after the word

- 4 "bid" the following: "including reductions as provided
- 5 in subsection 3".
- 6 2. Page 1, line 22, by striking the word "the"
- 7 and inserting in lieu thereof the word "such".

Amendment H—5677 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5725, to amendment H—5624, filed by him on March 16, 1984.

Chapman of Linn offered the following amendment H—5724, to amendment H—5624, filed by her and moved its adoption:

H—5724

- 1 Amend the Chiodo amendment H—5624 to House File
- 2 2491 as follows:
- 3 1. Page 1, line 35, by striking the words
- 4 "manufacturing or".

Amendment H—5724 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5727, to amendment H—5624, filed by him on March 16, 1984.

Lonergan of Boone offered the following amendment H—5685, to amendment H—5624, filed by Lonergan, et al., and moved its adoption:

H—5685

- 1 Amend the Chiodo amendment, H—5624, to House File
- 2 2491, as follows:
- 3 1. Page 1, line 42, by inserting after the word
- 4 "cooperatives." the following: "This section also
- 5 does not apply to improvements of the public utility
- 6 which are made by employees of the public utility."

Amendment H—5685 was adopted.

On motion by Chiodo of Polk, amendment H—5624, as amended, was adopted, placing out of order amendment H—5594 (temporarily deferred on March 16, 1984) filed by Running of Linn on March 9, 1984.

Lloyd-Jones of Johnson in the chair at 10:55 a.m.

Schroeder of Pottawattamie offered the following amendment H—5564 filed by him and moved its adoption:

H—5564

- 1 Amend House File 2491 as follows:
- 2 1. By striking page 4, line 16 through page 5,
- 3 line 11.
- 4 2. Renumber as necessary.

Roll call was requested by Chiodo of Polk and Sherzan of Polk.

Rule 76 was invoked.

On the question "Shall amendment H—5564 be adopted?"

The ayes were, 44:

Anderson	Bennett	Branstad	Carpenter
Clark	Cochran	Cooper	Corey
Daggett	Davitt	De Groot	Fogarty
Grandia	Halvorson, R. A.	Handorf	Haverland
Hermann	Hoffmann-Bright	Hummel	Krewson
Lageschulte	Maulsby	Menke	Muhlbauer
Mullins	Paulin	Peick	Pellett
Pony	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Sullivan	Swearingen	Tofte	Torrence
Van Camp	Van Maanen	Welden	Woods

The nays were, 49:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Buhr	Carl
Carter	Chapman	Chiodo	Connolly
Connors	Diemer	Doderer	Fey
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. N.	Hammond	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lonergan	McIntee	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Renaud	Rosenberg	Sherzan
Shoultz	Skow	Spear	Sturgeon
Swartz	Van Gerpen	Varn	Zimmerman
Madam Speaker (Lloyd-Jones)			

Absent or not voting, 7:

Copenhaver
Miller

Hanson
Running

Harbor
Tabor

McKean

Amendment H—5564 lost.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H—5552 filed by him on March 9, 1984.

Holveck of Polk offered the following amendment H—5565 filed by Holveck, et al.:

H—5565

- 1 Amend House File 2491 as follows:
- 2 1. Page 5, by inserting after line 11 the
- 3 following:
- 4 "Sec. NEW SECTION. 476.61 LIMITATIONS ON
- 5 UNDERCHARGES AND OVERCHARGES. Upon discovery of an
- 6 overcharge or undercharge to an electric or natural
- 7 gas customer because of under-registration, over-
- 8 registration, incorrect reading of meter, incorrect
- 9 application of a rate schedule, incorrect connection
- 10 of the metering installation or other similar reasons,
- 11 the amount of overcharge or undercharge, which may
- 12 be refunded or charged to the customer, is limited
- 13 to a period not to exceed twelve months prior to
- 14 discovery of the overcharge or undercharge. This
- 15 section does not apply to refunds due customers under
- 16 section 476.3 or 476.6."
- 17 2. Title page, line 7, by inserting after the
- 18 word "capacity," the following: "a limitation on
- 19 actions to collect undercharges and overcharges,".
- 20 3. Renumbering sections and correcting internal
- 21 references as necessary.

Schroeder of Pottawattamie rose on a point of order that amendment H—5565 was not germane.

The Speaker ruled the point well taken and amendment H—5565 not germane.

Holveck of Polk offered the following amendment H—5566 filed by Holveck, et al.:

H—5566

- 1 Amend House File 2491 as follows:
- 2 1. Page 5, by inserting after line 11 the

3 following:

4 "Sec. NEW SECTION. 476.62 ALTERING OR
5 REMOVING METERS.

6 1. A gas or electric public utility shall not
7 alter or remove a meter except as provided in
8 subsection 2, upon either of the following:

9 a. The customer communicates to the utility or
10 the commission that the customer does not believe
11 the meter is working properly.

12 b. The public utility knows or has reason to know
13 that the meter may not be working properly.

14 2. Upon the occurrence of subsection 1, paragraphs
15 "a" or "b", the gas or electric public utility may
16 not alter or remove a meter without the consent of
17 the customer except after a valid meter installation
18 test has been completed. If the meter is removed
19 at the request of the public utility, prior to
20 receiving consent to remove the meter by the customer,
21 the utility shall give the customer notice stating
22 the reasons why the utility believes the meter may
23 not be working properly. For a meter installation
24 test to be valid under this subsection, the customer
25 shall be given, at least ten days prior to the test,
26 written notice of the date and time of the test so
27 the customer or the customer's representative may
28 be present when the meter is tested. A public utility
29 which violates this section is prohibited from
30 collecting undercharges to the customer which result
31 from the meter's under-registration of the customer's
32 utility use."

33 2. Title page, line 9, by inserting after the
34 word "utilities" the following: ", by prohibiting
35 altering or removing meters under certain
36 circumstances".

37 3. Renumber sections and correct internal
38 references as necessary.

Royer of Page offered the following amendment H-5726, to
amendment H-5566, filed by him and moved its adoption:

H-5726

1 Amend amendment H-5566 to House File 2491 as
2 follows:

3 1. Page 1, line 12 by striking the words "or
4 has reason to know".

5 2. Page 1, line 13 by striking the words "may
6 not be" and inserting in lieu thereof the words
7 "is not".

A non-record roll call was requested.

The ayes were 32, nays 49.

Amendment H—5726 lost.

Holveck of Polk offered the following amendment H—5709, to amendment H—5566, filed by him and moved its adoption:

H—5709

- 1 Amend the Holveck amendment, H—5566, to House File
- 2 2491 as follows:
- 3 1. Page 1, by striking lines 15 through 28 and
- 4 inserting in lieu thereof the following: " "a" or
- 5 "b", if a meter is removed by gas or electric public
- 6 utility, the utility shall retain the meter in the
- 7 same condition as when removed until the customer
- 8 has been given notice and an opportunity to be present
- 9 or have a representative present when the meter is
- 10 tested. A public utility".

Amendment H—5709 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5728, to amendment H—5566, filed by him:

H—5728

- 1 Amend the Holveck amendment H—5566 to House File
- 2 2491 as follows:
- 3 1. Page 1, by inserting after line 32 the following:
- 4 "3. It is a crime for a person to alter, disconnect,
- 5 bypass, tamper, or otherwise interfere with the meters,
- 6 pipes, or conduits of a public utility with the intent
- 7 to commit theft of gas or electricity. For the purposes
- 8 of this subsection, "theft" means as defined in section
- 9 714.1."

Holveck of Polk rose on a point of order that amendment H—5728, to amendment H—5566, was not germane.

The Speaker ruled the point well taken and amendment H—5728 not germane.

Schroeder of Pottawattamie rose on a point of order that amendment H—5566 was not germane.

The Speaker ruled the point well taken and amendment H-5566 not germane.

Schroeder of Pottawattamie offered the following amendment H-5590 filed by him:

H-5590

1 Amend House File 2491 as follows:

2 1. Page 5, by inserting after line 11 the
3 following:

4 "Sec. NEW SECTION. 476.63 ALTERNATE BILL

5 DISPUTE PROCEDURE. A customer who believes the
6 customer has been incorrectly billed by a public
7 utility may ask to have the dispute submitted to two
8 members of an approved utility consumer group if the
9 amount in controversy does not exceed the
10 jurisdictional limit for small claims actions under
11 section 631.1, subsection 1. The consumer advocate
12 shall publish a list of bona fide utility consumer
13 groups whose members are approved by the consumer
14 advocate to hear disputes under this section. A
15 customer wishing to submit a billing for hearing under
16 this section shall notify an approved utility consumer
17 group of the dispute and shall include in the
18 notification a brief statement describing the dispute,
19 the name and address of the public utility who issued
20 the disputed billing, and the amount in controversy
21 for the disputed billing. Two members of the utility
22 consumer group shall be appointed by the group to
23 hear the dispute. Such members shall not be relatives
24 of the customer nor shall they be personally acquainted
25 with the customer other than through these proceedings.
26 The appointed members shall notify in writing the
27 customer and the public utility of the time, place,
28 and date of the hearing, the amount in controversy
29 for the disputed billing, and a brief statement
30 describing the dispute. The notice shall be mailed
31 at least fourteen days prior to the date of the
32 hearing. The hearing shall be conducted by the
33 appointed members themselves and shall be simple and
34 informal without regard to technicalities of procedure.
35 The public utility may participate through a
36 representative or an attorney and the customer may
37 participate personally or through an attorney. The
38 appointed members shall examine participating parties
39 and witnesses in such a way as to bring out the truth.

40 The appointed members shall submit their findings.
41 If they find that the charges to the customer are
42 correct, the customer is barred from receiving further

43 recovery on the disputed billing. If they find that
44 fifty percent or less of the disputed billing should
45 be refunded or credited to the customer, such amount
46 shall be refunded by the utility to the customer if
47 the customer has previously paid the bill, otherwise
48 the amount shall be credited by the utility to the
49 customer's account. If the appointed members find
50 that more than fifty percent of the disputed billing

Page 2

1 should be refunded or credited, the dispute shall
2 be submitted to small claims court under chapter 631,
3 however all filing fees and court costs shall be paid
4 by the public utility notwithstanding contrary
5 provisions of chapter 631."
6 2. Title page, line 6, by inserting after the
7 word "actions," the following: "alternate bill dispute
8 procedures,"
9 3. Renumber and correct internal references as
10 necessary.

Speaker Avenson in the chair at 11:40 a.m.

Halvorson of Clayton offered the following amendment
H-5736, to amendment H-5590, filed by him:

H-5736

1 Amend the Schroeder amendment H-5590, to House
2 File 2491 as follows:
3 1. Page 1, by inserting after line 1 the fol-
4 lowing:
5 " Page 1, by inserting before line 1 the
6 following:
7 "Sec. Section 13.7, Code Supplement 1983, is
8 amended to read as follows:
9 13.7 SPECIAL COUNSEL. Compensation shall not be
10 allowed to any person for services as an attorney or
11 counselor to an executive department of the state
12 government, or the head thereof, or to a state board
13 or commission. However, the executive council may
14 employ legal assistance, at a reasonable compensation,
15 in a pending action or proceeding to protect the in-
16 terests of the state, but only upon a sufficient showing,
17 in writing, made by the attorney general, that the
18 department of justice cannot for reasons stated by
19 the attorney general perform the service, which rea-
20 sons and action of the council shall be entered upon
21 its records. When the attorney general determines
22 that the department of justice cannot perform legal

23 service in an action or proceeding, the executive
 24 council shall request the department involved in the
 25 action or proceeding to recommend legal counsel to
 26 represent the department. If the attorney general
 27 concurs with the department that the person recom-
 28 mended is qualified and suitable to represent the
 29 department, the person recommended shall be employed.
 30 If the attorney general does not concur in the recom-
 31 mendation, the department shall submit a new recom-
 32 mendation. This section does not affect the general
 33 counsel for the Iowa state commerce commission, the
 34 transportation regulation authority counsel, or the
 35 legal counsel of the Iowa department of job service
 36 or the office of the consumer advocate.

37 Sec. . . . Section 17A.2, subsection 1, Code
 38 Supplement 1983, is amended to read as follows:

39 1. "Agency" means each board, commission, de-
 40 partment, officer or other administrative office or
 41 unit of the state. "Agency" does not mean the
 42 general assembly, the judicial department or any
 43 of its components, the office of consumer advocate,
 44 the governor or a political subdivision of the
 45 state or its offices and units. Unless provided
 46 otherwise by statute, no less than two-thirds of
 47 the members eligible to vote of a multimember agency
 48 constitute a quorum authorized to act in the name
 49 of the agency.

50 Sec. . . . Section 18.98, subsection 7, Code

Page 2

1 Supplement 1983, is amended to read as follows:

2 7. To the office of governor, secretary of state,
 3 auditor of state, treasurer of state, commissioner of
 4 insurance, and general counsel for the Iowa state com-
 5 merce commission, and consumer advocate, each . . . 1 copy"

6 . . . Page 1, by inserting after line 33 the fol-
 7 lowing:

8 "Sec. . . . Section 476.3, subsections 1 and 2,
 9 Code Supplement 1983, are amended to read as follows:

10 1. A public utility shall furnish reasonably ade-
 11 quate service at rates and charges in accordance with
 12 tariffs filed with the commission. When there is
 13 filed with the commission by any person or body politic,
 14 or filed by the commission upon its own motion, a
 15 written complaint requesting the commission to deter-
 16 mine the reasonableness of the rates, charges, schedules,
 17 service, regulations, or anything done or omitted
 18 to be done by a public utility subject to this chap-
 19 ter in contravention of this chapter, the written com-
 20 plaint shall be forwarded by the commission to the
 21 public utility, which shall be called upon to satisfy

22 the complaint or to answer it in writing within a rea-
23 sonable time to be specified by the commission. Copies
24 of the written complaint forwarded by the commission
25 to the public utility and copies of all correspondence
26 from the public utility in response to the complaint
27 shall be provided by the commission in an expeditious
28 manner to the consumer advocate. If the commission
29 determines the public utility's response is inadequate
30 and there appears to be any reasonable ground for in-
31 vestigating the complaint, the commission shall promptly
32 initiate a formal proceeding. If the consumer advocate
33 determines the public utility's response to the com-
34 plaint is inadequate, the consumer advocate may file a
35 petition with the commission which shall promptly
36 initiate a formal proceeding if the commission deter-
37 mines that there is any reasonable ground for investigating
38 the complaint. The formal proceeding may be initiated
39 at any time by the commission on its own motion. If a
40 proceeding is initiated upon petition filed by the con-
41 sumer advocate or upon the commission's own motion, the
42 commission shall set the case for hearing and give no-
43 tice as it deems appropriate. When the commission,
44 after a hearing held after reasonable notice, finds a
45 public utility's rates, charges, schedules, service, or
46 regulations are unjust, unreasonable, discriminatory,
47 or otherwise in violation of any provision of law, the
48 commission shall determine just, reasonable, and nondis-
49 criminatory rates, charges, schedules, service, or
50 regulations to be observed and enforced.

Page 3

1 2. If, as a result of a review procedure conducted
2 under section 476.31, a review conducted under sec-
3 tion 476.32, a special audit, or an investigation by
4 commission staff, or an investigation by the consumer
5 advocate, a complaint is filed by commission staff,
6 or a petition is filed with the commission by the
7 consumer advocate, alleging that a utility's rates
8 are excessive, the disputed amount shall be specified
9 in the complaint or petition. The public utility
10 shall, within the time prescribed by the commission,
11 file a bond or undertaking approved by the commission
12 conditioned upon the refund in a manner prescribed by
13 the commission of amounts collected after the date
14 of filing of the complaint or petition in excess of
15 rates or charges finally determined by the commission
16 to be lawful. If upon hearing the commission finds
17 that the utility's rates are unlawful, the commission
18 shall order a refund with interest, of amounts collected
19 after the date of filing of the complaint or petition that
20 are determined to be in excess of the amounts which

21 would have been collected under the rates finally
22 approved. However, the commission shall not order a
23 refund that is greater than the amount specified in
24 the complaint or petition, plus interest, and pro-
25 vided that if the commission fails to render a deci-
26 sion within ten months following the date of filing
27 of the complaint or petition, the commission shall
28 not order a refund of any excess amounts that are
29 collected after the expiration of that ten-month
30 period and prior to the date the decision is rendered."

31 . Page 2, lines 4 and 5, by striking the words
32 "office of consumer advocate" and inserting in lieu
33 thereof the words "general counsel of the Iowa state
34 commerce commission".

35 . Page 3, by inserting before line 16 the
36 following:

37 "Sec. . Section 476.10, unnumbered paragraphs
38 1 and 2, Code Supplement 1983, are amended to read as
39 follows:

40 When the commission deems it necessary in order
41 to carry out the duties imposed upon it by this
42 chapter for the purpose of determining rate matters
43 to investigate the books, accounts, practices, and
44 activities of, or make appraisals of the property
45 of any public utility, or to render any engineering
46 or accounting services to any public utility, or to
47 review the operations or annual reports of the public
48 utility under section 476.31 or 476.32, the public
49 utility shall pay the expense reasonably attributable
50 to the investigation, appraisal, service, or review.

Page 4

1 The commission shall ascertain the expenses including
2 certified expenses incurred by the office of consumer
3 advocate directly chargeable to the public utility
4 under section 476A.6, and shall render a bill, by
5 certified mail, to the public utility, either at the
6 conclusion of the investigation, appraisal, services,
7 or review, or from time to time during its progress,
8 which bill is notice of the assessment and shall de-
9 mand payment. The total amount of such expense in
10 any one calendar year, for which any public utility
11 shall become liable, shall not exceed two-tenths of
12 one percent of its gross operating revenues derived
13 from intrastate public utility operations in the last
14 preceding calendar year.

15 The commission shall ascertain the total of its
16 expenditures during each year which are reasonably
17 attributable to the performance of its duties under
18 this chapter. The commission shall add to this total
19 the certified expenses of the consumer advocate as

20 provided under section 475A.6 and shall deduct all
21 amounts chargeable directly to any specific utility
22 under any law. The remainder shall be assessed by
23 the commission to the public utilities in proportion
24 to their respective gross operating revenues during
25 the last calendar year derived from intrastate public
26 utility operations and shall be assessed within
27 ninety days of the close of the calendar year based
28 upon an estimate of the commission expenditures for
29 the first half of the commission's fiscal year and
30 again within ninety days of the close of the fiscal
31 year as necessary to conform the amount of the
32 assessment to the requirements of this section. Public
33 utilities exempt from rate regulation under this
34 chapter shall not be assessed for remainder expenses
35 incurred during review of rate-regulated public
36 utilities under section 476.31 or 476.32, but such
37 remainder expenses shall be assessed proportionally
38 as provided in this section among only the rate-
39 regulated public utilities. The total amount which
40 may be assessed to the public utilities under authority
41 of this paragraph shall not exceed two-tenths of one
42 percent of the total gross operating revenues of the
43 public utilities during the calendar year derived from
44 intrastate public utility operations. However, the
45 total amount which may be assessed in any one calendar
46 year to a public utility under this section
47 shall not exceed three-tenths of one percent of the
48 utility's total gross operating revenues derived
49 from intrastate public utility operation in the last
50 preceding year. For public utilities exempted from

Page 5

1 rate regulation under this chapter, the assessments
2 under this paragraph shall be computed at one-half
3 the rate used in computing the assessment for other
4 utilities." "

5 2. Page 1, line 11, by striking the words "consumer
6 advocate" and inserting in lieu thereof the
7 words "general counsel of the Iowa state commerce
8 commission".

9 3. Page 1, lines 13 and 14, by striking the
10 words "consumer advocate" and inserting in lieu
11 thereof the words "general counsel".

12 4. Page 2, by inserting after line 5 the following:

13 " . . . Page 5, by inserting before line 12 the
14 following:

15 "Sec. . . . 1981 Iowa Acts, chapter 9, section 7,
16 subsection 7, as amended by 1983 Iowa Acts, chapter
17 127, section 44, is amended to read as follows:

18 7. The following are range five positions:

19 state comptroller, superintendent of public instruc-
 20 tion, executive secretary of the state board of re-
 21 gents, chairperson and members of the Iowa state
 22 commerce commission, ~~consumer advocate~~, director of
 23 the department of revenue, commissioner of social
 24 services, and director of the department of trans-
 25 portation.

26 Sec. . Chapter 475A, Code Supplement 1983, is
 27 repealed."

28 . Title page, line 3, by inserting after the
 29 word "program," the following: "the repeal of the
 30 office of consumer advocate,".

31 5. Renumber as necessary.

Chido of Polk rose on a point of order that amendment H-5736, to amendment H-5590, was not germane.

The Speaker ruled the point well taken and amendment H-5736 not germane.

Schroeder of Pottawattamie moved the adoption of amendment H-5590.

The ayes were 31, nays 44.

Amendment H-5590 lost.

Chido 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 76 was invoked.

On the question "Shall the bill pass?" (H.F. 2491)

The ayes were, 55:

Arnold	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chido	Cochran	Connolly
Connors	Copenhaver	Davitt	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick

Poncy	Renaud	Rosenberg	Schroeder
Sherzan	Shoultz	Skow	Spear
Sturgeon	Sullivan	Swartz	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 39:

Anderson	Bennett	Branstad	Carpenter
Clark	Cooper	Corey	Daggett
De Groot	Diemer	Grandia	Halvorson, R. A.
Handorf	Hermann	Hoffmann-Bright	Hummel
Koenigs	Krewson	Lageschulte	Maulsby
McIntee	Menke	Muhlbauer	Mullins
Paulin	Pellett	Renken	Rensink
Royer	Schneklath	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

Absent or not voting, 6:

Hanson	Harbor	McKean	Miller
Running	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2500, 2489, 2502, 2470, 2412 and 2491.

SENATE MESSAGES CONSIDERED

Senate File 2099, by Priebe, a bill for an act to require competitive bidding procedures for a project for renovation or remodeling of physical facilities used or to be used by the general assembly or legislative agencies under the jurisdiction of the legislative council where the cost of the project is twenty-five thousand dollars or more.

Read first time and referred to committee on **state government**.

Senate File 2223, by committee on judiciary, a bill for an act relating to the maximum fine assessable upon the conviction of a class "C" or class "D" felony.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2235, by committee on judiciary, a bill for an act relating to the penalties for operating a motor vehicle when the operator's license has been suspended or revoked.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2257, by committee on commerce, a bill for an act relating to the ownership of joint transmission facilities.

Read first time and referred to committee on **small business and commerce**.

Senate File 2286, by committee on small business and economic development, a bill for an act to amend the merit review standards for new issues of securities under the Iowa blue sky law.

Read first time and referred to committee on **small business and commerce**.

Senate File 2291, by committee on commerce, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards.

Read first time and referred to committee on **small business and commerce**.

Senate File 2306, by committee on judiciary, a bill for an act authorizing the use of computer data storage systems for the collection, storage, and retrieval of intelligence data, providing for restrictions on access to these computer data storage systems, and requiring the adoption of rules for authorization to access a computer data storage system containing intelligence data.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2314, by committee on local government, a bill for an act relating to the authority of the department of water, air and waste management regarding the restoration, maintenance or improvement of a drainage district.

Read first time and **passed on file**.

On motion by Norland of Worth, the House was recessed at 12:25 p.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2014, a bill for an act to provide for an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees.

Also: That the Senate has on March 8, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2243, a bill for an act specifying which claims paid to county employees must be published in official newspapers.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year.

Also: That the Senate has on March 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to the powers of state-chartered savings and loan associations.

Also: That the Senate has on March 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug.

Also: That the Senate has on March 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act relating to criteria for the issuance of a certificate of need by the state health facilities council.

Also: That the Senate has on March 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2293, a bill for an act creating foster care review boards, creating foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit.

K. MARIE THAYER, Secretary

COMMITTEE OF THE WHOLE

Norland of Worth asked and received unanimous consent to suspend House Rules 64 and 66, relating to the committee of the whole.

Norland of Worth asked and received unanimous consent that the House resolve itself into a committee of the whole to discuss **House File 2487**, a bill for an act relating to liability in tort by 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 and eliminating governmental immunity for certain public improvements and places.

Norland of Worth asked and received unanimous consent that the following proposed rules be adopted as the rules of the committee of the whole:

1. Legislative history be presented by Legislative Service Bureau.
2. Presentations by three major positions to be selected by Jay of Appanoose, Halvorson of Clayton and Doderer of Johnson.
3. Presentations of each position shall be limited to thirty minutes.
4. Questions following presentations shall be limited to two hours and fifteen minutes.
5. Questions relating to three basic positions should be argued through Jay of Appanoose, Halvorson of Clayton and Doderer of Johnson.
6. Chair may recognize representatives for alternative viewpoints.
7. Ten minute summations of three major positions will be allowed.

The following individuals appeared in the well of the House for presentations:

Dave Lyons, Legal Counsel, Legislative Service Bureau.
(Legislative History)

James A. Albert*, Professor of Law, Drake University Law School. (House File 2487)

Tom Vilsack*, Mt. Pleasant, Iowa, practicing attorney. (House File 2487)

Nick Critelli*, Des Moines, Iowa, trial lawyer. (House File 2487)

Lee Gaudineer**, Des Moines, Iowa, attorney, counsel for Iowa State Association of Counties. (Halvorson, et al., amendment H-5480)

(Spear of Lee in the chair at 2:25 p.m.)

Thomas Hanson**, Des Moines, Iowa, attorney, counsel for Iowa Farm Bureau. (Halvorson, et al., amendment H-5480)

David L. Phipps**, Des Moines, Iowa, attorney; Director, Iowa Defense Counsel Association. (Halvorson, et al., amendment H-5480)

John McClintock, Des Moines, Iowa, attorney. (Jay, et al., amendment H-5504)

(Menke of O'Brien in the chair at 3:10 p.m.)

The committee of the whole stood at ease at 3:14 p.m., until the fall of the gavel.

The committee of the whole resumed at 3:18 p.m., Speaker Avenson in the chair.

* Shared thirty minute time limit.

** Shared thirty minute time limit.

Questions were then asked of the previous individuals from 3:26 p.m., until 5:10 p.m.

(Black of Jasper in the chair at 3:47 p.m.)

(Speaker Avenson in the chair at 4:43 p.m.)

The committee of the whole stood at ease at 5:10 p.m.

The committee of the whole resumed at 5:28 p.m., Speaker Avenson in the chair.

Summations of the three basic positions were presented by Jay of Appanoose, Halvorson of Clayton and Doderer of Johnson.

Norland of Worth moved that the committee of the whole now rise at 5:50 p.m., which motion prevailed.

CONSIDERATION OF BILLS

Regular Calendar

House File 2433, a bill for an act amending Iowa's unemployment compensation law by limiting the waiver of certain requirements in job bumping situations, by treating educational employees similarly for purposes of denying benefits during certain regular academic recesses, by switching the burden of producing evidence back to the employee in certain cases, by modifying certain special contribution rate requirements both prospectively and retroactively, by authorizing recomputation of employer rates in certain overpayment cases, by crediting certain earned interest to the temporary emergency surcharge fund, and by providing for contribution refunds in overpayment cases, was taken up for consideration.

Corey of Louisa offered the following amendment H—5714 filed by Corey, et al.:

H-5714

1 Amend House File 2433 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 96.3, subsection 5, unnumbered
5 paragraph 1, Code Supplement 1983, is amended to read
6 as follows:

7 The maximum total amount of benefits payable to
8 any an eligible individual during any a benefit year
9 shall not exceed the total of the wage credits accrued
10 to the individual's account during the individual's
11 base period, or twenty-six times the individual's
12 weekly benefit amount, whichever is the lesser.
13 However, the maximum total amount of benefits payable
14 during an individual's benefit year shall be decreased
15 by five times the individual's weekly benefit amount
16 if the individual is disqualified for benefits due
17 to a discharge for misconduct, or due to voluntarily
18 quitting work without good cause attributable to the
19 employer, and requalifies for benefits pursuant to
20 section 96.5, subsection 1, paragraph g, or subsection
21 2, paragraph a, except that the maximum total amount
22 of benefits payable during a benefit year of an
23 individual disqualified due to a vountary quit shall
24 not be decreased under this subsection below the
25 individual's weekly benefit amount. The director
26 shall maintain a separate account for each individual
27 who earns wages in insured work. The director shall
28 compute wage credits for each individual by crediting
29 the individual's account with one-third of the wages
30 for insured work paid to the individual during the
31 individual's base period. However, the director shall
32 recompute wage credits for an individual who is laid
33 off due to the individual's employer going out of
34 business at the factory, establishment, or other
35 premises at which the individual was last employed,
36 by crediting the individual's account with one-half,
37 instead of one-third, of the wages for insured work
38 paid to the individual during the individual's base
39 period. Benefits paid to an eligible individual shall
40 be charged against the base period wage credits in
41 the individual's account which have not been previously
42 charged hereunder, in the inverse chronological order
43 as the wages on which such wage credits are based
44 were paid. However if the state and national "off
45 indicators" are in effect and if the individual is
46 laid off due to the individual's employer going out
47 of business at the factory, establishment, or other
48 premises at which the individual was last employed,
49 the maximum benefits payable shall be extended to
50 thirty-nine times the individual's weekly benefit

Page 2

1 amount, but not to exceed the total of the wage credits
2 accrued to the individual's account.

3 Sec. 2. Section 96.3, subsection 7, Code Supplement
4 1983, is amended to read as follows:

5 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

6 a. If an individual receives benefits for which
7 the individual is subsequently determined to be
8 ineligible, even though the individual acts in good
9 faith and is not otherwise at fault, the benefits
10 shall be recovered. The department in its discretion
11 may recover the overpayment of benefits either by
12 having a sum equal to the overpayment deducted from
13 any future benefits payable to the individual or by
14 having the individual pay to the department a sum
15 equal to the overpayment.

16 If the department determines that an overpayment
17 has been made, the charge for the overpayment against
18 the employer's account shall be removed and the account
19 shall be credited with an amount equal to the
20 overpayment from the unemployment compensation trust
21 fund.

22 b. The department shall assist the department
23 of revenue, as provided in section 421.17, subsection
24 24, in setting off against an individual's income
25 tax refund or rebate any overpayment of benefits made
26 to the individual pursuant to this chapter.

27 Sec. 3. Section 96.4, subsection 3, Code Supplement
28 1983, is amended to read as follows:

29 3. The individual is able to work, is available
30 for work, and is earnestly and actively seeking work.
31 ~~The provision of this~~ This subsection shall be is
32 waived if the individual is deemed temporarily
33 unemployed as defined in section 96.19, subsection
34 9, paragraph "c" ~~or~~. The work search requirements
35 of this subsection and the disqualification requirement
36 for failure to apply for, or to accept suitable work
37 of section 96.5, subsection 3 are waived if the
38 individual is not disqualified for benefits under
39 section 96.5, subsection 1, paragraph "i".

40 Sec. 4. Section 96.4, subsection 4, unnumbered
41 paragraph 2, Code Supplement 1983, is amended to read
42 as follows:

43 If the individual has drawn benefits in any benefit
44 year, the individual must during or subsequent to
45 that year, work in and be paid wages for insured work
46 totaling at least two hundred fifty dollars ten times
47 the individual's weekly benefit amount, as a condition
48 to receive benefits in the next benefit year.

49 Sec. 5. Section 96.4, subsection 5, Code Supplement
50 1983, is amended to read as follows:

Page 3

1 5. Benefits based on service in employment in
 2 a nonprofit organization or government entity, defined
 3 in section 96.19, subsection 6, shall be are payable
 4 in the same amount, on the same terms and subject
 5 to the same conditions as compensation payable on
 6 the same basis of other service subject to this
 7 chapter, except that:

8 a. Benefits based on service in an instructional,
 9 research, or principal administrative capacity in
 10 an educational institution of higher education
 11 including service in or provided to or on behalf of
 12 an educational institution while in the employ of
 13 an educational service agency, a government entity,
 14 or a nonprofit organization shall not be paid to an
 15 individual for any week of unemployment which begins
 16 during the period between two successive academic
 17 years or during a similar period between two regular
 18 terms, whether or not successive, or during a period
 19 of paid sabbatical leave, provided for in the
 20 individual's contract, if the individual has a contract
 21 or contracts to reasonable assurance that the
 22 individual will perform services in any such capacity
 23 for any educational institution or institutions of
 24 higher education for both such academic years or both
 25 such terms.

26 b. Benefits based on service in employment, defined
 27 in section 96.19, subsection 6, and based on service
 28 after December 31, 1977 in an instructional, research,
 29 or principal administrative any other capacity for
 30 an educational institution operated by including
 31 service in or provided to or on behalf of an
 32 educational institution while in the employ of an
 33 educational service agency, a government entity, or
 34 a nonprofit organization, shall not be paid to an
 35 individual for any week of unemployment which begins
 36 during the period between two successive academic
 37 years or terms, (or, when an agreement provides instead
 38 for a similar period between two regular but not
 39 successive terms, during such period) to any individual
 40 if such the individual performs such the services
 41 in the first of such academic years or terms and if
 42 there is a contract or has reasonable assurance that
 43 such the individual will perform services in any such
 44 capacity for any educational institution the second
 45 of such academic years or terms, or during a period
 46 of paid sabbatical leave, provided for in the
 47 individual's contract, and. If benefits are denied
 48 to an individual for any week as a result of this
 49 paragraph and the individual is not offered an
 50 opportunity to perform the services for an educational

Page 4

1 institution for the second of such academic years
2 or terms, the individual is entitled to retroactive
3 payments of benefits for each week for which the
4 individual filed a timely claim for benefits and for
5 which benefits were denied solely by reason of this
6 paragraph.

7 c. With respect to services in any other capacity
8 for an educational institution in any capacity under
9 paragraph a or b, benefits shall not be paid to an
10 individual for any week of unemployment which begins
11 during the period between two successive academic
12 years, or terms if the individual performs the services
13 in the first of such academic years or terms and there
14 is a reasonable assurance that the individual will
15 perform such services in the second of such academic
16 years or terms. If benefits are denied to an
17 individual for any week as a result of this paragraph
18 and the individual is not offered an opportunity to
19 perform such services for the educational institution
20 for the second of such academic years or terms, the
21 individual is entitled to a retroactive payment of
22 benefits for each week for which the individual filed
23 a timely claim for benefits and for which benefits
24 were denied solely by reason of this paragraph an
25 established and customary vacation period or holiday
26 recess if the individual performs the services in
27 the period immediately before such vacation period
28 or holiday recess, and the individual has reasonable
29 assurance that the individual will perform the services
30 in the period immediately following such vacation
31 period or holiday recess.

32 d. With respect to any services performed after
33 July 1, 1977, in any capacity for an educational
34 institution other than an institution of higher educa-
35 tion, compensation payable on the basis of such
36 services shall not be paid to any individual for any
37 week which commences during an established and
38 customary vacation period or holiday recess if such
39 individual performs such service in the period
40 immediately before such vacation period or holiday
41 recess, and there is a reasonable assurance that such
42 individual will perform such service in the period
43 immediately following such vacation period or holiday
44 recess. For purposes of this subsection, "educa-
45 tional service agency" means a governmental agency
46 or government entity which is established and operated
47 exclusively for the purpose of providing educational
48 services to one or more educational institutions.

49 e. With respect to services performed after
50 December 31, 1977, in an instructional, research,

Page 5

1 or principal administrative capacity in an institution
2 of higher education, compensation payable on the basis
3 of such services shall be denied to any individual
4 for any week which commences during an established
5 and customary vacation period or holiday recess if
6 such individual performs such services in the period
7 immediately before such vacation period or holiday
8 recess, and there is a reasonable assurance that such
9 individual will perform such services in the period
10 immediately following such vacation period or holiday
11 recess.

12 Sec. 6. Section 96.5, subsection 1, paragraph
13 f, Code Supplement 1983, is amended to read as follows:

14 f. He or she is the principal support of his or
15 her family, or is a widow, widower, legally separated
16 from his or her spouse, or a single person, and he
17 or she The individual left his or her the employing
18 unit for not to exceed ten working days, or such
19 additional time as may be allowed by his or her the
20 employer, for compelling personal reasons, (if so
21 found by the department), and prior to such leaving
22 had informed his or her the employer of such the
23 compelling personal reasons, and immediately after
24 such the compelling personal reasons ceased to exist
25 he or she the individual returned to his or her the
26 employer and offered his or her the employer the
27 individual's services and his or her the individual's
28 regular or comparable work was not available, provided
29 he or she the individual is otherwise eligible; except
30 that during the time he or she the individual is away
31 from his or her work because of the continuance of
32 such the compelling personal reasons, he or she shall
33 the individual is not be eligible for benefits.

34 Sec. 7. Section 96.5, subsection 1, paragraph
35 g, Code Supplement 1983, is amended to read as follows:

36 g. The individual left work voluntarily without
37 good cause attributable to the employer under
38 circumstances which did or would disqualify the
39 individual for benefits, except as provided in
40 paragraph "a" of this subsection but, subsequent to
41 the leaving, the individual worked in and was paid
42 wages for insured work equal to ten times the
43 individual's weekly benefit amount, provided the
44 individual's maximum total amount of benefits has
45 been decreased pursuant to section 96.3, subsection
46 5 and the individual is otherwise eligible.

47 Sec. 8. Section 96.5, subsection 1, Code Supplement
48 1983, is amended by adding the following new lettered
49 paragraph:

50 NEW LETTERED PARAGRAPH. j. The individual left

Page 6

1 employment due to a transfer to a new job site as
2 provided in an apprenticeship and training agreement
3 entered into by the employer and the individual's
4 labor representative. Wages earned with the employer
5 that the individual left shall be deemed wages earned
6 from the next succeeding employer and benefits shall
7 be charged to the next succeeding employer in the
8 same manner as provided in paragraph a.

9 Sec. 9. Section 96.5, subsection 2, paragraph
10 a, Code Supplement 1983, is amended to read as follows:

11 a. The individual shall be disqualified for
12 benefits until the individual has worked in and has
13 been paid wages for insured work equal to ten times
14 the individual's weekly benefit amount, provided the
15 individual's maximum total amount of benefits has
16 been decreased pursuant to section 96.3, subsection
17 5 and the individual is otherwise eligible.

18 Sec. 10. Section 96.5, subsection 3, unnumbered
19 paragraph 1, Code Supplement 1983, is amended to read
20 as follows:

21 If the department finds that an individual has
22 failed, without good cause, either to apply for
23 available, suitable work when directed by the
24 employment office or the department or to accept
25 suitable work when offered that individual, ~~or to~~
26 ~~return to customary self-employment, if any.~~ The
27 department in co-operation with the employment office
28 shall, if possible, furnish the individual with the
29 names of employers which are seeking employees. The
30 individual shall apply to and obtain the signatures
31 of the employers designated by the department on forms
32 provided by the department, unless the employers
33 refuse to sign the forms. The individual's failure
34 to obtain the signatures of designated employers,
35 which have not refused to sign the forms, shall
36 disqualify the individual from further benefits until
37 requalified. To requalify for benefits after
38 disqualification under this subsection, the individual
39 shall work in and be paid wages for insured work equal
40 to ten times the individual's weekly benefit amount,
41 provided the individual is otherwise eligible.

42 Sec. 11. Section 96.5, subsection 8, Code
43 Supplement 1983, is amended to read as follows:

44 **8. ADMINISTRATIVE PENALTY.** If the department
45 finds determines that, with respect to any week of
46 an insured worker's unemployment for which such person
47 claims credit or benefits, such a person has, within
48 the thirty-six calendar months immediately preceding
49 such week, with intent to defraud by obtaining for
50 the person or for any other person any benefits not

Page 7

1 due under this chapter, willfully and knowingly made
2 a false statement or misrepresentation, or willfully
3 and knowingly failed to disclose a material fact;
4 such the department shall cancel the person's wage
5 credits earned prior to the date of the determination
6 and, if applicable, the person shall be disqualified
7 for the week in which the department makes such the
8 determination, and forfeit all benefit rights under
9 the unemployment compensation law for a period of
10 not more than the remaining benefit period as
11 determined by the department according to the
12 circumstances of each case. Any The penalties imposed
13 by this subsection shall be are in addition to those
14 otherwise prescribed in this chapter.

15 Sec. 12. Section 96.6, subsection 2, Code
16 Supplement 1983, is amended to read as follows:
17 2. INITIAL DETERMINATION. A representative
18 designated by the director shall promptly notify all
19 interested parties to the claim of the its filing
20 thereof, and the parties shall have ten days from
21 the date of mailing the notice of the filing of said
22 the claim by ordinary mail to the last known address
23 to protest payment of benefits to said the claimant.
24 The representative shall promptly examine the claim
25 and any protest thereto and, on the basis of the facts
26 found by the representative, shall determine whether
27 or not such the claim is valid, the week with respect
28 to which benefits shall commence, the weekly benefit
29 amount payable and the its maximum duration thereof,
30 and whether any disqualification shall be imposed.
31 The claimant has the burden of proving that the
32 claimant meets the basic eligibility conditions of
33 section 96.4. The employer has the burden of proving
34 that the claimant is disqualified for benefits pursuant
35 to section 96.5. Unless the claimant or other
36 interested party, after notification or within ten
37 calendar days after such notification was mailed to
38 the claimant's last known address, files an appeal
39 from such the decision, such the decision shall be
40 is final and benefits shall be paid or denied in
41 accordance therewith with it. If a hearing officer
42 affirms a decision of the representative, or the
43 appeal board affirms a decision of the hearing officer,
44 allowing benefits, such the benefits shall be paid
45 regardless of any appeal which may is thereafter be
46 taken, but if such the decision is finally reversed,
47 no employer's account shall be charged with benefits
48 so paid.

49 Sec. 13. Section 96.7, subsection 3, paragraph
50 d, unnumbered paragraph 6, Code Supplement 1983, is

Page 8

1 amended to read as follows:

2 During any rate year in which a rate table in rate
3 tables three through nine is effective an ~~An~~ employer
4 assigned a contribution rate under this lettered
5 paragraph is not required to contribute to the
6 unemployment compensation trust fund if the employer's
7 percentage of excess is seven point five percent or
8 greater for the rate year and the employer has ~~not~~
9 been charged with less than five hundred dollars in
10 benefit payments for any time within the twenty-four
11 calendar quarters immediately preceding the rate
12 computation date for the rate year. If an employer
13 is not required to contribute for a rate year to the
14 trust fund under this unnumbered paragraph but would
15 be required to contribute for the next rate year under
16 this lettered paragraph, the employer's contribution
17 rate for the next rate year is either the employer's
18 experience rate computed under this lettered paragraph
19 or one and eight-tenths percent, whichever is less.
20 For subsequent years, either the employer is not
21 required to contribute under this unnumbered paragraph
22 or the employer's contribution rate is the employer's
23 experience rate computed under this lettered paragraph.

24 Sec. 14. Section 96.7, subsection 3, paragraph
25 d, unnumbered paragraph 7, Code Supplement 1983, is
26 amended by striking the unnumbered paragraph.

27 Sec. 15. Section 96.7, subsection 3, paragraph
28 e, unnumbered paragraph 2, Code Supplement 1983, is
29 amended to read as follows:

30 If an employer's account is has been charged with
31 benefits in a calendar quarter prior to the rate
32 computation date as the result of a decision allowing
33 benefits and the decision is reversed after the rate
34 computation date, the employer may appeal, within
35 thirty days from the date of the next contribution
36 rate notice, for a recomputation of the rate. If
37 a base period employer's account has been charged
38 with benefits paid to an employee at a time when the
39 employee was employed by the base period employer
40 in the same employment as in the base period, the
41 employer may appeal, within thirty days from the date
42 of the first notice of the employer's contribution
43 rate which is based on the charges, for a recomputation
44 of the rate. The department shall remove the benefit
45 charges from the rate computation, recompute the
46 contribution rate, and notify the employer of the
47 recomputed contribution rate.

48 Sec. 16. Section 96.7, subsection 14, Code
49 Supplement 1983, is amended by striking the subsection
50 and inserting in lieu thereof the following:

Page 9

1 14. A contributory nonprofit organization which
2 elects to become a reimbursable employer shall pay
3 to the department the amount of the negative balance
4 in the nonprofit organization's employer account on
5 the effective date of the election.

6 Sec. 17. Section 96.7, subsection 15, unnumbered
7 paragraph 2, Code 1983, is amended to read as follows:

8 A special fund to be known as the temporary
9 emergency ~~tax~~ surcharge fund is created in the state
10 treasury. The special fund is separate and distinct
11 from the unemployment compensation trust fund. All
12 contributions collected from the temporary emergency
13 ~~tax~~ surcharge shall be deposited in the special fund.
14 The special fund shall be used only to pay interest
15 accruing on advance moneys received from the federal
16 government for the payment of unemployment compensa-
17 tion benefits. Interest earned upon moneys in the
18 special fund shall be deposited in and credited to
19 the special fund.

20 Sec. 18. Section 96.13, subsection 3, unnumbered
21 paragraph 1, Code 1983, is amended to read as follows:

22 There is ~~hereby~~ created in the state treasury a
23 special fund to be known as the special employment
24 security contingency fund. All interest, fines, and
25 penalties, regardless of when ~~the same~~ they become
26 payable, collected from employers under the provisions
27 of section 96.14 subsequent to July 1, 1970, shall
28 be paid into this fund. ~~Said~~ The moneys shall not
29 be expended or available for expenditure in any manner
30 which would permit their substitution for federal
31 funds which would in the absence of ~~said~~ the moneys
32 be available to finance expenditures for the
33 administration of the employment security law. ~~Nothing~~
34 in this This section shall does not prevent said the
35 moneys from being use as a revolving fund to cover
36 expenditures for which federal funds have been duly
37 requested but not yet received, subject to the charging
38 of such the expenditures against such the funds when
39 received. ~~Said~~ The fund may be used for the payment
40 of costs of administration which are found not to
41 have been properly and validly chargeable against
42 federal grants or other funds, received for or in
43 the employment security administration fund. The
44 moneys in this fund are ~~hereby~~ specifically made
45 available to replace, within a reasonable time, any
46 moneys received by this state in the form of grants
47 from the federal government for administrative expenses
48 which because of any action or contingency have been
49 expended for purposes other than, or in excess of,
50 those necessary for the proper administration of the

Page 10

1 employment security law. All moneys in the special
 2 employment security contingency fund shall be
 3 deposited, administered, and disbursed in the same
 4 manner and under the same conditions and requirements
 5 as are provided by law for other special funds in
 6 the state treasury. However, interest earned upon
 7 moneys in the special employment security contingency
 8 fund shall be deposited in and credited to the
 9 temporary emergency surcharge fund created under
 10 section 96.7, subsection 15.

11 Sec. 19. Section 96.14, subsections 1, 2, and
 12 3, Code 1983, are amended to read as follows:

13 1. INTEREST. Any An employer who shall fail fails
 14 to pay any contribution and at the time required by
 15 this chapter and the rules of the department shall
 16 pay to the department in addition to such the
 17 contribution, interest thereon on the contribution
 18 at the rate of five one-hundredths of one percent
 19 per month and one-thirtieth of one percent for each
 20 day or fraction thereof of a day computed from the
 21 date upon which said the contribution should have
 22 been paid.

23 2. PENALTIES. Any An employer who shall fail
 24 fails to file a report of wages paid to each of his
 25 or her the employer's employees for any period in
 26 the manner and within the time required by this chapter
 27 and the rules of the department or any an employer
 28 who the commission department finds has filed an
 29 insufficient report and fails to file a sufficient
 30 report within thirty days after a written request
 31 from the department to do so shall pay a penalty to
 32 the department.

33 The penalty shall become becomes effective with
 34 the first day the report is delinquent or, where a
 35 report is insufficient, with the thirty-first day
 36 following the written request for a sufficient report.

37 Penalty for failing to file a sufficient report
 38 shall be is in addition to any penalty incurred for
 39 a delinquent report where if the delinquent report
 40 is also insufficient.

41 The amount of the penalty for delinquent and
 42 insufficient reports shall be computed based on total
 43 wages in the period for which the report was due and
 44 shall be computed as follows:

45	Days Delinquent	Penalty Rate
46	or Insufficient	
47	1 - 60	0.1%
48	61 - 120	0.2%
49	121 - 180	0.3%
50	181 - 240	0.4%

Page 11

1 241 or over 0.5%

2 No A penalty shall not be less than ten dollars
3 for each delinquent report or each insufficient report
4 not made sufficient within thirty days as of a request
5 to do so. Interest, penalties, and costs shall be
6 collected by the department in the same manner as
7 provided by this chapter for contributions.

8 If the department finds that any an employer has
9 willfully failed to pay any a contribution or part
10 thereof of a contribution when required by this chapter
11 and the rules of the department, with intent to defraud
12 the department, then such the employer shall in
13 addition to such the contribution or part thereof
14 of the contribution, pay a contribution penalty equal
15 to fifty percent of the amount of such the contribution
16 or part thereof, as the case may be of the
17 contribution.

18 The department may cancel any interest or penalties
19 if it is shown to the satisfaction of the department
20 that the failure to pay a required contribution or
21 to file a required report was not the result of
22 negligence, fraud, or intentional disregard of the
23 law or the rules of the department.

24 3. LIEN OF CONTRIBUTIONS—COLLECTION. Whenever
25 any If an employer liable to pay contributions refuses
26 or neglects to pay the same contributions, the amount
27 due, including any interest or penalty, together with
28 the costs that may accrue in addition thereto to the
29 contributions, interest, and penalty, shall be is
30 a lien in favor of the state upon all property and
31 rights to property, whether real or personal, belonging
32 to said the employer. An assessment of the unpaid
33 contributions, interest and penalty shall be applied
34 as provided in section 96.7, subsection 4, paragraphs
35 "a" and "b" and the lien shall attach as of the date
36 the assessment is mailed or personally served upon
37 the employer. However, the department may release
38 any a lien, when after diligent investigation and
39 effort it determines that the amount due is not
40 collectible.

41 In order to preserve the aforsaid lien against
42 subsequent mortgagees, purchasers or judgment
43 creditors, for value and without notice of the lien,
44 on any property situated in a county, the department
45 shall file with the recorder of the county, in which
46 said the property is located, a notice of said the
47 lien.

48 The county recorder of each county shall prepare
49 and keep in his or her the recorder's office a book
50 to be known as "index of unemployment contribution

Page 12

1 liens", so ruled as to show in appropriate columns
2 the following data, under the names of employers,
3 arranged alphabetically:

- 4 a. The name of the employer.
- 5 b. The name "State of Iowa" as claimant.
- 6 c. Time notice of lien was received.
- 7 d. Date of notice.
- 8 e. Amount of lien then due.
- 9 f. When satisfied.

10 The recorder shall endorse on each notice of lien
11 the day, hour, and minute when received and shall
12 ~~forthwith~~ index ~~said~~ the notice in ~~said~~ the index
13 book and shall ~~forthwith~~ record ~~said~~ the lien in the
14 manner provided for recording real estate mortgages,
15 ~~and the said~~. The lien shall be effective from
16 the time of the indexing ~~thereof~~ of the lien.
17 The department shall pay a recording fee as provided
18 in section 331.604, for the recording of the lien,
19 or for ~~its~~ the satisfaction of the lien.

20 Upon the payment of contributions, interest, and
21 penalties as to which the department has filed notice
22 with a county recorder, the department shall ~~forthwith~~
23 file with ~~said~~ the recorder a satisfaction of ~~said~~
24 the contributions, interest, and penalties and the
25 recorder shall enter ~~said~~ the satisfaction on the
26 notice on file in ~~his or her~~ the recorder's office
27 and indicate ~~said~~ fact the satisfaction on the index
28 ~~aforsaid~~.

29 The department shall, substantially as provided
30 in sections 445.6 and 445.7, proceed to collect all
31 contributions as soon as practicable after the same
32 contributions become delinquent, except that no
33 property of the employer shall be is exempt from the
34 payment of ~~said~~ the contributions.

35 If, after due notice, ~~any~~ an employer defaults
36 in any payment of contributions, ~~or~~ interest ~~thereon~~
37 ~~or~~ penalties, the amount due may be collected by civil
38 action in the name of the department and the employer
39 adjudged in default shall pay the costs of ~~such~~ the
40 action. Civil actions brought under this section
41 to collect contributions, ~~or~~ interest ~~thereon~~, ~~or~~
42 penalties from an employer shall be heard by the court
43 at the earliest possible date and shall be are entitled
44 to preference upon the calendar of the court over
45 all other civil actions except petitions for judicial
46 review under this chapter and cases arising under
47 the workers' compensation law of this state.

48 It is expressly provided that the ~~The~~ foregoing
49 remedies of the state shall be are cumulative and
50 that no action taken by the department shall be

Page 13

1 ~~construed to be~~ is an election on the part of the
2 state or any of its officers to pursue any remedy
3 hereunder under this section to the exclusion of any
4 other remedy provided by law.

5 The courts of this state shall recognize and enforce
6 liabilities for unemployment contributions, penalties,
7 interest and benefit overpayments imposed by other
8 states which extend a like comity to this state.
9 The department may sue in the courts of any other
10 jurisdiction which extends such comity to collect
11 unemployment contributions, penalties, interest and
12 benefit overpayments due this state. The officials
13 of other states which, by statute or otherwise, extend
14 a like comity to this state may sue in the district
15 court to collect ~~for such~~ contributions, penalties,
16 interest and benefit overpayments. In any such case
17 the director of the department of this state, as agent
18 for and on behalf of any other state, may institute
19 and conduct ~~such the~~ suit for ~~such the~~ other state.
20 Venue of such proceedings shall be is the same as
21 for actions to collect delinquent contributions,
22 penalties, interest and benefit overpayments due under
23 this chapter. A certificate by the secretary of any
24 such state attesting the authority of ~~such an~~ official
25 to collect the contributions, penalties, interest
26 and benefit overpayments, is conclusive evidence of
27 such authority. The requesting state shall pay the
28 court costs.

29 If a political subdivision or a political
30 subdivision instrumentality becomes delinquent in
31 the payment of contributions, any payments owed as
32 a government employer, penalty, interest and costs
33 for more than two calendar quarters, the amount of
34 such delinquency shall be deducted from any further
35 moneys due the employer by the state. Such deduction
36 shall be made by the state comptroller upon
37 certification of the amount due. A copy of the
38 certification will be mailed to the employer.

39 If an amount due from a governmental entity of
40 this state remains due and unpaid for a period of
41 one hundred twenty days after the due date, the
42 director shall take action as necessary to collect
43 the amount and issue an assessment to the governmental
44 entity of the past due amount. If the amount due
45 remains unpaid ten days after the assessment is mailed
46 to the governmental entity, the director shall levy
47 against any funds due the governmental entity from
48 the state treasurer of state, the director of the
49 department of revenue, or any other official or agency
50 of this state or against an account established by

Page 14

1 the entity in any bank. The official, agency, or
2 bank shall deduct the amount assessed and certified
3 by the director from any accounts or deposits or any
4 funds due the delinquent governmental entity without
5 regard to any prior claim and shall promptly forward
6 the amount to the director for the fund. However,
7 the director shall notify the delinquent entity of
8 the director's intent to file a levy by certified
9 mail at least ten days prior to filing the levy on
10 any funds due the entity from any state official or
11 agency.

12 Sec. 20. Section 96.14, subsection 3, Code 1983,
13 is amended by adding the following new unnumbered
14 paragraph after unnumbered paragraph 8:

15 NEW UNNUMBERED PARAGRAPH. The department shall
16 set off against benefits due an individual employer,
17 a partner, or a corporate officer who controlled,
18 supervised, or was responsible for filing the
19 corporation's contribution reports or for making the
20 corporation's contribution payments and willfully
21 failed to do so, the amount of unpaid contributions,
22 interest, or penalties due from the individual
23 employer, partner, or corporate officer.

24 Sec. 21. Section 96.14, subsection 5, Code 1983,
25 is amended to read as follows:

26 5. REFUNDS, COMPROMISES AND SETTLEMENTS. In any
27 case in which If the department finds that an employer
28 has paid contributions or interest ~~thereon~~ on
29 contributions, which have been erroneously paid or
30 which have been paid solely due to overpayments
31 initially charged against but later removed from an
32 employer's account, and who the employer has filed
33 an application for adjustment thereof, the department
34 shall make such an adjustment, compromise, or
35 settlement, and make such, at the employer's option,
36 shall either refund of erroneous the payments as it
37 finds just and equitable in the premises or treat
38 the payments as voluntary contributions with no
39 limitation on the payments' effects on the employer's
40 contribution rate. Refunds so made, shall be charged
41 to the fund to which the erroneous collections have
42 been credited, and shall be paid to the claimant
43 without interest. Any A claim for such refund shall
44 be made within three years from the date of payment.
45 For like cause, adjustments, compromises or refunds
46 may be made by the department on its own initiative.
47 In any case in which If the department finds that
48 the contribution that has been assessed against an
49 employer is of doubtful collectibility or may not
50 be collected in full, the department may institute

Page 15

1 a proceeding in the district court in the county in
2 which the ~~enterprise employer~~ against which ~~such~~ the
3 tax is levied is located, requesting authority to
4 compromise ~~such~~ the contribution. Notice of the
5 filing of ~~such~~ an application shall be given to the
6 interested parties as the court may prescribe. The
7 court upon ~~such~~ hearing ~~shall have power to may~~
8 authorize the department to compromise and settle
9 its claim for ~~such~~ the contribution and shall fix
10 the amount to be received by the department in full
11 settlement of ~~such~~ the claim and shall authorize the
12 release of the department's lien for ~~such~~ the
13 contribution.

14 Sec. 22. Section 96.19, subsection 18, Code
15 Supplement 1983, is amended by striking the subsection.

16 Sec. 23. Section 96.19, subsections 31 and 32,
17 Code Supplement 1983, are amended to read as follows:

18 31. "Regular benefits" means benefits payable
19 to an individual under this or under any other state
20 law, (including benefits payable to federal civilian
21 employees and to ~~ex-servicemen or women ex-service~~
22 ~~members pursuant to 5 U.S.C., chapter ch. 85~~), other
23 than extended benefits.

24 32. "Extended benefits" means benefits, (including
25 benefits payable to federal civilian employees and
26 to ~~ex-servicemen or women ex-service members~~ pursuant
27 to 5 U.S.C., ~~chapter ch. 85~~), payable to an individual
28 under the provisions of this section for weeks of
29 unemployment in ~~his or her~~ the individual's eligibility
30 period.

31 Sec. 24. Section 96.19, subsection 34, unnumbered
32 paragraph 1, Code Supplement 1983, is amended to read
33 as follows:

34 "Exhaustee" means an individual who, with respect
35 to any week of unemployment in ~~his or her~~ the
36 individual's eligibility period has received, prior
37 to ~~such~~ that week, all of the regular benefits that
38 were available to ~~him or her~~ the individual under
39 this chapter or any other state law, (including
40 dependents' allowances and benefits payable to federal
41 civilian employees and ~~ex-servicemen or women ex-~~
42 ~~service members~~ under 5 U.S.C., ~~chapter ch. 85~~), in
43 ~~his or her~~ the individual's current benefit year that
44 includes ~~such weeks that week~~. ~~Provided that However~~,
45 for the purposes of this subsection an individual
46 shall be deemed to have received all of the regular
47 benefits that were available to ~~him or her~~ the
48 individual, although as a result of a pending appeal
49 with respect to wages that were not considered in
50 the original monetary determination in ~~his or her~~

Page 16

1 ~~the individual's benefit year he or she~~ the individual
2 may subsequently be determined to be entitled to add
3 regular benefits, or:

4 Sec. 25. Section 421.17, Code Supplement 1983,
5 is amended by adding the following new subsection
6 after subsection 23 and renumbering the subsequent
7 subsections:

8 **NEW SUBSECTION. 24.** To establish and maintain
9 a procedure to set off against an individual's income
10 tax refund or rebate any debt which is owed to the
11 department of job service due to an overpayment of
12 unemployment compensation benefits made under chapter
13 96. The procedure shall meet the following conditions:

14 a. Before setoff all outstanding tax liabilities
15 collectible by the department of revenue shall be
16 satisfied except that a refund or rebate shall not
17 be credited against tax liabilities which are not
18 yet due.

19 b. Before setoff the department of job service
20 shall obtain and forward to the department of revenue
21 the full name and social security number of the
22 individual. The department of revenue shall cooperate
23 in the exchange of relevant information with the
24 department of job service.

25 c. The department of job service shall, at least
26 annually, submit to the department of revenue for
27 setoff the overpayments, which are at least fifty
28 dollars, on a date or dates to be specified by the
29 department of job service.

30 d. Upon submission of a claim, the department
31 of revenue shall notify the department of job service
32 as to whether the individual is entitled to a refund
33 or rebate of at least fifty dollars and if so entitled
34 shall notify the department of job service of the
35 amount of the refund or rebate and of the individual's
36 address on the income tax return. Section 422.72,
37 subsection 1, does not apply to this paragraph.

38 e. Upon notice of entitlement to a refund or
39 rebate, the department of job service shall send
40 written notice to the individual, and a copy of the
41 notice to the department of revenue, of the department
42 of job service's assertion of its rights to all or
43 a portion of the individual's refund or rebate and
44 the entitlement to recover the amount of the
45 overpayment through the setoff procedure, the basis
46 of the assertion, the individual's opportunity to
47 request that a joint income tax refund or rebate be
48 divided between spouses, the individual's opportunity
49 to give written notice of intent to contest the claim,
50 and the fact that failure to contest the claim by

Page 17

1 written application for a hearing before a specified
2 date will result in a waiver of the opportunity to
3 contest the claim, causing final setoff by default.
4 Upon application, the department of job service shall
5 grant a hearing pursuant to chapter 17A. An appeal
6 taken from the decision of a hearing officer and any
7 subsequent appeals shall be taken pursuant to chapter
8 17A.

9 f. Upon the timely request of an individual or
10 an individual's spouse to the department of job service
11 and upon receipt of the full name and social security
12 number of the individual's spouse, the department
13 shall notify the department of revenue of the request
14 to divide a joint income tax refund or rebate. The
15 department of revenue shall upon receipt of the notice
16 divide a joint income tax refund or rebate between
17 the individual and the individual's spouse in
18 proportion to each spouse's net income as determined
19 under section 422.7.

20 g. The department of revenue shall, after notice
21 has been sent to the individual by the department
22 of job service, set off the amount of the overpayment
23 against the individual's income tax refund or rebate
24 if both the amount of the overpayment and the refund
25 or rebate are at least fifty dollars. The department
26 shall refund any balance of the income tax refund
27 or rebate to the individual. The department of revenue
28 shall periodically transfer the amount set off to
29 the department of job service. If the individual
30 gives written notice of intent to contest the claim,
31 the department of job service shall hold the refund
32 or rebate until final disposition of the contested
33 claim pursuant to chapter 17A or by court judgment.
34 The department of job service shall notify the
35 individual in writing upon completion of setoff.

36 Sec. 26. Section 421.17, subsection 25, Code
37 Supplement 1983, is amended to read as follows:

38 ~~25~~ 26. To provide that in the case of multiple
39 claims to refunds or rebates filed under subsections
40 21, ~~and 23 and 24~~, that priority shall be given to
41 claims filed by the child support recovery unit or
42 the foster care recovery unit under subsection 21,
43 next priority shall be given to claims filed by the
44 college aid commission under subsection 23, ~~and last~~
45 next priority shall be given to claims filed by the
46 office of investigations under subsection 21, and
47 last priority shall be given to claims filed by the
48 department of job service under subsection 24.

49 Sec. 27. 1983 Iowa Acts, chapter 190, section
50 26, is amended to read as follows:

Page 18

1 SEC. 26. PROSPECTIVE REPEAL. Sections 8 and
2 Section 24 of this Act are prospectively is repealed
3 on January 1 of the first calendar year after December
4 31, 1985 for which a contribution rate table other
5 than contribution rate table one is effective. Section
6 8 is repealed for benefit claims effectively filed
7 for and after the first full week in that first
8 calendar year. Section 24 is repealed for taxable
9 wages for that first calendar year and subsequent
10 calendar years.

11 Sec. 28. 1983 Iowa Acts, chapter 190, section
12 27, subsection 7, is amended to read as follows:

13 7. Section 8 of this Act takes effect only for
14 initial unemployment compensation benefit claims
15 effectively filed on or after January 6, 1985 July
16 1, 1984.

17 Sec. 29. Section 96.22, Code 1983, is repealed.

18 Sec. 30. The sections of this Act take effect
19 as follows:

20 1. Section 5 of this Act, being deemed of immediate
21 importance, takes effect from and after its publication
22 in The Sioux City Journal, a newspaper published in
23 Sioux City, Iowa, and in the Waterloo Courier Record,
24 a newspaper published in Waterloo, Iowa, and is
25 retroactive to April 1, 1984 and applies to benefits
26 paid for weeks beginning on or after April 1, 1984.

27 2. Sections 2, 16, 17, 18, 19, 20, 23, 24, 25,
28 26, 27, and 29 take effect July 1, 1984.

29 3. Sections 3, 6, 8, 10, 11, 12, and 22 take
30 effect July 1, 1984 and apply to all new or pending
31 benefit claims.

32 4. Sections 1, 4, 7, 9, and 28 take effect only
33 for benefit claims effectively filed on or after July
34 1, 1984.

35 5. Sections 13 and 14 take effect January 1, 1985
36 and apply to calendar year 1985 and subsequent calendar
37 years.

38 6. Notwithstanding the requirement in section
39 15 of this Act that the recomputation appeal be made
40 within thirty days from the date of the next
41 contribution rate notice, an employer may appeal for
42 a recomputation of contribution rates for calendar
43 year 1983 or 1984, or both, within thirty days from
44 the date of the first contribution rate notice issued
45 on or after the effective date of this Act.

46 Notwithstanding the requirement in section 15 of
47 this Act that the recomputation appeal be made within
48 thirty days from the date of the first contribution
49 rate notice based on the charges, an employer may
50 appeal for a recomputation of contribution rates for

Page 19.

- 1 calendar year 1983 or 1984, or both, within thirty
- 2 days from the date of the contribution rate notice
- 3 issued for calendar year 1985.
- 4 7. Section 21 of this Act applies to claims for
- 5 the adjustment of contributions or interest on con-
- 6 tributions paid within the three years immediately
- 7 preceding the date of the claim for adjustment."

Sturgeon of Woodbury rose on a point of order that amendment H-5714 was not germane.

The Speaker ruled the point well taken and amendment H-5714 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H-5714.

Roll call was requested by Sturgeon of Woodbury and Halvorson of Clayton.

On the question "Shall the rules be suspended to consider amendment H-5714?"

The ayes were, 35:

Anderson	Bennett	Carpenter	Clark
Corey	Daggett	De Groot	Diemer
Grandia	Halvorson, R. A.	Handorf	Harbor
Hermann	Hummel	Krewson	Lageschulte
Maulsby	McIntee	Menke	Mullins
Pellett	Renken	Rensink	Royer
Schnekloth	Schroeder	Stromer	Stueland
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	

The nays were, 59:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groning
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Loneragan	Miller	Muhlbauer

Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Sherzan
Shoultz	Skow	Spear	Sturgeon
Sullivan	Swartz	Tabor	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 6:

Branstad	Hanson	Hoffmann-Bright	McKean
Paulin	Running		

The motion lost.

Halvorson of Clayton offered the following amendment H—5426 filed by Halvorson of Clayton, et al.:

H—5426

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 96.3, subsection 4, in the
- 5 portion following the weekly benefit amount table
- 6 in unnumbered paragraph 1, Code Supplement 1983, is
- 7 amended to read as follows:
- 8 PARAGRAPH DIVIDED. The maximum weekly benefit
- 9 amount, if not a multiple of one dollar shall be
- 10 rounded to the lower multiple of one dollar. However,
- 11 until such time as sixty-five percent of the statewide
- 12 average weekly wage exceeds one hundred ninety dollars
- 13 if on any July 1 the trust fund has a negative balance
- 14 and advance moneys are owed to the federal government
- 15 for the payment of unemployment compensation benefits,
- 16 the maximum weekly benefit amounts shall not be
- 17 increased but shall be determined using the same
- 18 statewide average weekly wage computed on the basis
- 19 of wages reported for calendar year 1981 as used in
- 20 computing the maximum weekly benefit amounts for the
- 21 previous year. As used in this section "dependent"
- 22 means dependent as defined in section 422.12,
- 23 subsection 1, paragraph "c", as if the individual
- 24 claimant was a taxpayer, except that an individual
- 25 claimant's nonworking spouse shall be deemed to be
- 26 is a dependent under this section. "Nonworking spouse"
- 27 means a spouse who does not earn more than one hundred
- 28 twenty dollars in gross wages in one week."
- 29 2. By renumbering as necessary.

Sturgeon of Woodbury rose on a point of order that amendment H—5426 was not germane.

The Speaker ruled the point well taken and amendment H—5426 not germane.

Halvorson of Clayton moved that the rules be suspended to consider amendment H—5426.

Roll call was requested by Halvorson of Clayton and Sturgeon of Woodbury.

On the question "Shall the rules be suspended to consider amendment H—5426?"

The ayes were, 34:

Anderson	Bennett	Carpenter	Corey
Daggett	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Harbor	Hermann
Hummel	Lageschulte	Maulsby	McIntee
Menke	Mullins	O'Kane	Pellet
Renken	Rensink	Royer	Schneklath
Schroeder	Stromer	Stueland	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 58:

Arnould	Baxter	Black	Blanshan
Brammer	Buhr	Carl	Carter
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Lonergan	Miller	Muhlbauer
Norland	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Sherzan	Shultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Tabor	Varn	Woods
Zimmerman	Mr. Speaker		

Absent or not voting, 8:

Branstad	Clark	Hanson	Hoffmann-Bright
Krewson	McKean	Paulin	Running

The motion lost.

Halvorson of Clayton offered the following amendment H—5409 filed by him and moved its adoption:

H—5409

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, by striking lines 7 through 12 and
- 3 inserting in lieu thereof the following: "subsection
- 4 9, paragraph "c" or if the individual is not
- 5 disqualified for benefits under section 96.5,
- 6 subsection 1, paragraph "i."

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H—5409 lost.

Chapman of Linn in the chair at 6:31 p.m.

Maulsby of Calhoun offered amendment H—5483 filed by him. Division was requested as follows:

H—5483

- 1 Amend House File 2433 as follows:

H—5483A

- 2 1. Page 4, by inserting after line 5 the following:
- 3 "Sec. 1000. Section 96.5, subsection 1, unnumbered
- 4 paragraph 1, Code Supplement 1983, is amended to read
- 5 as follows:
- 6 If he or she the individual has left his or her
- 7 work voluntarily without good cause attributable to
- 8 his or her the individual's employer, if so found
- 9 by the department. The department shall consider
- 10 the mandatory retirement of a peace officer due to
- 11 age a voluntary quit without good cause attributable
- 12 to the employer. But he or she the individual shall
- 13 not be disqualified if the department finds that:"

H—5483B

- 14 2. Page 8, by inserting after line 32 the
- 15 following:
- 16 " . Section 1000 of this Act is retroactive
- 17 to January 1, 1984 and applies to the mandatory

- 18 retirement of a peace officer due to age on or after
 19 that date."
 20 3. By renumbering as necessary.

Maulsby of Calhoun moved the adoption of amendment H—5483A.

Roll call was requested by Schnekloth of Scott and Halvorson of Clayton.

Rule 76 was invoked.

On the question "Shall amendment H—5483A be adopted?"

The ayes were, 42:

Anderson	Bennett	Buhr	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Fogarty	Grandia	Groninga
Groth	Halvorson, R. A.	Handorf	Harbor
Hermann	Hummel	Lageschulte	Maulsby
McIntee	Menke	Mullins	Pellett
Renken	Rensink	Royer	Schnekloth
Schroeder	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Welden		

The nays were, 50:

Arnould	Avenson	Baxter	Black
Blanshan	Brammer	Carl	Carter
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	Doderer
Fey	Gronstal	Gruhn	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Koenigs	Lloyd-Jones
Loneragan	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poney
Renaud	Rosenberg	Sherzan	Shoultz
Sturgeon	Sullivan	Varn	Woods
Zimmerman	Madam Speaker (Chapman)		

Absent or not voting, 8:

Branstad	Hanson	Hoffmann-Bright	Knapp
Krewson	McKean	Paulin	Running

Amendment H—5483A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffmann-Bright of Muscatine and Branstad of Winnebago, on request of Stromer of Hancock.

Speaker Avenson in the chair at 6:46 p.m.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—5408 filed by him on March 5, 1984.

Halvorson of Clayton offered the following amendment H—5462 filed by Halvorson of Clayton, et al., and moved its adoption:

H—5462

- 1 Amend House File 2433 as follows:
- 2 1. Page 5, by striking lines 6 through 31.
- 3 2. Page 6, line 5, by inserting after the word
- 4 "rate." the words "If a base period employer's account
- 5 has been charged with benefits paid to an employee
- 6 at a time when the employee was employed by the base
- 7 period employer in the same employment as in the base
- 8 period, the employer may appeal, within thirty days
- 9 from the date of the first notice of the employer's
- 10 contribution rate which is based on the charges, for
- 11 a recomputation of the rate."
- 12 3. By striking page 8, line 33, through page 9,
- 13 line 11.
- 14 4. Page 9, by inserting after line 18 the
- 15 following:
- 16 "Notwithstanding the requirement in section 6 of
- 17 this Act that the recomputation appeal be made within
- 18 thirty days from the date of the first contribution
- 19 rate notice based on the charges, an employer may
- 20 appeal for a recomputation of contribution rates for
- 21 calendar year 1983 or 1984, or both, within thirty
- 22 days from the date of the contribution rate notice
- 23 issued for calendar year 1985."
- 24 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 35, nays 51.

Amendment H—5462 lost.

(House File 2433 pending at adjournment.)

COMMITTEE APPOINTMENTS

Pursuant to Senate File 2045, Norland of Worth announced the appointment of Paul Stanfield, on the part of the House and Senate majority leadership, and Stromer of Hancock announced the appointment of Marvin Selden, on the part of the House and Senate minority leadership, as members of the tax study committee.

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 19th day of March, 1984: House Files 2295 and 2335.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, March 15, 1984. Had I been present, I would have voted "aye" on House File 2458.

McINTEE of Black Hawk

AMENDMENTS FILED

H-5744	H.F.	2487	Stromer of Hancock
H-5745	H.F.	2487	Stromer of Hancock
H-5746	H.F.	2487	Stromer of Hancock
H-5747	H.F.	576	Spear of Lee
H-5748	H.F.	2256	Hammond of Story
H-5749	H.F.	2487	Schroeder of Pottawattamie
H-5750	H.F.	2487	Schroeder of Pottawattamie
H-5751	H.F.	2487	Schroeder of Pottawattamie
H-5752	H.F.	2433	Sturgeon of Woodbury
H-5753	H.F.	2487	Schroeder of Pottawattamie
H-5754	H.F.	2487	Schroeder of Pottawattamie
H-5755	H.F.	2433	Sturgeon of Woodbury

H—5756	H.F.	2333	Lageschulte of Bremer Connolly of Dubuque
H—5757	H.R.	105	Woods of Polk Pavich of Pottawattamie Peick of Linn Schroeder of Pottawattamie
H—5758	H.F.	2487	Jay of Appanoose Chapman of Linn
H—5759	H.F.	2487	Jay of Appanoose
H—5760	H.F.	2445	Arnould of Scott

On motion by Norland of Worth, the House adjourned at 7:00 p.m., until 9:00 a.m., Tuesday, March 20, 1984.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day—Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 20, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Father Richard Macke, pastor of St. Joseph's Catholic Church, Jefferson.

The Journal of Monday, March 19, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, M.D., Iowa City.

PETITION FILED

The following petition was received and placed on file:

By Doderer of Johnson, from fifty University of Iowa students opposing across the board cuts in the Governor's Budget.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, until his arrival, on request of Renken of Grundy; Carter of Henry, until his arrival, on request of Koenigs of Mitchell; McKean of Jones, until his arrival, on request of Bennett of Ida.

SPECIAL PRESENTATION

As a part of National Agriculture Day, Gruhn of Dickinson escorted to the well and presented to the House the following persons:

Chris Novak, Marion, State President of Future Farmers of America.

Doug Steele, Anita, Vice President of Future Farmers of America.

Dana Hara, Riverside, State 4-H Executive Council.

Chip Flory, Oxford Junction, State 4-H Executive Council.
John Streit, Osage, State 4-H Executive Council.

The House rose and expressed its welcome.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2433**, a bill for an act amending Iowa's unemployment compensation law by limiting the waiver of certain requirements in job bumping situations, by treating educational employees similarly for purposes of denying benefits during certain regular academic recesses, by switching the burden of producing evidence back to the employee in certain cases, by modifying certain special contribution rate requirements both prospectively and retroactively, by authorizing recomputation of employer rates in certain overpayment cases, by crediting certain earned interest to the temporary emergency surcharge fund, and by providing for contribution refunds in overpayment cases.

Surgeon of Woodbury offered the following amendment H—5631 filed by him:

H—5631

- 1 Amend House File 2433 as follows:
- 2 1. Page 5, by striking lines 9 and 10 and inserting
- 3 in lieu thereof the following:
- 4 "During any rate year in which a rate table in
- 5 rate tables three through nine is effective an employer
- 6 assigned a".
- 7 2. Page 5, by striking lines 29 through 31 and
- 8 inserting in lieu thereof the following:
- 9 "Sec. 5. Section 96.7, subsection 3, paragraph
- 10 d, unnumbered paragraph 7, Code Supplement 1983, is
- 11 amended to read as follows:
- 12 During any rate year in which rate table one or
- 13 two is effective an employer assigned a contribution
- 14 rate under this lettered paragraph shall be required
- 15 to contribute to the unemployment compensation trust
- 16 fund at five-tenths of one percent, if the employer's
- 17 percentage of excess is seven point five percent or
- 18 greater for the rate year and the employer has not
- 19 been charged with less than five hundred dollars in
- 20 benefit payments for any time within the twenty-four
- 21 calendar quarters immediately preceding the rate
- 22 computation date for the rate year. If an employer

23 is qualified for the five-tenths of one percent
24 limitation on the employer's contribution rate for
25 a rate year under this unnumbered paragraph but would
26 be required to contribute for the next rate year under
27 this lettered paragraph, the employer's contribution
28 rate for the next rate year is either the employer's
29 experience rate computed under this lettered paragraph
30 or one and eight-tenths percent, whichever is less.
31 For subsequent years, either the employer is qualified
32 for the five-tenths of one percent limitation under
33 this unnumbered paragraph or the employer's
34 contribution rate is the employer's experience rate
35 computed under this lettered paragraph."

36 3. Page 9, by striking lines 8 through 10 and
37 inserting in lieu thereof the words "to contribute
38 to the unemployment trust fund more than the employer
39 would have been required to contribute had sections
40 4 and 5 been effective for the rate year or years
41 and upon application to the department before January
42 1, 1985, is entitled to a refund of excess
43 contributions".

Sturgeon of Woodbury asked and received unanimous consent to withdraw amendment H—5752, to amendment H—5631, filed by him on March 19, 1984.

The House stood at ease at 9:38 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5631, to House File 2433, at 10:21 a.m., Speaker Avenson in the chair.

Sturgeon of Woodbury asked and received unanimous consent to temporarily defer action on amendment H—5631.

Sturgeon of Woodbury asked and received unanimous consent to reconsider the vote by which amendment H—5462 failed to be adopted by the House on March 19, 1984.

Halvorson of Clayton moved the adoption of amendment H—5462, found on page 1160 of the House Journal.

Roll call was requested by Sturgeon of Woodbury and Chiodo of Polk.

On the question "Shall amendment H—5462 be adopted?"

The ayes were, 88:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Mr. Speaker

The nays were, 2:

Chiodo McIntee

Absent or not voting, 10:

Carter	Doderer	Hanson	Jay
Maulsby	McKean	Menke	Oxley
Running	Zimmerman		

Amendment H—5462 was adopted, placing out of order amendment H—5631.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maulsby of Calhoun, until his arrival, on request of Swearingen of Keokuk.

Sturgeon of Woodbury offered the following amendment H—5755 filed by him and moved its adoption:

H-5755

- 1 Amend House File 2433 as follows:
- 2 1. By striking page 6, line 21 through page 7,
- 3 line 21.
- 4 2. By renumbering as necessary.

Amendment H-5755 was adopted.

The House resumed consideration of amendment H-5483B, found on pages 1158 and 1159 of the House Journal.

Bennett of Ida asked and received unanimous consent to withdraw amendment H-5483B.

Sturgeon 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.

The House stood at ease at 10:34 a.m., until the fall of the gavel.

The House resumed session at 10:58 a.m., Speaker Avenson in the chair.

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 89:

Anderson	Arnould	Baxter	Black
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
McIntee	Menke	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poney	Renaud
Renken	Rensink	Rosenberg	Royer
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan

Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 3:

Bennett	Schneklath	Schroeder
---------	------------	-----------

Absent or not voting, 8:

Carter	Hanson	Haverland	Lonergan
Maulsby	McKean	Miller	Running

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2433)

Norland of Worth asked and received unanimous consent to immediately message House File 2433 to the Senate.

MOTION TO RECONSIDER LOST (House File 426)

Sherzan of Polk called up for consideration the motion to reconsider House File 426, filed on March 15, 1984, and moved to reconsider the vote by which House File 426, a bill for an act to provide for payment of prevailing wage rates on public construction projects and to provide enforcement through the labor commissioner and providing penalties, passed the House and was placed on its last reading on March 15, 1984.

A non-record roll call was requested.

The ayes were 35, nays 50.

The motion lost, placing out of order the motions to reconsider filed by Gronstal of Pottawattamie and Schroeder of Pottawattamie on March 15, 1984.

On motion by Norland of Worth, the House was recessed at 11:16 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 16, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

Also: That the Senate has on March 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act relating to the purchase of Iowa coal by state and local government institutions.

K. MARIE THAYER, Secretary

INTRODUCTION OF BILL

House File 2507, by committee on ways and means, a bill for an act relating to the penalties for certain taxes including cigarette and tobacco taxes, state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, withholding taxes, franchise taxes, inheritance and estate taxes, sales and use taxes, and generation skipping transfer taxes.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2014, by Bruner, a bill for an act to provide an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees.

Read first time and referred to committee on **state government**.

Senate File 2098, by Deluhery, a bill for an act relating to the liability for torts committed by offenders assigned to perform unpaid community service.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2206, by Miller of Des Moines, a bill for an act relating to the safety and security of passengers on buses and in bus terminals, by establishing criminal offenses and providing penalties.

Read first time and referred to committee on **transportation**.

Senate File 2233, by committee on commerce, a bill for an act providing for the transfer of fiduciary accounts among affiliates and between independent banks.

Read first time and **passed on file**.

Senate File 2243, by committee on local government, a bill for an act specifying which claims paid to county employees must be published in official newspapers.

Read first time and referred to committee on **local government**.

Senate File 2259, by committee on education, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year.

Read first time and referred to committee on **education**.

Senate File 2270, by committee on judiciary, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2276, by committee on state government, a bill for an act relating to the state board of engineering examiners.

Read first time and referred to committee on **state government**.

Senate File 2277, by committee on state government, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the

nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 2278, by committee on human resources, a bill for an act relating to criteria for the issuance of a certificate of need by the state health facilities council.

Read first time and referred to committee on **human resources**.

Senate File 2280, by committee on state government, a bill for an act relating to the competitive bidding procedures of the department of general services.

Read first time and referred to committee on **state government**.

Senate File 2289, by committee on small business and economic development, a bill for an act relating to the involvement of the state in a world trade center.

Read first time and referred to committee on **small business and commerce**.

Senate File 2295, by committee on labor and industrial relations, a bill for an act prohibiting reductions in sick leave, vacation leave, or compensatory time entitlements while an employee is receiving weekly workers' compensation benefits.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2308, by committee on agriculture, a bill for an act permitting a financial institution to retain ownership of farmland for up to five years if the land is acquired by foreclosure of a mortgage.

Read first time and referred to committee on **agriculture**.

Senate File 2310, by committee on state government, a bill for an act relating to payments to state employees for accrued sick leave and disability.

Read first time and referred to committee on **state government**.

Senate File 2312, by committee on state government, a bill for an act relating to the deposit of interest earnings in designated employee insurance funds.

Read first time and referred to committee on **state government**.

Senate File 2317, by committee on energy, a bill for an act relating to the purchase of Iowa coal by state and local government institutions.

Read first time and referred to committee on **energy**.

MOTION TO RECONSIDER WITHDRAWN
(House File 2339)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2339, a bill for an act relating to roads by providing that the use of new roads not officially opened to traffic and roads temporarily closed for repair and maintenance is prohibited, by specifying the authority of peace officers on these roads, by limiting liability of the highway authority having jurisdiction over these roads for claims arising out of unauthorized use of the roads, and by providing penalties for violations, filed by him on March 7, 1984.

Norland of Worth asked and received unanimous consent to take up out of order House Files 2482, 2501 and 2487.

CONSIDERATION OF BILLS

Regular Calendar

House File 2482, a bill for an act relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty, was taken up for consideration.

The following amendment H-5764 filed by Hughes of Union from the floor was adopted by unanimous consent:

H-5764

- 1 Amend House File 2482 as follows:
- 2 1. Page 1, line 18, by striking the numerals
- 3 "455B.463" and inserting in lieu thereof the numerals
- 4 "455B.462".

Schroeder of Pottawattamie rose on a point of order and invoked Rule 32 to refer House File 2482 to the committee on ways and means.

The Speaker ruled the point not well taken and Rule 32 not in order.

Running of Linn in the chair at 2:35 p.m.

Hughes of Union moved that the bill be read a last time now and 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, 76:

Anderson	Arnould	Avenson	Baxter
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Cooper	Copenhaver	Davitt	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Haverland
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McIntee
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Poncy	Rosenberg	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Tofte	Van Camp
Van Gerpen	Varn	Zimmerman	Mr. Speaker (Running)

The nays were, 19:

Bennett	Corey	Daggett	De Groot
Grandia	Harbor	Hermann	Hoffmann-Bright

Maulsby
Royer
Van Maanen

Renaud
Schnekloth
Welden

Renken
Swearingen
Woods

Rensink
Torrence

Absent or not voting, 5:

Carter
Parker

Connors

Hanson

McKean

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2501, a bill for an act relating to the supervision, rehabilitation, and liquidation of insurance companies and providing penalties, was taken up for consideration.

Skow of Guthrie offered the following amendment H—5627 filed by Skow, et al., and moved its adoption:

H—5627

1 Amend House File 2501 as follows:

2 1. Page 2, line 3, by inserting after the word
3 "insurance" the words "and any successor in office".

4 2. Page 3, line 31, by striking the word "part"
5 and inserting in lieu thereof the word "par".

6 3. Page 5, by striking lines 8 through 15 and
7 inserting in lieu thereof the following:

8 "19. "Transfer" shall include the sale, and every
9 other and different mode, direct or indirect, of
10 disposing of or of parting with property or with an
11 interest in the property, or with the possession of
12 the property or of fixing a lien upon the property
13 or upon an interest in the property, absolutely or
14 conditionally, voluntarily, by or without judicial
15 proceedings. The retention of a security title to
16 property delivered to a debtor shall be deemed a
17 transfer suffered by a debtor."

18 4. By striking page 7, line 31 through page 8,
19 line 13, and inserting in lieu thereof the following:

20 "1. An officer, manager, director, trustee, owner,
21 employee, or agent of an insurer, or any other person
22 with authority over or in charge of any segment of
23 the insurer's affairs, shall cooperate with the
24 commissioner in any proceeding under this chapter
25 or any investigation preliminary to the proceeding.
26 The term "person" as used in this section, shall
27 include any person who exercises control directly
28 or indirectly over activities of insurer through any

- 29 holding company or other affiliate of the insurer.
30 "To cooperate" shall include, but shall not be limited
31 to, the following:
32 a. To reply promptly in writing to any inquiry
33 from the commissioner requesting a reply.
34 b. To make available to the commissioner any
35 books, accounts, documents, or other records or
36 information or property of or pertaining to the insurer
37 and in the commissioner's possession, custody or
38 control."
39 5. Page 20, line 10, by striking the figure
40 "507C.20" and inserting in lieu thereof the figure
41 "507C.37".
42 6. Page 24, line 17, by inserting after the word
43 "persons" the words "including statutes of limitation,
44 statutes of fraud, and the defense of usury".
45 7. Page 25, line 33, by striking the word "may"
46 and inserting in lieu thereof the words "need not".
47 8. Page 29, line 13, by striking the words "a
48 fraudulent" and inserting in lieu thereof the words
49 "any such".
50 9. Page 34, line 5, by striking the figure "1"

Page 2

- 1 and inserting in lieu thereof the figure "2".
2 10. Page 37, line 29, by inserting after the word
3 "liquidation" the words and figure "under section
4 507C.18".
5 11. Page 39, by striking line 18 and inserting
6 in lieu thereof the following:
7 "1. a. An agent, broker, premium finance company
8 or any other person responsible for".
9 12. Page 40, line 1, by inserting after the word
10 "party" the words "or parties".
11 13. Page 40, line 3, by inserting after the word
12 "party" the words "or parties".
13 14. Page 45, line 8, by striking the word "a"
14 and inserting in lieu thereof the words "an unexcused".
15 15. Page 49, line 12, by striking the word
16 "subsubsection" and inserting in lieu thereof the
17 word "subsection".

Amendment H—5627 was adopted.

Halvorson of Clayton offered the following amendment H—5721 filed by him and moved its adoption:

H-5721

- 1 Amend House File 2501 as follows:
- 2 1. Page 60, by striking lines 1 through 4.

Amendment H-5721 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. 2501)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Running)		

The nays were, 1:

Osterberg

Absent or not voting, 5:

Carter	Connors	Hanson	McKean
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 2501)

Norland of Worth asked and received unanimous consent to immediately message House File 2501 to the Senate.

House File 2487, a bill for an act relating to liability in tort by 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 and eliminating governmental immunity for certain public improvements and places, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5480 filed by Halvorson, et al.:

H—5480

- 1 Amend House File 2487 as follows:
- 2 1. Page 1, by striking everything after the
- 3 enacting clause and inserting in lieu thereof the
- 4 following:
- 5 "Section 1. NEW SECTION. 668.1 NEGLIGENCE
- 6 DEFINED.
- 7 1. As used in this chapter, "negligence" means
- 8 one or more acts or omissions that are in any measure
- 9 negligent, grossly negligent, or constitute reckless,
- 10 willful, or wanton misconduct toward the person or
- 11 property of the actor or others.
- 12 2. The legal requirements of cause in fact and
- 13 proximate cause apply both to negligence as the basis
- 14 for liability and to contributory negligence.
- 15 Sec. 2. NEW SECTION. 668.2 COMPARATIVE
- 16 NEGLIGENCE—EFFECT.
- 17 1. Contributory negligence shall not bar recovery
- 18 in an action by a person or the person's legal
- 19 representative to recover damages for negligence
- 20 resulting in death or in injury to person or property,
- 21 if the contributory negligence was not greater than
- 22 or equal to the negligence of the person against whom
- 23 recovery is sought, but any damages allowed shall
- 24 be diminished in proportion to the amount of negligence
- 25 attributable to the person recovering.
- 26 2. In the trial of a claim involving the negligence
- 27 of more than one party to the claim, including third-
- 28 party defendants, persons who have been released
- 29 pursuant to section 668.7, or persons who are not
- 30 parties to the action, the court, unless otherwise

31 agreed by all parties, shall instruct the jury to
32 answer special interrogatories of, if there is no
33 jury, shall make findings, indicating all of the
34 following:

35 a. The amount of damages each claimant will be
36 entitled to recover if contributory negligence is
37 disregarded.

38 b. The percentage of the total negligence allocated
39 to each claimant, defendant, third-party defendant,
40 person who has been released from liability under
41 section 668.7, and person who is determined to have
42 been negligent but who is not a party to the action.
43 For this purpose the court may determine that two
44 or more persons are to be treated as a single party,
45 but the court shall disregard the rule of joint and
46 several liability of defendants.

47 3. If the claim is tried to a jury, the court
48 shall not give instructions or permit evidence or
49 argument with respect to the effects of the answers
50 to be returned to the interrogatories submitted under

Page 2

1 subsection 2.

2 4. In determining the percentages of negligence,
3 the trier of fact shall consider both the nature of
4 the conduct of each party and the extent of the causal
5 relation between the conduct and the damages claimed.

6 5. The court shall determine the amount of damages
7 payable to each claimant by each other party, if any,
8 in accordance with the findings of the court or jury.

9 6. The liability of a party, if any, is limited
10 to that percentage of the damages that is equal to
11 the percentage of negligence chargeable to that party
12 and the rule of joint and several liability of
13 defendants does not apply.

14 Sec. 3. NEW SECTION. 668.3 SETOFF. A claim
15 and counterclaim shall not be set off against each
16 other, except by agreement of both parties. However,
17 if upon motion of either party the court finds that
18 the obligation of either party is likely to be
19 uncollectible, the court may order that both parties
20 make payment to the court for distribution. The court
21 shall distribute the funds received, and shall declare
22 obligations discharged as if the payment to the court
23 by either party had been a payment to the other party
24 and as if the distribution of the funds back to the
25 party making the payment had been a payment to that
26 party by the other party.

27 Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL
28 LIABILITY. The common law rule of joint and several
29 liability of joint tort-feasors does not apply under

30 this chapter. The liability of a party, if any, is
31 limited to that percentage of the damage that is equal
32 to the percentage of negligence chargeable to that
33 party.

34 Sec. 5. NEW SECTION. 668.5 RIGHT OF CONTRIBU-
35 TION.

36 1. Contribution is available to a person who
37 enters into a settlement with a claimant only if the
38 liability of the person against whom contribution
39 is sought has been extinguished and only to the extent
40 that the amount paid in settlement was reasonable.
41 The liability of a person for contribution is sub-
42 ject to the limitation stated in section 668.2,
43 subsections 5 and 6.

44 2. A person who obtains a release from a claimant
45 under section 668.7 is immune from indemnity or
46 contribution.

47 Sec. 6. NEW SECTION. 668.6 ENFORCEMENT OF
48 CONTRIBUTION.

49 1. If the percentages of negligence of each of
50 the parties to a claim for contribution have not been

Page 3

1 established by the court, contribution may be enforced
2 in a separate action.

3 2. A claim for contribution is enforceable only
4 upon satisfaction of one of the following sets of
5 conditions:

6 a. The person bringing the action for contribution
7 must have discharged the liability of the person from
8 whom contribution is sought by payment made within
9 the period of the statute of limitations applicable
10 to the claimant's right of action and must have
11 commenced the action for contribution within one year
12 after the date of that payment.

13 b. The person seeking contribution must have
14 agreed while the action of the claimant was pending
15 to discharge the liability of the person from whom
16 contribution is sought and within one year after the
17 date of the agreement must have discharged that
18 liability and commenced the action for contribution.

19 Sec. 7. NEW SECTION. 668.7 EFFECT OF RELEASE.

20 A release, covenant not to sue, or similar agreement
21 entered into by a claimant and a person liable
22 discharges that person from all liability for
23 contribution, but it does not discharge any other
24 persons liable upon the same claim unless it so
25 provides. However, the claim of the releasing person
26 against other persons is reduced by the amount of
27 the released person's equitable share of the
28 obligation, as determined in section 668.2, subsections

29 5 and 6.

30 Sec. 8. The supreme court shall submit to the
31 general assembly during the 1985 Session in the manner
32 provided in section 602.4202 changes in the rules
33 of procedure for courts which are necessitated by
34 the enactment of this chapter.

35 Sec. 9. Section 613.3, Code Supplement 1983, is
36 repealed.

37 Sec. 10. Section 619.17, Code 1983, is repealed.
38 This section does not reinstate a rule requiring a
39 claimant to plead and prove freedom from contributory
40 negligence.

41 Sec. 11. This chapter applies to all cases tried
42 or retried on or after its effective date."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5753, to amendment H-5480, filed by him on March 19, 1984.

Halvorson of Clayton offered amendment H-5743, to amendment H-5480, filed by Halvorson, et al. Division was requested as follows:

H-5743

1 Amend House Amendment H-5480 to House File 2487
2 as follows:

H-5743A

3 1. Page 1, by striking lines 5 through 11, and
4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. 668.1 FAULT DEFINED.

6 1. As used in this chapter, "fault" means one
7 or more acts or omissions that are in any measure
8 negligent or reckless toward the person or property
9 of the actor or others, or that subject a person to
10 strict tort liability. The term also includes breach
11 of warranty, unreasonable assumption of risk not
12 constituting an enforceable express consent, mis-
13 use of a product for which the defendant otherwise
14 would be liable, and unreasonable failure to avoid
15 an injury or to mitigate damages."

16 2. Page 1, line 13, by striking the word
17 "negligence" and inserting in lieu thereof the word
18 "fault".

19 3. Page 1, line 14, by striking the word
20 "negligence" and inserting in lieu thereof the word
21 "fault".

22 4. Page 1, line 16, by striking the word

23 "NEGLIGENCE" and inserting in lieu thereof the word
24 "FAULT".

25 5. Page 1, line 17, by striking the word
26 "negligence" and inserting in lieu thereof the word
27 "fault".

28 6. Page 1, line 19, by striking the word
29 "negligence" and inserting in lieu thereof the word
30 "fault".

31 7. Page 1, line 21, by striking the word
32 "negligence" and inserting in lieu thereof the word
33 "fault".

H-5743B

34 8. Page 1, by striking lines 22 and 23, and
35 inserting in lieu thereof the following: "or equal
36 to the combined percentage of fault chargeable to
37 all the other parties to the action, but any damages
38 allowed shall".

H-5743A

39 9. Page 1, line 24, by striking the word
40 "negligence" and inserting in lieu thereof the word
41 "fault".

42 10. Page 1, line 26, by striking the word
43 "negligence" and inserting in lieu thereof the word
44 "fault".

45 11. Page 1, line 36, by striking the word
46 "negligence" and inserting in lieu thereof the word
47 "fault".

48 12. Page 1, line 38, by striking the word
49 "negligence" and inserting in lieu thereof the word
50 "fault".

Page 2

1 13. Page 1, line 42, by striking the word
2 "negligent" and inserting in lieu thereof the words
3 "at fault".

4 14. Page 2, line 2, by striking the word
5 "negligence" and inserting in lieu thereof the word
6 "fault".

7 15. Page 2, line 11, by striking the word
8 "negligence" and inserting in lieu thereof the word
9 "fault".

10 16. Page 2, line 32, by striking the word
11 "negligence" and inserting in lieu thereof the word
12 "fault".

13 17. Page 2, line 49, by striking the word
14 "negligence" and inserting in lieu thereof the word
15 "fault".

On motion by Halvorson of Clayton, amendment H-5743A was adopted.

Hummel of Benton offered the following amendment H—5695, to amendment H—5480, filed by him and Copenhaver of Buchanan and moved its adoption:

H—5695

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 1, by striking lines 21 through 23, and
- 4 inserting in lieu thereof the following: " but any
- 5 damages allowed shall".
- 6 2. By striking page 1, line 47, through page 2,
- 7 line 1.
- 8 3. By renumbering to conform to this amendment.

Roll call was requested by Skow of Guthrie and Hummel of Benton.

Rule 76 was invoked.

On the question "Shall amendment H—5695, to amendment H—5480, be adopted?"

The ayes were, 50:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Chapman	Chiodo
Connors	Copenhaver	Davitt	Doderer
Fey	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Haverland	Holveck	Hughes	Hummel
Jay	Krewson	Lloyd-Jones	Lonerган
Norland	O'Kane	Ollie	Osterberg
Parker	Paulin	Pavich	Peick
Renaud	Rosenberg	Sherzan	Shoultz
Spear	Sturgeon	Sullivan	Swartz
Tabor	Tofte	Van Gerpen	Varn
Zimmerman	Mr. Speaker (Running)		

The nays were, 47:

Anderson	Avenson	Bennett	Black
Branstad	Carpenter	Clark	Cochran
Connolly	Cooper	Corey	Daggett
De Groot	Diemer	Fogarty	Grandia
Halvorson, R. A.	Handorf	Harbor	Hermann
Hoffmann-Bright	Jochum	Knapp	Koenigs
Lageschulte	Maulsby	McIntee	Menke

Miller	Muhlbauer	Mullins	Oxley
Pellett	Poncy	Renken	Rensink
Royer	Schneklath	Schroeder	Skow
Stueland	Swearingen	Torrence	Van Camp
Van Maanen	Weiden	Woods	

Absent or not voting, 3:

Carter	McKean	Stromer
--------	--------	---------

Amendment H—5695 was adopted, placing the following amendments, to amendment H—5480, out of order:

H—5743B, filed by Halvorson of Clayton, et al., found on pages 1180 and 1181 of the House Journal.

Page 1, lines 31 through 33 of H—5743A, previously adopted.

The following amendments, to amendment H—5480, were withdrawn by unanimous consent:

H—5691 filed by Parker of Jasper on March 14, 1984.

H—5658 filed by O’Kane of Woodbury on March 14, 1984.

H—5675 filed by Varn of Johnson on March 14, 1984.

Tabor of Jackson in the chair at 4:40 p.m.

Varn of Johnson offered the following amendment H—5742, to amendment H—5480, filed by him:

H—5742

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 2, by striking lines 9 through 13.
- 4 2. Page 2, by striking lines 27 through 33, and
- 5 inserting in lieu thereof the following:
- 6 “Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL
- 7 LIABILITY.
- 8 1. In a claim involving two or more defendants,
- 9 the doctrine of joint and several liability does not
- 10 apply to a defendant unless the defendant is found
- 11 to bear twenty percent or more of the negligence that
- 12 is assigned to all parties.
- 13 2. The doctrine of joint and several liability
- 14 shall not apply to a governmental unit under chapters
- 15 25A or 613A, when the governmental unit is a
- 16 defendant.”
- 17 3. By renumbering to conform to this amendment.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5742.

Schroeder of Pottawattamie offered the following amendment H—5570, to amendment H—5480, filed by him:

H—5570

1 Amend House amendment H—5480 to House File 2487
2 as follows:

3 1. Page 3, by inserting after line 29 the
4 following:

5 "Sec. 8. Section 364.12, subsection 2, paragraph
6 b, Code 1983, as amended by House File 359, section
7 1, 1983 Session, is amended by striking the paragraph
8 and inserting in lieu thereof the following:

9 b. The abutting property owner is responsible
10 for the removal of the natural accumulations of snow
11 and ice from the sidewalks and may be liable for
12 damages caused by the failure of the abutting property
13 owner to use reasonable care in the removal of the
14 snow or ice. A person traveling upon a sidewalk
15 assumes the risk of injury due to the natural
16 accumulations of snow and ice and may recover damages
17 from an abutting property owner only if all of the
18 following conditions are proven:

19 (1) The dangerous condition of the sidewalk, due
20 to the natural accumulation of snow and ice, was known
21 to the abutting property owner.

22 (2) The abutting property owner failed to take
23 reasonable measures to remedy the dangerous condition
24 within a reasonable time after the condition became
25 known.

26 (3) The failure of the abutting property owner
27 to take action to remedy the condition made injury
28 to the traveling public probable rather than merely
29 possible.

30 A person seeking relief under this paragraph has
31 the burden of proving the existence of all required
32 conditions of liability. All legal or equitable
33 defenses are available to the abutting property owner
34 in an action brought pursuant to this paragraph.
35 If damages are to be awarded under this paragraph
36 against the abutting property owner, the claimant
37 has the burden of proving the amount of the damages.
38 To authorize recovery of more than a nominal amount,
39 facts must exist and be shown by the evidence which
40 afford a reasonable basis for measuring the amount
41 of the claimant's actual damages, and the amount of
42 actual damages shall not be determined by speculation,

43 conjecture or surmise.

44 The city's general duty under this subsection does
45 not include a duty to remove natural accumulations
46 of snow or ice on the sidewalks. However, when the
47 city is the abutting property owner, it has the
48 specific duty of the abutting property owner set forth
49 in this paragraph."

50 2. By renumbering to conform to this amendment.

Doderer of Johnson rose on a point of order that amendment H-5570, to amendment H-5480, was not germane.

The Speaker ruled the point well taken and amendment H-5570 not germane.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H-5570.

Objection was raised.

Schroeder of Pottawattamie moved that the rules be suspended to consider amendment H-5570.

A non-record roll call was requested.

The ayes were 57, nays 30.

The motion prevailed and the rules were suspended to consider amendment H-5570.

Speaker Avenson in the chair at 5:12 p.m.

Schroeder of Pottawattamie moved the adoption of amendment H-5570, to amendment H-5480.

A non-record roll call was requested.

The ayes were 62, nays 28.

Amendment H-5570 was adopted.

Lonergan of Boone in the chair at 5:37 p.m.

Jay of Appanoose offered the following amendment H—5674, to amendment H—5480, filed by him and moved its adoption:

H—5674

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 3, by inserting after line 29, the
- 4 following:
- 5 "Sec. 8. NEW SECTION. 668.8 COMMENCEMENT OF
- 6 ACTION. The filing of the petition commences the
- 7 action against all parties, whether or not initially
- 8 named, who may be assessed any percentage of negligence
- 9 under this chapter."
- 10 2. By renumbering to conform to this amendment.

Amendment H—5674 was adopted.

Varn of Johnson offered the following amendment H—5717, to amendment H—5480, filed by him and moved its adoption:

H—5717

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 3, by inserting after line 29 the following:
- 4 "Sec. 8. NEW SECTION. 668.8 INSURANCE PRACTICE.
- 5 1. If an insurance company, for the purpose of
- 6 structuring payments for which it may be liable, assigns
- 7 a percentage of negligence to a claimant in settlement
- 8 negotiations, the percentage must be stated in writing
- 9 to the claimant and the writing must contain the
- 10 following language:
- 11 "The assignment of negligence contained in this
- 12 notice is not an adjudication, but is merely an
- 13 estimate. You are not obligated to accept our deter-
- 14 mination and have the right to go to small claims court,
- 15 district court, or any other court with jurisdiction to
- 16 have your percentage of negligence adjudicated. If the
- 17 court's determination is that you are not negligent or
- 18 the court finds that you are negligent and our estimation
- 19 is ten percent or higher in comparison to the court's
- 20 determination, we shall be liable to pay your court costs,
- 21 attorney's fees, your percentage of negligence, and up to
- 22 two thousand dollars or fifty percent of the amount in
- 23 dispute, whichever is higher."
- 24 2. If an insurance company notifies a claimant that
- 25 the company has assigned the claimant a percentage of
- 26 negligence, and that the percentage will be used to

27 reduce the claimant's recovery, and the claimant sub-
28 sequently obtains a court determination that the claimant
29 is not negligent, or that the claimant is negligent and
30 the company's assignment is ten percent or higher in
31 comparison to the court's determination, the insurance
32 company shall be liable for all of the following:
33 a. The court costs and reasonable attorney's fees
34 incurred by the claimant.
35 b. The payment of the claimant disregarding any per-
36 centage of negligence on the part of the claimant.
37 c. Two thousand dollars or fifty percent of the
38 contested amount of the claim, whichever is greater.
39 3. All settlement offers by an insurance company
40 containing an assigned percentage of negligence to a
41 claimant shall be made in writing to the claimant. A
42 person violating this requirement commits a simple
43 misdemeanor."
44 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 59, nays 29.

Amendment H—5717 was adopted.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—5744.

Schroeder of Pottawattamie offered the following amendment H—5751, to amendment H—5480, filed by him:

H—5751

1 Amend the Halvorson amendment H—5480 to House File
2 2487 as follows:
3 1. Page 3, by inserting after line 29 the
4 following:
5 "Sec. 8. Chapter 25A, Code 1983, is amended by
6 adding the following new sections:
7 NEW SECTION. In an action for damages brought
8 pursuant to this chapter in which liability is admitted
9 or established, damages shall not be awarded for
10 actual economic losses incurred or to be incurred
11 if the losses are replaced or indemnified by insurance,
12 governmental, employment, service benefit programs
13 or any other source except the assets of the claimant
14 or members of the claimant's immediate family.
15 "Damages", as used in this section, means damages
16 for personal injury, death, or property damage, or

17 for other damages derived from or based on the personal
 18 injury, death, or property damage including but not
 19 limited to the cost of reasonable medical care,
 20 rehabilitation services, and custodial care, and the
 21 loss of services and loss of earned income.

22 NEW SECTION. In an action for personal injury,
 23 death, or property damage, or any other damages derived
 24 therefrom or based thereon, brought pursuant to this
 25 chapter, the court shall determine the reasonableness
 26 of any contingent fee arrangement between the plaintiff
 27 and the plaintiff's attorney.

28 NEW SECTION. No right of action for contribution
 29 or indemnity accrues to any person, or an insurer,
 30 guarantor, or indemnitor of any person upon whose
 31 behalf damages have been paid pursuant to this chapter.

32 NEW SECTION. A person who suffers injury, death,
 33 or property damage, or any damage or injury derived
 34 therefrom or based thereon, while operating a motor
 35 vehicle with a blood alcohol level of ten hundredths
 36 or more of one percent by weight of alcohol in the
 37 person's blood, or while a passenger in a motor vehicle
 38 driven by the person, does not have a claim or cause
 39 of action for any damages or other grievance against
 40 the state of Iowa under this chapter.

41 Sec. 9. Chapter 613A, Code 1983, is amended by
 42 adding the following new sections:

43 NEW SECTION. In an action for damages brought
 44 pursuant to this chapter in which liability is admitted
 45 or established, damages shall not be awarded for
 46 actual economic losses incurred or to be incurred
 47 if the losses are replaced or indemnified by insurance,
 48 governmental, employment, service benefit programs
 49 or any other source except the assets of the claimant
 50 or members of the claimant's immediate family.

Page 2

1 "Damages", as used in this section, means damages
 2 for personal injury, death, or property damage, or
 3 for other damages derived from or based on the personal
 4 injury, death, or property damage including but not
 5 limited to the cost of reasonable medical care,
 6 rehabilitation services, and custodial care, and the
 7 loss of services and loss of earned income.

8 NEW SECTION. In an action for personal injury,
 9 death, or property damage, or any other damages derived
 10 therefrom or based thereon, brought pursuant to this
 11 chapter, the court shall determine the reasonableness
 12 of any contingent fee arrangement between the plaintiff
 13 and the plaintiff's attorney.

14 NEW SECTION. No right of action for contribution
 15 or indemnity accrues to any person, or an insurer,

16 guarantor, or indemnitor of any person upon whose
17 behalf damages have been paid pursuant to this chapter.

18 **NEW SECTION.** A person who suffers injury, death,
19 or property damage, or any damage or injury derived
20 therefrom or based thereon, while operating a motor
21 vehicle with a blood alcohol level of ten hundredths
22 or more of one percent by weight of alcohol in the
23 person's blood, or while a passenger in a motor vehicle
24 driven by the person, does not have a claim or cause
25 of action for any damages or other grievance against
26 a municipal corporation under this chapter.

27 **Sec. 10.** Section 613A.4, Code Supplement 1983,
28 is amended by adding the following new subsection:

29 9. A claim based upon or connected with the failure
30 to adopt, order or implement the posting or erection
31 of a stop sign, traffic control signal, or other
32 traffic regulatory sign, signal, or device."

33 3. By numbering and renumbering sections as
34 necessary.

Doderer of Johnson rose on a point of order that amendment
H-5751, to amendment H-5480, was not germane.

The Speaker ruled the point well taken and amendment
H-5751 not germane.

Schroeder of Pottawattamie asked and received unanimous con-
sent to withdraw amendment H-5751.

Schroeder of Pottawattamie offered the following amendment
H-5767, to amendment H-5480, filed by him from the floor:

H-5767

1 Amend the Halvorson amendment H-5480 to House File
2 2487 as follows:

3 1. Page 3, by inserting after line 29 the
4 following:

5 "Sec. . . . Section 25A.14, Code Supplement 1983,
6 is amended by adding the following new subsection:

7 **NEW SUBSECTION.** 10. A claim based upon or
8 connected with the failure to adopt, order or implement
9 the posting or erection of a stop sign, traffic control
10 signal, or other traffic regulatory sign, signal,
11 or device."

12 2. By numbering and renumbering as necessary.

Doderer of Johnson rose on a point of order that amendment
H-5767, to amendment H-5480, was not germane.

The Speaker ruled the point well taken and amendment H—5767 not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5767.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for the remainder of the evening, on request of Holveck of Polk.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—5673, to amendment H—5480, filed by him on March 14, 1984.

Doderer of Johnson asked and received unanimous consent to temporarily defer action on amendment H—5715, to amendment H—5480.

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendment H—5768, to amendment H—5480.

Varn of Johnson offered amendment H—5769, to amendment H—5480, filed by him from the floor and requested division as follows:

H—5769

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:

H—5769A

- 3 1. Page 2, by striking lines 9 through 13.
- 4 2. Page 2, by striking lines 27 through 33 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL
- 7 LIABILITY—GOVERNMENTAL ENTITIES. The doctrine of
- 8 joint and several liability does not apply to a gov-
- 9 ernmental unit under chapter 25A or 613A, when the
- 10 governmental unit is a defendant."

H-5769B

- 11 3. Page 2, by inserting before line 34, the follow-
12 ing:
13 "Sec. 5. NEW SECTION. 668.5 JOINT AND SEVERAL
14 LIABILITY-NOMINAL PARTIES. In a claim involving
15 two or more defendants, the doctrine of joint and
16 several liability does not apply to a defendant found
17 to be only nominally at fault."
18 4. By renumbering to conform to this amendment.

Speaker Avenson in the chair at 7:17 p.m.

The House stood at ease at 7:18 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H-5769A, to amendment H-5480, to House File 2487 at 7:27 p.m., Speaker Avenson in the chair.

Varn of Johnson asked and received unanimous consent to temporarily defer action on amendments H-5769A and H-5769B.

Groth of Buena Vista offered the following amendment H-5771, to amendment H-5480, filed by him from the floor and moved its adoption:

H-5771

- 1 Amend House amendment H-5480 to House File 2487
2 as follows:
3 1. Page 2, by striking lines 14 through 26, and
4 inserting in lieu thereof the following:
5 "Sec. 3. NEW SECTION. 668.3 SETOFF. A claim
6 and counterclaim shall be set off, and only the
7 difference between them is recoverable in the judgment.
8 However, if either or both of the claims are covered
9 by liability insurance and an insurance carrier's
10 liability under its policy is reduced by reason of
11 the setoff, the insured is entitled to recover from
12 the carrier the amount of the reduction. Amounts
13 so recovered shall be credited against pertinent
14 liability policy limits. For purposes of uninsured
15 motorist and similar coverages, the amounts so
16 recovered shall be treated as payment of those amounts
17 to the insured by the party liable."

A non-record roll call was requested.

The ayes were 8, nays 62.

Amendment H—5771 lost.

The House stood at ease at 7:39 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5480, as amended, to House File 2487 at 7:46 p.m., Speaker Avenson in the chair.

Varn of Johnson offered amendment H—5774, to amendment H—5480, filed by him from the floor and requested division as follows:

H—5774

- 1 Amend House amendment H—5480 to House File 2487 as
- 2 follows:

H—5774A

- 3 1. Page 2, by striking lines 9 through 13.
- 4 2. Page 2, by striking lines 27 through 33.

H—5774B

- 5 3. Page 2, by inserting before line 34, the
- 6 following:
- 7 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL
- 8 LIABILITY—GOVERNMENTAL ENTITIES. The doctrine of
- 9 joint and several liability does not apply to a
- 10 governmental unit under chapter 25A or 613A, when
- 11 the governmental unit is a defendant."

Varn of Johnson moved the adoption of amendment H—5774A, to amendment H—5480.

Roll call was requested by Skow of Guthrie and Lageschulte of Bremer.

On the question "Shall amendment H—5774A, to amendment H—5480, be adopted?"

The ayes were, 43:

Arnould	Baxter	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Connolly	Connors	Doderer	Fey
Groninga	Gronstal	Halvorson, R. N.	Haverland

Holveck	Jay	Jochum	Krewson
Lloyd-Jones	Loneragan	McIntee	Miller
Norland	O'Kane	Ollie	Osterberg
Parker	Pavich	Poncy	Renaud
Rosenberg	Running	Sherzan	Shoultz
Spear	Sturgeon	Sullivan	Swartz
Tabor	Varn	Zimmerman	

The nays were, 54:

Anderson	Bennett	Black	Blanshan
Branstad	Carpenter	Clark	Cochran
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Fogarty
Grandia	Groth	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hughes	Hummel	Knapp
Koenigs	Lageschulte	Maulsby	Menke
Muhlbauer	Mullins	Oxley	Paulin
Peick	Pellett	Renken	Rensink
Royer	Schneklath	Schroeder	Skow
Stromer	Stueland	Swearingen	Torrence
Van Camp	Van Gerpen	Van Maanen	Welden
Woods	Mr. Speaker		

Absent or not voting, 3:

Hammond	McKean	Tofte
---------	--------	-------

Amendment H—5774A lost.

Connors of Polk in the chair at 8:27 p.m.

Varn of Johnson offered amendment H—5768, to amendment H—5480, filed by him from the floor:

H—5768

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 2, by striking lines 9 through 13.
- 4 2. Page 2, by striking lines 27 through 33 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL
- 7 LIABILITY—GOVERNMENTAL ENTITIES. The doctrine of
- 8 joint and several liability does not apply to a gov-
- 9 ernmental unit under chapter 25A or 613A, when the
- 10 governmental unit is a defendant."
- 11 3. Page 2, by inserting before line 34, the
- 12 following:

- 13 "Sec. 5. NEW SECTION. 668.5 JOINT AND SEVERAL
 14 LIABILITY—NOMINAL PARTIES. In a claim involving
 15 two or more defendants, the doctrine of joint and
 16 several liability does not apply to a defendant found
 17 to bear twenty percent or less of the negligence that
 18 is assigned to all parties."
 19 4. By renumbering to conform to this amendment.

Harbor of Mills rose on a point of order that amendment H—5768 was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H—5768 in order.

Speaker Avenson in the chair at 9:05 p.m.

Varn of Johnson moved the adoption of amendment H—5768, to amendment H—5480.

Roll call was requested by Parker of Jasper and Maulsby of Calhoun.

On the question "Shall amendment H—5768, to amendment H—5480, be adopted?"

The ayes were, 42:

Arnould	Baxter	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Connolly	Doderer	Fey	Groninga
Gronstal	Groth	Halvorson, R. N.	Haverland
Holveck	Jay	Jochum	Krewson
Lloyd-Jones	Loneragan	McIntee	Miller
Norland	O'Kane	Ollie	Osterberg
Parker	Pavich	Renaud	Rosenberg
Running	Sherzan	Shoultz	Spear
Sturgeon	Sullivan	Swartz	Tabor
Varn	Zimmerman		

The nays were, 53:

Anderson	Bennett	Black	Branstad
Carpenter	Clark	Cochran	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Fogarty
Grandia	Gruhn	Halvorson, R. A.	Handorf

Harbor	Hermann	Hoffmann ² -Bright	Hughes
Hummel	Knapp	Koenigs	Lageschulte
Maulsby	Menke	Muhlbauer	Mullins
Oxley	Paulin	Peick	Pellett
Poncy	Renken	Rensink	Royer
Schneklath	Schroeder	Skow	Stromer
Stueland	Swearingen	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	Woods
Mr. Speaker			

Absent or not voting, 5:

Blanshan	Hammond	Hanson	McKean
Tofte			

Amendment H—5768 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the evening, on request of Renken of Grundy.

Varn of Johnson asked and received unanimous consent to withdraw the following amendments filed by him to amendment H—5480:

H—5774B, filed from the floor.
 H—5769A, filed from the floor.
 H—5769B, filed from the floor.
 H—5742, filed March 16, 1984.

McIntee of Black Hawk offered the following amendment H—5770, to amendment H—5480, filed from the floor by him and Doderer of Johnson and moved its adoption:

H—5770

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 1, line 28, by inserting after the word
- 4 "defendants," the word "and".
- 5 2. Page 1, lines 29 and 30, by striking the words
- 6 "or persons who are not parties to the action,".
- 7 3. Page 1, by striking lines 41 and 42, and
- 8 inserting in lieu thereof the word and figure "sec-
- 9 tion 668.7."

A non-record roll call was requested.

The ayes were 26, nays 49.

Amendment H—5770 lost.

Chiodo of Polk in the chair at 9:21 p.m.

Schroeder of Pottawattamie offered the following amendment H—5775, to amendment H—5480, filed by Schroeder, Cooper and Muhlbauer from the floor and moved its adoption:

H—5775

- 1 Amend House amendment H—5480 to House File 2487
- 2 as follows:
- 3 1. Page 3, by inserting after line 29, the
- 4 following:
- 5 "Sec. . NEW SECTION. 668.8 COMPARATIVE FAULT
- 6 IN SIGNING. In any action brought against a
- 7 governmental entity under this chapter, and pursuant
- 8 to chapter 25A or 613A, based upon the failure to
- 9 adopt, order or implement the posting or erection
- 10 of a stop sign, traffic control signal, or other
- 11 traffic regulatory sign, signal, or device, the
- 12 governmental entity shall not be liable upon the claim
- 13 unless the act or omission constituted more than
- 14 fifty percent of the total fault assigned to all
- 15 parties."
- 16 2. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 53.

Amendment H—5775 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5744, (temporarily deferred) to amendment H—5480, filed by him on March 19, 1984.

Doderer of Johnson offered the following amendment H—5715, (temporarily deferred) to amendment H—5480, filed by Doderer, et al., and moved its adoption:

H-5715

- 1 Amend amendment H-5480 to House File 2487 as follows:
- 2 1. Page 3, by striking lines 41 and 42 and inserting
- 3 in lieu thereof the following:
- 4 "Sec. . This Act applies only to causes which accrue
- 5 on or after its effective date."

A non-record roll call was requested.

The ayes were 51, nays 35.

Amendment H-5715 was adopted.

Speaker Avenson in the chair at 9:40 p.m.

Gruhn of Dickinson called up for consideration the motion to reconsider amendment H-5695 filed by her from the floor, and moved to reconsider the vote by which amendment H-5695, to amendment H-5480, was adopted by the House on March 20, 1984.

Roll call was requested by Groth of Buena Vista and O'Kane of Woodbury.

On the question "Shall amendment H-5695 be reconsidered?"

The ayes were, 41:

Anderson	Baxter	Bennett	Black
Branstad	Carpenter	Cochran	Cooper
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Groth	Gruhn
Halvorson, R. A.	Hermann	Hoffmann-Bright	Hughes
Knapp	Koenigs	Lageschulte	Maulsby
Menke	Muhlbauer	Oxley	Paulin
Peick	Pellett	Renken	Rensink
Royer	Schneklath	Skow	Stromer
Swearingen	Torrence	Van Camp	Van Maanen
Welden			

The nays were, 55:

Arnould	Blanshan	Brammer	Buhr
Carl	Carter	Chapman	Chiodo
Clark	Connolly	Connors	Copenhaver
Davitt	Doderer	Fey	Groninga
Gronstal	Halvorson, R. N.	Handorf	Harbor
Haverland	Holveck	Hummel	Jay

Jochum	Krewson	Lloyd-Jones	Lonergan
McIntee	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Parker
Pavich	Poncy	Renaud	Rosenberg
Running	Schroeder	Sherzan	Shoultz
Spear	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

Absent or not voting, 4:

Hammond	Hanson	McKean	Tofte
---------	--------	--------	-------

The motion to reconsider lost.

Halvorson of Clayton moved the adoption of amendment H-5480, as amended.

A non-record roll call was requested.

The ayes were 52, nays 41.

Amendment H-5480, as amended, was adopted, placing the following amendments out of order:

H-5504 filed by Jay, et al., on March 8, 1984.

H-5713, to amendment H-5504, filed by Jay of Appanoose on March 15, 1984.

H-5759, to amendment H-5504, filed by Jay of Appanoose on March 19, 1984.

H-5750, to amendment H-5504, filed by Schroeder of Pottawattamie on March 19, 1984.

H-5571, to amendment H-5504, filed by O'Kane of Woodbury on March 9, 1984.

H-5754, to amendment H-5504, filed by Schroeder of Pottawattamie on March 19, 1984.

H-5697, to amendment H-5504, filed by Hummel of Benton and Copenhaver of Buchanan on March 14, 1984.

H-5746, to amendment H-5504, filed by Stromer of Hancock on March 19, 1984.

H-5716, to amendment H-5504, filed by Doderer, et al., on March 15, 1984.

H-5749, filed by Schroeder of Pottawattamie on March 19, 1984.

H-5703 filed by Chapman of Linn on March 15, 1984.

H-5696 filed by Hummel of Benton and Copenhaver of Buchanan on March 14, 1984.

H—5702 filed by Chapman of Linn on March 15, 1984.

H—5758 filed by Jay of Appanoose and Chapman of Linn on March 19, 1984.

H—5676 filed by Jay of Appanoose on March 14, 1984.

H—5745 filed by Stromer of Hancock on March 19, 1984.

The following amendment H—5779, filed by Jay of Appanoose from the floor, was adopted by unanimous consent:

H—5779

- 1 Amend House File 2487 as follows:
- 2 1. Title page, line 4, by striking the word
- 3 "eliminating" and inserting in lieu thereof the word
- 4 "modifying".

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 75:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Carl
Carter	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fogarty	Grandia	Groth	Gruhn
Halvorson, R. A.	Handorf	Harbor	Hermann
Hoffmann-Bright	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
Menke	Miller	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Paulin	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Royer
Schnekloth	Schroeder	Sherzan	Skow
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, 21:

Brammer	Buhr	Carpenter	Chapman
Connors	Doderer	Fey	Groninga

Gronstal	Halvorson, R. N.	Haverland	Holveck
Lonergan	Muhlbauer	Parker	Pavich
Rosenberg	Running	Shoultz	Spear
Zimmerman			

Absent or not voting, 4:

Hammond	Hanson	McKean	Tofte
---------	--------	--------	-------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

OBJECTION TO IMMEDIATE MESSAGE (House File 2487)

Norland of Worth asked for unanimous consent to immediately message House File 2487 to the Senate.

Objection was raised.

MOTIONS TO RECONSIDER (House File 2482)

I move to reconsider the vote by which House File 2482 passed the House on March 20, 1984.

SCHROEDER of Pottawattamie

(House File 2487)

I move to reconsider the vote by which House File 2487 passed the House on March 20, 1984.

JAY of Appanoose

(House File 2487)

I move to reconsider the vote by which House File 2487 passed the House on March 20, 1984.

HALVORSON of Clayton

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 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2271, a bill for an act relating to the criminal and civil liability of state employees and providing for representation of department of public safety members in criminal actions.

K. MARIE THAYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday morning, March 20, 1984. Had I been present, I would have voted "nay" on House File 2433 and amendment H—5462.

MAULSBY of Calhoun

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred Junior and Senior High Girl Scouts representing 7 Girl Scout Councils throughout Iowa, accompanied by Girl Scout Leaders.

Fifty-five government students from Sac County. By Maulsby of Calhoun.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 796 Ways and Means

Increasing the limit on the tax rate that may be certified by the board of directors of a school corporation to be levied on taxable property in a school district for the use of a free public library by residents of the school district.

S.B. 797 Ways and Means

Relating to the disposition of unclaimed property.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House Concurrent Resolution 110, a concurrent resolution in support of a United States academy of peace and conflict resolution.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1984.

Senate File 2059, a bill for an act relating to the authority of a standing committee of the general assembly to call upon a state agency or political subdivision for assistance and information.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5761**, March 19, 1984.

Senate File 2154, a bill for an act to extend the sunset provision on community action agencies to July 1, 1986.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1984.

Senate File 2155, a bill for an act relating to internal expense reporting and payroll procedures in the office of the auditor of state.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1984.

Senate File 2165, a bill for an act to provide for the development of a proposal to reduce upper-level management positions in certain state agencies.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5762**, March 19, 1984.

AMENDMENTS FILED

H-5761	S.F.	2059	Committee on State Government
H-5762	S.F.	2165	Committee on State Government
H-5772	H.F.	2445	Arnould of Scott
H-5773	H.F.	2445	Handorf of Marshall
H-5776	S.F.	2248	Anderson of Audubon Cochran of Webster Pellett of Cass Muhlbauer of Crawford
H-5777	H.F.	2466	Chapman of Linn Brammer of Linn
H-5778	H.F.	422	Tabor of Jackson

On motion by Norland of Worth, the House adjourned at 10:00 p.m., until 9:00 a.m., Wednesday, March 21, 1984.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 21, 1984

The House met pursuant to adjournment, Speaker pro-tempore Connors of Polk in the chair.

Prayer was offered by the Reverend Victor Wenger, pastor of St. Mark's Lutheran Church, Storm Lake.

The Journal of Tuesday, March 20, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William H. Steinbeck, M.D., Keystone.

PETITIONS FILED

The following petitions were received and placed on file:

By Anderson of Audubon, from twenty-five constituents from the 95th District favoring the uniform school opening bill with schools opening after Labor Day weekend to stimulate Iowa's economy and generate up to \$1.2 million in state tax revenues without raising taxes; and from thirty-eight constituents from the 95th District favoring appropriating 9.3 million dollars of state revenue for alcohol and drug prevention and treatment programs.

By Daggett of Taylor, a resolution adopted by the Union County Board of Supervisors urging the General Assembly to continue state assumption of costs related to the operation of the courts on the timetable now established by law.

By Brammer of Linn, from thirty constituents of the 50th District favoring Senate File 2224, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

By Sullivan of Van Buren and Woods of Polk, from five hundred twenty Iowa duck hunters opposing the required use of steel shot.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones, until his arrival, on request of Bennett of Ida.

SENATE MESSAGES CONSIDERED

Senate File 2217, by committee on natural resources, a bill for an act establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

Read first time and referred to committee on **natural resources**.

Senate File 2261, by committee on commerce, a bill for an act relating to the powers of state-chartered savings and loan associations.

Read first time and referred to committee on **small business and commerce**.

Senate File 2293, by committee on human resources, a bill for an act creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty.

Read first time and referred to committee on **human resources**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2466, a bill for an act relating to the definition of public accommodation under the Iowa civil rights law, was taken up for consideration.

Chapman of Linn offered the following amendment H-5777 filed by her and Brammer of Linn and moved its adoption:

H-5777

1 Amend House File 2466 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting
3 in lieu thereof the following: "that caters or offers
4 services, facilities, or goods to the general public
5 for a fee or charge to nonmembers of any organization
6 or association utilizing the place, establishment,
7 or facility, provided that any place,".

8 2. Page 1, by striking line 8 and inserting in
9 lieu thereof the following: "facilities, or goods
10 to the ~~general public nonmembers~~ gratuitously shall".

11 3. Page 1, by striking lines 10 through 21 and
12 inserting in lieu thereof the following: "any
13 ~~substantial~~ governmental support or subsidy. Public
14 accommodation shall not mean any bona fide private
15 club or other place, establishment, or facility which
16 is by its nature distinctly private, except when such
17 distinctly private place, establishment, or facility
18 caters or offers services, facilities, or goods to
19 the general public nonmembers for fee or charge or
20 gratuitously, it shall be deemed a public accommodation
21 during such period."

22 4. Page 1, by inserting after line 28 the
23 following:

24 "Sec. 2. Section 601A.16, subsection 3, Code 1983,
25 is amended to read as follows:

26 3. An action authorized under this section is
27 barred unless commenced within ninety days after
28 issuance by the commission of a release under
29 subsection 2 of this section ~~or within one year after~~
30 ~~the filing of the complaint, whichever occurs first.~~
31 If a complainant obtains a release from the commission
32 under subsection 2 of this section, the commission
33 ~~shall be~~ is barred from further action on that
34 complaint."

Amendment H-5777 was adopted.

The following amendment H-5783 filed by Chapman of Linn from the floor was adopted by unanimous consent:

H-5783

1 Amend House File 2466 as follows:

2 1. Title page, line 1, by inserting after the word
3 "accommodation" the words "and extending the time for
4 bringing an action".

Brammer 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. 2466)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiодо	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 3:

Gruhn	McKean	Sherzan
-------	--------	---------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2445, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program, establishing a health care equipment financing program

for the purpose of issuing bonds and notes to assist health care providers in obtaining and financing health care equipment, increasing the bonding capacity, and changing the name of the authority, was taken up for consideration.

Arnould of Scott offered the following amendment H—5772 filed by him and moved its adoption:

H—5772

1 Amend House File 2445 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 220.1, subsection 28, paragraph
5 b, Code Supplement 1983, is amended to read as follows:
6 b. It has either twenty or fewer full-time
7 equivalent positions or not more than the equivalent
8 of ~~one~~ three million dollars in annual gross revenues
9 in the preceding fiscal year.

10 Sec. 2. Section 220.1, subsection 28, unnumbered
11 paragraph 2, Code Supplement 1983, is amended to read
12 as follows:

13 For purposes of this definition "dominant in its
14 field of operation" means having more than twenty
15 full-time equivalent positions and more than ~~one~~ three
16 million dollars in annual gross revenues, and
17 "affiliate or subsidiary of a business dominant in
18 its field of operation" means a business which is
19 at least twenty percent owned by a business dominant
20 in its field of operation, or by partners, officers,
21 directors, majority stockholders, or their equivalent,
22 of a business dominant in that field of operation.

23 Sec. 3. Section 220.2, subsection 1, Code 1983,
24 is amended to read as follows:

25 1. The Iowa housing finance authority is
26 established, and constituted a public instrumentality
27 and agency of the state exercising public and essential
28 governmental functions, ~~established~~ to undertake
29 programs which assist in attainment of adequate housing
30 for low or moderate income families, elderly families,
31 and families which include one or more persons who
32 are handicapped or disabled, and to undertake the
33 Iowa homesteading program and the small business loan
34 program. The powers of the authority shall be are
35 vested in and shall be exercised by a board of nine
36 members appointed by the governor subject to
37 confirmation by the senate. No more than five members
38 shall belong to the same political party. As far
39 as possible the governor shall include within the
40 membership persons who represent community and housing

41 development industries, housing finance industries,
 42 the real estate sales industry, elderly families,
 43 minorities, lower income families, very low income
 44 families, handicapped and disabled families, average
 45 taxpayers, local government, and any other person
 46 specially interested in community housing.
 47 Sec. 4. Section 220.26, subsection 1, Code
 48 Supplement 1983, is amended to read as follows:
 49 1. The authority may issue its negotiable bonds
 50 and notes in principal amounts as, in the opinion

Page 2

1 of the authority, are necessary to provide sufficient
 2 funds for achievement of its corporate purposes, the
 3 payment of interest on its bonds and notes, the
 4 establishment of reserves to secure its bonds and
 5 notes, and all other expenditures of the authority
 6 incident to and necessary or convenient to carry out
 7 its purposes and powers. However, the authority may
 8 shall not have a total principal amount of bonds and
 9 notes outstanding at any time in excess of five hundred
 10 fifty million dollars plus a total of fifty million
 11 dollars for property improvement loans to finance
 12 solar and other renewable energy systems in housing
 13 as authorized by section 220.37 and to finance loans
 14 to provide solar and other renewable energy systems
 15 for and to increase the energy efficiency of small
 16 businesses under the Iowa small business loan program.
 17 One Two hundred million dollars of the total principal
 18 amount of bonds and notes may be issued pursuant to
 19 the small business loan program. The bonds and notes
 20 shall be deemed to be investment securities and
 21 negotiable instruments within the meaning of and for
 22 all purposes of the uniform commercial code."
 23 2. Title page, by striking lines 4 through 8 and
 24 inserting in lieu thereof the words "program and
 25 increasing the bonding capacity."

Amendment H—5772 was adopted, placing the following amend-
 ments out of order:

H—5760 filed by Arnould of Scott on March 19, 1984.

H—5773, to amendment H—5760, filed by Handorf of Marshall
 on March 20, 1984.

Arnould of Scott moved that the bill be read a last time now and
 placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question "Shall the bill pass?" (H.F. 2445)

The ayes were, 87:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Harbor	Haverland
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McIntee
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Connors)	

The nays were, 10:

Branstad	Grandia	Hanson	Hermann
Hummel	Maulsby	Renken	Schnekloth
Torrence	Welden		

Absent or not voting, 3:

Copenhaver	McKean	Osterberg
------------	--------	-----------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

UNANIMOUS CONSENT

Norland of Worth asked and received unanimous consent to suspend the rules to immediately consider House File 422.

House File 422, a bill for an act relating to joint exercise of powers by public agencies for public works and facilities, was taken up for consideration.

Tabor of Jackson asked and received unanimous consent to suspend the rules for the immediate consideration of amendment H-5778 filed by him as follows:

H-5778

- 1 Amend House File 422 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 28E.5, Code 1983, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. If the agreement establishes an
- 7 entity whose purposes include issuing revenue bonds
- 8 under chapter 28F for financing electric power
- 9 facilities, the agreement shall specify that each
- 10 public agency subscribing to the agreement is entitled
- 11 to at least one full-voting member on the governing
- 12 body of the entity. Each full-voting member of the
- 13 public agency shall be an elector of the public agency
- 14 and elected by the voters of the public agency. This
- 15 governing body shall be the only committee of this
- 16 entity.
- 17 Sec. 2. Section 28F.1, unnumbered paragraph 2,
- 18 Code Supplement 1983, is amended to read as follows:
- 19 A city shall not join an entity created under this
- 20 chapter for the purpose of financing electric power
- 21 facilities unless that city owned and operated had
- 22 established a municipal electric utility as of July
- 23 1, ~~1981~~ 1984. Power supplied by a municipal power
- 24 agency may shall not be furnished to a municipal
- 25 utility not existing as of July 1, ~~1981~~ 1984.
- 26 Sec. 3. Section 28F.11, Code 1983, is amended
- 27 by adding the following new unnumbered paragraph:
- 28 NEW UNNUMBERED PARAGRAPH. If the entity is
- 29 comprised solely of cities, counties, and sanitary
- 30 districts, or any combination thereof, the entity
- 31 has the power of eminent domain to acquire interests
- 32 in property under provisions of law then in effect
- 33 and applicable to those public agencies comprising
- 34 the entity."

Chapman of Linn offered the following amendment H-5780, to amendment H-5778, filed by her from the floor and moved its adoption:

H-5780

- 1 Amend amendment H-5778 to House File 422 as follows:
- 2 1. Page 1, by inserting after line 25 the following:

3 "Sec. . Section 28F.3 is amended by adding the
 4 following new unnumbered paragraph:
 5 NEW UNNUMBERED PARAGRAPH. Beginning with the effective
 6 date of this Act, an entity may exercise the power to
 7 issue revenue bonds for a project involving electric
 8 power facilities only after obtaining authorization from
 9 public agencies participating in a project being financed
 10 with the proceeds of the bonds. A public agency which
 11 is a county, city or municipality of this state or an-
 12 other state shall only give this authorization after an
 13 election at which the question of the issuance of revenue
 14 bonds for electric power facilities has been submitted
 15 to the qualified electors of the public agency and a
 16 majority of those voting for or against the question
 17 favor the issuance of the revenue bonds. The election may
 18 be held at any city election.

Amendment H—5780 was adopted.

Krewson of Polk offered the following amendment H—5782, to amendment H—5778, filed by him from the floor and moved its adoption:

H—5782

- 1 Amend amendment H—5778 to House File 422 as follows:
- 2 1. Page 1, by striking lines 26 through 34.

A non-record roll call was requested.

The ayes were 33, nays 59.

Amendment H—5782 lost.

Speaker Avenson in the chair at 10:25 a.m.

McIntee of Black Hawk offered the following amendment H—5781, to amendment H—5778, filed by him from the floor and moved its adoption:

H—5781

- 1 Amend amendment H—5778 to House File 422 as
- 2 follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "Sec. . Section 390.1, subsection 6, Code
- 6 1983, is amended to read as follows:

7 6. "Participant" means a city, electric co-
8 operative, or privately owned utility company, or an
9 entity created pursuant to chapter 28E financing
10 electric power facilities under chapter 28F which is
11 a party to a joint agreement."
12 2. By renumbering as necessary.

Amendment H—5781 was adopted.

(Amendment H—5778, as amended, pending.)

Norland of Worth asked and received unanimous consent that House File 422 be deferred and that the bill retain its place on the unfinished business calendar.

IMMEDIATE MESSAGES
(House Files 2466 and 2445)

Norland of Worth asked and received unanimous consent to immediately message House Files 2466 and 2445 to the Senate.

MOTION TO RECONSIDER WITHDRAWN
(House File 2482)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2482, a bill for an act relating to the elimination of sanitary landfills as a method of waste disposal and subjecting violators to a civil penalty, filed by him on March 20, 1984.

IMMEDIATE MESSAGE
(House File 2482)

Norland of Worth asked and received unanimous consent to immediately message House File 2482 to the Senate.

On motion by Norland of Worth, the House was recessed at 10:39 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, until his arrival, on request of De Groot of Lyon; Davitt of Warren, for the afternoon session, on request of Cochran of Webster.

SENATE MESSAGE CONSIDERED

Senate File 2271, by committee on judiciary, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers.

Read first time and referred to committee on **state government**.

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.

CONSIDERATION OF BILL

Noncontroversial Calendar

House File 2407, a bill for an act to permit the state to own and operate a hazardous waste treatment or disposal facility only for the treatment and disposal of hazardous waste generated by the state, was taken up for consideration.

Shoultz 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. 2407)

The ayes were, 84:

Anderson
Black

Arnould
Brammer

Baxter
Branstad

Bennett
Buhr

Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Hammond	Handorf	Haverland	Hermann
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Menke	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Blanshan	Chiodo	Connolly	Copenhaver
Davitt	Doderer	Halvorson, R. N.	Hanson
Harbor	Hoffmann-Bright	Lloyd-Jones	Miller
Osterberg	Rensink	Sullivan	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 107

Gruhn of Dickinson called up for consideration House Concurrent Resolution 107, urging the executive council and historical department to accept the Matthew Edel property, and moved its adoption.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

The House resumed consideration of **House File 422**, a bill for an act relating to joint exercise of powers by public agencies for public works and facilities, and amendment H—5778, as amended, found on page 1211 of the House Journal.

Krewson of Polk offered the following amendment H—5784, to amendment H—5778, filed by him from the floor and moved its adoption:

H—5784

- 1 Amend amendment H—5778 to House File 422 as
- 2 follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following new unnumbered paragraph:
- 5 NEW UNNUMBERED PARAGRAPH. The entity shall only
- 6 exercise the power of eminent domain after it has
- 7 exhausted all efforts to secure the necessary voluntary
- 8 easements and only with the approval of the commerce
- 9 commission.

A non-record roll call was requested.

The ayes were 55, nays 18.

Amendment H—5784 was adopted.

On motion by Tabor of Jackson, amendment H—5778, as amended, was adopted placing the following amendments out of order:

H—5231, filed by the committee on small business and commerce on February 22, 1984.

H—5418, to the committee amendment H—5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H—5431, to the committee amendment H—5231, filed by Ollie of Clinton on March 6, 1984.

H—5417, to the committee amendment H—5231, filed by Hermann, et al., on March 6, 1984.

H—5403, to the committee amendment H—5231, filed by Van Maanen of Mahaska and Parker of Jasper on March 5, 1984.

H—5436, to the committee amendment H—5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H—5437, to the committee amendment H—5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H—5415, to the committee amendment H—5231, filed by Harbor of Mills on March 6, 1984.

H—5432, to the committee amendment H—5231, filed by Lonergan of Boone on March 6, 1984.

H—5282, to the committee amendment H—5231, filed by Halvorson of Clayton on February 24, 1984.

H-5416, to the committee amendment H-5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H-5422, to the committee amendment H-5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H-5404, to the committee amendment H-5231, filed by Krewson of Polk on March 5, 1984.

H-5420, to the committee amendment H-5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H-5421, to the committee amendment H-5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H-5433, to the committee amendment H-5231, filed by Bennett of Ida on March 6, 1984.

H-5419, to the committee amendment H-5231, filed by Schroeder of Pottawattamie on March 6, 1984.

H-5442, to the committee amendment H-5231, filed by McIntee of Black Hawk on March 6, 1984.

H-5706, to the committee amendment H-5231, filed by Renken of Grundy on March 15, 1984.

H-3283 filed by the committee on small business and commerce on March 17, 1983 and found on page 2288 of the 1983 House Journal.

H-3426, to the committee amendment H-3283, filed by Schroeder of Pottawattamie and Lonergan of Boone on March 28, 1983 and found on page 2325 of the 1983 House Journal.

H-5644 (strike after enacting clause) filed by Parker, et al., on March 13, 1984.

H-5692, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5688, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5689, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5687, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5671, to amendment H-5644, filed by Jay of Appanoose on March 14, 1984.

H-5672, to amendment H-5644, filed by Woods of Polk on March 14, 1984.

H-5684, to amendment H-5644, filed by Schroeder of Pottawattamie and McIntee of Black Hawk on March 14, 1984.

H-5690, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5686, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5694, to amendment H-5644, filed by McIntee of Black Hawk and Copenhaver of Buchanan on March 14, 1984.

H-5693, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-5650, to amendment H-5644, filed by Bennett of Ida on March 14, 1984.

H-5649, to amendment H-5644, filed by McIntee of Black Hawk on March 14, 1984.

H-5651, to amendment H-5644, filed by Krewson of Polk on March 14, 1984.

H-5681, to amendment H-5644, filed by Schroeder of Pottawattamie on March 14, 1984.

H-3305 filed by Spear of Lee on March 18, 1983 and found on page 2290 of the 1983 House Journal.

H-3473 filed by McIntee of Black Hawk on March 30, 1983 and found on page 2330 of the 1983 House Journal.

H-3485 filed by Halvorson of Clayton on March 30, 1983 and found on page 2332 of the 1983 House Journal.

H-3506 filed by Hermann, et al., on March 31, 1983 and found on page 2334 of the 1983 House Journal.

H-3549 filed by Tofte, et al., on April 6, 1983 and found on pages 2340 and 2341 of the 1983 House Journal.

H-3555 filed by Van Maanen of Mahaska on April 6, 1983 and found on page 2342 of the 1983 House Journal.

H-3427 filed by Jay, et al., on March 28, 1983 and found on page 2325 of the 1983 House Journal.

H-3457 filed by Harbor of Mills on March 30, 1983 and found on page 2328 of the 1983 House Journal.

H-3411 filed by Woods of Polk on March 28, 1983 and found on page 2320 of the 1983 House Journal.

H-3421 filed by Krewson of Polk on March 28, 1983 and found on page 2321 of the 1983 House Journal.

H-3420 filed by Running of Linn on March 28, 1983 and found on page 2321 of the 1983 House Journal.

H-3413 filed by Ollie of Clinton on March 28, 1983 and found on page 2320 of the 1983 House Journal.

Gronstal 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. 422)

The ayes were, 62:

Arnould	Baxter	Bennett	Blanshan
Brammer	Branstad	Buhr	Carl
Chapman	Chiodo	Clark	Cochran
Cooper	Daggett	De Groot	Diemer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	McKean	Menke
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Parker	Paulin
Pavich	Poncy	Rensink	Rosenberg
Schneklath	Schroeder	Shoultz	Skow
Spear	Stueland	Sullivan	Tabor
Tofte	Torrence	Van Camp	Varn
Zimmerman	Mr. Speaker		

The nays were, 25:

Anderson	Carpenter	Connors	Corey
Grandia	Handorf	Hermann	Hummel
Lonergan	Maulsby	McIntee	Miller
Oxley	Peick	Pellet	Renaud
Renken	Royer	Running	Stromer
Sturgeon	Swartz	Swearingen	Van Gerpen
Van Maanen			

Absent or not voting, 13:

Black	Carter	Connolly	Copenhaver
Davitt	Doderer	Hanson	Harbor
Haverland	Lloyd-Jones	Sherzan	Welden
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Norland of Worth asked and received unanimous consent to immediately message the following bills and resolution to the Senate: House Files 2407, 422 and 2487 and House Concurrent Resolution 107.

**MOTIONS TO RECONSIDER WITHDRAWN
(House File 2487)**

Halvorson of Clayton and Jay of Appanoose asked and received unanimous consent to withdraw the motions to reconsider House File 2487, a bill for an act relating to liability in tort by 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 and eliminating governmental immunity for certain public improvements and places, filed by them on March 20, 1984.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

House File 406, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC SAFETY

The preliminary annual Uniform Crime Report comparison for 1983, pursuant to Section 692.15, Code of Iowa.

AMENDMENT FILED

H—5785 S.F. 2233 Schnekloth of Scott

On motion by Norland of Worth, the House adjourned at 1:27 p.m., until 9:00 a.m., Thursday, March 22, 1984.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 22, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend E. R. Voogd, pastor of the Central Reformed Church, Oskaloosa.

The Journal of Wednesday, March 21, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, M.D., Harlan.

GOVERNOR'S VETO MESSAGE

March 21, 1984

The Honorable Donald Avenson
Speaker
House of Representatives
State Capitol Building
L O C A L

Dear Speaker Avenson:

I am enclosing House File 2295, an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for the economic development initiatives of a nonrecurring nature, creating an economic development initiatives advisory board, providing for repeal of the act, and providing an effective date, which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Speaker of the House of Representatives.

House File 2295 would establish a lottery to be operated by state government. An Iowa lottery agency with a five-member lottery board would be established to initiate and operate a state lottery. This lottery agency is given powers needed to establish a lottery, license ticket sellers, promote ticket sales and establish any kind of lottery game except for a video lottery which is prohibited. The bill also directs that, as nearly as practicable, 45 percent of the annual lottery revenues be used for prizes, with the

remaining 55 percent used for administration and for "economic development initiatives". Finally, House File 2295 would cause the lottery to sunset in three years.

Just over nine months ago, I was presented with similar legislation, which I disapproved. At that time, I indicated three basic reasons for my disapproval:

- Concern over the long-term fiscal impact of a lottery. Proponents claimed that a lottery would generate over \$120,000,000 per year in Iowa — many times the estimates made by those familiar with the Iowa economy.
- Concern over the adverse economic impact of a lottery. I noted in my message accompanying House File 634 that a state lottery would siphon dollars from the pockets of Iowans in order to fill up the state coffers.
- Concern over having state government enter the gambling business. If the state was forced to engage in potentially deceptive advertising and gambling gimmickry, it would clearly reduce the integrity, strength and effectiveness of state government.

For the foregoing reasons, I vetoed House File 634. Today, I am faced with a similar bill. Lottery proponents have added a few new wrinkles in an attempt to build political pressure for a change in my position on this issue. Indeed, many have counseled me to bow to the political winds and sign House File 2295 into law.

Despite this pressure, I have consistently made my position on a state lottery clear. Nevertheless, for several weeks I have respectfully listened to many of those who have urged me to change my position and compromise my principles. I have reviewed, studied and pondered this issue. And, I have taken to heart the wise words of Abraham Lincoln who said, "There are few things wholly evil or wholly good. Almost everything, especially of government policy, is an inseparable compound of the two, so that our own best judgment of the preponderance between them is continually demanded."

My review of the lottery issue has reaffirmed my earlier objections to the legislation. I note that lottery proponents have scaled back their revenue estimates of a year ago by one-half. I remain concerned about the impact of enticing private sector dollars into government coffers.

Moreover, economic development initiatives including the Iowa World Trade Center ought to stand on their own merits, not to be based upon the vagaries of lottery revenues. The General Assembly has been presented with a package of initiatives to create jobs. I stand by those initiatives and the budget upon which they are based.

Most importantly, my philosophical opposition to a state-run lottery remains firm. When I was growing up on our family farm in northern Iowa, I learned the value of being honest and straight forward. Iowans expect the same thing from state government. A lottery would place state government in the position of preying on people's false hopes for instant wealth. This is not the kind of honest and straight forward approach that Iowans expect from each other and from their state government.

Consider, for example, that the odds of winning any lottery jackpot are at least one in 3.5 million. The odds of winning one of the much-publicized \$1 million lottery

prizes are one in 20 million. Death by lightning, as has been reported, is seven times more likely. If a commercial sweepstakes operated like a lottery, the Federal Trade Commission has indicated that it would be declared illegal.

I am deeply concerned about government feeding off of the false hopes of people who have only a miniscule chance of winning. Lotteries result in state governments aggressively engaging in more promotional blitzes to stimulate the public's interest. Instead of government regulating, licensing, and protecting, government would be marketing, promoting and deceiving.

Consider the fact that states are forced to continually expand lottery games in order to maintain their lottery revenue addiction. Illinois has added seven new lottery games, including the numbers game, in order to generate lottery dollars. New York is planning the expansion of lottery gaming into sports betting to continue to generate growth in lottery revenues. And video lotteries are being hailed as the key to the future of the lottery.

There are significant differences between a state lottery and pari-mutuel. Pari-mutuel must rise or fall in the private sector with government limited to its proper role of regulating, licensing and protecting Iowans from abuse. That is far different from government actually promoting and marketing a lottery and directly profiting from it.

Lottery proponents claim that House File 2295 would terminate state government's lottery business by eliminating the program in three years. Historically, sunset clauses do not work. A review of recent legislative sunset clauses in Iowa shows that agencies set for elimination have been retained and extended.

Moreover, sunset clauses applied to revenue producing initiatives have been notoriously unsuccessful, such as the cigarette tax increase and insurance premium payment speed up of 1981. Each measure contained a sunset provision which has already been abolished. Even the original state sales tax enacted in 1934 had a provision for repeal in 1937. In short, sunset clauses generally fail to eliminate agencies and have clearly failed to wean the government from its appetite for revenues. I am convinced that the 1987 sunset provision in this bill would not be effective.

I appreciate the differences of opinion among Iowans on this issue. The discussion has been primarily focused on the effects of a lottery on this legislative session and the 1984-1985 fiscal budget year. However, I believe the decision on this issue will have profound and far reaching public policy implications for years to come. To sign this measure would jeopardize the fragile relationship of trust which exists today between Iowa government and the people. If we need revenue, we should ask Iowans for it. We should also have the courage to say no when we can't afford new spending programs.

I understand and appreciate the arguments of those who support a state lottery. I hope they will understand the compelling reasons I have for taking this action tonight.

Very truly yours,
Terry E. Branstad
Governor

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary I	Pamela M. Byerly	13-1 + 1	S-O	3/08/84
Secretary I	Margaret M. Moothart	13-1 + 1	S-O	3/01/84
Secretary II	Joan A. Kiernan	15-1 + 1 + 1	S-O	2/24/84

The following are resignations from the officers and employees of the House:

Janet L. Eakins	Secretary I	3/07/84
Maureen Nichols	Secretary I	2/29/84

FEY of Scott, 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 22, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2297, a bill for an act relating to the payment of workers' compensation benefits in pneumoconiosis cases.

K. MARIE THAYER, Secretary

REREFERRED TO COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT (Senate File 2271)

The Speaker announced that Senate File 2271, previously referred to the committee on **state government**, was rereferred to the committee on **judiciary and law enforcement**.

PASSED ON FILE
(Senate File 2265)

The Speaker announced that Senate File 2265, previously referred to the committee on **education**, was withdrawn from committee and **passed on file**.

On motion by Norland of Worth, the House was recessed at 9:34 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2297, by committee on labor and industrial relations, a bill for an act relating to the payment of workers' compensation benefits in pneumoconiosis cases.

Read first time and referred to committee on **labor and industrial relations**.

CONSIDERATION OF BILLS
Regular Calendar

House File 2427, a bill for an act relating to disclosure of the court's decision on whether to reconsider a felon's sentence of confinement, was taken up for consideration.

Rosenberg 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. 2427)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer

Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poney	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Blanshan Doderer Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doderer of Johnson, until her arrival, on request of Tabor of Jackson.

IMMEDIATE MESSAGE

(House File 2427)

Norland of Worth asked and received unanimous consent to immediately message House File 2427 to the Senate.

MOTION TO OVERRIDE GOVERNOR'S VETO

(House File 2295)

I move that the House on reconsideration agree to pass House File 2295, the objections of the Governor to the contrary notwithstanding.

CHIODO of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 22, 1984, he approved and transmitted to the Secretary of State the following bill:

House File 2335, an act relating to the liability of a county or city, or an administrative or legal entity created by a county or city, under the Iowa competition law.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 511, a bill for an act relating to construction near a buried electric transmission line.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5788**, March 21, 1984.

Senate File 2153, a bill for an act relating to drainage district expenses and assessments.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5789**, March 21, 1984.

COMMITTEE ON EDUCATION

Senate File 19, a bill for an act relating to the standards for admission to laboratory schools under the control of the state board of regents.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2263, a bill for an act requiring the department of public instruction to adopt rules relating to the review of an action or omission relating to special education programs by state or local authorities.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

COMMITTEE ON ETHICS

Committee Action: adopted advisory opinion regarding the receipt and reporting of gifts, March 21, 1984.

COMMITTEE ON HUMAN RESOURCES

House Concurrent Resolution 112, a concurrent resolution citing the older Iowans legislature's ratification and support for the concept of a national silver-haired congress, and asking the United States Senate and House of Representatives to support the formal adoption of a national silver-haired congress.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

House Concurrent Resolution 113, a concurrent resolution relating to adoption.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2095, a bill for an act providing a penalty for violation of requirements for setting aside handicapped parking spaces.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2252, a bill for an act relating to the visitation rights of a grandparent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1984.

Senate File 2277, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1984.

Senate File 2293, a bill for an act creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 407, a bill for an act relating to the eligibility for and annuities of the senior judge program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5' 96**, March 21, 1984.

Senate File 441, a bill for an act relating to eminent domain procedures by providing constructive notice to possible purchasers that land is subject to condemnation proceedings, clarifying responsibilities for recording condemnation proceedings, and specifying the time at which title to property or an interest in property passes following condemnation.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 451, a bill for an act relating to enforcement of license discipline by the board of medical examiners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5790**, March 21, 1984.

Senate File 2163, a bill for an act relating to child custody.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2283, a bill for an act relating to the death of a fire fighter during an arson and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House Concurrent Resolution 115, a concurrent resolution for evaluation of Job Programs.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

House Concurrent Resolution 116, a concurrent resolution relating to the unilateral rejection or modification of collective bargaining agreements by employers filing chapter 11 bankruptcy petitions.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2228, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 21, 1984.

COMMITTEE ON NATURAL RESOURCES

Senate File 2205, a bill for an act relating to the fees for the registration of vessels.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2217, a bill for an act establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2053, a bill for an act specifying the number of affirmative votes of the board of directors of the Iowa product development corporation that are necessary before action may be taken by the board.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2202, a bill for an act relating to the procedure required for a savings and loan association chartered in another state or country to transact business in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2285, a bill for an act permitting the deposit of a credit union certified share draft as security on a bid for a contract for a public improvement.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

COMMITTEE ON STATE GOVERNMENT

Senate File 2254, a bill for an act relating to the state employee suggestion system.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Senate File 2311, a bill for an act relating to access to records by the legislative fiscal bureau.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5786**, March 21, 1984.

COMMITTEE ON TRANSPORTATION

Senate File 32, a bill for an act to prohibit the recording of speeding tickets for certain violations ten miles per hour or less over the posted limit, subject to a penalty provided by law.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5787**, March 21, 1984.

Senate File 2169, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 21, 1984.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2384), relating to the imposition of a local option wheel tax by referendum.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

Committee Bill (Formerly Study Bill 719), relating to licensing and regulation of mobile homes and mobile home parks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1984.

Committee Bill (Formerly Study Bill 791), relating to the definition and taxation of real property within a self-supported municipal improvement district.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1984.

AMENDMENTS FILED

H-5786	S.F.	2311	Committee on State Government
H-5787	S.F.	32	Committee on Transportation
H-5788	S.F.	511	Committee on Agriculture
H-5789	S.F.	2153	Committee on Agriculture
H-5790	S.F.	451	Committee on Judiciary and Law Enforcement
H-5791	S.F.	2217	Schnekloth of Scott
H-5792	H.F.	2422	Ollie of Clinton
H-5793	S.F.	2165	Spear of Lee
H-5794	S.F.	2252	Committee on Human Resources
H-5795	S.F.	2277	Committee on Human Resources
H-5796	S.F.	407	Committee on Judiciary and Law Enforcement
H-5797	S.F.	2233	McIntee of Black Hawk
H-5798	S.F.	244	Halvorson of Clayton
			Grandia of Marion
			Handorf of Marshall
			Hummel of Benton
			Schnekloth of Scott
			Branstad of Winnebago
			Corey of Louisa
			Hermann of Scott

On motion by Norland of Worth, the House adjourned at 5:18 p.m., until 9:00 a.m., Friday, March 23, 1984.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day—Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 23, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Father Melvin White, pastor of the St. Rose of Lima Catholic Church, Denison.

The Journal of Thursday, March 22, 1984 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from the Louisa County Board of Supervisors favoring that any year the state legislature fails to fund the state court system, that all monies collected by the counties that would otherwise accrue to the state for that funding remain in the county treasuries.

By Poncy of Wapello, a resolution adopted by the Wapello County Board of Supervisors that this county is strongly opposed to any plan to modify state assumption of court operation costs on the timetable established in the Court Reorganization Act of 1983.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tabor of Jackson on request of Running of Linn; Doderer of Johnson on request of Pavich of Pottawattamie; Stromer of Hancock on request of 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 19, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 489, a bill for an act relating to volunteer members of a volunteer search or rescue service agency to use blue flashing lights on their privately-owned motor vehicles.

Also: That the Senate has on March 22, 1984, passed the following bill in which the concurrence of the House is asked:

Senate File 2330, a bill for an act relating to the financing of state government by providing a reduction in general fund appropriation.

K. MARIE THAYER, Secretary

HOUSE FILE 576 TEMPORARILY DEFERRED

Norland of Worth asked and received unanimous consent that House File 576 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

SENATE FILE 2214 SUBSTITUTED FOR HOUSE FILE 2388

Osterberg of Linn asked for unanimous consent to substitute Senate File 2214 for House File 2388.

Objection was raised.

Norland of Worth moved to suspend the rules to substitute Senate File 2214 for House File 2388.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and **Senate File 2214**, a bill for an act relating to the regulation of hazardous waste and subjecting violators to a civil penalty, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2214 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2268 SUBSTITUTED FOR HOUSE FILE 2429

Brammer of Linn asked for unanimous consent to substitute Senate File 2268 for House File 2429.

Objection was raised.

Norland of Worth moved to suspend the rules to substitute Senate File 2268 for House File 2429.

A non-record roll call was requested.

The ayes were 51, nays 35.

The motion prevailed and **Senate File 2268**, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2268 be deferred and that the bill retain its place on the calendar.

On motion by Norland of Worth, the House was recessed at 9:37 a.m., until 10:30 a.m.

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS**Regular Calendar****SENATE FILE 2301 SUBSTITUTED FOR HOUSE FILE 2453**

McIntee of Black Hawk asked and received unanimous consent to substitute Senate File 2301 for House File 2453.

Senate File 2301, a bill for an act relating to the protection of lienholders' and certificate holders' advancements, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2301 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2233 SUBSTITUTED FOR HOUSE FILE 2495

McIntee of Black Hawk asked and received unanimous consent to substitute Senate File 2233 for House File 2495.

Senate File 2233, a bill for an act providing for the transfer of fiduciary accounts among affiliates and between independent banks, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2233 be deferred and that the bill retain its place on the calendar.

Noncontroversial Calendar

House File 2333, a bill for an act relating to county libraries, was taken up for consideration.

Lageschulte of Bremer offered the following amendment H—5756 filed by him and Connolly of Dubuque and moved its adoption:

H—5756

- 1 Amend House File 2333 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "county," the following: "A copy of the notice
- 4 submitted for publication shall be mailed to the
- 5 county library on or before the date of the
- 6 publication."

Amendment H—5756 was adopted.

SENATE FILE 2122 SUBSTITUTED FOR HOUSE FILE 2333

Lageschulte of Bremer asked and received unanimous consent to substitute Senate File 2122 for House File 2333.

Senate File 2122, a bill for an act relating to county libraries, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2122 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2273 SUBSTITUTED FOR HOUSE FILE 2461

Pavich of Pottawattamie asked and received unanimous consent to substitute Senate File 2273 for House File 2461.

Senate File 2273, a bill for an act to ratify and enter into an interstate compact between Iowa, Kansas, Missouri, and Nebraska for the development of the Missouri river for barge traffic, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2273 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2188 SUBSTITUTED FOR HOUSE FILE 2266

Van Camp of Scott asked and received unanimous consent to substitute Senate File 2188 for House File 2266.

Senate File 2188, a bill for an act relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2188 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER PREVAILED
(House File 2346)

Sullivan of Van Buren called up for consideration the motion to reconsider House File 2346, filed on March 7, 1984, and moved to reconsider the vote by which House File 2346, a bill for an act relating to the authority of the department of water, air and waste management over waste water disposal systems, passed the House and was placed on its last reading on March 6, 1984.

A non-record roll call was requested.

The ayes were 91, nays none.

The motion prevailed and House File 2346 was taken up for reconsideration.

SENATE FILE 2213 SUBSTITUTED FOR HOUSE FILE 2346

Shoultz of Black Hawk asked and received unanimous consent to substitute Senate File 2213 for House File 2346.

Senate File 2213, a bill for an act relating to the authority of the department of water, air and waste management over waste water disposal systems, was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2213 be deferred and that the bill retain its place on the calendar.

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Norland of Worth called up for consideration the motion to reconsider by Chiodo of Polk filed on March 22, 1984 on **House File 2295**, a bill for an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, providing a penalty, providing that revenue generated shall be distributed to the general fund for economic development initiatives of a nonrecurring nature, creating an economic development initiatives advisory board, providing for repeal of the Act, and providing an effective date, as vetoed by the Governor March 21, 1984.

Hanson of Delaware in the chair at 11:25 a.m.

Speaker Avenson in the chair at 11:44 a.m.

Connors of Polk in the chair at 12:11 p.m.

Speaker Avenson in the chair at 12:24 p.m.

Chiodo of Polk moved that the House on reconsideration agree to pass House File 2295, the objections of the Governor to the contrary notwithstanding.

Rule 76 was invoked.

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2295)

The ayes were, 51:

Arnould.	Baxter	Blanshan	Brammer
Buhr	Carl	Chapman	Chiodo
Cochran	Connolly	Connors	Cooper
Davitt	Fey	Fogarty	Groninga
Gronstal	Groth	Halvorson, R. N.	Hughes
Jay	Jochum	Knapp	Koenigs
Lloyd-Jones	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Poncy
Renaud	Rosenberg	Running	Schroeder
Sherzan	Shoultz	Skow	Sturgeon
Sullivan	Swartz	Van Camp	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 45:

Anderson	Bennett	Black	Branstad
Carpenter	Carter	Clark	Copenhaver
Corey	Daggett	De Groot	Diemer
Grandia	Gruhn	Halvorson, R. A.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Krewson	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Menke	Mullins
Paulin	Pellet	Renken	Rensink
Royer	Schneklath	Spear	Stueland
Swearingen	Torrence	Van Gerpen	Van Maanen
Welden			

Absent or not voting, 4:

Doderer	Stromer	Tabor	Tofte
---------	---------	-------	-------

The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's veto was sustained.

The House stood at ease at 12:38 p.m., until the fall of the gavel.

The House resumed session at 1:16 p.m., Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2508, by committee on ways and means, a bill for an act relating to the licensing and regulation of mobile homes and mobile home parks, and authorizing the imposition of fines for violations.

Read first time and placed on the **ways and means calendar**.

House File 2509, by committee on ways and means, a bill for an act relating to the imposition of a local option wheel tax by referendum.

Read first time and placed on the **ways and means calendar**.

House File 2510, by committee on ways and means, a bill for an act relating to the definition and taxation of real property within a self-supported municipal improvement district.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 489, by committee on transportation, a bill for an act authorizing volunteer members of a volunteer search and rescue service or ambulance service agency to use green flashing lights on their privately-owned motor vehicles.

Read first time and referred to committee on **transportation**.

REFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2456)

The Speaker announced that House File 2456, presently on the **regular calendar**, was referred to the **committee on appropriations**.

MOTION TO OVERRIDE GOVERNOR'S VETO (House File 2031)

I move that the House on reconsideration agree to pass House File 2031, the objections of the Governor to the contrary notwithstanding.

SHERZAN of Polk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 1984: House Files 2330 and 2338.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 21, 1984. Had I been present, I would have voted "aye" on House Files 2407 and 422.

CONNOLLY of Dubuque

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty eighth grade students from Mar—Mac Middle School, MacGregor. By Halvorson of Clayton.

Forty eighth grade students from Washington Middle School, Clinton, accompanied by Mrs. Barbara Mask and Mrs. Diane Harding. By Ollie of Clinton.

SUBCOMMITTEE ASSIGNMENTS

Senate File 244

Labor and Industrial Relations: Connors, Chair; Schnekloth and Sherzan.

Senate File 2014

State Government: Halvorson of Webster, Chair; Carl, Carpenter, Swartz and Van Maanen.

Senate File 2098

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2099

State Government: Blanshan, Chair; Hanson and Pavich.

Senate File 2108

Local Government: Cooper, Chair; Menke and Royer.

Senate File 2203

State Government: Buhr, Chair; Tofte and Woods.

Senate File 2206

Transportation: Miller, Chair; Harbor and Renaud.

Senate File 2217

Natural Resources: Shoultz, Chair; Fogarty and Welden.

Senate File 2220

Small Business and Commerce: Chiodo, Chair; Gronstal, Parker, Schnekloth and Schroeder.

Senate File 2223

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

Senate File 2232

Small Business and Commerce: Groninga, Chair; Hanson and Knapp.

Senate File 2235

Judiciary and Law Enforcement: Jay, Chair; Knapp, McKean, Rosenberg and Schroeder.

Senate File 2243

Local Government: Menke, Chair; Lloyd-Jones and Renaud.

Senate File 2257

Small Business and Commerce: Schroeder, Chair; Knapp and Oxley.

Senate File 2259

Education: Groth, Chair; Jay and Swearingen.

Senate File 2261

Small Business and Commerce: Gronstal, Chair; Chiodo and Schroeder.

Senate File 2262

Small Business and Commerce: Halvorson of Clayton, Chair; Chiodo and Skow.

Senate File 2265

Education: Carter, Chair; Carpenter and Poncy.

Senate File 2270

Judiciary and Law Enforcement: Jay, Chair; Knapp, McKean, Rosenberg and Schroeder.

Senate File 2276

State Government: Chapman, Chair; Gruhn, Hanson, Pavich and Van Maanen.

Senate File 2280

State Government: Blanshan, Chair; Renaud and Rensink.

Senate File 2284

Education: Shoultz, Chair; Daggett and Ollie.

Senate File 2289

Small Business and Commerce: Chiodo, Chair; Baxter and Schroeder.

Senate File 2291

Small Business and Commerce: Swartz, Chair; Chiodo, Groninga, McIntee and Schroeder.

Senate File 2295

Labor and Industrial Relations: Brammer, Chair; Hermann and Miller.

Senate File 2297

Labor and Industrial Relations: Sherzan, Chair; Corey and Parker.

Senate File 2306

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Schroeder.

Senate File 2308

Agriculture: Muhlbauer, Chair; Halvorson of Webster and Handorf.

Senate File 2310

State Government: Blanshan, Chair; Halvorson of Webster and Swearingen.

Senate File 2312

State Government: Blanshan, Chair; Halvorson of Webster and Swearingen.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 796

Ways and Means: Varn, Chair; Clark and Swartz.

Study Bill 797

Ways and Means: Doderer, Chair; Lageschulte and Pavich.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2102, a bill for an act relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

COMMITTEE ON EDUCATION

Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5808**, March 22, 1984.

Senate File 2259, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5803**, March 22, 1984.

Senate File 2284, a bill for an act relating to lease-purchase agreements made by an area education agency.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

COMMITTEE ON ENERGY

Senate File 2317, a bill for an act relating to the purchase of Iowa coal by state and local government institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5827**, March 22, 1984.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 24, a bill for an act relating to procedures in small claims actions.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 253, a bill for an act relating to qualifications for and exemptions from juror service.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 256, a bill for an act permitting the Code editor to editorially correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 432, a bill for an act relating to inmate transfer hearings.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 480, a bill for an act relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanor's sentence.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 491, a bill for an act relating to supreme court rule-making power.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 517, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5826**, March 23, 1984.

Senate File 2005, a bill for an act relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass March 23, 1984.

Senate File 2021, a bill for an act relating to the tolling of a statute of limitations when restitution is ordered.

Fiscal Note is not required.

Recommended Do Pass March 22, 1984.

Senate File 2035, a bill for an act relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant.

Fiscal Note is not required.

Recommended Do Pass March 23, 1984.

Senate File 2036, a bill for an act relating to the false use of a financial instrument.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5806, March 22, 1984.

Senate File 2057, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the compensation of certain county officers and deputies.

Fiscal Note is not required.

Recommended Do Pass March 23, 1984.

Senate File 2098, a bill for an act relating to the liability for torts committed by offenders assigned to perform unpaid community service.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5805, March 22, 1984.

Senate File 2101, a bill for an act relating to the commitment of children beyond their eighteenth birthday to the state training school.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5804, March 22, 1984.

Senate File 2132, a bill for an act relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5828, March 23, 1984.

Senate File 2173, a bill for an act relating to appeals of awards by compensation commissions in condemnation proceedings.

Fiscal Note is not required.

Recommended Do Pass March 23, 1984.

Senate File 2183, a bill for an act relating to sexual abuse committed by engaging in a sex act against the will of the other participant.

Fiscal Note is not required.

Recommended Do Pass March 22, 1984.

Senate File 2223, a bill for an act relating to the maximum fine assessable upon the conviction of a class "C" or class "D" felony.

Fiscal Note is not required.

Recommended Do Pass March 22, 1984.

Senate File 2235, a bill for an act relating to the penalties for operating a motor vehicle when the operator's license has been suspended or revoked.

Fiscal Note is not required.

Recommended Do Pass March 23, 1984.

Senate File 2237, a bill for an act relating to the appointment, terms, retention and qualifications of magistrates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5822, March 23, 1984.

Senate File 2238, a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties.

Fiscal Note is not required.

Recommended Do Pass March 22, 1984.

Senate File 2247, a bill for an act relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5807**, March 22, 1984.

Senate File 2269, a bill for an act limiting the amount charged employed county prisoners for meals.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2270, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2271, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2272, a bill for an act relating to modification of orders made in proceedings for dissolution of marriage, annulment or separate maintenance.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2304, a bill for an act relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or delivery, a controlled substance.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2306, a bill for an act authorizing the use of computer data storage systems for the collection, storage, and retrieval of intelligence data, providing for restrictions on access to these computer data storage systems; and requiring the adoption of rules for authorization to access a computer data storage system containing intelligence data.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5799**, March 22, 1984.

Senate File 2295, a bill for an act prohibiting reductions in sick leave, vacation leave, or compensatory time entitlements while an employee is receiving weekly workers' compensation benefits.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2297, a bill for an act relating to the payment of workers' compensation benefits in pneumoconiosis cases.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2197, a bill for an act relating to the establishment and dissolution of a sanitary district.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2228, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2243, a bill for an act specifying which claims paid to county employees must be published in official newspapers.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2250, a bill for an act relating to the budget year and annual report provisions for secondary roads.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 420, a bill for an act relating to the collection of dishonored checks, drafts, or other negotiable instruments.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5823**, March 22, 1984.

Senate File 2063, a bill for an act relating to the Iowa product development corporation Act.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2116, a bill for an act to provide resale rights to a holder of a farm implements or parts franchise upon termination of the franchise.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2182, a bill for an act relating to the membership of the Iowa development commission.

Fiscal Note is required.

Recommended **Do Pass** March 22, 1984.

Senate File 2220, a bill for an act relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds, requiring a commitment to community reinvestment to receive state public funds, providing for the giving of notice on minimum interest rates for public funds, providing for the pledging of assets, providing for the dissolution of the state sinking fund, expanding the deposit limits for bank holding companies, and providing reciprocity for credit unions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5830**, March 22, 1984.

Senate File 2232, a bill for an act relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5811, March 22, 1984.

Senate File 2261, a bill for an act relating to the powers of state-chartered savings and loan associations.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5831, March 22, 1984.

Senate File 2262, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5824, March 22, 1984.

Senate File 2257, a bill for an act relating to the ownership of joint transmission facilities.

Fiscal Note is not required.

Recommended Do Pass March 22, 1984.

Senate File 2289, a bill for an act relating to the involvement of the state in a world trade center.

Fiscal Note is not required.

Without Recommendation March 22, 1984.

Senate File 2291, a bill for an act relating to finance charges permitted in open-end credit accounts including credit cards.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5829, March 22, 1984.

COMMITTEE ON STATE GOVERNMENT

Senate File 7, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5814, March 23, 1984.

Senate File 449, a bill for an act relating to licensing private investigative agencies and private security agencies, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5815**, March 23, 1984.

Senate File 465, a bill for an act relating to construction, repair, and improvement projects at institutions under the control of the department of social services.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5809**, March 22, 1984.

Senate File 2014, a bill for an act to provide for an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2099, a bill for an act to require competitive bidding procedures for a project for renovation or remodeling of physical facilities used or to be used by the general assembly or legislative agencies under the jurisdiction of the legislative council where the cost of the project is twenty-five thousand dollars or more.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2121, a bill for an act relating to the establishment of a state historic building code.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2203, a bill for an act to allow a person who is an instructor or proprietor at a licensed school of cosmetology to serve on the board of cosmetology examiners.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2212, a bill for an act relating to pay scale standards for members of the Iowa national guard.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5813**, March 23, 1984.

Senate File 2253, a bill for an act relating to the penalty for violation of the Iowa competition law and providing for a prohibition from bidding on governmental contracts by persons convicted of violations of the Iowa competition law.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2276, a bill for an act relating to the state board of engineering examiners.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2280, a bill for an act relating to the competitive bidding procedures of the department of general services.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

Senate File 2294, a bill for an act relating to the examination of government records by providing for the procedures for their examination, for enforcement of those procedures, for the availability of certain records, and for the duties of the lawful custodians and providing for civil damages.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5810**, March 22, 1984.

Senate File 2310, a bill for an act relating to payments to state employees for accrued sick leave and disability.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5812**, March 23, 1984.

Senate File 2312, a bill for an act relating to the deposit of interest earnings in designated employee insurance funds.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1984.

COMMITTEE ON TRANSPORTATION

Senate File 309, a bill for an act relating to the distance a person without an operator's license may move a farm tractor or implement of husbandry to farmland for conducting farm operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5802**, March 22, 1984.

Senate File 2169, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5801**, March 22, 1984.

Senate File 2206, a bill for an act relating to the safety and security of passengers on buses and in bus terminals, by establishing criminal offenses and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

Senate File 2298, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5800**, March 22, 1984.

AMENDMENTS FILED

H—5799	S.F.	244	Committee on Labor and Industrial Relations
H—5800	S.F.	2298	Committee on Transportation
H—5801	S.F.	2169	Committee on Transportation
H—5802	S.F.	309	Committee on Transportation
H—5803	S.F.	2259	Committee on Education
H—5804	S.F.	2101	Committee on Judiciary and Law Enforcement
H—5805	S.F.	2098	Committee on Judiciary and Law Enforcement
H—5806	S.F.	2036	Committee on Judiciary and Law Enforcement
H—5807	S.F.	2247	Committee on Judiciary and Law Enforcement
H—5808	S.F.	2215	Committee on Education
H—5809	S.F.	465	Committee on State Government

H-5810	S.F.	2294	Committee on State Government
H-5811	S.F.	2232	Committee on Small Business and Commerce
H-5812	S.F.	2310	Committee on State Government
H-5813	S.F.	2212	Committee on State Government
H-5814	S.F.	7	Committee on State Government
H-5815	S.F.	449	Committee on State Government
H-5816	H.F.	235	Spear of Lee
H-5817	S.F.	2268	Cannors of Polk Krewson of Polk Krewson of Polk
H-5818	S.F.	2082	Sherzan of Polk Hughes of Union
H-5819	S.F.	2189	Schroeder of Pottawattamie
H-5820	S.F.	2063	Hanson of Delaware
H-5821	S.F.	414	Committee on Judiciary and Law Enforcement
H-5822	S.F.	2237	Committee on Small Business and Commerce
H-5823	S.F.	420	Committee on Small Business and Commerce
H-5824	S.F.	2262	Halvorson of Webster Cooper of Lucas
H-5825	S.F.	511	Committee on Judiciary and Law Enforcement
H-5826	S.F.	517	Committee on Energy
H-5827	S.F.	2317	Committee on Judiciary and Law Enforcement
H-5828	S.F.	2132	Committee on Small Business and Commerce
H-5829	S.F.	2291	Committee on Small Business and Commerce
H-5830	S.F.	2220	Committee on Small Business and Commerce
H-5831	S.F.	2261	Committee on Small Business and Commerce
H-5832	S.F.	2084	Spear of Lee

On motion by Norland of Worth, the House adjourned at 1:18 p.m., until 10:00 a.m., Monday, March 26, 1984.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 26, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Father Thomas Carpender, pastor of the Sacred Heart Catholic Church, Meyer.

The Journal of Friday, March 23, 1984 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his arrival, on request of Halvorson of Clayton; Rensink of Sioux, for March 26, 27 and 28, 1984, on request of Schneklath of Scott; Fey of Scott on request of Arnould of Scott; Chapman of Linn, until her arrival, on request of Rosenberg of Story; Tabor of Jackson, until his arrival, on request of Running of Linn.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2175, a bill for an act relating to dispensing of generically equivalent drugs, with report of committee recommending passage was taken up for consideration.

Zimmerman 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. 2175)

The ayes were, 90:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Cannolly	Connors

Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fogarty	Grandia	Groninga	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Knapp	Krewson	Lageschulte
Lloyd-Jones	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Chapman	Chiodo	Fey	Gronstal
Harbor	Jay	Koenigs	Loneragan
Rensink	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2082, a bill for an act relating to the confidentiality of Iowa department of corrections records and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered amendment H-5201 filed by the committee on human resources. Division was requested as follows:

H-5201

- 1 Amend Senate File 2082 as passed by the Senate,
- 2 as follows:

H-5201A

- 3 1. Page 1, by striking lines 23 through 28 and

- 4 inserting in lieu thereof the following:
 5 "1. Disciplinary reports."

H—5201B

- 6 2. Page 2, by striking lines 10 and 11.

H—5201C

- 7 3. Page 3, line 28, by inserting after the word
 8 "to" the words "the board of parole and to".
 9 4. Page 3, line 30, by inserting after the word
 10 "and" the words "the board and".
 11 5. Page 5, by inserting after line 26 the
 12 following:
 13 "Sec. 3. Section 217A.32, Code Supplement 1983,
 14 is amended to read as follows:
 15 217A.32 RECORDS OF INMATES. The director shall
 16 keep the following record of every person committed
 17 to any of the department's institutions: Name,
 18 residence, sex, age, place of birth, occupation, civil
 19 condition, date of entrance or commitment, date of
 20 discharge, whether a discharge is final, condition
 21 of the person when discharged, the name of the
 22 institutions from which and to which the person has
 23 been transferred, and if the person is dead, the date
 24 and cause of death. The director may permit the state
 25 libraries and the Iowa state historical department's
 26 division of historical museum and archives to copy
 27 or reproduce by any photographic, photostatic,
 28 microfilm, microcard, or other process which accurately
 29 reproduces in a durable medium and to destroy in the
 30 manner described by law the records of inmates required
 31 by this section.
 32 Sec. 4. Section 217A.33, Code Supplement 1983,
 33 is repealed."
 34 6. By renumbering and relettering to conform to
 35 this amendment.

Sturgeon of Woodbury in the chair at 10:39 a.m.

Sherzan of Polk offered the following amendment H—5234, to the committee amendment H—5201A, filed by him and moved its adoption:

H—5234

- 1 Amend House amendment H—5201 to Senate File 2082
 2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 5, and
4 inserting in lieu thereof the following:
5 "1. Page 1, by striking lines 25 through 28, and
6 inserting in lieu thereof the following: "and the
7 following information of all other disciplinary
8 reports:
9 (1) The name of the accused.
10 (2) The rule violated.
11 (3) The writer of the report.
12 (4) The finding of fact and disposition of the
13 report." "

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 44, nays 48.

Amendment H—5234 lost.

Spear of Lee offered amendment H—5235, to the committee amendment H—5201A, filed by him and requested division as follows:

H—5235

1 Amend House amendment H—5201 to Senate File 2082
2 as passed by the Senate, as follows:

H—5235A

3 1. Page 1, by striking lines 3 through 5, and
4 inserting in lieu thereof the following:
5 "1. Page 1, by striking lines 25 through 28, and
6 inserting in lieu thereof the following: "and the
7 following information of all other disciplinary
8 reports:
9 (1) The name of the subject of the investigation.
10 (2) The alleged infraction involved.
11 (3) The penalty, if any, imposed as a result of
12 the infraction." "

H—5235B

13 2. Page 1, by striking line 6 and inserting in
14 lieu thereof the following:
15 "2. Page 2, by striking lines 10 and 11, and
16 inserting in lieu thereof the following:
17 "j. Information from disciplinary reports and
18 investigations other than that identified in subsection
19 1, paragraph 1." "

The following amendment H—5835, to amendment H—5235A (to the committee amendment H—5201A) filed by Spear of Lee from the floor, was adopted by unanimous consent:

H—5835

- 1 Amend amendment H—5235 to amendment H—5201 to Senate
- 2 File 2082 as passed by the Senate as follows:
- 3 1. Page 1, line 11, by striking the word "The" and
- 4 inserting in lieu thereof the words "The finding of
- 5 fact and the".

On motion by Spear of Lee, amendment H—5235A, to the committee amendment H—5201A, as amended, was adopted.

On motion by Sherzan of Polk, the committee amendment H—5201A, as amended, was adopted.

On motion by Spear of Lee, amendment H—5235B, to the committee amendment H—5201B, was adopted.

On motion by Sherzan of Polk, the committee amendment H—5201B, as amended, was adopted.

Krewson of Polk offered the following amendment H—5818, to the committee amendment H—5201C, filed by him and Sherzan of Polk and moved its adoption:

H—5818

- 1 Amend the amendment H—5201 to Senate File 2082,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 10, the
- 4 following:
- 5 " . Page 3, line 33, by inserting after the
- 6 word "to" the words "the board of parole and to"
- 7 2. By renumbering sections to conform to this
- 8 amendment.

Amendment H—5818 was adopted.

On motion by Sherzan of Polk, the committee amendment H—5201C, as amended, was adopted.

Sherzan 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. 2082)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Clark	Cochran	Cannolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Sturgeon)	

The nays were, none.

Absent or not voting, 5:

Chapman	Chiodo	Fey	Harbor
Rensink			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2084, a bill for an act relating to transition legislation for the Iowa department of corrections, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5202 filed by the committee on human resources:

H—5202

- 1 Amend Senate File 2084 as passed by the Senate,
2 as follows:
- 3 1. Page 1, by striking lines 7 and 8, and inserting
4 in lieu thereof the following:
5 "217A.52 DIAGNOSTIC CLINIC INMATE INTAKE AND
6 CLASSIFICATION CENTER. The director may provide
7 facilities and".
- 8 2. Page 1, line 9, by inserting after the word
9 "intake" the words "and classification".
- 10 3. Page 2, line 15, by striking the word "penal"
11 and inserting in lieu thereof the words "penal
12 correctional".
- 13 4. Page 2, line 17, by striking the word "either"
14 and inserting in lieu thereof the words "either".
- 15 5. Page 2, line 28, by striking the word "female"
16 and inserting in lieu thereof the word "women's".
- 17 6. Page 3, by striking line 6, and inserting in
18 lieu thereof the following:
19 "245.8 MANNER OF COMMITTING FEMALES WOMEN. Females
20 Women committed".
- 21 7. Page 3, by striking line 9, and inserting in
22 lieu thereof the following: "and classification
23 center — women's unit — Oakdale by a woman, or by a
24 male".
- 25 8. Page 3, by striking lines 13 through 18, and
26 inserting in lieu thereof the following:
27 "245.9 COST OF COMMITMENT. The costs and expenses
28 allowed for taking females women to the Iowa
29 correctional institution for women medical and
30 classification center — women's unit — Oakdale shall
31 be the same as those allowed by law for taking girls
32 to the training school under section 331.655,
33 subsection 1, and shall be audited and paid in like
34 manner by the counties from which they are sent."
- 35 9. By striking page 3, line 19 through page 4,
36 line 1 and inserting in lieu thereof the following:
37 "Sec. 10. Section 245.12, Code Supplement 1983,
38 is amended by striking the section and inserting in
39 lieu thereof the following:
40 245.12 TRANSFER OF MENTALLY ILL. The provisions
41 for the transfer of mentally ill persons under this
42 chapter shall be the same as provided in sections
43 246.16 and 246.17."
- 44 10. Page 5, by inserting before line 8 the
45 following:
46 "Sec. 14. Section 246.17, Code 1983, is amended
47 to read as follows:
48 246.17 DISCHARGE OF MENTALLY ILL. When the state
49 director has reason to believe that a prisoner in
50 the penitentiary or reformatory a state correctional

Page 2

1 institution, whose sentence has expired, is mentally
2 ill, ~~it the director~~ shall cause examination to be
3 made of the prisoner by competent physicians who shall
4 certify to the state director whether the prisoner
5 is in good mental health or mentally ill. The state
6 director may make further investigation and if
7 satisfied that the prisoner is mentally ill, the state
8 director may cause the prisoner to be transferred
9 to one of the hospitals for the mentally ill, or may
10 order the prisoner to be confined in the Iowa security
11 and medical facility and classification center."

12 11. Page 5, by striking line 32, and inserting
13 in lieu thereof the following:

14 "4. Restitution as ordered by the court pursuant
15 to chapter 910."

16 12. By striking page 7, line 11 through page 8,
17 line 18, and inserting in lieu thereof the following:

18 "Sec. 18. 1983 Iowa Acts, chapter 96, is amended
19 by adding the following new section:

20 NEW SECTION. The department of corrections may
21 enter into agreements, as provided for in chapter
22 28E, with a district department of correctional
23 services as necessary.

24 Sec. 19. 1983 Iowa Acts, chapter 205, section
25 7, subsection 6, is amended to read as follows:

26 6. The following are range five positions: state
27 comptroller, superintendent of public instruction,
28 executive secretary of the state board of regents,
29 director of the department of revenue, director of
30 the Iowa development commission, commissioner of
31 social human services or its successor agency, director
32 of the department of corrections, chairperson and
33 members of the Iowa state commerce commission, consumer
34 advocate, and director of the department of
35 transportation."

36 13. Page 8, by striking lines 24 through 28.

37 14. By renumbering to conform to this amendment.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on the committee amendment H-5202.

Spear of Lee offered the following amendment H-5220 filed by him and moved its adoption:

H—5220

- 1 Amend Senate File 2084, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "Sec. 3. **NEW SECTION. 217A.80 INSTITUTIONAL**
- 6 **RECEIPTS.** All institutional receipts of the department
- 7 of corrections shall be deposited in the general fund
- 8 except for reimbursements for services provided to
- 9 another institution or state agency, rentals charged
- 10 to employees or other persons for room, apartment,
- 11 or housing, and charges for meals."
- 12 2. By renumbering to conform to this amendment.

Amendment H—5220 was adopted.

Spear of Lee offered the following amendment H—5832 filed by him and moved its adoption:

H—5832

- 1 Amend Senate File 2084 as passed by the Senate
- 2 as follows:
- 3 1. Page 8, by inserting after line 20, the
- 4 following:
- 5 "Sec. 22. The department of corrections shall
- 6 cause to be transferred all records, supplies, equipment
- 7 and property, including automobiles, which are used in
- 8 the operation of parole services and work release
- 9 programs to the appropriate community-based corrections
- 10 judicial district in accordance with section 217A.3,
- 11 subsection 1."
- 12 2. Renumber as necessary.

Amendment H—5832 was adopted.

Norland of Worth asked and received unanimous consent that Senate File 2084 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 414, a bill for an act relating to insurance coverage for mental health services provided by certain licensed psychologists, with reports of committees recommending amendment and passage was taken up for consideration.

Running of Linn asked and received unanimous consent to temporarily defer action on the committee on human resources amendment H—3574.

Jochum of Dubuque offered the following amendment H—5276 filed by the committee on small business and commerce:

H—5276

1 Amend Senate File 414 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 154B.6, subsection 1, Code
6 1983, is amended to read as follows:

7 1. A licensed psychologist Except as provided
8 in this section, after July 1, 1984 a new applicant
9 for licensure as a psychologist shall possess a
10 doctoral degree in psychology or its equivalent from
11 an institution approved by the board and shall have
12 completed at least one year of supervised professional
13 experience under the supervision of a licensed
14 psychologist or prior to July 1, 1976 any person
15 holding a certificate as a psychologist from the board
16 of examiners of the Iowa psychological association,
17 following the granting of the doctoral degree, or
18 predoctoral experience, as may be acceptable to the
19 board; or shall possess a master's degree in psychology
20 or its equivalent from an institution approved by
21 the board and have completed at least five years of
22 professional experience, at least two of which shall
23 have been under the supervision of a licensed
24 psychologist or prior to July 1, 1976 any person
25 holding a certificate as a psychologist from the board
26 of examiners of the Iowa psychological association,
27 as may be acceptable to the board.

28 Sec. 2. NEW SECTION. 154B.6A HEALTH SERVICE
29 PROVIDER IN PSYCHOLOGY. A certified health service
30 provider in psychology means a person licensed to
31 practice psychology who has a doctoral degree in
32 psychology, or prior to July 1, 1984 was licensed
33 at the doctoral level with a degree in psychology
34 or its equivalent, and who has at least two years
35 of clinical experience in a recognized health service
36 setting or meets the standards of a national register
37 of health service providers in psychology. A person
38 certified as a health service provider in psychology
39 shall be deemed qualified to diagnose or evaluate
40 and treat mental illness and nervous disorders.

41 Sec. 3. Section 514.1, Code Supplement 1983, is
42 amended to read as follows:

43 514.1 INSURANCE LAWS EXCLUDED GENERALLY. Any
44 A corporation hereafter organized under the provisions
45 of chapter 504 or chapter 504A for the purpose of
46 establishing, maintaining, and operating a nonprofit
47 hospital service plan, whereby hospital service may
48 be provided by the corporation or by a hospital with
49 which it has a contract for service, to the public
50 who become subscribers to this plan under a contract

Page 2

1 which entitles each subscriber to hospital service,
2 or ~~any~~ a corporation organized for the purpose of
3 establishing, maintaining, and operating a plan whereby
4 medical and surgical service may be provided at the
5 expense of this corporation, by duly licensed
6 physicians and surgeons, dentists, podiatrists,
7 osteopathic physicians, or osteopathic physicians
8 and surgeons, to subscribers under contract, entitling
9 each subscriber to medical and surgical service, as
10 provided in the contract or any corporation organized
11 for the purpose of establishing, maintaining, and
12 operating a nonprofit pharmaceutical service plan
13 or optometric service plan, whereby pharmaceutical
14 or optometric service may be provided by this
15 corporation or by a licensed pharmacy with which it
16 has a contract for service, to the public who become
17 subscribers to this plan under a contract which
18 entitles each subscriber to pharmaceutical or
19 optometric service, shall be governed by ~~the provisions~~
20 ~~of this chapter and shall be is~~ exempt from all other
21 provisions of the insurance laws of this state, unless
22 specifically designated herein, not only in
23 governmental relations with the state but for every
24 other purpose, and additions hereafter enacted shall
25 not apply to these corporations unless they be
26 expressly designated therein. For the purposes of
27 this chapter, "subscriber" means an individual who
28 enters into a contract for ~~hospital services, medical~~
29 ~~or surgical services, dental services, or~~
30 ~~pharmaceutical or optometric health care services~~
31 with a corporation subject to this chapter and includes
32 any person eligible for medical assistance or
33 additional medical assistance as defined under chapter
34 249A, with respect to whom the department of human
35 services has entered into a contract with any firm
36 operating under chapter 514. For purposes of this
37 chapter, "provider" is ~~as defined in section 514B.1~~
38 shall mean a person as defined in section 4.1,
39 subsection 13, which is licensed or otherwise
40 authorized in this state to furnish health care
41 services. "Health care" shall mean that care necessary
42 for the purpose of preventing, alleviating, curing,
43 or healing human physical or mental illness, injury,
44 or disability.

45 Sec. 4. Section 514.5, Code Supplement 1983, is
46 amended by adding the following new unnumbered
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. A hospital service
49 corporation or medical service corporation organized
50 under this chapter may enter into contracts with

Page 3

1 subscribers and providers to furnish health care
2 services not otherwise allocated by this section.

3 Sec. 5. Section 514.6, Code 1983, is amended to
4 read as follows:

5 **514.6 RATES—APPROVAL BY COMMISSIONER.** The rates
6 charged by any such corporation to the subscribers
7 for ~~hospital health care service or for medical and~~
8 ~~surgical service, or for pharmaceutical or optometric~~
9 ~~service~~ shall at all times be subject to the approval
10 of the commissioner of insurance.

11 Sec. 6. Section 514.7, unnumbered paragraph 1,
12 Code Supplement 1983, is amended to read as follows:

13 The contracts by any such corporation with the
14 subscribers for ~~hospital health care service or for~~
15 ~~medical and surgical service or for pharmaceutical~~
16 ~~or optometric service~~ shall at all times be subject
17 to the approval of the commissioner of insurance.
18 The commission shall require that participating
19 pharmacies be reimbursed by the pharmaceutical service
20 corporation at rates or prices equal to rates or prices
21 charged nonsubscribers, unless the commissioner
22 determines otherwise to prevent loss to subscribers.

23 Sec. 7. Section 514.8, Code 1983, is amended to
24 read as follows:

25 **514.8 CONTRACTS WITH HOSPITALS PROVIDERS—APPROVAL.**

26 The contracts by any such corporation with
27 participating hospitals for hospital service or with
28 participating physicians and surgeons, dentists,
29 podiatrists, osteopathic physicians, or osteopathic
30 physicians and surgeons for medical and surgical
31 service, or with participating pharmacies for
32 pharmaceutical service, or with participating
33 optometrists for optometric service, or with other
34 providers shall at all times be subject to the approval
35 of the commissioner of insurance.

36 Sec. 8. Section 514.13, Code 1983, is amended
37 to read as follows:

38 **514.13 ARBITRATION OF DISPUTES.** Any dispute
39 arising between a corporation organized under said
40 this chapter and ~~any hospital with which such~~
41 ~~corporation has a contract for hospital service, or~~
42 ~~any physician and surgeon, dentist, podiatrist,~~
43 ~~osteopathic physician, or osteopathic physician and~~
44 ~~surgeon with whom any such corporation has a contract~~
45 ~~for medical and surgical service or any pharmacy or~~
46 ~~optometrist with whom any such corporation has a~~
47 ~~contract for pharmaceutical or optometric service,~~
48 ~~as provided for herein, a provider~~ may be submitted
49 to the commissioner of insurance for his a decision.
50 All decisions and findings of the commissioner of

Page 4

1 insurance may be judicially reviewed in accordance
 2 with the terms of the Iowa administrative procedure
 3 Act chapter 17A."
 4 2. Title page, by striking lines 1 and 2 and
 5 inserting in lieu thereof the following: "An Act
 6 relating to the licensing of a health service provider
 7 in psychology and the ability of a nonprofit medical
 8 service plan to contract with certain health care
 9 providers."

Speaker Avenson in the chair at 12:00 noon.

Hanson of Delaware offered the following amendment H—5821,
 to the committee amendment H—5276, filed by him and moved its
 adoption:

H—5821

1 Amend amendment H—5276 to Senate File 414 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting before line 5, the
 5 following:
 6 "Section 1. Section 154B.1, Code 1983, is amended
 7 to read as follows:
 8 154B.1 DEFINITION DEFINITIONS.
 9 1. "Practice of doctoral level psychology" means
 10 the application of established principles of learning,
 11 motivation, perception, thinking, and emotional
 12 relations to problems of behavior adjustment, group
 13 relations, and behavior modification, by persons
 14 trained in psychology for compensation or other
 15 personal gain. The application of principles includes,
 16 but is not limited to: Counseling and the use
 17 of psychological remedial measures with persons, in
 18 groups or individually, with adjustment or emotional
 19 problems in the areas of work, family, school and
 20 personal relationships; measuring and testing
 21 personality, intelligence, aptitudes, public opinion,
 22 attitudes, and skills; and the teaching of such subject
 23 matter, and the conducting of research on the problems
 24 relating to human behavior; and the treatment of
 25 mental illnesses and nervous disorders, excluding
 26 those mental illnesses and nervous disorders which
 27 are established as primarily of biological etiology
 28 with the exception of the treatment of the
 29 psychological and behavioral aspects of those mental

30 illnesses and nervous disorders. The practice of
 31 doctoral level psychology shall include certification
 32 as a health service provider and the practitioner
 33 shall be eligible to receive reimbursement under
 34 chapter 514.

35 2. "Practice of master level psychology" means
 36 the application of established principles of learning,
 37 motivation, perception, thinking and emotional
 38 relations to problems of behavior adjustment, group
 39 relations, and behavior modification, by persons
 40 trained in psychology for compensation or other
 41 personal gain. The application of principles includes,
 42 but is not limited to: Counseling and the use of
 43 psychological remedial measures with persons, in
 44 groups or individually, with adjustment of emotional
 45 problems in the areas of work, family, school and
 46 personal relationships; measuring and testing
 47 personality, intelligence, aptitudes, public opinion,
 48 attitudes, and skills; the teaching of such subject
 49 matter, and the conducting of research on the problems
 50 relating to human behavior. The practice of master

Page 2

1 level psychology does not include certification as
 2 a health service provider and the practitioner shall
 3 not be eligible to receive reimbursement under chapter
 4 514.

5 3. "Practice of psychology" means the practice
 6 of doctoral level psychology or the practice of master
 7 level psychology."

8 2. Page 1, line 9, by inserting after the words
 9 "as a" the words "doctoral level".

10 3. Page 1, line 27, by inserting after the word
 11 "board" the words "and a new applicant for licensure
 12 as a master level psychologist shall possess a master's
 13 degree in psychology or its equivalent from an
 14 institution approved by the board and shall have
 15 completed at least five years of professional
 16 experience, at least two of which shall have been
 17 under the supervision of a licensed psychologist".

18 4. Page 2, line 41, by inserting after the word
 19 "services" the words ", except a person in the practice
 20 of master level psychology as defined in section
 21 154B.1, subsection 2".

A non-record roll call was requested.

The ayes were 20, nays 61.

Amendment H—5821 lost.

(Senate File 414 and the committee amendment H—5276,
 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:12 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2330, by committee on ways and means, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive.

Read first time and referred to committee on **ways and means**.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 414**, a bill for an act relating to insurance coverage for mental health services provided by certain licensed psychologists, and the committee amendment H—5276.

Jochum of Dubuque offered the following amendment H—5522, to the committee amendment H—5276, filed by him and moved its adoption:

H-5522

- 1 Amend H-5276 to Senate File 414 as amended, passed,
- 2 and reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by striking the figure "1984"
- 4 and inserting in lieu thereof the figure "1985".
- 5 2. Page 1, line 40, by striking the words "and
- 6 treat".
- 7 3. Page 1, line 40, by inserting after the word
- 8 "disorders" the following: ", and to treat mental
- 9 illnesses and nervous disorders, excluding those
- 10 mental illnesses and nervous disorders which are
- 11 established as primarily of biological etiology with
- 12 the exception of the treatment of the psychological
- 13 and behavioral aspects of those mental illnesses and
- 14 nervous disorders".

Amendment H-5522 was adopted.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-5357, to the committee amendment H-5276, filed by him and Jochum of Dubuque on March 1, 1984.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H-5719, to the committee amendment H-5276, filed by him on March 15, 1984.

Hanson of Delaware offered the following amendment H-5710, to the committee amendment H-5276, filed by him and moved its adoption:

H-5710

- 1 Amend Amendment H-5276 to Senate File 414, as amend-
- 2 ed, passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 27.

A non-record roll call was requested.

The ayes were 19, nays 63.

Amendment H-5710 lost.

Jochum of Dubuque offered the following amendment H-5711, to the committee amendment H-5276, filed by him and Chiodo of Polk and moved its adoption:

H—5711

- 1 Amend the Committee on Small Business and Commerce
- 2 amendment H—5276 to Senate File 414, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, line 34, by inserting after the word
- 5 "equivalent" the following: ", or was prior to January
- 6 1, 1984 licensed as a psychologist in this state and
- 7 prior to January 1, 1985 receives a doctoral degree
- 8 equivalent to a doctoral degree in psychology".

Amendment H—5711 was adopted.

Jochum of Dubuque offered the following amendment H—5731, to the committee amendment H—5276, filed by him and moved its adoption:

H—5731

- 1 Amend amendment H—5276 to Senate File 414 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking lines 6 through 9 and
- 5 inserting in lieu thereof the following: "relating
- 6 to health service and health care providers by pro-
- 7 viding for the licensing of a health service provider
- 8 in psychology and the ability of a nonprofit medical
- 9 service plan to contract with certain health care
- 10 providers."

Amendment H—5731 was adopted.

On motion by Jochum of Dubuque, the committee amendment H—5276, as amended, was adopted, placing the following amendments out of order:

H—3574 filed by the committee on human resources on April 8, 1983 and found on page 2344 of the 1983 House Journal.

H—5032 filed by Schneklath of Scott on January 25, 1984.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 414)

The ayes were, 87:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fogarty	Groninga	Gronstal
Groth	Halvorson, R. A.	Halvorson, R. N.	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 10:

Grandia	Gruhn	Hammond	Handorf
Hughes	Maulsby	Menke	Paulin
Spear	Van Maanen		

Absent or not voting, 3:

Carter	Fey	Rensink
--------	-----	---------

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 2084**, a bill for an act relating to transition legislation for the Iowa department of corrections, temporarily deferred, and the committee amendment H-5202.

Schroeder of Pottawattamie offered the following amendment H-5836, to the committee amendment H-5202, filed by him from the floor and moved its adoption:

H—5836

- 1 Amend House amendment H—5202 to Senate File 2084
 2 as passed by the Senate as follows:
 3 1. Page 2, by striking lines 24 through 35, and
 4 inserting in lieu thereof the following:
 5 "Sec. 19. 1983 Iowa Acts, chapter 205, section
 6 7, subsection 1, is amended by adding the following
 7 new lettered paragraph:
 8 NEW LETTERED PARAGRAPH.
 9 f. Salary range 6. 45,400 60,600
 10 Sec. 20. 1983 Iowa Acts, chapter 205, section
 11 7, subsection 6, is amended to read as follows:
 12 6. The following are range five six positions:
 13 state comptroller, superintendent of public
 14 instruction, executive secretary of the state board
 15 of regents, director of the department of revenue,
 16 director of the Iowa development commission,
 17 commissioner of social human services or its successor
 18 agency, director of the department of corrections,
 19 chairperson and members of the Iowa state commerce
 20 commission, consumer advocate, and director of the
 21 department of transportation."

Amendment H—5836 lost.

On motion by Spear of Lee, the committee amendment H—5202 was adopted.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2084)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay

Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonerger	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellet
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Fey	Hermann	Rensink	Welden
-----	---------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2119, a bill for an act making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent, 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. 2119)

The ayes were, 86:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carster	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hoffmann-Bright	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonerger	Maulsby

McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Poncy	Renaud
Renken	Royer	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Maanen	Varn
Woods	Mr. Speaker		

The nays were, 9:

Brammer	Chapman	Holveck	Hummel
Parker	Pellett	Rosenberg	Running
Zimmerman			

Absent or not voting, 5:

Fey	Hermann	Rensink	Van Gerpen
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 510, a bill for an act relating to liens against crops and livestock to secure payment for agricultural chemicals, seed, petroleum products, and feed used in the production of growing crops and livestock and providing for the perfection, enforcement, assignment, and satisfaction of these liens, and providing for statutory damages, with report of committee recommending passage was taken up for consideration.

Connors of Polk in the chair at 3:03 p.m.

Tofte of Winneshiek asked and received unanimous consent to withdraw amendment H—5358 filed by him on March 1, 1984.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 510)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer

Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Zimmerman	Mr. Speaker (Connors)		

The nays were, 3:

Branstad Gronstal Oxley

Absent or not voting, 3:

Fey Rensink Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2091, a bill for an act relating to the acquisition of legal settlement by persons hospitalized in or receiving treatment at a state mental health institute and by institutionalized, emancipated, and other minors, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered amendment H—5270 filed by the committee on human resources and requested division as follows:

H—5270

- 1 Amend Senate File 2091 as amended, passed and
- 2 reprinted by the Senate, as follows:

H—5270A

- 3 1. Page 1, line 11, by inserting after the word
 4 "the" the word "other".
- 5 2. Page 1, line 13, by inserting after the words
 6 "who is" the words "an inpatient, a resident, or".
- 7 3. Page 1, line 17, by inserting after the word
 8 "becoming" the words "an inpatient, a resident, or".
- 9 4. Page 2, by striking line 10, and inserting
 10 in lieu thereof the words "person attains the age
 11 of eighteen and acquires another legal settlement
 12 in the person's own right".
- 13 5. Page 2, by striking lines 11 through 18 and
 14 inserting in lieu thereof the following:
 15 "5. Any A person with settlement in this state
 16 who enlists in or is inducted into the military or
 17 naval becomes a member on active duty of an armed
 18 service of the United States shall retain such retains
 19 the settlement during the period of his military or
 20 naval service active duty. Any A person without
 21 settlement in this state who is serving in said
 22 military or naval a member on active duty of an armed
 23 service of the United States within the borders of
 24 this state shall does not acquire settlement during
 25 the period of such service active duty."

H—5270B

- 26 6. Page 2, line 27, by inserting after the word
 27 "institute" the words "or state hospital-school".
- 28 7. Page 2, line 28, by inserting after the word
 29 "institute" the words "or hospital-school".
- 30 8. Page 2, line 29, by inserting after the word
 31 "institute" the words "or hospital-school".
- 32 9. Page 2, line 32, by inserting after the word
 33 "institute" the words "or hospital-school".
- 34 10. Title page, line 3, by inserting after the
 35 word "institute" the words "or state hospital-school".

Spear of Lee moved the adoption of the committee amendment
 H—5270A.

A non-record roll call was requested.

The ayes were 65, nays 8.

The committee amendment H—5270A was adopted.

On motion by Spear of Lee, the committee amendment
 H—5270B was adopted.

Spear of Lee offered the following amendment H—5371 filed by him and moved its adoption:

H—5371

- 1 Amend Senate File 2091 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 9, by inserting after the word
- 4 "county" the words "of legal settlement".

Amendment H—5371 was adopted.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 76 was invoked.

On the question "Shall the bill pass?" (S.F. 2091)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		
	(Connors)		

The nays were, none.

Absent or not voting, 2:

Fey

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the general assembly to specify by law when acts of the general assembly take effect, with report of committee recommending passage was taken up for consideration.

Doderer of Johnson offered the following amendment H—3869 filed by her and moved its adoption:

H—3869

- 1 Amend Senate Joint Resolution 9 as follows:
- 2 1. Page 1, by striking lines 8 and 9 and inserting
- 3 in lieu thereof the words "its passage unless a
- 4 different effective date is stated in an".
- 5 2. Page 1, by striking lines 12 through 19 and
- 6 inserting in lieu thereof the following: "after
- 7 adjournment of the special session unless a different
- 8 effective date is stated in an act of the general
- 9 assembly. The general assembly may establish by law
- 10 a procedure for giving notice of the contents of acts
- 11 of immediate importance which become law."

Amendment H—3869 was adopted.

Lloyd-Jones of Johnson moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 9, a joint resolution proposing an amendment to the constitution of the State of Iowa to allow the general assembly to specify by law when acts of the general assembly take effect.

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 26 of Article III of the Constitution of the State of Iowa, as amended by the Amendment of 1966, is repealed and the following adopted in lieu thereof:

“An act of the general assembly passed at a regular session of a general assembly shall take effect on July 1 following its passage by the general assembly and approval by the governor unless a different effective date is stated in an act of the general assembly. An act passed at a special session of a general assembly shall take effect ninety days after adjournment of the special session of the general assembly unless a different effective date is stated in an act of the general assembly. The general assembly shall establish by law a procedure for giving notice of the contents of acts which will become law before July 1 following adjournment of a regular session of a general assembly or before ninety days following adjournment of a special session of the general assembly.”

Sec. 2. The foregoing 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 the same 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. 9)

The ayes were, 65:

Arnould	Avenson	Baxter	Blanshan
Brammer	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Cooper	Corey	Davitt	Diemer
Doderer	Fogarty	Groninga	Gronstal
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hoffmann-Bright
Holveck	Hughes	Jochum	Koenigs
Lloyd-Jones	Loneragan	McIntee	McKean

Muhlbauer	Norland	O'Kane	Ollie
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Running	Schroeder	Sherzan	Shoultz
Spear	Stromer	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Welden	Woods
Mr. Speaker (Connors)			

The nays were, 32:

Anderson	Bennett	Black	Branstad
Connolly	Copenhaver	Daggett	De Groot
Grandia	Groth	Harbor	Hermann
Hummel	Jay	Knapp	Krewson
Lageschulte	Maulsby	Menke	Miller
Mullins	Osterberg	Paulin	Renken
Royer	Schnekloth	Skow	Stueland
Sturgeon	Sullivan	Varn	Zimmerman

Absent or not voting, 3:

Carter	Fey	Rensink
--------	-----	---------

The joint resolution, having received a constitutional majority was declared to have been adopted and agreed to by the House.

Senate File 292, a bill for an act relating to qualifications and compensation of court interpreters, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5519 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5519

- 1 Amend Senate File 292 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 17 through 30.

The committee amendment H—5519 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 87:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	Doderer	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Rellett	Poncy	Renaud
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker (Connors)	

The nays were, 11:

Branstad	De Groot	Diemer	Grandia
Hummel	Maulsby	Menke	Renken
Schnekloth	Van Maanen	Welden	

Absent or not voting, 2:

Fey	Rensink
-----	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2168, a bill for an act relating to programs for returning dropouts and dropout prevention by a local school district, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 3:42 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2168 at 4:48 p.m., Speaker Avenson in the chair.

Hummel of Benton in the chair at 5:12 p.m.

Maulsby of Calhoun moved that Senate File 2168 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 36, nays 55.

The motion lost.

Ollie 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. 2168)

The ayes were, 66:

Arnould	Avenson	Baxter	Blanshan
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Connolly	Connors	Copenhaver	Davitt
De Groot	Diemer	Doderer	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Koenigs	Krewson	Lloyd-Jones
Lonergan	McIntee	McKean	Miller
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Renaud	Rosenberg
Running	Schroeder	Sherzan	Shoultz
Spear	Stueland	Tabor	Tofte
Van Camp	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker (Hummel)		

The nays were, 32:

Anderson	Bennett	Black	Branstad
Cochran	Cooper	Corey	Daggett
Fogarty	Grandia	Gruhn	Handorf
Harbor	Knapp	Lageschulte	Maulsby
Menke	Muhlbauer	Pellett	Poncy
Renken	Royer	Schnekloth	Skow
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Torrence	Van Maanen	Welden

Absent or not voting, 2:

Fey

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 324, a bill for an act relating to skilled nursing care coverage provided by insurers and hospital and medical service corporations to hospitalized insureds and subscribers, with report of committee recommending passage was taken up for consideration.

Zimmerman 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.

Rule 76 was invoked.

On the question "Shall the bill pass?" (S.F. 324)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Hummel)

The nays were, none.

Absent or not voting, 4:

Davitt	Fey	Haverland	Rensink
--------	-----	-----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2167, a bill for an act to repeal the requirement that a meeting be called upon request by the area education agency board or a contiguous school district concerning a proposal by a school district board to issue general obligation bonds for construction or renovation of a school building, with report of committee recommending passage was taken up for consideration.

Buhr 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. 2167)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhagen	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Mr. Speaker (Hummel)		

The nays were, 2:

Knapp Zimmerman

Absent or not voting, 4:

Davitt Fey Haverland Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2176, a bill for an act eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services, 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. 2176)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Hummel)

The nays were, none.

Absent or not voting, 4:

Davitt Fey Haverland Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 497, a bill for an act relating to activities of the citizens' aide and members of the citizens' aide staff, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson asked and received unanimous consent to withdraw amendment H—5659 filed by her on March 14, 1984.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 497)

The ayes were, 84:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Connolly	Connors
Copenhaver	Corey	Daggett	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Hammond	Hanson	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McIntee
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shultz	Skow	Spear
Stromer	Stueland	Sturgeon	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Hummel)

The nays were, 11:

Anderson	Branstad	Cochran	Cooper
Handorf	Knapp	Maulsby	McKean
Paulin	Renken	Sullivan	

Absent or not voting, 5:

Davitt	Fey	Halvorson, R. N.	Haverland
Rensink			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 6:07 p.m.

Senate File 163, a bill for an act creating a possessory lien on personal property in a self-service storage facility and establishing a method for enforcing the lien, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5279 filed by the committee on judiciary and law enforcement and moved its adoption:

H-5279

- 1 Amend Senate File 163 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:
- 5 "3. "Occupant" means a person, in privity with
- 6 the owner, entitled to the use to the exclusion of
- 7 others of the storage space at a self-service storage
- 8 facility pursuant to privity with the owner."
- 9 2. Page 1, line 23, by inserting after the word
- 10 "oral" the words "between the owner and occupant".
- 11 3. Page 1, line 31, by inserting after the word
- 12 "occupant" the words "by certified mail".
- 13 4. Page 2, by striking lines 9 through 12 and
- 14 inserting in lieu thereof the following: "chapter.
- 15 The lien provided for in this section shall not have
- 16 priority over a lien or security interest perfected,
- 17 prior to the time the personal property is placed
- 18 within or upon the self-storage facility. The lien
- 19 attaches as of the date the personal property is
- 20 brought to the self-service storage facility."
- 21 5. Page 2, line 17, by inserting after the word

22 "son" the words "with acceptance to be signed by the
23 occupant".

24 6. Page 3, by striking lines 7 through 9 and
25 inserting in lieu thereof the following:

26 "2. A notice mailed by certified mail pursuant
27 to subsection 1 is made and completed when the notice
28 is enclosed in a sealed envelope with the proper
29 postage on the envelope, addressed to the occupant
30 or successor at the last known mailing address, and
31 deposited in a mail receptacle provided by the United
32 States postal service."

33 7. Page 4, line 12, by inserting after the word
34 "section." the following: "The purchaser shall apply
35 for a new title to a vehicle by the procedures outlined
36 in section 321.47. For all other property which has
37 a written title, the purchaser shall follow the
38 applicable procedures for the property for the transfer
39 of title by operations of law."

40 8. Page 4, by striking lines 15 through 18 and
41 inserting in lieu thereof the following: "hold the
42 balance in a segregated escrow account for a period
43 of ninety days for delivery on demand to the occupant.
44 If the occupant does not claim the balance within
45 ninety days, the moneys shall be paid to the county
46 treasurer in the county where the facility is located.
47 The county treasurer shall hold the money for a period
48 of two years. If a claim is not made by the owner
49 for the funds, then the funds shall become the property
50 of the county. There shall be no further recourse

Page 2

1 by any person against the owner for an action pursuant
2 to this section."

3 9. Page 4, by inserting after line 23 the
4 following:

5 "Sec. 6. NEW SECTION. 578A.6 RESIDENCE. An
6 occupant shall not use a self-service storage facility
7 for residential purposes. A self-service storage
8 facility is not a warehouse as defined in chapter
9 554."

The committee amendment H—5279 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. 163)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Pongy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Davitt	Fey	Haverland	Menke
Parker	Rensink	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2159, a bill for an act to allow limited child modeling under the child labor laws, with report of committee recommending passage was taken up for consideration.

Running of Linn asked and received unanimous consent to suspend the rules to consider amendment H—5843.

Carpenter of Polk offered the following amendment H—5843 filed by her from the floor and moved its adoption:

H—5843

- 1 Amend Senate File 2159 as passed by the Senate,
 2 as follows:
 3 1. Page 1, line 3, by striking the word "fourteen"
 4 and inserting in lieu thereof the word "sixteen".
 5 2. Page 1, line 6, by inserting after the word
 6 and figure "7 p.m.," the following: "not exceeding
 7 twelve hours in any month,".

Amendment H—5843 was adopted.

Running 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. 2159)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Davitt	Fey	Haverland	Menke
Rensink	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2189, a bill for an act relating to bacterial and organoleptic milk standards, with report of committee recommending passage was taken up for consideration.

Hughes of Union offered the following amendment H—5819 filed by him and moved its adoption:

H—5819

- 1 Amend Senate File 2189 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 17, by striking the words ", as
- 4 specified in section 194.6," and inserting in lieu
- 5 thereof the words ", as specified in section 194.6,".

Amendment H—5819 was adopted.

Hughes of Union moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2189)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins

Norland	O'Kane	Ollie	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 7:

Davitt	Fey	Häverland	Menke
Osterberg	Rensink	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2042, a bill for an act abolishing the council on child abuse information, with report of committee recommending passage was taken up for consideration.

Carl of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2042)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins

Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Davitt	Fey	Haverland	Menke
Rensink	Tofte	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2137, a bill for an act relating to the certification of documents and providing a penalty, with report of committee recommending passage was taken up for consideration.

Hólveck 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. 2137)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg

Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poney	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Davitt	Fey	Haverland	Menke
Rensink	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2059, a bill for an act relating to the authority of a standing committee of the general assembly to call upon a state agency or political subdivision for assistance and information, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H—5761 filed by the committee on state government and moved its adoption:

H—5761

- 1 Amend Senate File 2059 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 11, by striking the word "public".

The committee amendment H—5761 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2059)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad

Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Davitt	Doderer	Fey	Haverland
Menke	Miller	Rensink	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER (House File 2295)

I move to reconsider the vote by which the House failed to override the Governor's veto on House File 2295 on March 23, 1984.

KREWSON of Polk

(Senate Joint Resolution 9)

I move to reconsider the vote by which Senate Joint Resolution 9 passed the House on March 26, 1984.

SCHROEDER of Pottawattamie

(Senate File 2082)

I move to reconsider the vote by which Senate File 2082 passed the House on March 26, 1984.

SHERZAN of Polk

(Senate File 2159)

I move to reconsider the vote by which Senate File 2159 passed the House on March 26, 1984.

RUNNING of Linn

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, 1984, 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 2160, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations.

K. MARIE THAYER, Secretary

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 1984, he approved and transmitted to the Secretary of State the following bill:

Senate File 2244, an act relating to public bonds and obligations by correcting references and providing for payment of the costs of registration.

PRESENTATION OF VISITORS

Pellett of Cass presented to the House the Honorable Bill Darrington, former member of the House representing Harrison County.

The Speaker announced that the following visitors were present in the House chamber:

Sixteen twelfth grade students from New Market Junior Senior High School, New Market, accompanied by Dave Doarzman. By Daggett of Taylor and Royer of Page.

Thirty-five FHA students from Walnut High School, Walnut, accompanied by Paulette Neilsen and Alaine Sorensen. By Pellett of Cass.

Eighteen second grade students from West Elementary School, Knoxville, accompanied by Nancy Nichols. By Grandia of Marion.

Seventeen Student Council members from DeWitt Central High School, DeWitt, accompanied by Mr. Gene Kastler. By Stueland of Clinton.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- | | |
|---------|---|
| 1984-9 | City of West Burlington — celebrating a century of growth |
| 1984-10 | Hartley-Melvin High School Girls Basketball Team — was a contender in the 1984 State Girls Basketball Tournament |
| 1984-11 | Terry Schmuecker, Benton Community School — won the State 1984 Class 2A 98 pound Wrestling Championship |
| 1984-12 | Don Holmes, Vinton — named 1984 Wrestling Official of the Year |
| 1984-13 | Al Billings, Belle Plaine — named 1984 Class 1A Wrestling Coach of the Year |
| 1984-14 | Chad Hennings, Benton Community School — won the State 1984 Class 2A Wrestling Championship |
| 1984-15 | Kirn Junior High School, Council Bluffs — named one of the outstanding secondary schools in Iowa for 1983-84 |
| 1984-16 | Boys Basketball Team of Little Rock Community School — was a contender in the State Boys Basketball Tournament and received a third place rating in the 1A division |
| 1984-17 | Reverend E. Gordon Riffle, Sioux City — Evangelical Free Church is celebrating the centennial of its founding |
| 1984-18 | Oelwein High School Huskettes — was a contender in the 1984 State Girls Basketball Tournament |

- 1984-19 Washington High School of Cherokee Boys Basketball Team — was a contender in the 1984 State Boys Basketball Tournament
- 1984-20 Abraham Lincoln High School, Council Bluffs — received the "Gold Crown" honor for the second consecutive year for having one of the eight best yearbooks in the United States

JOSEPH O'HERN
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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House Concurrent Resolution, a concurrent resolution relating to the bonding authority of the state board of regents.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1984.

Committee Bill, relating to and making appropriations to the auditor of state and the treasurer of state and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 26, 1984.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2135, a bill for an act relating to electric transmission line, wire, or cable franchises and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1984.

RESOLUTION FILED

HCR 117, by Committee on Appropriations, relating to the bonding authority of the state board of regents.

Referred to committee on **finance.**

AMENDMENTS FILED

H-5834	S.F.	2257	Schroeder of Pottawattamie
H-5837	S.F.	2259	Pellett of Cass Daggett of Taylor Muhlbauer of Crawford
H-5838	S.F.	2291	Lonergan of Boone Schroeder of Pottawattamie Gronstal of Pottawattamie
H-5839	S.F.	449	Swartz of Marshall
H-5840	S.F.	2160	Senate Amendment
H-5841	S.F.	2132	Schroeder of Pottawattamie
H-5842	S.F.	2298	Welden of Hardin
H-5844	S.F.	2237	McKean of Jones
H-5845	S.F.	2237	McKean of Jones
H-5846	S.F.	2259	Harbor of Mills
H-5847	S.F.	2259	Zimmerman of Dallas
H-5848	S.F.	2104	Schroeder of Pottawattamie
H-5849	S.F.	2291	Halvorson of Clayton
H-5850	S.F.	2036	Miller of Woodbury
H-5851	S.F.	2205	Harbor of Mills
H-5852	S.F.	2271	Jay of Appanoose Halvorson of Clayton Corey of Louisa Harbor of Mills Parker of Jasper
H-5853	H.F.	2509	Pavich of Pottawattamie Woods of Polk Groninga of Cerro Gordo Renaud of Polk Sherzan of Polk
H-5854	S.F.	2291	Holveck of Polk
H-5855	S.F.	2291	Halvorson of Clayton Baxter of Des Moines
H-5856	S.F.	2291	Holveck of Polk
H-5857	S.F.	2298	Schroeder of Pottawattamie Harbor of Mills
H-5858	S.F.	2268	Chapman of Linn

On motion by Norland of Worth, the House adjourned at 6:34 p.m., until 9:00 a.m., Tuesday, March 27, 1984.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 27, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Stanley Peterson, pastor of the Zion Lutheran Church, Clinton.

The Journal of Monday, March 26, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, M.D., Denison.

PETITION FILED

The following petition was received and placed on file:

By Miller of Woodbury, from one hundred constituents favoring the bill which will allow fraternal organizations to run pull tab tickets.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his arrival, on request of Pavich of Pottawattamie.

REMOVED FROM CALENDAR

Norland of Worth asked and received unanimous consent to remove the following House Files from the calendar and refer them to the committees listed:

H.F. 93	Labor and Industrial Relations
H.F. 322	Local Government
H.F. 356	Labor and Industrial Relations
H.F. 407	Local Government
H.F. 417	Transportation
H.F. 443	Local Government

H.F. 576	Human Resources
H.F. 2089	Labor and Industrial Relations
H.F. 2114	State Government
H.F. 2186	Human Resources
H.F. 2213	Small Business and Commerce
H.F. 2230	Natural Resources
H.F. 2231	Small Business and Commerce
H.F. 2256	Local Government
H.F. 2341	Small Business and Commerce
H.F. 2353	Transportation
H.F. 2365	Transportation
H.F. 2370	Labor and Industrial Relations
H.F. 2395	Judiciary and Law Enforcement
H.F. 2413	Judiciary and Law Enforcement
H.F. 2419	State Government
H.F. 2434	Education
H.F. 2442	Small Business and Commerce
H.F. 2448	Agriculture
H.F. 2449	Education
H.F. 2450	Small Business and Commerce
H.F. 2451	Judiciary and Law Enforcement
H.F. 2462	Small Business and Commerce
H.F. 2476	Judiciary and Law Enforcement
H.F. 2490	Local Government
H.F. 2494	Natural Resources
H.F. 2498	Local Government

RULES SUSPENDED

Norland of Worth asked for unanimous consent to suspend the rules to place the bills on the supplement of the addendum for the weekly debate calendar for March 26 through 30.

Objection was raised.

Norland of Worth moved that Senate File 2057 be placed on the March 26 through March 30 weekly debate calendar.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed.

Norland of Worth moved that Senate File 24 be placed on the March 26 through March 30 weekly debate calendar.

A non-record roll call was requested.

The ayes were 56, nays 35.

The motion prevailed.

Norland of Worth moved that Senate File 2306 be placed on the March 26 through March 30 weekly debate calendar.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed.

Norland of Worth asked and received unanimous consent to suspend the rules to place the following bills on the March 26 through March 30 weekly debate calendar: Senate Files 2272, 2005, 2173, 2270, 2271, 432, 2132, 517, 2237, 256, 2235, 491 and 2035.

Norland of Worth asked and received unanimous consent to suspend the rules to place Senate Files 253 and 2135 on the weekly debate calendar.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 2301**, a bill for an act relating to the protection of lienholders' and certificate holders' advancements, deferred on March 23, 1984.

Connors of Polk in the chair at 9:35 a.m.

Tabor of Jackson offered the following amendment H-5656 filed by him and moved its adoption:

H-5656

- 1 Amend Senate File 2301 as passed by the Senate
- 2 as follows:

- 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. NEW SECTION. 572.33 REQUIREMENT
 6 OF NOTIFICATION. Notwithstanding any provision to
 7 the contrary, a claim by a person furnishing only
 8 materials to a subcontractor who is furnishing only
 9 materials shall not be entitled to a lien under this
 10 chapter unless the person furnishing materials had
 11 notified the principal contractor within thirty days
 12 of the furnishing of the materials and the lien claim
 13 is supported by a certified statement that the
 14 principal contractor had been notified within thirty
 15 days after the materials were furnished. This
 16 requirement is in addition to all other requirements
 17 of this chapter."
 18 2. By renumbering to conform to this amendment.

Amendment H—5656 was adopted.

McIntee 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. 2301)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Connolly	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen

Varn
Mr. Speaker
(Connors)

Welden

Woods

Zimmerman

The nays were, none.

Absent or not voting, 3:

Chiodo

Harbor

Rensink

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 2268**, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty, deferred on March 23, 1984.

Krewson of Polk offered the following amendment H-5817, filed by Connors of Polk and him and moved its adoption:

H-5817

- 1 Amend Senate File 2268 as follows:
- 2 1. Page 1, line 9, by striking the words "one
- 3 month" and inserting in lieu thereof the words "three
- 4 months".
- 5 2. Page 1, line 29, by striking the words "one
- 6 month" and inserting in lieu thereof the words "three
- 7 months".

Amendment H-5817 lost.

Chapman of Linn offered amendment H-5858 filed by her as follows:

H-5858

- 1 Amend Senate File 2268 as passed by the Senate
- 2 as follows:
- 3 1. Page 3, by inserting after line 19 the
- 4 following:
- 5 "Sec. 6. **NEW SECTION. 252C.6 COURT CERTIFICATION.**
- 6 Upon application, the court may certify unpaid alimony
- 7 payments for the support of a spouse and direct
- 8 execution, levy, and garnishment as authorized by
- 9 law."

10 2. Page 3, line 20, by striking the words and
 11 figure "Sec. 6. This" and inserting in lieu thereof
 12 the words and figures "Sec. 7. Sections 1 through
 13 6 of this".

14 3. Page 3, by inserting after line 22 the
 15 following:

16 "Sec. 8. NEW SECTION. 630.3A HEARING TO DETERMINE
 17 JUDGMENT DEBTOR'S INCOME. At any time after the
 18 rendition of judgment the court, upon application
 19 of the judgment creditor or the judgment debtor and
 20 upon notice to the adverse party as the court shall
 21 direct, shall conduct a hearing to determine the
 22 reasonably expected annual earnings of the judgment
 23 debtor for the current calendar year and the applicable
 24 limitation upon garnishment as provided in section
 25 642.21. The court shall also consider in the interest
 26 of justice whether a greater amount than provided
 27 in section 642.21 shall be exempt from garnishment.
 28 In making the determination the court shall consider
 29 the age, number and circumstances of the dependents
 30 of the debtor, existing federal poverty level
 31 guidelines, the debtor's maintenance and support
 32 needs, the debtor's other financial obligations and
 33 any other relevant information. An order reducing
 34 the garnishment may be modified or vacated upon the
 35 application of a party to the court, notice to the
 36 adverse party, and a showing at a hearing of changed
 37 circumstances. An additional filing fee shall not
 38 be assessed for proceedings under this section.

39 Sec. 9. Section 642.5, Code 1983, is amended by
 40 adding the following new subsection:

41 NEW SUBSECTION. 4. Do you compensate the defendant
 42 in this suit for any personal services whether
 43 denominated as wages, salary, commission, bonus or
 44 otherwise, including periodic payments pursuant to
 45 a pension or retirement program? If so, state the
 46 amount of the compensation reasonably anticipated
 47 to be paid defendant during the calendar year.

48 Sec. 10. Section 642.14, Code 1983, is amended
 49 by adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. The notice required

Page 2

1 by this section shall contain the full text of section
 2 630.3A.

3 Sec. 11. Section 642.21, subsection 1, Code 1983,
 4 is amended to read as follows:

5 1. The disposable earnings of an individual shall
 6 be exempt from garnishment to the extent provided
 7 by the federal Consumer Credit Protection Act, Title

8 III, 15 U.S.C. secs. 1671-1677. The term "Consumer
 9 Protection Act" means the Act of Congress approved
 10 May 29, 1968, 82 Stat. 163, officially cited as the
 11 "Consumer Credit Protection Act, Title III." The
 12 maximum amount of an employee's earnings which may
 13 be garnished during any one calendar year is two
 14 hundred fifty dollars for each judgment creditor,
 15 except as provided in section 627.12 or when those
 16 earnings are reasonably expected to be in excess of
 17 twelve thousand dollars for that calendar year as
 18 determined from the answers taken by the sheriff or
 19 by the court pursuant to section 642.5, subsection
 20 4. When the employee's earnings are reasonably
 21 expected to be more than twelve thousand dollars the
 22 maximum amount of those earnings which may be garnished
 23 during a calendar year for each creditor is as follows:

24 a. Employees with expected earnings of twelve
 25 thousand dollars or more, but less than sixteen
 26 thousand dollars, not more than four hundred dollars
 27 may be garnished.

28 b. Employees with expected earnings of sixteen
 29 thousand dollars or more, but less than twenty-four
 30 thousand dollars, not more than eight hundred dollars
 31 may be garnished.

32 c. Employees with expected earnings of twenty-
 33 four thousand dollars or more, but less than thirty-
 34 five thousand dollars, not more than one thousand
 35 five hundred dollars may be garnished.

36 d. Employees with expected earnings of thirty-
 37 five thousand dollars or more, but less than fifty
 38 thousand dollars, not more than two thousand dollars
 39 may be garnished.

40 e. Employees with expected earnings of fifty
 41 thousand dollars or more, not more than ten percent
 42 of an employee's expected earnings.

43 Sec. 12. NEW SECTION. 642.22 VALIDITY OF
 44 GARNISHMENT NOTICE. A notice of garnishment served
 45 upon a garnishee is effective without serving another
 46 notice until the earliest of the following:

47 1. The annual maximum permitted to be garnished
 48 under section 642.21 has been withheld.
 49 2. The writ of execution expires.
 50 3. The judgment is satisfied.

Page 3

1 4. The garnishee is served with a notice that
 2 the garnishment shall cease."
 3 4. Title page, line 1, by inserting after the
 4 word "Act" the words "relating to collection of court
 5 ordered payments by".

6 5. Title page, line 3, by inserting after the
 7 word "penalty" the words ", and providing for the
 8 collection of unpaid alimony, and providing for limits
 9 to garnishment, and providing for the validity of
 10 garnishment notices."

Chapman of Linn offered the following amendment H—5859, to amendment H—5858, filed by her from the floor and moved its adoption:

H—5859

- 1 Amend amendment H—5858 to Senate File 2268 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "spouse" the words "or former spouse".

Amendment H—5859 was adopted.

On motion by Chapman of Linn, amendment H—5858, as amended, was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2268)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick

Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Weiden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 2:

Harbor	Rensink
--------	---------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Poncy of Wapello in the chair at 10:15 a.m.

Senate File 2221, a bill for an act relating to tests and standards for motor vehicle fuel, with report of committee recommending passage was taken up for consideration.

Carter of Henry moved that 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 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneran

Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Pavich	Peick	Pellett
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Poncy)

The nays were, none.

Absent or not voting, 4:

Fey	Harbor	Paulin	Rensink
-----	--------	--------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 480, a bill for an act relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanor's sentence, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 480)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneran

Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Poney)	

The nays were, none.

Absent or not voting, 5:

Copenhaver	Harbor	Rensink	Shultz
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 10:23 a.m.

SENATE FILE 511 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 511 be temporarily deferred and that the bill retain its place on the calendar.

The House resumed consideration of **Senate File 2213**, a bill for an act relating to the authority of the department of water, air and waste management over waste water disposal systems, deferred March 23, 1984.

Shultz of Black Hawk offered the following amendment H-5474 filed by him and moved its adoption:

H-5474

- 1 Amend Senate File 2213 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 5, by striking the words "or minor
- 4 industrial waste water".
- 5 2. Page 2, line 11, by inserting after the word
- 6 "state." the words "The exemption of this paragraph
- 7 shall not apply to any industrial waste discharges."

Amendment H—5474 was adopted.

Shoultz 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. 2213)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 2:

Harbor Rensink

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 2233**, a bill for an act providing for the transfer of fiduciary accounts among affiliates and between independent banks, deferred on March 23, 1984.

Schnekloth of Scott offered the following amendment H—5785 filed by him:

H—5785

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 3, line 11 by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".

McIntee of Black Hawk offered the following amendment H—5797, to amendment H—5785, filed by him and moved its adoption:

H—5797

- 1 Amend amendment H—5785 to Senate File 2233 as
- 2 amended, passed and reprinted by the Senate by
- 3 striking lines 2 and 3 and inserting in lieu thereof
- 4 the following:
- 5 "1. Page 3, line 11, by striking the words
- 6 "may provide" and inserting in lieu thereof the words
- 7 "shall provide either (a) that the succeeding bank
- 8 maintain one or more employees or agents at the office
- 9 of the relinquishing bank in order to facilitate the
- 10 continued servicing of the designated fiduciary accounts,
- 11 or (b)".
- 12 2. Page 3, line 16, by striking the word "However,"
- 13 and inserting in lieu thereof the words "If the relin-
- 14 quishing bank is an agent under alternative (b) above,
- 15 then"."

Amendment H—5797 was adopted.

On motion by McIntee of Black Hawk, amendment H—5785, as amended, was adopted.

McIntee 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. 2233)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chioldo	Clark
Cochran	Connolly	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Connors)		

The nays were, none.

Absent or not voting, 2:

Harbor Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:35 a.m.

Senate File 2021, a bill for an act relating to the tolling of a statute of limitations when restitution is ordered, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2021)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Harbor Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2117, a bill for an act relating to solicitation of charitable contributions from state officers and employees, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—5712 filed by Hanson, et al., and moved its adoption:

H-5712

- 1 Amend Senate File 2117, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 8 and insert-
- 4 ing in lieu thereof the following: "of a charitable
- 5 organization. The state agency or department".

A non-record roll call was requested.

The ayes were 45, nays 41.

Amendment H-5712 was adopted.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2117)

The ayes were, 27:

Arnould	Buhr	Carpenter	Carter
Chioldo	Connolly	Connors	Copenhaver
Halvorson, R. A.	Hanson	Hermann	Hoffmann-Bright
Hughes	Jochum	Krewson	Miller
Mullins	O'Kane	Oxley	Parker
Pavich	Peick	Renaud	Running
Sherzan	Swartz	Mr. Speaker	

The nays were, 69:

Anderson	Baxter	Bennett	Black
Blanshan	Brammer	Branstad	Carl
Chapman	Clark	Cochran	Cooper
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Handorf
Haverland	Holveck	Hummel	Jay
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Muhlbauer	Norland	Ollie
Osterberg	Paulin	Pellet	Poncy
Renken	Rosenberg	Royer	Schneklath
Schroeder	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Torrence	Van Camp

Van Gerpen
Zimmerman

Van Maanen

Varn

Welden

Absent or not voting, 4:

Harbor

Rensink

Tabor

Woods

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

INTRODUCTION OF BILL

House File 2511, by committee on appropriations, a bill for an act relating to and making appropriations to the auditor of state and the treasurer of state and providing an effective date.

Read first time and referred to committee on **finance**.

On motion by Norland of Worth, the House was recessed at 11:42 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2219, a bill for an act to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 2214**, a bill for an act relating to the regulation of hazardous waste and subjecting violators to a civil penalty, deferred on March 23, 1984.

Norland of Worth asked and received unanimous consent that Senate File 2214 be deferred and placed on the unfinished business calendar.

Senate File 2002, a bill for an act relating to ownership rights to dies, molds, and forms, with report of committee recommending passage was taken up for consideration.

Groninga 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. 2002)

The ayes were, 89:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Gronstal
Groth	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Renken	Rosenberg	Royer	Schnekloth
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 6:

Branstad	Grandia	Maulsby	Poncy
Renaud	Running		

Absent or not voting, 5:

Groninga	Gruhn	Krewson	Rensink
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2184, a bill for an act relating to the qualifications of the superintendent of public instruction, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson in the chair at 2:10 p.m.

Shoultz 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. 2184)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Madam Speaker (Lloyd-Jones)			

The nays were, 2:

Grandia Handorf

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2311, a bill for an act relating to access to records by the legislative fiscal bureau, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—5786 filed by the committee on state government:

H—5786

- 1 Amend Senate File 2311 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "information." the following: "However, the
- 5 legislative fiscal bureau shall not have access to
- 6 tax return information except for individual income
- 7 tax sample data as provided in section 422.72,
- 8 subsection 1."

Halvorson of Webster offered the following amendment H—5861, to the committee amendment H—5786, filed by him from the floor and moved its adoption:

H—5861

- 1 Amend the Committee on State Government amendment
- 2 H—5786 to Senate File 2311 as passed by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the following:
- 5 " Page 1, line 21, by inserting after the
- 6 words "as the" the word "lawful."

Amendment H—5861 was adopted.

On motion by Halvorson of Webster, the committee amendment H—5786, as amended, was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2311)

The ayes were, 90:

Anderson
Bennett

Arnould
Black

Avenson
Blanshan

Baxter
Brammer

Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Koenigs
Krewson	Lageschulte	Lonergan	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poney	Renaud
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, 7:

Corey	Grandia	Hermann	Knapp
Maulsby	O'Kane	Renken	

- Absent or not voting, 3:

Copenhaver	Doderer	Rensink
------------	---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 511, a bill for an act relating to construction near a buried electric transmission line, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—5788 filed by the committee on agriculture and moved its adoption:

H—5788

- 1 Amend Senate File 511 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "performing" the words "construction involving".

The committee amendment H—5788 was adopted.

Cooper of Lucas asked and received unanimous consent to withdraw amendment H—3876 filed by him on April 27, 1983 and found on page 2385 of the 1983 House Journal.

Halvorson of Webster offered amendment H—5825 filed by him and Cooper of Lucas as follows:

H—5825

- 1 Amend Senate File 511 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "service." the words "This section does not apply
- 5 to construction involving earthwork, tiling, or
- 6 excavation located in a highway or street right-of-
- 7 way."

Halvorson of Webster offered the following amendment H—5865, to amendment H—5825, filed from the floor by Halvorson of Webster, Hummel, Pellett and Cooper and moved its adoption:

H—5865

- 1 Amend amendment H—5825 to Senate File 511 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 2 the following:
- 4 "1. Page 1, line 13, by inserting after the word
- 5 "greater" the words "and if requested by the landowner,
- 6 tenant, or contractor"."
- 7 2. Page 1, line 5, by inserting before the word
- 8 "construction" the word "emergency".

Amendment H—5865 was adopted.

On motion by Halvorson of Webster, amendment H—5825, as amended, was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 98:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lonerган	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Madam Speaker (Lloyd-Jones)		

The nays were, none.

Absent or not voting, 2:

Rensink Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 2:29 p.m.

Senate File 347, a bill for an act providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular registration fee, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5653 filed by the committee on transportation and moved its adoption:

H-5653

- 1 Amend Senate File 347 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by inserting after the period
- 4 the words "Each applicant applying for special
- 5 registration plates under this subsection may purchase
- 6 only one set of registration plates under this
- 7 subsection."

The committee amendment H-5653 was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 347)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiado	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammord
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 4:

Handorf	Hummel	Krewson	Van Gerpen
---------	--------	---------	------------

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2138, a bill for an act relating to the time within which to contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates, 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. 2138)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chapman
Running

Corey

Daggett

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2036, a bill for an act relating to the false use of a financial instrument, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5806 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5806

- 1 Amend Senate File 2036 as passed by the Senate
- 2 as follows:
- 3 1. Title page, line 1, by inserting after the
- 4 word "instrument" the words "by providing that the
- 5 obtaining of property exceeding one hundred dollars
- 6 is false use of a financial instrument in the first
- 7 degree".

The committee amendment H—5806 was adopted.

Cochran of Webster in the chair at 2:40 p.m.

Miller of Woodbury offered the following amendment H—5850 filed by him:

H—5850

- 1 Amend Senate File 2036 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 715.6, unnumbered paragraphs
- 6 2 and 3, Code Supplement 1983, are amended by striking
- 7 the paragraphs and inserting in lieu thereof the
- 8 following:
- 9 Except as provided in the following paragraph,
- 10 false use of a financial instrument is false use of
- 11 a financial instrument in the first degree and is
- 12 a class "D" felony.

13 False use of a financial instrument when the instru-
 14 ment involved is a check, draft, share draft, or other
 15 written order drawn on a bank, credit union, or other
 16 financial institution for payment of not more than
 17 one hundred dollars is false use of a financial
 18 instrument in the second degree. False use of a
 19 financial instrument in the second degree is an
 20 aggravated misdemeanor."

Krewson of Polk rose on a point of order that amendment H-5850 was not germane.

The Speaker ruled the point not well taken and amendment H-5850 germane.

Miller of Woodbury moved the adoption of amendment H-5850.

A non-record roll call was requested.

The ayes were 45, nays 37.

Amendment H-5850 was adopted.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2036)

The ayes were, 33:

Anderson	Avenson	Bennett	Blanshan
Branstad	Connors	Cooper	Copenhaver
Davitt	De Groot	Diemer	Grandia
Halvorson, R. A.	Handorf	Lageschulte	Maulsby
McKean	Menke	Miller	O'Kane
Oxley	Paulin	Pellett	Poncy
Renken	Schnekloth	Skow	Stueland
Tofte	Torrence	Van Maanen	Welden
Mr. Speaker (Cochran)			

The nays were, 65:

Arnould	Baxter	Black	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Connolly

Corey	Daggett	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. N.	Hammond	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lloyd-Jones	Loneragan	McIntee	Muhlbauer
Mullins	Ollie	Osterberg	Parker
Pavich	Peick	Renaud	Rosenberg
Royer	Running	Schroeder	Sherzan
Shoultz	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Taber
Van Camp	Van Gerpen	Varn	Woods
Zimmerman			

Absent or not voting, 2:

Norland Rensink

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

Senate File 451, a bill for an act relating to enforcement of license discipline by the board of medical examiners, with report of committee recommending amendment and passage was taken up for consideration.

Haverland of Polk offered the following amendment H-5790 filed by the committee on judiciary and law enforcement and moved its adoption:

H-5790

- 1 Amend Senate File 451, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking everything after the
- 4 enacting clause and inserting in lieu thereof the
- 5 following:
- 6 "Section 1. Section 147.103, Code 1983, is amended
- 7 to read as follows:
- 8 147.103 INSPECTOR INVESTIGATORS. The medical
- 9 examiners may appoint ~~an inspector~~ investigators,
- 10 who shall not be a ~~member~~ members of the examining
- 11 board, to administer and aid in the enforcement of
- 12 the provisions of the law relating to those licensed
- 13 to practice medicine and surgery, osteopathic medicine
- 14 and surgery, and osteopathy. The amount of
- 15 compensation for the ~~inspector~~ investigators shall

- 16 be determined pursuant to chapter 19A.
 17 Investigators authorized by the board of medical
 18 examiners have the powers and status of peace officers
 19 when enforcing this chapter and chapters 147A, 148,
 20 148C, 150, 150A, and 258A."

The committee amendment H-5790 was adopted.

Haverland 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. 451)

The ayes were, 99:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poney	Renaud
Renken	Rosenberg	Roy	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Cochran)	

The nays were, none.

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 465, a bill for an act relating to construction, repair, and improvement projects at institutions under the control of the department of social services, with report of committee recommending amendment and passage was taken up for consideration.

Carl of Poweshiek offered the following amendment H—5809, filed by the committee on state government and moved its adoption.

H—5809

- 1 Amend Senate File 465, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 20, by striking the words "of
- 4 social services".
- 5 2. Page 2, by striking lines 34 and 35 and
- 6 inserting in lieu thereof the following:
- 7 "Sec. 2. Sections 218.59, 218.60, 218.62, and
- 8 218.63, Code 1983, are repealed. Sections 218.58,
- 9 218.61, and 218.64, Code Supplement 1983, are
- 10 repealed."
- 11 3. Title page, line 3, by striking the word
- 12 "social" and inserting in lieu thereof the word
- 13 "human".

The committee amendment H—5809 was adopted.

Carl of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 465)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones

Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker (Cochran)			

The nays were, none.

Absent or not voting, 3:

Rensink	Torrence	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 2298, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5800 filed by the committee on transportation and moved its adoption:

H—5800

- 1 Amend Senate File 2298 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 4, by striking the words "federal
- 4 funds" and inserting in lieu thereof the words
- 5 "estimated federal funds to be".
- 6 2. Title page, line 2, by inserting after the
- 7 word "all" the word "estimated".

The committee amendment H—5800 was adopted.

Welden of Hardin offered the following amendment H—5842 filed by him and moved its adoption:

H-5842

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 1, line 4, by striking the word "department"
- 3 and inserting in lieu thereof the word "department."
- 4 2. Page 1, by striking lines 5 and 6.

Amendment H-5842 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5857 filed by him and Harbor of Mills:

H-5857

- 1 Amend Senate File 2298 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 6 the following:
- 4 "Sec. 2. Section 8.23, Code 1983, is amended to
- 5 read as follows:
- 6 8.23 ~~BIENNIAL DEPARTMENTAL ESTIMATES.~~ On, or
- 7 before, September 1, ~~next~~ prior to each ~~biennial~~
- 8 legislative session in which departmental budgets
- 9 will be considered, all departments and establishments
- 10 of the government shall transmit to the state
- 11 comptroller, hereinabove provided for, on blanks to
- 12 be furnished by ~~him~~ the state comptroller, estimates
- 13 of their expenditure requirements, including every
- 14 proposed expenditure, for each fiscal year of the
- 15 ensuing ~~biennium~~ budget period, classified so as to
- 16 distinguish between expenditures estimated for (1)
- 17 administration, operation and maintenance, and (2)
- 18 the cost of each project involving the purchase of
- 19 land or the making of a public improvement or capital
- 20 outlay of a permanent character, including in their
- 21 annual or biennial budgets all estimated federal funds
- 22 to be received or allocated to the departments which
- 23 funds are subject to appropriation to the departments
- 24 by the general assembly, together with such supporting
- 25 data and explanations as may be called for by the
- 26 state comptroller, ~~hereinabove provided for~~. In case
- 27 of the failure of any department or establishment
- 28 to submit such estimates within the time above
- 29 specified, the governor shall cause to be prepared
- 30 such estimates for such department or establishment
- 31 as in ~~his~~ the governor's opinion are reasonable and
- 32 proper. The state comptroller shall furnish standard
- 33 budget request forms to each department or agency
- 34 of state government."
- 35 2. Title page, line 1, by inserting after the
- 36 word "transportation" the words "and other state
- 37 departments".

Koenigs of Mitchell rose on a point of order that amendment H—5857 was not germane.

The Speaker ruled the point well taken and amendment H—5857 not germane.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H—5857.

Objection was raised.

Schroeder of Pottawattamie moved that the rules be suspended to consider amendment H—5857.

A non-record roll call was requested.

Rule 76 was invoked.

The ayes were 53, nays 40.

The motion prevailed and the rules were suspended to consider amendment H—5857.

On motion by Schroeder of Pottawattamie, amendment H—5857 was adopted.

Koenigs of Mitchell moved that the bill be read a last time now and 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, 90:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum

Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Mr. Speaker (Cochran)		

The nays were, 7:

Carter	Doderer	Mullins	Rosenberg
Schnekloth	Tofte	Welden	

Absent or not voting, 3:

Gruhn	Rensink	Zimmerman
-------	---------	-----------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 449, a bill for an act relating to licensing private investigative agencies and private security agencies, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Woods of Polk offered the following amendment H—5815 filed by the committee on state government:

H—5815

- 1 Amend Senate File 449, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 11 and inserting in
- 4 lieu thereof the following:
- 5 "2. A peace officer engaged in the private security
- 6 business or the private investigation business with
- 7 the knowledge and consent of the chief executive
- 8 officer of the peace officer's law enforcement agency."
- 9 2. Page 3, by inserting after line 2 the following:
- 10 " . Is not a peace officer."
- 11 3. Page 4, by inserting after line 16 the
- 12 following:

13 "A county sheriff may issue temporary identification
 14 cards valid for fourteen days to a person employing
 15 individuals on a temporary basis for private security
 16 business in the county. The fee for each card is
 17 three dollars. The form of the temporary
 18 identification cards shall be approved by the
 19 commissioner."

20 4. Page 4, line 27, by inserting after the word
 21 "business" the words "unless the badge has been
 22 prescribed or approved by the commissioner".

23 5. By striking page 4, line 34, through page 5,
 24 line 13, and inserting in lieu thereof the following:

25 "Sec. NEW SECTION. 80A.11 LICENSEE'S BOND."

26 6. Page 5, by striking lines 15 and 16 and
 27 inserting in lieu thereof the following: "with the
 28 department a surety bond in an amount determined by
 29 the number of employees of the applicant. If an
 30 applicant has from one to three employees, the bond
 31 shall be in the amount of ten thousand dollars. If
 32 an applicant has from four to thirty employees, the
 33 bond shall be in the amount of twenty-five thousand
 34 dollars. If an applicant has more than thirty
 35 employees, the bond shall be in the amount of fifty
 36 thousand dollars. The bond shall be issued by a
 37 surety company authorized to do business".

38 7. By striking page 5, line 28 through page 6,
 39 line 2.

40 8. Page 6, by striking lines 6 through 10 and
 41 inserting in lieu thereof the words "that client."

42 9. Page 7, by inserting after line 2 the following:

43 "Sec. NEW SECTION. 80A.14A CAMPUS WEAPON
 44 REQUIREMENTS. An individual employed by a college
 45 or university, or by a private security business
 46 holding a contract with a college or university, who
 47 performs private security duties on a college or
 48 university campus and who carries a weapon while
 49 performing these duties shall meet all of the following
 50 requirements:

Page 2

1 1. File with the sheriff of the county in which
 2 the campus is located evidence that the campus security
 3 officer has successfully completed an approved firearms
 4 training program under section 724.9.

5 2. Possess a permit to carry weapons issued by
 6 the sheriff of the county in which the campus is
 7 located under sections 724.6 through 724.11.

8 3. File with the sheriff of the county in which
 9 the campus is located a sworn affidavit from the
 10 employer outlining the nature of the duties to be

11 performed and justification of the need to go armed.”
12 10. By striking page 7, line 27 through page 8,
13 line 15, and inserting in lieu thereof the following:
14 “724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS.
15 A person may be issued a permit to carry weapons when
16 the person’s employment in a private investigation
17 business or private security business licensed under
18 chapter 80A, or a person’s employment as a peace
19 officer, correctional officer, security guard, private
20 detective licensed under chapter 80A, bank messenger
21 or other person transporting property of a value
22 requiring security, or in police work, reasonably
23 justifies that person going armed. The permit shall
24 be on a form prescribed and published by the
25 commissioner of public safety, shall identify the
26 holder, and shall state the nature of the employment
27 requiring the holder to go armed. A permit so issued,
28 other than to a peace officer, shall authorize the
29 person to whom it is issued to go armed anywhere in
30 the state, only while engaged in the employment, and
31 while going to and from the place of the employment.
32 A permit issued to a certified peace officer shall
33 authorize that peace officer to go armed anywhere
34 in the state at all times. Permits shall expire
35 twelve months after the date when issued except that
36 permits issued to peace officers and correctional
37 officers are valid through the officer’s period of
38 employment unless otherwise canceled. When the
39 employment is terminated, the holder of the permit
40 shall surrender it to the issuing officer for
41 cancellation.”
42 11. Page 8, by inserting after line 17 the
43 following:
44 “Sec. . This Act takes effect January 1
45 following its enactment.”
46 12. By numbering and renumbering sections and
47 correcting internal references as necessary.

Woods of Polk offered the following amendment H—5839, to the committee amendment H—5815, filed by Swartz of Marshall and moved its adoption:

H—5839

1 Amend the amendment H—5815 to Senate File 449 as
2 follows:
3 1. Page 2, lines 2 and 3, by striking the words
4 “campus security officer” and inserting in lieu thereof
5 the word “individual”.

Amendment H—5839 was adopted.

On motion by Woods of Polk, the committee amendment H—5815, as amended, was adopted.

Brammer of Linn offered the following amendment H—5682 filed by him and moved its adoption:

H—5682

- 1 Amend Senate File 449 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 10, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. Page 7, line 11, by inserting after the word
- 6 "chapter" the following: ", giving due consideration
- 7 to varying factors and special requirements of private
- 8 investigative agencies and private security agencies,
- 9 including minimum standards of mental fitness which
- 10 shall govern whether an applicant is qualified for
- 11 the attainment of a license. The rules shall include,
- 12 but are not limited to, providing a battery of
- 13 psychological tests to determine cognitive skills,
- 14 personality characteristics, and suitability of all
- 15 applicants".
- 16 3. Page 7, by inserting after line 24 the
- 17 following:
- 18 "Sec. . Section 217A.8, subsection 1, Code
- 19 Supplement 1983, is amended by adding the following
- 20 new lettered paragraph after paragraph "e":
- 21 NEW LETTERED PARAGRAPH. Establish standards of
- 22 mental fitness which shall govern whether an applicant
- 23 is qualified for the attainment of a license to operate
- 24 a private investigative agency or private security
- 25 agency. To promote these standards, the director
- 26 shall by rule require a battery of psychological tests
- 27 to determine cognitive skills, personality
- 28 characteristics, and suitability of all applicants."
- 29 4. Renumber as necessary.

A non-record roll call was requested.

The ayes were 24, nays 43.

Amendment H—5682 lost.

Woods 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. 449)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Cochran)		

The nays were, 3:

Groth	Lonergan	Running
-------	----------	---------

Absent or not voting, 3:

Fey	Osterberg	Rensink
-----	-----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2263, a bill for an act requiring the department of public instruction to adopt rules relating to the review of an action or omission relating to special education programs by state or local authorities, with report of committee recommending passage was taken up for consideration.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2263)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fogarty	Grandia	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Cochran)

The nays were, none.

Absent or not voting, 4:

Blanshan	Fey	Groninga	Rensink
----------	-----	----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 3:50 p.m.

Senate File 2297, a bill for an act relating to the payment of workers' compensation benefits in pneumoconiosis cases, with report of committee recommending passage was taken up for consideration.

Sherzan 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. 2297)

The ayes were, 93:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Fey	Harbor	Lonergan	Ollie
Parker	Rensink	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2312, a bill for an act relating to the deposit of interest earnings in designated employee insurance funds, with report of committee recommending passage was taken up for consideration.

Blanshan 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. 2312)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Payich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2153 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2153 be deferred and that the bill retain its place on the calendar.

Senate File 2154, a bill for an act to extend the sunset provision on community action agencies to July 1, 1986, with report of committee recommending passage was taken up for consideration.

Carl of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2154)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Rensink

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 the establishment and dissolution of a sanitary district, with report of committee recommending passage was taken up for consideration.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Brammer	Branstad	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lönergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renken
Rosenberg	Royer	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabar	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 6:

Buhr	Knapp	O'Kane	Renaud
Running	Töfte		

Absent or not voting, 3:

Blanshan	Rensink	Sturgeon
----------	---------	----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2243, a bill for an act specifying which claims paid to county employees must be published in official newspapers, 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. 2243)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Vah Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Branstad Running

Absent or not voting, 2:

Rensink Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 441, a bill for an act relating to eminent domain procedures by providing constructive notice to possible purchasers that land is subject to condemnation proceedings, clarifying responsibilities for recording condemnation proceedings, and specifying the time at which title to property or an interest in property passes following condemnation, with report of committee recommending passage was taken up for consideration.

Paulin of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 441)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 3:

Branstad	Knapp	Welden
----------	-------	--------

Absent or not voting, 3:

Black	Haverland	Rensink
-------	-----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, with report of committee recommending amendment and passage was taken up for consideration.

Menke of O'Brien in the chair at 4:13 p.m.

Swartz of Marshall offered the following amendment H—5829

filed by the committee on small business and commerce:

H-5829

- 1 Amend Senate File 2291 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section . Section 537.2202, subsection 3,
- 6 Code 1983, is amended to read as follows:
- 7 3. If the billing cycle is monthly, the charge
- 8 may not exceed an amount equal to one and one-half
- 9 percent of that part of the maximum amount pursuant
- 10 to subsection 2 which is five hundred dollars or less
- 11 and one and one-fourth percent of that part of the
- 12 maximum amount which is more than five hundred dollars.
- 13 If the billing cycle is not monthly, the maximum
- 14 charge for the billing cycle shall bear the same
- 15 relation to the applicable monthly maximum charge
- 16 as the number of days in the billing cycle bears to
- 17 three hundred sixty-five divided by twelve. A billing
- 18 cycle is monthly if the closing date of the cycle
- 19 is the same date each month or does not vary by more
- 20 than four days from the regular date."
- 21 2. Page 1, line 2, by striking the word
- 22 "subsections" and inserting in lieu thereof the word
- 23 "subsection".
- 24 3. Page 1, by striking lines 10 through 17 and
- 25 inserting in lieu thereof the following: "the card
- 26 issuer. However, when a creditor initially begins
- 27 to operate under this section, the creditor shall
- 28 file a written statement with the superintendent of
- 29 banking that the creditor will maintain its credit
- 30 card operations in the state at least three years
- 31 from the date of filing the written statement. The
- 32 superintendent shall announce and publish through
- 33 the media those creditors who file the written
- 34 statement and that the written statement says the
- 35 creditor will maintain its credit card operations
- 36 in the state for at least three years from the date
- 37 of the filing of the written statement."
- 38 4. Renumber as necessary.

Lonergan of Boone offered the following amendment H-5838, to the committee amendment H-5829, filed by Lonergan, et al., and moved its adoption:

H-5838

- 1 Amend amendment H-5829 to Senate File 2291 as

2 amended, passed and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 8, by striking the word "one-half"
 5 and inserting in lieu thereof the words "~~one-half~~
 6 three-fourths".

A non-record roll call was requested.

The ayes were 67, nays 27.

Amendment H—5838 was adopted.

Division of the committee amendment H—5829 was requested:
 Lines 3 through 20, amendment H—5829A; lines 21 through 38,
 amendment H—5829B.

Halvorson of Clayton asked and received unanimous consent to
 withdraw amendment H—5849, to the committee amendment
 H—5829A filed by him on March 26, 1984.

Jochum of Dubuque rose on a point of order that the committee
 amendment H—5829A was not germane.

The Speaker ruled the point well taken and the committee
 amendment amendment H—5829A not germane.

Swartz of Marshall asked for unanimous consent to consider the
 committee amendment H—5829A.

Objection was raised.

Swartz of Marshall moved that the rules be suspended to con-
 sider the committee amendment H—5829A.

Roll call was requested by Jochum of Dubuque and Sherzan of
 Polk.

On the question "Shall the rules be suspended to consider the
 committee amendment H—5829A?"

The ayes were, 66:

Anderson
 Blanshan
 Carter

Avenson
 Branstad
 Chapman

Bennett
 Carl
 Clark

Black
 Carpenter
 Cochran

Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Gronstal	Gruhn	Halvorson, R. A.
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Hummel	Jay	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	O'Kane	Paulin
Pellett	Renaud	Renken	Royer
Schnekloth	Schroeder	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Mr. Speaker (Menke)		

The nays were, 32:

Arnould	Baxter	Brammer	Buhr
Chiodo	Connolly	Copenhaver	Davitt
Groninga	Groth	Halvorson, R. N.	Hammond
Haverland	Holveck	Hughes	Jochum
Knapp	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Rosenberg	Running	Sherzan
Shoultz	Sturgeon	Woods	Zimmerman

Absent or not voting, 2:

Connors Rensink

The motion prevailed and the rules were suspended to consider the committee amendment H—5829A.

Swartz of Marshall moved the adoption of the committee amendment H—5829A, as amended.

Roll call was requested by Sturgeon of Woodbury and Jochum of Dubuque.

On the question "Shall the committee amendment H—5829A, as amended, be adopted?"

The ayes were, 61:

Anderson	Bennett	Black	Blanshan
Brammer	Branstad	Carl	Carpenter
Carter	Chapman	Clark	Cochran
Cooper	Corey	Daggett	De Groot

Diemer	Fey	Fogarty	Grandia
Gronstal	Gruhn	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Jay	Koenigs	Krewson
Lageschulte	Loneragan	Maulsby	McIntee
Miller	Mullins	O'Kane	Paulin
Pellett	Renaud	Renken	Royer
Schneklloth	Schroeder	Skow	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Mr. Speaker (Menke)			

The nays were, 37:

Arnould	Avenson	Baxter	Buhr
Chiodo	Connolly	Connors	Copenhaver
Davitt	Doderer	Groninga	Groth
Halvorson, R. N.	Hammond	Haverland	Holveck
Hughes	Jochum	Knapp	Lloyd-Jones
McKean	Norland	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poñey	Rosenberg	Running	Sherzan
Shoultz	Spear	Sturgeon	Woods
Zimmerman			

Absent or not voting, 2:

Muhlbauer Rensink

The committee amendment H-5829A, as amended, was adopted.

Halvorson of Clayton offered the following amendment H-5881, to the committee amendment H-5829B, filed from the floor by Halvorson of Clayton, Baxter and McIntee and moved its adoption:

H-5881

- 1 Amend amendment H-5829 to Senate File 2291 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 26 through 37 and
- 4 inserting in lieu thereof the word "issuer."

Roll call was requested by McIntee of Black Hawk and Stueland of Clinton.

Rule 76 was invoked.

On the question "Shall amendment H—5881, to the committee amendment H—5829B, be adopted?"

The ayes were, 50:

Anderson	Baxter	Bennett	Black
Blanshan	Branstad	Carl	Carpenter
Carter	Clark	Corey	Daggett
De Groot	Diemer	Fogarty	Grandia
Groninga	Gruhn	Halvorson, R. A.	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Hummel	Koenigs	Lageschulte	Maulsby
McIntee	Mullins	Paulin	Pellett
Renken	Royer	Schneklath	Shoultz
Skow	Spear	Stromer	Stueland
Sullivan	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Welden	Mr. Speaker (Menke)		

The nays were, 47:

Arnould	Avenson	Brammer	Buhr
Chapman	Chiodo	Cochran	Connolly
Connors	Cooper	Copenhaver	Davitt
Fey	Gronstal	Groth	Halvorson, R. N.
Hammond	Haverland	Holveck	Hughes
Jay	Jochum	Knapp	Krewson
Lloyd-Jones	Loneragan	McKean	Miller
Muhlbauer	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Schroeder	Sherzan	Sturgeon	Swartz
Varn	Woods	Zimmerman	

Absent or not voting, 3:

Doderer	Norland	Rensink
---------	---------	---------

Amendment H—5881 was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5855, to the committee amendment H—5829B, filed by him and Baxter of Des Moines on March 26, 1984.

Swartz of Marshall moved the adoption of the committee amendment H—5829B, as amended.

A non-record roll call was requested.

The ayes were 54, nays 36.

The committee amendment H-5829B, as amended, was adopted.

Holveck of Polk offered amendment H-5856 filed by him and requested division as follows:

H-5856

- 1 Amend Senate File 2291 as amended, passed and
- 2 reprinted by the Senate as follows:

H-5856A

- 3 1. Page 1, line 2, by striking the word
- 4 "subsections" and inserting in lieu thereof the word
- 5 "subsection".

H-5856B

- 6 2. Page 1, by striking lines 5 and 6 and inserting
- 7 in lieu thereof the following: "and receive a finance
- 8 charge with respect to a loan pursuant to open end
- 9 credit in the amount permitted according to the law
- 10 of the state in which the cardholder is a resident".

H-5856C

- 11 3. Page 1, by striking lines 13 through 17.

With the adoption of the committee amendment H-5829B, amendments H-5856A and H-5856C are out of order.

Holveck of Polk asked and received unanimous consent to temporarily defer action on amendment H-5854.

Holveck of Polk moved the adoption of amendment H-5856B.

Roll call was requested by Holveck of Polk and Rosenberg of Story.

Rule 76 was invoked.

On the question "Shall amendment H-5856B be adopted?"

The ayes were, 41:

Arnould	Brammer	Carl	Chiodo
Cochran	Connolly	Connors	Copenhaver
Davitt	Doderer	Fey	Fogarty
Halvorson, R. N.	Hammond	Handorf	Haverland
Holveck	Hughes	Hummel	Jochum
Knapp	Krewson	Lageschulte	Lloyd-Jones
McKean	Muhlbauer	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Renaud	Rosenberg	Running
Sherzan	Shoultz	Sturgeon	Woods
Zimmerman			

The nays were, 57:

Anderson	Baxter	Bennett	Black
Blanshan	Branstad	Buhr	Carpenter
Carter	Chapman	Clark	Cooper
Corey	Daggett	De Groot	Diemer
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Hanson	Harbor
Hermann	Hoffmann-Bright	Jay	Koenigs
Lonergan	Maulsby	McIntee	Miller
Mullins	Norland	O'Kane	Paulin
Poncy	Renken	Royer	Schnekloth
Schroeder	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Weiden
Mr. Speaker (Menke)			

Absent or not voting, 2:

Avenson	Rensink
---------	---------

Amendment H—5856B lost.

Holveck of Polk offered the following amendment H—5854 filed by him and moved its adoption:

H—5854

- 1 Amend Senate File 2291 as amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and inserting
- 4 in lieu thereof the following: "and receive a finance
- 5 charge not to exceed twenty-one percent per year with
- 6 respect to a loan pursuant to open-end credit".

A non-record roll call was requested.

The ayes were 37, nays 54.

Amendment H—5854 lost.

Speaker Avenson in the chair at 5:57 p.m.

Tabor of Jackson called up for consideration the motion, filed by him from the floor, to reconsider the committee amendment H—5829A and moved to reconsider the vote by which the committee amendment H—5829A, as amended, was adopted by the House on March 27, 1984.

A non-record roll call was requested.

The ayes were 53, nays 42.

The motion prevailed.

Norland of Worth asked and received unanimous consent that Senate File 2291 be deferred and placed on the calendar under unfinished business.

(The committee amendment H—5829A, as amended, pending.)

Senate File 2104, a bill for an act, relating to the collections of fines and penalties by a county attorney, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5848 filed by him and moved its adoption:

H—5848

- 1 Amend Senate File 2104 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking line 1 and inserting in
- 4 lieu thereof the following:
- 5 "Section 1. Section 96.11, subsection 7, paragraph
- 6 b, subparagraph (3), Code Supplement 1983, is amended
- 7 to read as follows:
- 8 (3) Information obtained from an employing unit
- 9 or individual in the course of administering this

10 chapter and initial determinations made by the
 11 department's representative under section 96.6,
 12 subsection 2 as to benefit rights of an individual
 13 shall not be used in any action or proceeding except
 14 in a contested case proceeding or judicial review
 15 under the provisions of chapter 17A. However, the
 16 department shall make information, which is obtained
 17 from an employing unit or individual in the course
 18 of administering this chapter and which relates to
 19 the employment and wage history of the individual,
 20 available to a county attorney for the county
 21 attorney's use in the performance of duties under
 22 section 331.756, subsection 5. Information in the
 23 department's possession that may affect a claim for
 24 benefits or a change in an employer's rating account
 25 shall be made available to the affected parties or
 26 their legal representatives. Such The information
 27 may be used by the affected parties in a proceeding
 28 under this chapter to the extent necessary for the
 29 proper presentation or defense of a claim.
 30 Sec. 2. Section 331.756, subsection 5, Code
 31 Supplement".

Amendment H — 5848 was adopted.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2104)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich

Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Zimmerman	Mr. Speaker	

The nays were, 7:

Davitt	Knapp	Loneragan	Peick
Running	Shoultz	Woods	

Absent or not voting, 2:

Menke	Rensink
-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2205, a bill for an act relating to the fees for the registration of vessels, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered the following amendment H—5851 filed by him:

H—5851

- 1 Amend Senate File 2205 as passed by the Senate
- 2 as follows:
- 3 1. Page 2, by inserting after line 24 the
- 4 following:
- 5 "Sec. 3. Chapter 111, Code 1983, is amended by
- 6 adding the following new section:
- 7 NEW SECTION. USER PERMITS FOR CERTAIN STATE LANDS.
- 8 1. A person shall not park or permit to be parked
- 9 a motor vehicle required to be registered under chapter
- 10 321 on state land under the jurisdiction of the
- 11 conservation commission where a user permit is required
- 12 by subsection 3, unless the vehicle has a user permit
- 13 attached in accordance with this section.
- 14 2. This section does not apply to the following
- 15 vehicles:
- 16 a. Official government vehicles, or vehicles
- 17 operated by state, county, city, and federal employees
- 18 and agents while in the performance of official
- 19 government business.
- 20 b. Vehicles operated by family members and guests

21 of a commission employee residing at an area subject
22 to the user permit requirement.

23 c. A vehicle moving on highways within or that
24 cross state land to which this section applies.

25 d. A vehicle transporting employees to or
26 furnishing services or supplies to the conservation
27 commission or designated concessionaire.

28 3. The requirement of a user permit applies to
29 developed campgrounds at the Shimek, Yellow River,
30 and Stephens state forests, and all areas managed
31 by the state parks section of the conservation
32 commission except those excluded by rule.

33 4. The user permit issued by the commission is
34 valid for either the calendar year in which issued
35 or for twenty-four hours from the time of purchase.
36 The fee is ten dollars for the calendar year permit
37 and two dollars for the daily permit.

38 5. User permits shall be issued without the permit
39 fee by the county recorder to individuals who present
40 a current medical assistance or food stamp
41 identification card provided by the department of
42 human services.

43 6. User permits shall be issued without payment
44 of the permit fee to a person sixty-five years of
45 age or older who submits proof of age to a county
46 recorder, the commission, or a depository.

47 7. User permits shall be sold by the commission
48 and county recorders and may be sold by depositories
49 designated by the recorders or the director under
50 section 110.11. A writing fee shall be retained for

Page 2

1 dispensing the user permits as provided under sections
2 110.11 and 110.12 for licenses. Duplicate user permits
3 shall not be issued except where the person
4 demonstrates that the window to which the permit was
5 affixed was broken or the vehicle has been sold and
6 the person presents a major portion of the user permit.

7 8. A user permit is not transferable between
8 vehicles and shall be displayed as the commission
9 prescribes by rule.

10 9. a. An officer of the commission who observes
11 a motor vehicle parked in violation of this section
12 shall take the vehicle's registration number and may
13 take any other information displayed on the vehicle
14 which may identify its user and deliver to the driver
15 or conspicuously affix to the vehicle a notice of
16 fine in writing on a form provided by the commission
17 for the driver to appear before the district court
18 of the county and respond to the charge against the

19 driver at a time and place specified in the notice.
20 A person who receives the notice or knows that a
21 notice has been affixed to the motor vehicle owned
22 or controlled by the person shall appear before the
23 district court of the county not later than the time
24 and date specified in the notice. If a person desires
25 to enter a plea of guilty to a violation of this
26 section, the person may sign written authority to
27 any employee of the commission to appear for the
28 person and enter a plea of guilty and the person shall
29 pay the penalty provided on the notice to the district
30 court clerk prior to the time designated for
31 appearance. The clerk of the district court shall
32 accept the fine of anyone admitting the violation
33 and paying the penalty on or before the time and date
34 provided on the notice. The penalty for violating
35 subsection 1 of this section is a fine of twenty
36 dollars plus five dollars costs.

37 b. Failure to comply with a notice of fine under
38 this section is a separate violation of this section..

39 c. The commission shall provide to its officers
40 sets of triplicate notices each identified by separate
41 serial numbers on each copy of notice. One copy shall
42 be used as a notice of violation and delivered to
43 the person charged or affixed to the vehicle illegally
44 parked, one copy shall be sworn to by the officer
45 as an information and filed with the clerk of court
46 of the county within forty-eight hours of issuance
47 of the notice and one copy shall be retained by the
48 commission for record purposes.

49 10. The county recorder shall remit to the
50 commission all fees from the sale of user permits

Page 3

1 within ten days from the end of the month. The
2 commission shall remit the fees from sales of user
3 permits to the treasurer of state who shall place
4 the money in a state park, forest, and recreation
5 area facilities improvement trust fund. The money
6 in that fund is appropriated to the commission solely
7 for renovation, replacement, and improvement of
8 facilities otherwise acquired in state parks, forests,
9 and recreation areas. Notwithstanding chapters 96
10 and 97B, persons employed by the commission with the
11 money from the trust fund are not eligible for
12 membership in the Iowa public employees' retirement
13 system or eligible to receive unemployment compensation
14 benefits by virtue of this employment.

15 Sec. 4. Section 111.57, Code 1983, is amended

16 to read as follows:

17 111.57 PENALTIES. Any person violating any of
18 the provisions of the foregoing sections numbered
19 111.35 to 111.56 shall be and any person whose vehicle
20 is parked or stopped in violation of section 3 of
21 this Act is guilty of a simple misdemeanor.

22 Sec. 5. During the first year following the
23 effective date of section 3 of this Act, the clerk
24 of the district court shall monthly transmit to the
25 state conservation commission the names and addresses
26 of those persons paying a fine under section 3 of
27 this Act. The commission shall issue an annual user
28 permit to those persons whose names are submitted
29 by the clerk of the district court.

30 Sec. 6. Section 3 of this Act takes effect January
31 1 following enactment."

Norland of Worth asked and received unanimous consent that Senate File 2205 be temporarily deferred.

(Amendment H—5851 pending.)

SENATE AMENDMENT CONSIDERED

Sturgeon of Woodbury called up for consideration **Senate File 2160**, a bill for an act to provide a preference for residents in awarding of public contracts in certain situations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5840 to the House amendment:

H—5840

- 1 Amend the House amendment S—5443 to Senate File
- 2 2160, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 6 through 13.

The motion prevailed and the House concurred in the Senate amendment H—5840, to the House amendment.

Sturgeon of Woodbury 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. 2160)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Harbor	Haverland	Hermann
Hoffmann-Bright	Helveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 2:

Hanson Renken

Absent or not voting, 2:

Menke Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(Senate File 2160)

Sturgeon of Woodbury asked and received unanimous consent to immediately message Senate File 2160 to the Senate.

Senate File 2285, a bill for an act permitting the deposit of a credit union certified share draft as security on a bid for a contract for a public improvement, with report of committee recommending passage was taken up for consideration.

Gronstal 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. 2285)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhagen
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonerigan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Menke Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2283, a bill for an act relating to the death of a fire fighter during an arson and providing a penalty, 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. 2283)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellet	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Menke Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2129, a bill for an act to make nonsubstantive corrections to the Code, 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?" (S.F. 2129)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Menke	Rensink	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 2205**, a bill for an act relating to the fees for the registration of vessels, and amendment H—5851, temporarily deferred.

Skow of Guthrie offered the following amendment H—5891, to amendment H—5851, filed from the floor by Skow, Black, Sullivan and Harbor:

H—5891

1 Amend the amendment H—5851 to Senate File 2205

2 as passed by the Senate as follows:

3 1. By striking page 1, line 3 through page 3,
4 line 31 and inserting in lieu thereof the following:

5 "1. Page 2, by inserting after line 24 the
6 following:

7 "Sec. 100. Chapter 111, Code 1983, is amended
8 by adding the following new section:

9 **NEW SECTION. USER PERMITS FOR CERTAIN STATE LANDS.**

10 1. A person shall not park or permit to be parked
11 a motor vehicle required to be registered under chapter
12 321 on state land under the jurisdiction of the
13 conservation commission where a user permit is required
14 by subsection 3, unless the vehicle has a user permit
15 attached in accordance with this section.

16 2. This section does not apply to the following
17 vehicles:

18 a. Official government vehicles, or vehicles
19 operated by state, county, city, and federal employees
20 and agents while in the performance of official
21 government business.

22 b. Vehicles operated by family members and guests
23 of a commission employee residing at an area subject
24 to the user permit requirement.

25 c. A vehicle moving on highways within or that
26 cross state land to which this section applies.

27 d. A vehicle transporting employees to or
28 furnishing services or supplies to the conservation
29 commission or designated concessionaire.

30 3. The requirement of a user permit applies to
31 developed campgrounds at the Shimek, Yellow River,
32 and Stephens state forests, and all areas managed
33 by the state parks section of the conservation
34 commission except those excluded by rule.

35 4. The user permit issued by the commission is
36 valid for either the calendar year in which issued
37 or for twenty-four hours from the time of purchase.
38 The fee is ten dollars for the calendar year permit
39 and two dollars for the daily permit. A person who
40 has more than one motor vehicle registered in that
41 person's name may purchase calendar year permits for
42 the second and subsequent motor vehicles for a fee
43 of five dollars each by producing to the county
44 recorder the registration cards of the first and
45 subsequent motor vehicles and proof of purchase of
46 a calendar year permit for the first motor vehicle.

47 5. User permits shall be sold by the commission
48 and county recorders and may be sold by depositaries
49 designated by the recorders or the director under
50 section 110.11. County recorders and depositaries

Page 2

1 may charge the same writing fee authorized for licenses
2 under section 110.11 and 110.12 for issuing the user
3 permit. Duplicate user permits shall not be issued
4 except where the person demonstrates that the window
5 to which the permit was affixed was broken or the
6 vehicle has been sold and the person presents a major
7 portion of the user permit.

8 6. User permits shall be issued without the permit
9 fee by the county recorder to individuals who present
10 a current medical assistance or food stamp
11 identification card provided by the department of
12 social services.

13 7. A user permit is not transferable between
14 vehicles and shall be displayed as the commission
15 prescribes by rule. The permit shall contain a space
16 upon which the registration plate numbers and letters
17 shall be entered.

18 8. a. An officer of the commission who observes
19 a motor vehicle parked in violation of this section
20 shall take the vehicle's registration number and may
21 take any other information displayed on the vehicle
22 which may identify its user and deliver to the driver
23 or conspicuously affix to the vehicle a notice of
24 fine in writing on a form provided by the commission
25 for the driver to appear before the district court
26 of the county and respond to the charge against the
27 driver at a time and place specified in the notice.
28 A person who receives the notice or knows that a
29 notice has been affixed to the motor vehicle owned
30 or controlled by the person shall appear before the
31 district court of the county not later than the time
32 and date specified in the notice. If a person desires
33 to enter a plea of guilty to a violation of this
34 section, the person may sign written authority to
35 any employee of the commission to appear for the
36 person and enter a plea of guilty and the person shall
37 pay the penalty provided on the notice to the district
38 court clerk prior to the time designated for
39 appearance. The clerk of the district court shall
40 accept the fine of anyone admitting the violation
41 and paying the penalty on or before the time and date
42 provided on the notice. The penalty for violating
43 subsection 1 of this section is a fine of twenty
44 dollars plus five dollars costs.

45 b. Failure to comply with a notice of fine under
46 this section is a separate violation of this section.

47 c. The commission shall provide to its officers
48 sets of triplicate notices each identified by separate
49 serial numbers on each copy of notice. One copy shall
50 be used as a notice of violation and delivered to

Page 3

1 the person charged or affixed to the vehicle illegally
 2 parked, one copy shall be sworn to by the officer
 3 as an information and filed with the clerk of court
 4 of the county within forty-eight hours of issuance
 5 of the notice and one copy shall be retained by the
 6 commission for record purposes.

7 9. The county recorder shall remit to the
 8 commission all fees from the sale of user permits
 9 within ten days from the end of the month. The
 10 commission shall remit the fees from sales of user
 11 permits to the treasurer of state who shall place
 12 the money in a state park, forest, and recreation
 13 area facilities improvement trust fund. The money
 14 in that fund is appropriated to the commission solely
 15 for renovation, replacement, and improvement of
 16 facilities otherwise acquired in state parks, forests,
 17 and recreation areas. Notwithstanding chapters 96
 18 and 97B, persons employed by the commission with the
 19 money from the trust fund are not eligible for
 20 membership in the Iowa public employees' retirement
 21 system or eligible to receive unemployment compensation
 22 benefits by virtue of this employment. Persons
 23 employed with money from the trust fund shall be
 24 temporary employees.

25 The commission may employ inmates under section
 26 246.18 with the money from the trust fund.

27 However, an inmate shall not be employed in a
 28 public service project if the employment of that
 29 inmate would replace a person employed by the state
 30 agency or political subdivision which employee is
 31 performing the work of the public service project
 32 at the time the inmate is being considered for
 33 employment in the project.

34 The commission shall adopt affirmative action
 35 measures and develop affirmative action plans for
 36 the employment of persons with the money from the
 37 trust fund based on uniform affirmative action planning
 38 standards adopted by the Iowa civil rights commission.

39 Sec. . Section 111.57, Code 1983, is amended
 40 to read as follows:

41 111.57 PENALTIES. Any person violating any of
 42 the provisions of the foregoing sections numbered
 43 111.35 to 111.56 shall be and any person whose vehicle
 44 is parked or stopped in violation of section 100 of
 45 this Act is guilty of a simple misdemeanor.

46 Sec. . During the first year following the
 47 effective date of this Act, the clerk of the district
 48 court shall monthly transmit to the state conservation
 49 commission the names and addresses of those persons
 50 paying a fine under section 100 of this Act. The

Page 4

- 1 commission shall issue an annual user permit to those
- 2 persons whose names are submitted by the clerk of
- 3 the district court.
- 4 Sec. . This Act takes effect January 1 following
- 5 enactment."
- 6 2. Amend the title, line 1, by inserting after
- 7 the word "vessels" the words "and the use of certain
- 8 state lands, and providing a penalty".
- 9 3. By renumbering sections."

Zimmerman of Dallas rose on a point of order that amendment H—5891 was not germane.

The Speaker ruled the point well taken and amendment H—5891 not germane.

Norland of Worth moved that the rules be suspended to consider amendment H—5891.

A non-record roll call was requested.

The ayes were 53, nays 37.

The motion prevailed and the rules were suspended.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer Senate File 2205 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Norland of Worth moved that Rule 32 be suspended.

A non-record roll call was requested.

The ayes were 53, nays 38.

The motion prevailed and Rule 32 was suspended.

Skow of Guthrie moved the adoption of amendment H—5891, to amendment H—5851.

Roll call was requested by Schneklath of Scott and Stueland of Clinton.

On the question "Shall amendment H—5891, to amendment H—5851, be adopted?"

The ayes were, 35:

Arnould	Black	Blanshan	Chapman
Connolly	Copenhaver	Diemer	Doderer
Fey	Groninga	Gronstal	Hammond
Hanson	Harbor	Haverland	Jochum
Knapp	Koenigs	Krewson	Lloyd-Jones
Lonergan	Mullins	Norland	Osterberg
Parker	Paulin	Pavich	Rosenberg
Schroeder	Shoultz	Sullivan	Tabor
Tofte	Woods	Mr. Speaker	

The nays were, 59:

Anderson	Baxter	Bennett	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chiodo	Clark	Cochran
Cooper	Corey	Daggett	Davitt
De Groot	Fogarty	Grandia	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Handorf
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Lageschulte	Maulsby
McIntee	McKean	Miller	Muhlbauer
O'Kane	Ollie	Oxley	Peick
Pellett	Poncy	Renaud	Renken
Running	Schnekloth	Sherzan	Skow
Spear	Stueland	Sturgeon	Swearingen
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Zimmerman	

Absent or not voting, 6:

Connors	Menke	Rensink	Royer
Stromer	Swartz		

Amendment H—5891 lost.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—5851.

Skow of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2205)

The ayes were, 68:

Arnould	Baxter	Blanshan	Brammer
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Harbor
Haverland	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Maulsby
McKean	Muhlbauer	Mullins	Norland
Osterberg	Parker	Pellett	Poncy
Rosenberg	Royer	Schroeder	Sherzan
Shoultz	Skow	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Torrence	Van Gerpen	Zimmerman	Mr. Speaker

The nays were, 30.

Anderson	Bennett	Black	Branstad
Carter	De Groot	Handorf	Hermann
Hummel	Lonergan	McIntee	Miller
O'Kane	Ollie	Oxley	Paulin
Pavich	Peick	Renaud	Renken
Running	Schnekloth	Stromer	Swartz
Tabor	Van Camp	Van Maanen	Varn
Welden	Woods		

Absent or not voting, 2:

Menke	Rensink
-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

OBJECTION TO WITHDRAWAL FROM COMMITTEE

Schroeder of Pottawattamie asked for unanimous consent to withdraw from committee and place on the unfinished business calendar, House Concurrent Resolution 106, relating to the purchase of a computer system.

Objection was raised.

MOTIONS TO RECONSIDER
(Senate File 2036)

I move to reconsider the vote by which Senate File 2036 failed to pass the House on March 27, 1984.

ZIMMERMAN of Dallas

(Amendment H—5838 to Senate File 2291)

I move to reconsider the vote by which amendment H—5838, to amendment H—5829A, (to Senate File 2291) was adopted by the House on March 27, 1984.

TABOR of Jackson

(Senate File 2268)

I move to reconsider the vote by which Senate File 2268 passed the House on March 27, 1984.

KREWSON of Polk

(Senate File 2268)

I move to reconsider the vote by which Senate File 2268 passed the House on March 27, 1984.

SHERZAN of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 1984, he approved and transmitted to the Secretary of State the following bills:

House File 2330, an act relating to parking violations and providing, with certain exceptions, that parking violations not be considered for license suspensions or revocations.

House File 2338, an act requiring telephone companies to provide a listing of directory assistance charges and striking a prohibition against directory assistance charges for telephone numbers which do not appear in the most recent telephone directory.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 26, 1984. Had I been present, I would have voted "aye" on Senate Joint Resolution 9 and Senate Files: 163, 292, 324, 414, 497, 510, 2042, 2059, 2082, 2084, 2091, 2119; 2137, 2159, 2167, 2168, 2175, 2176, and 2189.

FEY of Scott

I was necessarily absent from the House chamber on March 26, 1984. Had I been present, I would have voted "aye" on Senate File 2119.

VAN GERPEN of Black Hawk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Ten students from Storm Lake High School, Storm Lake, accompanied by Ann Mein. By Groth of Buena Vista.

Twenty-nine government students from Alden Community High School, Alden, accompanied by Marty Dwine. By Welden of Hardin.

Twenty-five eleventh and twelfth grade students from Exira Junior-Senior High School, Exira, accompanied by Marshall Mullnix. By Anderson of Audubon.

Forty students from St. Mary's High School, Remsen, accompanied by Sister Delores Smith. By Paulin of Plymouth.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON FINANCE

House File 2481, a bill for an act relating to the taxation, valuation, and qualification of a fruit-tree or forest reservation for property tax purposes.

Fiscal note is required.

Recommended **Do Pass** March 27, 1984.

House File 2511, a bill for an act relating to and making appropriations to the auditor of state and the treasurer of state and providing an effective date.

Fiscal note is not required.

Recommended **Do Pass** March 27, 1984.

House Concurrent Resolution 117, a concurrent resolution relating to the bonding authority of the state board of regents.

Fiscal note is not required.

Recommended **Do Pass** March 27, 1984.

AMENDMENTS FILED

H-5860	H.F.	2219	Senate Amendment
H-5862	S.F.	2248	Rosenberg of Story
H-5863	S.F.	2248	Rosenberg of Story
H-5864	S.F.	2235	Spear of Lee
H-5866	H.F.	2509	Hummel of Benton
H-5867	S.F.	253	Varn of Johnson Parker of Jasper
H-5868	S.F.	2163	Woods of Polk
H-5869	S.F.	2163	Woods of Polk
H-5870	H.F.	2509	Hummel of Benton
H-5871	S.F.	7	Spear of Lee
H-5872	S.F.	2215	Carl of Poweshiek
H-5873	S.F.	7	Spear of Lee
H-5874	S.F.	2183	Rosenberg of Story
H-5875	S.F.	2238	Jay of Appanoose Schroeder of Pottawattamie
H-5876	H.F.	2509	Schnekloth of Scott
H-5878	S.F.	2035	Rosenberg of Story
H-5879	S.F.	2228	McKean of Jones

H-5880	S.F.	2228	Paulin of Plymouth
H-5882	S.F.	2228	Renken of Grundy
H-5883	S.F.	420	Groninga of Cerro Gordo
H-5884	S.F.	2228	McKean of Jones
H-5885	H.F.	2508	McKean of Jones
H-5886	S.F.	253	Clark of Cerro Gordo
H-5887	S.F.	2159	Running of Linn
H-5888	S.F.	2259	Lageschulte of Bremer
H-5889	S.F.	2248	Anderson of Audubon
			Cochran of Webster
			Pellett of Cass
			Muhlbauer of Crawford
H-5890	S.F.	2235	Spear of Lee
H-5892	S.F.	2261	Skow of Guthrie
			Groth of Buena Vista
H-5893	S.F.	2261	Gronstal of Pottawattamie
			Schroeder of Pottawattamie
			Chiodo of Polk
H-5894	S.F.	2259	Groth of Buena Vista
H-5895	S.F.	2228	Connors of Polk
			McKean of Jones
H-5896	S.F.	2099	Spear of Lee
H-5897	S.F.	2220	O'Kane of Woodbury
			Chiodo of Polk
H-5898	H.F.	2324	Doderer of Johnson
			Schnekloth of Scott
H-5899	S.F.	2206	Varn of Johnson
			Jay of Appanoose
H-5900	S.F.	2248	Groninga of Cerro Gordo
H-5901	H.F.	2509	Pavich of Pottawattamie

On motion by Norland of Worth, the House was adjourned at 6:58 p.m., until 9:00 a.m., Wednesday, March 28, 1984.

JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 28, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Kermit Gladfelder, pastor of the Grace United Methodist Church, Correctionville.

The Journal of Tuesday, March 27, 1984 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, M.D., Sac City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his arrival, on request of Pavich of Pottawattamie.

PRESENTATION TO IOWA CHILDRENS' AND FAMILY SERVICES

John Feyen, House Page, and Candi Cline and Tim Oswald, Senate Pages, escorted to the front of the well Gene Shaw, Keith Oswald, Jim Clayton and Representatives Darrell Hanson and Minnette Doderer, members of the board of the Iowa Childrens' and Family Services.

On behalf of the Pages, from proceeds received from the Pages' Ball held on February 29, 1984, a check in the amount of \$850.00 was presented to the Iowa Childrens' and Family Services.

Mr. Shaw, Chairman of the board, addressed the house briefly and thanked them for the donation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 80, a bill for an act relating to the eligibility to serve on the board of trustees of a levee or drainage district.

Also: That the Senate has on March 26, 1984, 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 111, a bill for an act relating to reseeding the topsoil of open ditches with prairie grass seed.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 205, a bill for an act relating to the eligibility of property owners to protest changes in zoning districts.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 245, a bill for an act relating to the time by which a court shall set out the amount of restitution in a criminal case.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 425, a bill for an act relating to the official title of the chief executive officer of a county conservation board and the compensation of its officers and employees.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 456, a bill for an act relating to expenditures for a local, nonprofit historical society or municipally-owned historical projects.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 509, a bill for an act to require registration with the secretary of state of certain schools that maintain or conduct courses of instruction.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 526, a bill for an act relating to criminal responsibility for the commission of a public offense while insane.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 591, a bill for an act prohibiting the general assembly from passing any bill that uses gender as the basis for differential treatment.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2071, a bill for an act to provide for the transportation commission to submit the results of the quadrennial need study to the general assembly by January 1 of the year in which the quadrennial need study becomes effective.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2111, a bill for an act authorizing cities to issue revenue bonds or pledge orders to refund general obligation bonds if they were issued or the proceeds were expended for certain city projects.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2126, a bill for an act relating to the membership of legislative visitation committees.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2212, a bill for an act to provide for the placement of validation stickers on only the rear registration plate for certain motor vehicles.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2232, a bill for an act to allow the operation of articulated buses not exceeding sixty-one feet in length on the public streets and highways.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2267, a bill for an act relating to the waiver of presentence investigations for class "B", "C", and "D" felonies.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2284, a bill for an act relating to agreements for indemnification by the state in the event of loss of or damage to certain art objects and artifacts borrowed by nonprofit organizations or governmental entities for special exhibits.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2301, a bill for an act relating to transferring responsibility for issuing commercial licenses and permits for the sale, use, and purchase of explosive nitroglycerin.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2323, a bill for an act relating to the payment of special assessments of drainage districts.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act relating to real property legalizing Acts.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2375, a bill for an act providing for the surrender and disposition of earnings of persons committed to residential treatment centers operated by judicial district departments of correctional services.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2378, a bill for an act relating to the board of parole.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2379, a bill for an act extending the dates for application and approval of community mental health and mental retardation funding.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2396, a bill for an act relating to the exemption of law enforcement officials from the licensing requirements for private detectives.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2400, a bill for an act providing for uniform search warrants, applications for search warrants, endorsements for search warrants, and returns of search warrants.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2404, a bill for an act relating to the definition of telephone companies not generally subject to rate regulation.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2405, a bill for an act relating to the annual meetings of shareholders and the loans to officers of state banks.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act removing the priority of a mortgage given by the trustees of a cooperative housing association over any mortgage, lien, or encumbrance against an individual apartment or room or the owner's interest in an individual apartment or room.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2417, a bill for an act relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2421, a bill for an act relating to the collection, transportation, storage, and disposal of solid waste.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2438, a bill for an act relating to the repayment of loans made under the science and mathematics loan program.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2454, a bill for an act relating to the filing of a list of unpaid obligations by state agencies with the state comptroller.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2457, a bill for an act relating to guardianships and conservatorships by redefining what persons are subject to guardianships and conservatorships and eliminating special provisions for guardians of mentally retarded persons.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act relating to school district reorganization procedures.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2480, a bill for an act ceding to the United States concurrent legislative jurisdiction over and within certain lands and waters dedicated to national park purposes.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2485, a bill for an act relating to the management of state government forms.

Also: That the Senate has on March 26, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2502, a bill for an act relating to material lift elevators.

K. MARIE THAYER, Secretary

SENATE FILE 2291 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2291 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2212, a bill for an act relating to pay scale standards for members of the Iowa national guard, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5813 filed by the committee on state government and moved its adoption:

H—5813

- 1 Amend Senate File 2212 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 13, by striking the word "gross"
- 4 and inserting in lieu thereof the word "base".

The committee amendment H—5813 was adopted.

Blanshan 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. 2212)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poney	Renaud	Renken	Rosenberg
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chiodo	Harbor	Rensink	Royer
--------	--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2295, a bill for an act prohibiting reductions in sick leave, vacation leave, or compensatory time entitlements while an employee is receiving weekly workers' compensation benefits, with report of committee recommending passage was taken up for consideration.

Brammer 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. 2295)

The ayes were, 89:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 5:

Handorf	Hummel	Maulsby	Pellett
Schnekloth			

Absent or not voting, 6:

Chiodo	Cooper	Harbor	Rensink
Tabor	Weiden		

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 relating to the examination of government records by providing for the procedures for their examination, for enforcement of those procedures, for the availability of certain records, and for the duties of the lawful custodians and providing for civil damages, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—5810 filed by the committee on state government and moved its adoption:

H—5810

- 1 Amend Senate File 2294 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 2 through 7 and
 4 inserting in lieu thereof the following: "the
 5 following new unnumbered paragraphs:
 6 NEW UNNUMBERED PARAGRAPH. The term "government
 7 body" means this state, or any county, city, township,
 8 school corporation, political subdivision, tax
 9 supported district or other entity of this state,
 10 or any branch, department, board, bureau, commission,
 11 council, committee, official or officer, of any of
 12 the foregoing or any employee delegated the
 13 responsibility for implementing the requirements of
 14 this chapter.
 15 NEW UNNUMBERED PARAGRAPH. The term "lawful
 16 custodian" means the government body currently in
 17 physical possession of the public record. The
 18 custodian of a public record in the physical possession
 19 of persons outside a government body is the government
 20 body owning that record. Each government body shall
 21 delegate to particular officials or employees of that
 22 government body the responsibility for implementing
 23 the requirements of this chapter and shall publicly
 24 announce the particular officials or employees to
 25 whom responsibility for implementing the requirements
 26 of this chapter has been delegated. "Lawful custodian"
 27 does not mean an automated data processing unit of
 28 a public body if the data processing unit holds the
 29 records solely as the agent of another public body,
 30 nor does it mean a unit which holds the records of
 31 other public bodies solely for storage."
 32 2. Page 2, by striking line 15 and inserting in
 33 lieu thereof the words "such information:".

The committee amendment H—5810 was adopted.

Buhr 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. 2294)

The ayes were, 88:

Anderson	Arnould	Baxter	Bennett
Blanshan	Brammer	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Groth	Gruhn	Halvorson, R. A.	Halyorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McIntee	McKean	Menke
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Sherzan	Shoultz
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman

The nays were, 7:

Black	Gronstal	Maulsby	Pavich
Skow	Welden	Mr. Speaker	

Absent or not voting, 5:

Chiodo	Harbor	Muhbauer	Rensink
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 176, a bill for an act relating to the allocation of funds to regional libraries, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H—5217 filed by the committee on state government and moved its adoption:

H—5217

1 Amend Senate File 176 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. 2. EFFECTIVE DATE.

5 1. Section 1 of this Act takes effect July 1,
6 of the year when the allocation of appropriated funds
7 under the allocation formula specified in section
8 1 of this Act at least equals the amount received
9 by each regional board of trustees for the fiscal
10 year beginning July 1, 1983.

11 2. Section 2 of this Act takes effect July 1,
12 1984."

The committee amendment H—5217 was adopted.

Chapman 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. 176)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Pony
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen

Tabor
Van Gerpen
Woods

Tofte
Van Maanen
Zimmerman

Torrence
Varn
Mr. Speaker

Van Camp
Welden

The nays were, none.

Absent or not voting, 5:

Chiodo
Shoultz

Harbor

Osterberg

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2220 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2220 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2098, a bill for an act relating to the liability for torts committed by offenders assigned to perform unpaid community service, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5805 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5805

- 1 Amend Senate File 2098 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 85.59, Code Supplement 1983,
- 6 is amended by adding the following new unnumbered
- 7 paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. For purposes of this
- 9 section, the term "inmate" excludes a person who is
- 10 performing unpaid community service under section
- 11 907.13 or a work assignment of value or to the public
- 12 under chapter 232.
- 13 Sec. 2. NEW SECTION. 232.13 LIABILITY FOR PUBLIC
- 14 WORK ASSIGNMENTS. The state of Iowa is liable,
- 15 according to and under chapter 25A, for a tortious
- 16 act committed by a child given a work assignment of

17 value to the state or the public under this chapter.
 18 Sec. 3. Section 907.13, Code 1983, is amended
 19 by adding the following new subsections:
 20 **NEW SUBSECTION. 5.** The state of Iowa is
 21 exclusively liable, according to and under chapter
 22 25A, for a tortious act committed by a defendant while
 23 performing unpaid community service.
 24 **NEW SUBSECTION. 6.** The state of Iowa is
 25 exclusively liable for and shall pay any compensation
 26 becoming due any person under section 85.59."

The committee amendment H—5805 was adopted.

Brammer of Linn in the chair at 10:02 a.m.

The following amendment H—5905 filed by Rosenberg of Story from the floor was adopted by unanimous consent:

H—5905

1 Amend Senate File 2098 as follows:
 2 1. Title page by striking lines 1 and 2 and insert-
 3 ing in lieu thereof the following: "An Act relating to
 4 unpaid community service by specifying that the state
 5 assumes liability for injuries to offenders performing
 6 unpaid community service and for the torts committed
 7 by offenders performing unpaid community service."

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2098)

The ayes were, 86:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee

McKean	Menke	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schroeder
Shoultz	Skow	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker (Brammer)		

The nays were, 9:

Chapman	Connors	Grandia	Hummel
Peick	Running	Sherzan	Stueland
Welden			

Absent or not voting, 5:

Chiodo	Doderer	Harbor	Miller
Rensink			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2053, a bill for an act specifying the number of affirmative votes of the board of directors of the Iowa product development corporation that are necessary before action may be taken by the board, with report of committee recommending passage was taken up for consideration.

Groninga 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. 2053)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker (Brammer)	

The nays were, none.

Absent or not voting, 5:

Chiodo	Harbor	Miller	Rensink
Sullivan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILES 2248 AND 2202 DEFERRED

Norland of Worth asked and received unanimous consent that Senate Files 2248 and 2202 be temporarily deferred and that the bills retain their place on the calendar.

Senate File 2165, a bill for an act to provide for the development of a proposal to reduce upper-level management positions in certain state agencies with report of committee recommending amendment and passage was taken up for consideration.

Swartz of Marshall offered the following amendment H-5762 filed by the committee on state government:

H-5762

- 1 Amend Senate File 2165 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. The purpose of this Act is for the
6 governor, the general assembly, and the judicial
7 department to evaluate measures to make state
8 government more efficient through the examination
9 of supervisory span control.

10 Sec. 2. Studies shall be initiated to examine
11 the existing full-time equivalent positions devoted
12 to supervision of employees in state government.
13 The studies shall enumerate existing supervisory
14 efficiency ratios and include a narrative analysis
15 on meeting the goal of establishing a span of control
16 ratio of one to seven. The analysis of individual
17 units of state government must take into account
18 different levels of responsibility, complexity,
19 proximity, and other factors affecting the ability
20 to manage in order to effectively improve the
21 efficiency of management. Recommended ratios of other
22 than one to seven shall be accompanied by documentation
23 detailing why a span of control ratio of one to seven
24 would interfere with adequate performance of the
25 affected unit's governmental responsibilities.

26 Each study shall include a plan for achieving the
27 recommended span of control ratio in two phases.
28 The first phase shall be capable of implementation
29 no later than July 1, 1985 and the remaining phase
30 shall be capable of implementation not later than
31 July 1, 1986. The studies will be completed and
32 submitted to the general assembly by October 15, 1984.

33 Sec. 3. The governor shall perform the study
34 provided in section 2 of this Act for all state
35 agencies in the executive branch with the exception
36 of the institutions under the jurisdiction of the
37 board of regents.

38 Sec. 4. The board of regents shall perform the
39 study provided in section 2 of this Act for all
40 institutions under its jurisdiction and shall submit
41 that study to the governor no later than September
42 15, 1984. Full-time teaching and research positions
43 are exempt from the study described under section
44 2 of this Act.

45 Sec. 5. The legislative council shall perform
46 the study provided in section 2 of this Act for all
47 legislative employees.

48 Sec. 6. The supreme court shall perform the study
49 provided in section 2 of this Act for all court
50 employees under its jurisdiction.

Page 2

1 Sec. 7. The studies shall provide that no
2 protected class person will be laid off from a
3 position or reduced in rank or grade where it can

4 be shown that the persons in those protected classes
5 are underrepresented in the job classes affected by
6 the reduction.
7 Sec. 8. The studies shall be provided to the
8 governor, legislative council and the appropriate
9 appropriations subcommittees. Upon receiving the
10 reduction proposals, the governor, the legislative
11 council, and the appropriate subcommittees of the
12 committees on appropriations, shall also review the
13 reductions and additions in employment made by the
14 state agencies within the prior five years."

Speaker Avenson in the chair at 10:40 a.m.

Swartz of Marshall offered the following amendment H—5902,
to the committee amendment H—5762, filed by him from the floor:

H—5902

1 Amend amendment H—5762 to Senate File 2165 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, line 16, by inserting after the word
5 "seven" the words "or ten percent whichever is
6 greater".
7 2. Page 1, line 22, by inserting after the word
8 "seven" the words "or ten percent whichever is
9 greater".
10 3. Page 1, line 23, by inserting after the word
11 "seven" the words "or ten percent whichever is
12 greater".

Norland of Worth asked and received unanimous consent that
Senate File 2165 be temporarily deferred and that the bill retain its
place on the calendar.

(Amendment H—5902, to the committee amendment H—5762,
pending.)

Senate File 2116, a bill for an act to provide resale rights to a
holder of a farm implements or parts franchise upon termination of
the franchise with report of committee recommending passage was
taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was
read a last time.

On the question "Shall the bill pass?" (S.F. 2116)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Jay	Jochum
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 4:

Diemer	Hummel	Schnekloth	Stueland
--------	--------	------------	----------

Absent or not voting, 4:

Harbor	Knapp	Ollie	Rensink
--------	-------	-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2220, a bill for an act relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds, requiring a commitment to community reinvestment to receive state public funds, providing for the giving of notice on minimum interest rates for public funds, providing for the pledging of assets, providing for the dissolution of the state sinking fund, expanding the deposit limits for bank holding companies, and providing reciprocity for credit unions, with report of committee recommending amendment and passage was taken up for consideration.

Chiodo of Polk offered the following amendment H—5830 filed by the committee on small business and commerce and moved its adoption:

H—5830

- 1 Amend Senate File 2220 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 31, by inserting after the words
- 4 "shall be deposited" the words "pursuant to a bailment
- 5 agreement".
- 6 2. Page 11, line 7, by inserting after the word
- 7 "Iowa" the words "pursuant to a bailment agreement".
- 8 3. Page 15, line 12, by inserting after the word
- 9 "repealed." the words "However, if pledging to secure
- 10 the deposit of public funds has not been properly
- 11 completed by July 1, 1984, then chapter 454 is not
- 12 repealed until July 1, 1985."

The committee amendment H—5830 was adopted.

O'Kane of Woodbury offered the following amendment H—5897 filed by him and Chiodo of Polk:

H—5897

- 1 Amend Senate File 2220, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "bonds" the following: "prime eligible bankers
- 5 acceptances, commercial paper rated within the two
- 6 highest classifications of prime as established by
- 7 at least one of the standard rating services, perfected
- 8 repurchase agreements,".
- 9 2. Page 1, by inserting after line 35 the
- 10 following: "The total investment in commercial paper
- 11 of any one corporation is limited to an amount not
- 12 more than twenty percent of the total stockholders'
- 13 equity of that corporation."
- 14 3. Page 4, by striking lines 19 through 26 and
- 15 inserting in lieu thereof the following:
- 16 "Sec. 9. Section 453.5, Code 1983, is amended
- 17 to read as follows:
- 18 453.5 REFUSAL OF DEPOSITS —PROCEDURE. If the
- 19 ~~duly~~ approved ~~banks~~ depositories will not accept the
- 20 deposits under the conditions prescribed or authorized
- 21 in this chapter, the funds may be deposited, on the
- 22 same or better terms as were offered to the
- 23 depositories, in any one or more approved bank or

24 banks depositories conveniently located within the
25 state.

26 If a governmental unit makes in writing to all
27 qualified, approved depositories a bona fide proffer
28 to deposit public funds either in a savings account,
29 or in a time certificate of deposit, and the proffer
30 is not then accepted, then and only then may the
31 governmental unit invest the funds so declined, on
32 the same or better terms as were offered to the
33 depositories, in bonds or other evidences of
34 indebtedness issued, assumed, or guaranteed by the
35 United States of America or by any agency or
36 instrumentality thereof. However, public funds that
37 will not be deposited or invested for a term of at
38 least fifteen days may be invested, without prior
39 offer to an approved depository, in notes,
40 certificates, bonds, or other direct obligations of
41 the United States or any of its agencies.

42 In addition to the investments herein authorized,
43 the The treasurer of state may invest in any of the
44 investments authorized for the Iowa public employees'
45 retirement system in section 97B.7, subsection 2,
46 paragraph "b" except that investment in common stocks
47 shall not be permitted. This section does not affect
48 the investment of funds as provided in sections 453.9
49 and 453.10."

50 4. Page 8, by striking lines 16 through 33 and

Page 2

1 inserting in lieu thereof the following:
2 "The governing council or board who which by law
3 are is authorized to direct the depositing of funds
4 shall be authorized to may direct the treasurer or
5 other designated financial officer to invest any fund
6 not an active fund needed for current use and which
7 is being accumulated as a sinking fund for a definite
8 purpose, the interest on which is used for the same
9 purpose, in savings accounts in banks, in the
10 certificates or warrants provided by section 454.10,
11 or make time deposits of such funds as provided in
12 this chapter and receive time certificates of deposit
13 therefor, or in bonds or other evidences of
14 indebtedness issued, assumed, or guaranteed by the
15 United States of America, or by any agency or
16 instrumentality thereof, or in local certificates
17 or warrants issued by any municipality or school
18 district within the county, or in municipal or school
19 district bonds which constitute a general liability,
20 and the treasurer or other officer when so directed
21 shall so invest such fund in investments authorized in

22 section 452.10.”

23 5. Page 8, by inserting after line 33 the

24 following:

25 “Sec. . Section 453.10, Code 1983, is amended
26 to read as follows:

27 453.10 INVESTMENT OF FUNDS CREATED BY ELECTION.

28 The governing council or board, who by law have control
29 of any fund created by direct vote of the people,
30 may invest any portion thereof of the fund not
31 currently needed, in bonds or other evidences of
32 indebtedness issued, assumed, or guaranteed by the
33 United States of America, or by any agency or
34 instrumentality thereof, or make time deposits of
35 such funds and receive time certificates of deposit
36 therefor, or in savings accounts investments authorized
37 in section 452.10. The treasurer of state may invest
38 in any of the investments authorized for the Iowa
39 public employees' retirement system in section 97B.7,
40 subsection 2, paragraph “b” except that investment
41 in common stocks shall not be permitted. Interest
42 or earnings on such funds shall be credited as provided
43 in section 453.7, subsection 2.”

44 6. Page 9, by inserting after line 12 the
45 following:

46 “Sec. . Section 453.14, unnumbered paragraph
47 1, Code 1983, is amended to read as follows:

48 The board of directors of a school corporation
49 may invest any portion of the proceeds of bonds issued
50 and not currently needed in United States government

Page 3

1 bonds or make time deposits as provided in this chapter
2 section 452.10.”

3 7. Amend the title, line 3, by inserting after
4 the word “funds,” the words “providing for the
5 investment of idle public funds,”.

6 8. By renumbering sections to conform to this
7 amendment.

Schroeder of Pottawattamie offered the following amendment
H—5904, to amendment H—5897, filed by him from the floor and
moved its adoption:

H—5904

1 Amend amendment H—5897 to Senate File 2220 as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 7, by inserting after the word
5 “services” the words and figure “approved by the
6 superintendent of banking pursuant to chapter 17A”.

Amendment H—5904 was adopted.

On motion by O'Kane of Woodbury, amendment H—5897, as amended, was adopted.

Skow of Guthrie asked for unanimous consent to consider amendment H—5903.

Objection was raised.

Skow of Guthrie moved to suspend the rules to consider amendment H—5903.

Stromer of Hancock rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Groth of Buena Vista moved that the rules be suspended to consider amendment H—5903 filed by Skow of Guthrie from the floor as follows:

H—5903

1 Amend Senate File 2220 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 14, by inserting after line 22 the
4 following:
5 "3. A bank holding company shall not acquire a
6 bank, savings bank, or savings and loan association
7 which is engaged in real estate brokerage beyond that
8 permitted federally-chartered banks, savings banks,
9 and savings and loan associations unless the bank
10 holding company ceases the real estate brokerage
11 activity at the acquired financial institution that
12 is in excess of the federal limitations. However,
13 this subsection shall not apply if the bank, which
14 is engaged in real estate brokerage in excess of the
15 federal limitations that the bank holding company
16 is seeking to acquire, is located in a municipality
17 of five thousand population or less."

A non-record roll call was requested.

The ayes were 14, nays 15.

The motion to suspend the rules lost.

Chiodo of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2220)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 2:

Grandia	McKean
---------	--------

Absent or not voting, 4:

Chiodo	Harbor	Peick	Rensink
--------	--------	-------	---------

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 PREVAILED
(Senate File 2159)

Running of Linn called up for consideration the motion to reconsider Senate File 2159, filed on March 26, 1984, and moved to reconsider the vote by which Senate File 2159, a bill for an act to allow limited child modeling under the child labor laws, passed the House and was placed on its last reading on March 26, 1984.

A non-record roll call was requested.

The ayes were 63, nays none.

The motion prevailed and the House reconsidered Senate File 2159.

Running of Linn offered the following amendment H—5887 filed by him and moved its adoption:

H—5887

- 1 Amend Senate File 2159 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 6, by striking the word and figure
- 4 "7 p.m." and inserting in lieu thereof the word and
- 5 figure "10 p.m."

Amendment H—5887 was adopted.

Running 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. 2159)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chjodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf

Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Groninga Harbor Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2277, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Zimmerman of Dallas offered the following amendment H—5795 filed by the committee on human resources:

H—5795

- 1 Amend Senate File 2277 as amended, passed and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 15, by inserting after the word
 4 "or" the word "fifty".
 5 2. Page 1, line 22, by inserting after the word
 6 "or" the word "fifty".
 7 3. Page 1, line 23, by inserting after the word
 8 "providers." the words "These petitions shall be
 9 considered only by the independent nominating
 10 committee."

Zimmerman of Dallas offered the following amendment H—5906, to the committee amendment H—5795, filed from the floor by Zimmerman, Arnould and Running and moved its adoption:

H—5906

- 1 Amend amendment H—5795 to Senate File 2277 as amended,
 2 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. Page 1, by striking lines 15 and 16 and inserting
 6 in lieu thereof the following: "nomination by a petition
 7 of at least fifty subscribers. The board shall also
 8 establish procedures to permit nomination of provider
 9 directors by petition of at least fifty participating
 10 providers. A member of the board of directors"."
 11 2. Page 1, by striking lines 5 through 10 and inserting
 12 in lieu thereof the following:
 13 "2. Page 1, by striking lines 21 through 23 and
 14 inserting in lieu thereof the following: "commissioner
 15 of insurance shall also permit nomination of subscriber
 16 directors by a petition of at least fifty subscribers
 17 or providers, and nomination of provider directors by
 18 a petition of at least fifty participating providers.
 19 These petitions shall be considered only by the independent
 20 nominating committee. The independent subscriber nominating
 21 committee"."
 22 3. Title page, line 1, by inserting after the word
 23 "subscriber" the words "and provider".

Amendment H—5906 was adopted.

On motion by Zimmerman of Dallas, the committee amendment H—5795, as amended, was adopted.

Zimmerman 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. 2277)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Cannolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Torrence	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 6:

Daggett	Grandia	Maulsby	Tofte
Van Maanen	Welden		

Absent or not voting, 3:

Harbor	McIntee	Rensink
--------	---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by Norland of Worth, the House was recessed at 11:05 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson 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 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 4, 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.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 489, a bill for an act relating to membership on the interagency coordinating council on radiation safety.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 540, a bill for an act relating to chapter 91A.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2067, a bill for an act establishing an age limit for participants in amateur boxing.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2164, a bill for an act relating to the duties and responsibilities of a peace officer to a victim of domestic abuse.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2172, a bill for an act relating to the surety bond required for an employment agency license.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2234, a bill for an act requiring repair or replacement of a new motor vehicle which does not conform to express warranties.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2389, a bill for an act relating to the interest of an elected city officer

or employee in contracts for the purchase of goods and services by a city.

Also: That the Senate has on March 26, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2398, a bill for an act allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises.

K. MARIE THAYER, Secretary.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2222, a bill for an act allowing a city to redraw precinct lines when adopting a system which provides for election of council members from wards or when changing the number of council members who are elected from wards, with report of committee recommending passage was taken up for consideration.

Poney of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2222)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chioldo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes

Hummel	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman

Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Krewson Rensink Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2101, a bill for an act relating to the commitment of children beyond their eighteenth birthday to the state training school, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H-5804 filed by the committee on judiciary and law enforcement and moved its adoption:

H-5804

- 1 Amend Senate File 2101 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 25 through 29, and
- 4 inserting in lieu thereof the following:
- 5 3. Notwithstanding section 242.13, a child
- 6 committed to the training school subsequent to the
- 7 child attaining the age of seventeen years and six
- 8 months and prior to the child's eighteenth birthday
- 9 may be held at the school beyond the child's eighteenth
- 10 birthday pursuant to subsection 2 provided that the
- 11 training school makes application to and receives
- 12 permission from the committing court. This extension
- 13 shall be for the purpose of completion by the child

- 14 of a course of instruction established for the child
 15 pursuant to section 242.4 and cannot extend for more
 16 than one year beyond the date of disposition.

The committee amendment H—5804 was adopted.

Parker of Jasper rose on a point of order and invoked Rule 32 to refer Senate File 2101 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2101)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Running	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 3:

Grandia	Parker	Shoultz
---------	--------	---------

Absent or not voting, 5:

Carpenter
Royer

Groninga

Krewson

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2206, a bill for an act relating to the safety and security of passengers on buses and in bus terminals, by establishing criminal offenses and providing penalties, with report of committee recommending passage was taken up for consideration.

Varn of Johnson offered the following amendment H—5899 filed by him and Jay of Appanoose:

H—5899

- 1 Amend Senate File 2206 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 2 and 3 and inserting
- 4 in lieu thereof the following: "control or attempts
- 5 to seize or exercise control over a bus by force or
- 6 violence or threat of force or violence. Bus hijacking
- 7 is a class "C" felony."
- 8 2. Page 2, by striking lines 4 through 10.
- 9 3. Page 2, by striking lines 12 and 13 and
- 10 inserting in lieu thereof the following:
- 11 "1. It is unlawful while on a bus or in a terminal
- 12 for a person to do".
- 13 4. Page 2, by striking lines 15 through 19 and
- 14 inserting in lieu thereof the following:
- 15 "a. Engage in fighting or violent behavior.
- 16 b. Direct abusive epithets or make any threatening
- 17 gesture which the person knows or reasonably should
- 18 know is likely to provoke a violent reaction by
- 19 another.
- 20 c. By word or action, initiate or circulate a
- 21 report or warning of fire, epidemic, or other
- 22 catastrophe, knowing such report to be false or such
- 23 warning to be baseless.
- 24 d. Use or consume alcoholic liquors or beer or
- 25 be intoxicated or simulate intoxication except this
- 26 paragraph does not apply to a person on a bus under
- 27 charter if lawful under chapter 123."
- 28 5. Page 2, lines 29 and 30, by striking the words
- 29 "or hazardous material".
- 30 6. By renumbering as necessary.

Miller of Woodbury offered the following amendment H—5915, to amendment H—5899, filed by him from the floor and moved its adoption:

H—5915

- 1 Amend House Amendment H—5899 to Senate File 2206
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 27 the following:
- 5 "e. Makes loud and raucous noise which causes
- 6 unreasonable distress to the occupants thereof."

Amendment H—5915 was adopted.

On motion by Varn of Johnson, amendment H—5899, as amended, was adopted.

Miller of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2206)

The ayes were, 70:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Chapman	Clark	Cochran
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Gronstal
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Harbor
Haverland	Hermann	Holveck	Hughes
Jochum	Koenigs	Krewson	Lageschulte
Maulsby	McKean	Menke	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Renaud
Renken	Rosenberg	Royer	Running
Sherzan	Skow	Spear	Sturgeon
Swartz	Swearingen	Tabor	Van Camp
Van Gerpen	Van Maanen	Varn	Woods
Zimmerman	Mr. Speaker		

The nays were, 28:

Carl	Carpenter	Carter	Chiodo
------	-----------	--------	--------

Connolly	Groninga	Groth	Hammond
Handorf	Hanson	Hoffmann-Bright	Hummel
Jay	Knapp	Lloyd-Jones	Lonergan
McIntee	Mullins	Poncy	Schnekloth
Schroeder	Shoultz	Stromer	Stueland
Sullivan	Tofte	Torrence	Welden

Absent or not voting, 2:

Doderer Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2169, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5801 filed by the committee on transportation:

H—5801

- 1 Amend Senate File 2169, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 3 and 4 and inserting
- 4 in lieu thereof the following:
- 5 **NEW PARAGRAPH.** c. Any semitrailer converted to
- 6 a full trailer by the use of a dolly used by the owner
- 7 in the conduct of the owner's agricultural operations
- 8 to transport agricultural products being towed by
- 9 a farm tractor provided the vehicle is operated in
- 10 compliance with the following requirements:
- 11 (1) The towing unit is equipped with a braking
- 12 device which can control the movement of and stop
- 13 the vehicles. When the semitrailer is being towed
- 14 at a speed of twenty miles per hour, the braking
- 15 device shall be adequate to stop the vehicles within
- 16 fifty feet. The semitrailer shall be equipped with
- 17 brakes upon all wheels.
- 18 (2) The towing vehicle shall be equipped with
- 19 a rear view mirror to permit the operator a view of
- 20 the highway for a distance of at least two hundred
- 21 feet to the rear.
- 22 (3) The semitrailer shall be equipped with a turn
- 23 signal device which operates in conjunction with or
- 24 separately from the rear taillight and shall be plainly

- 25 visible from a distance of one hundred feet.
 26 (4) The semitrailer shall be equipped with two
 27 flashing amber lights one on each side of the rear
 28 of the vehicle and be plainly visible for a distance
 29 of five hundred feet in normal sunlight or at night.
 30 (5) The semitrailer shall be operated in compliance
 31 with sections 321.123 and 321.463."

Schroeder of Pottawattamie offered the following amendment H—5917, to the committee amendment H—5801, filed by him from the floor and moved its adoption:

H—5917

- 1 Amend the Committee on Transportation amendment
 2 H—5801 to Senate File 2169 as passed by the Senate,
 3 as follows:
 4 1. Page 1, line 16, by inserting after the word
 5 "feet" the words "from the point the brakes are
 6 applied".

A non-record roll call was requested.

The ayes were 53, nays 26.

Amendment H—5917 was adopted.

Norland of Worth asked and received unanimous consent that Senate File 2169 be deferred and placed on the unfinished business calendar.

(The committee amendment H—5801, as amended, pending.)

Senate File 505, a bill for an act relating to the value of property for purposes of certain crimes and certain penalties, with report of committee recommending passage was taken up for consideration.

McIntee 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. 505)

The ayes were, 99:

Anderson
Black

Arnould
Blanshan

Baxter
Brammer

Bennett
Branstad

Buhr	Carl	Carpenter	Carter
Chapman	Chioldo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Osterberg of Linn in the chair at 2:00 p.m.

Senate File 2228, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home, with report of committee recommending passage was taken up for consideration.

Connors of Polk offered the following amendment H—5895 filed by him and McKean of Jones and moved its adoption:

H—5895

- 1 Amend Senate File 2228, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 9, by striking the word "for"
- 4 and inserting in lieu thereof the words ", including
- 5 but not limited to,".
- 6 2. Page 1, line 28, by striking the word "for"
- 7 and inserting in lieu thereof the words ", including
- 8 but not limited to,".

Amendment H—5895 was adopted.

Paulin of Plymouth offered amendment H—5880 filed by him and requested division as follows:

H—5880

- 1 Amend Senate File 2228 as amended, passed and
- 2 reprinted by the Senate as follows:

H—5880A

- 3 1. Page 1, by striking line 10, and inserting in
- 4 lieu thereof the following: "back, minimum square footage
- 5 and other regulations which would apply to a site-".

H—5880B

- 6 2. Page 1, by striking lines 15 through 19, and
- 7 inserting in lieu thereof the following: "department of
- 8 housing and urban development."

H—5880A

- 9 3. Page 1, by striking line 29, and inserting in
- 10 lieu thereof the following: "back, minimum square footage
- 11 and other regulations which would apply to a site-".

H—5880B

- 12 4. By striking page 1, line 34 through page 2, line 3,
- 13 and inserting in lieu thereof the following: "department
- 14 of housing and urban development."

Paulin of Plymouth asked and received unanimous consent to withdraw amendment H—5880A.

Renken of Grundy offered the following amendment H—5882 filed by him:

H—5882

- 1 Amend Senate File 2228 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 12, by inserting before the word
- 4 "structure" the word "factory-built".
- 5 2. Page 1, by striking lines 13 through 16, and
- 6 inserting in lieu thereof the following: "which is
- 7 manufactured or constructed under the authority of
- 8 42 U.S.C. sec. 5403 and is to be used as a place for
- 9 human habitation, but which is not constructed or
- 10 equipped with a permanent hitch or other device
- 11 allowing it to be moved other than for the purpose of
- 12 moving to a permanent site, and which does not have
- 13 permanently attached to its body or frame any wheels
- 14 or axles. A mobile home as defined in section".
- 15 3. Page 1, line 31, by inserting before the word
- 16 "structure" the word "factory-built".
- 17 4. Page 1, by striking lines 32 through 35 and
- 18 inserting in lieu thereof the following: "which is
- 19 manufactured or constructed under the authority of
- 20 42 U.S.C. sec. 5403 and is to be used as a place for
- 21 human habitation, but which is not constructed or
- 22 equipped with a permanent hitch or other device
- 23 allowing it to be moved other than for the purpose of
- 24 moving to a permanent site, and which does not have
- 25 permanently attached to its body or frame any wheels
- 26 or axles. A mobile home as defined in section".

McKean of Jones offered the following amendment H—5918, to amendment H—5882 filed by him from the floor and moved its adoption:

H—5918

- 1 Amend the amendment H—5882 to Senate File 2228
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, lines 7 and 8, by striking the words
- 5 "under the authority of 42 U.S.C. sec. 5403 and is".
- 6 2. Page 1, lines 19 and 20, by striking the words
- 7 "under the authority of 42 U.S.C. sec. 5403 and is".

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H—5918 lost.

On motion by Renken of Grundy, amendment H—5882 was adopted, placing out of order amendment H—5884 filed by McKean of Jones on March 27, 1984 and amendment H—5880B.

McKean of Jones offered the following amendment H—5879 filed by him and moved its adoption:

H—5879

- 1 Amend Senate File 2228, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "dwelling." the following: "This section shall not
- 5 be construed as abrogating a recorded restrictive
- 6 covenant."
- 7 2. Page 2, line 3, by inserting after the word
- 8 "dwelling." the following: "This section shall not
- 9 be construed as abrogating a recorded restrictive
- 10 covenant."

Amendment H—5879 was adopted.

Speaker Avenson in the chair at 2:32 p.m.

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. 2228)

The ayes were, 56:

Bennett	Blanshan	Branstad	Chiodo
Clark	Cochran	Connolly	Cooper
Copenhaver	Corey	Daggett	Davitt
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson	Harbor	Haverland
Hughes	Koenigs	Loneragan	Maulsby
McIntee	Menke	Norland	O'Kane
Parker	Poncy	Renaud	Renken
Royer	Schneklath	Schroeder	Shoultz
Skow	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 42:

Anderson	Arnould	Baxter	Black
Brammer	Buhr	Carl	Carpenter
Carter	Chapman	De Groot	Diemer
Doderer	Gruhn	Handorf	Hermann
Hoffmann-Bright	Holveck	Hummel	Jay
Jochum	Knapp	Krewson	Lageschulte
Lloyd-Jones	McKean	Miller	Muhlbauer
Mullins	Ollie	Osterberg	Oxley
Paulin	Pavich	Peick	Pellett
Rosenberg	Running	Sherzan	Spear
Sullivan	Tabor		

Absent or not voting, 2:

Connors	Rensink
---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2163, a bill for an act relating to child custody, with report of committee recommending passage was taken up for consideration.

Woods of Polk offered the following amendment H—5869 filed by him:

H—5869

1 Amend Senate File 2163 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 25, by inserting after the word
 4 "arrangement." the following: "The court shall also
 5 consider the court's determination that one parent
 6 has sacrificed, and cooperated significantly more
 7 than the other parent to provide an adequate and
 8 stable environment or is significantly more responsible
 9 for causing disintegration of the proper environment
 10 for the child for reasons unrelated to the child's
 11 welfare in determining the proper custody arrangement."

Brammer of Linn rose on a point of order that amendment H—5869 was not germane.

The Speaker ruled the point not well taken and amendment H—5869 germane.

Woods of Polk asked and received unanimous consent to temporarily defer action on amendment H—5869.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H—5708 filed by her on March 15, 1984, placing out of order amendment H—5868, to amendment H—5708, filed by Woods of Polk on March 27, 1984.

Gruhn of Dickinson in the chair at 3:07 p.m.

The House resumed consideration of amendment H—5869.

On motion by Woods of Polk, amendment H—5869 lost.

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. 2163)

The ayes were, 99:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Toftte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Madam Speaker (Gruhn)	

! The nays were, none.

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2261, a bill for an act relating to the powers of state-chartered savings and loan associations, with report of committee recommending amendment and passage was taken up for consideration.

Gronstal of Pottawattamie offered the following amendment H—5831 filed by the committee on small business and commerce:

H—5831

- 1 Amend Senate File 2261 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 13, by striking the word "However,"
- 4 and inserting in lieu thereof the following: "The
- 5 association is not required to obtain".
- 6 2. Page 2, line 14, by striking the word "loans"
- 7 and inserting in lieu thereof the word "account".
- 8 3. Page 2, line 15, by striking the words "and
- 9 savings investments".
- 10 4. Page 2, line 21, by inserting after the word
- 11 "bureau" the words "located in this state".
- 12 5. Page 2, by inserting after line 25 the
- 13 following:
- 14 "However, the institution or person listed in
- 15 subparagraphs (1) through (8) shall obtain written
- 16 consent of the member prior to requesting the
- 17 information from an association."
- 18 6. By striking page 2, line 35 through page 4,
- 19 line 4.
- 20 7. By striking page 5, line 28 through page 6,
- 21 line 20.
- 22 8. By striking page 7, line 34 through page 8,
- 23 line 5.
- 24 9. Renumber as necessary.

Gronstal of Pottawattamie offered the following amendment H—5893, to the committee amendment H—5831, filed by Gronstal, et al., and moved its adoption:

H—5893

- 1 Amend amendment H—5831 to Senate File 2261 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 24 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 2, line 15, by striking the words "and
- 7 savings investments.
- 8 2. Page 8, by striking lines 2 through 5."
- 9 2. Renumber as necessary.

Amendment H—5893 was adopted.

Gronstal of Pottawattamie moved the adoption of the committee amendment H—5831, as amended.

A non-record roll call was requested.

The ayes were 82, nays none.

Amendment H—5831, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Copenhaver of Buchanan, until his return, on request of Fey of Scott.

Skow of Guthrie offered the following amendment H—5892 filed by him and Groth of Buena Vista:

H—5892

- 1 Amend Senate File 2261 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 6, by inserting after line 35 the
- 4 following:
- 5 "Sec. 102. Section 534.75, Code Supplement 1983,
- 6 is amended by adding the following new subsection
- 7 5 and renumbering the subsequent subsections:
- 8 **NEW SUBSECTION. 5.** An association or service
- 9 corporation may engage in real estate brokerage only
- 10 to the same extent as a federal association is
- 11 permitted to engage in real estate brokerage. However,
- 12 an association or service corporation, which as of
- 13 March 1, 1984, was engaged in real estate brokerage
- 14 in excess of that permitted under this subsection,
- 15 may continue those activities."
- 16 2. Renumber as necessary.

Chiodo of Polk rose on a point of order that amendment H—5892 was not germane.

The Speaker ruled the point well taken and amendment H—5892 not germane.

Skow of Guthrie moved that the rules be suspended to consider amendment H—5892.

Roll call was requested by Jay of Appanoose and Hermann of Scott.

On the question "Shall the rules be suspended to consider amendment H—5892?"

The ayes were, 31:

Brammer	Branstad	Chapman	Cooper
Corey	Daggett	Groth	Halvorson, R. A.
Hanson	Hermann	Hoffmann-Bright	Holveck
Hummel	Jay	Jochum	Koenigs
Lageschulte	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Osterberg
Poncy	Royer	Skow	Spear
Sturgeon	Van Camp	Van Gerpen	

The nays were, 57:

Anderson	Arnould	Avenson	Baxter
Bennett	Buhr	Carl	Carpenter
Carter	Chiodo	Cochran	Connors
Davitt	De Groot	Diemer	Doderer
Fogarty	Grandia	Groninga	Gronstal
Halvorson, R. N.	Hammond	Handorf	Harbor
Haverland	Hughes	Knapp	Lloyd-Jones
Lonergan	Mullins	Norland	O'Kane
Ollie	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Renaud
Renken	Rosenberg	Running	Schneklott
Schroeder	Sherzan	Shoultz	Stueland
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Maanen	Varn	Welden
Madam Speaker (Gruhn)			

Absent or not voting, 12:

Black	Blanshan	Clark	Connolly
Copenhaver	Fey	Krewson	Rensink
Stromer	Sullivan	Woods	Zimmerman

The motion lost.

Speaker Avenson in the chair at 3:46 p.m.

Gronstal 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. 2261)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellet	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, 1:

Grandia

Absent or not voting, 3:

Copenhaver

Krewson

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2310, a bill for an act relating to payments to state employees for accrued sick leave and disability, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5812 filed by the committee on state government and moved its adoption:

H—5812

- 1 Amend Senate File 2310 as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, by striking lines 9 through 14 and
- 4 inserting in lieu thereof the words "on forms provided
- 5 by the board."

The committee amendment H—5812 was adopted.

Welden of Hardin rose on a point of order and invoked Rule 32 to refer Senate File 2310 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Blanshan 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. 2310)

The ayes were, 83:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	Diemer	Doderer	Fey
Fogarty	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lonergan	McIntee	McKean
Miller	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett

Poney	Renaud	Rosenberg	Running
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker	

The nays were, 14:

Branstad	De Groot	Grandia	Handorf
Harbor	Maulsby	Menke	Muhlbauer
Renken	Royer	Schnekloth	Stueland
Van Maanen	Welden		

Absent or not voting, 3:

Copenhaver	Lloyd-Jones	Rensink
------------	-------------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2304, a bill for an act relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or deliver, a controlled substance, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiado	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Loneragan	Maulsby
McIntee	McKean	Menke	Miller

Muhlbauer	Mullins	Norland	O'Kane
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Copenhaver	Lloyd-Jones	Ollie	Rensink
------------	-------------	-------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 517, a bill for an act relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5826 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5826

- 1 Amend Senate File 517 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 15 through 28 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 2. NEW SECTION. COMPLAINT OF MISSING PERSON.
- 6 1. A person may file a complaint of a missing
- 7 person with a law enforcement agency having
- 8 jurisdiction. The complaint shall include, but is
- 9 not limited to, the following information:
- 10 a. The name of the complainant.
- 11 b. The relationship of the complainant to the
- 12 missing person.
- 13 c. The name, age, address, and all identifying
- 14 characteristics of the missing person.
- 15 d. The length of time the person has been missing.
- 16 e. All other information deemed relevant by either

17 the complainant or the law enforcement agency.
 18 2. A report of the complaint of missing person
 19 shall be given to all law enforcement personnel
 20 currently on active duty for that agency through
 21 internal means and over the law enforcement
 22 administration network immediately upon its being
 23 filed.

24 Sec. 3. NEW SECTION. REPORT ON MISSING PERSON.

25 1. A law enforcement agency in which a complaint
 26 of a missing person has been filed shall prepare,
 27 as soon as practicable, a report on a missing person.
 28 That report shall include, but is not limited to,
 29 the following:

30 a. All information contained in the complaint
 31 on a missing person.

32 b. All information or evidence gathered by a
 33 preliminary investigation, if one was made.

34 c. A statement, by the law enforcement officer
 35 in charge, setting forth that officer's assessment
 36 of the case based upon all evidence and information
 37 received.

38 d. An explanation of the next steps to be taken
 39 by the law enforcement agency filing the report.

40 Sec. 4. NEW SECTION. DISSEMINATION OF REPORT.

41 Upon completion of the report, a copy of the report
 42 shall be forwarded to:

43 1. All law enforcement agencies having jurisdiction
 44 of the location in which the missing person lives
 45 or was last seen.

46 2. All law enforcement agencies considered to
 47 be potentially involved by the law enforcement agency
 48 filing the report.

49 3. All law enforcement agencies which the
 50 complainant requests the report to be sent to, if

Page 2

1 the request is reasonable in light of the information
 2 contained in the report.

3 4. Any law enforcement agency requesting a copy
 4 of the missing person report."

5 2. Renumber as necessary.

The committee amendment H—5826 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Copenhaver Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2248, a bill for an act relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules in respect to hazardous chemicals which are more restrictive than, but consistent with, federal requirements, (temporarily deferred) with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H-5738 filed by the committee on energy:

H - 5738

1 Amend Senate File 2248 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 13 the
4 following:

5 "Sec. 101. NEW SECTION. 455D.3A APPLICABILITY TO
6 AGRICULTURAL ACTIVITIES. Except for section 455D.8,
7 this chapter does not apply to a person engaged in
8 farming as defined in section 172C.1, subsection 6, or
9 to activities which are covered under the labeling
10 requirements of the federal Insecticide, Fungicide and
11 Rodenticide Act, 7 U.S.C. secs. 121 et seq. However,
12 such a person shall comply with the requirements of
13 the federal Insecticide, Fungicide and Rodenticide
14 Act and chapter 206."

15 2. Page 2, line 15, by striking the word "This"
16 and inserting in lieu thereof the following: "Except
17 for section 455D.8, this".

18 3. Page 2, by striking lines 18 through 24 and
19 inserting in lieu thereof the following:

20 "Sec. 5. NEW SECTION. 455D.5 LIABILITY OF STATE
21 OR POLITICAL SUBDIVISION. The state or any of its
22 political subdivisions is not liable for damages in
23 any claim pursuant to chapter 25A or chapter 613A based
24 upon an act or omission of an employee of the state
25 or political subdivision when the employee exercised
26 due care in the execution of this chapter or a rule
27 adopted under this chapter. Any duty created in this
28 chapter is a duty to the public generally and not to any
29 person or group of persons."

30 4. Page 4, line 26, by striking the word "This"
31 and inserting in lieu thereof the following: "Except
32 for section 455D.8, this".

33 5. Page 6, by striking lines 5 through 13, and
34 inserting in lieu thereof the following:

35 "c. The employer has notified the bureau in
36 writing that certain information should not be
37 accessible to the public for the reasons that the
38 information is not relevant to public health and
39 safety or that release of the information is proven
40 to cause damage to the employer. After giving the
41 employer notice and an opportunity to be heard, the
42 bureau may release the information if it determines
43 that the impact on public health and safety outweighs
44 the damage that release of the information would cause
45 the employer. The bureau may limit its release of
46 information to areas relevant to public health and
47 safety and may restrict the release of
48 information which will cause damage to the employer."

49 6. Page 6, by striking lines 16 through 29 and
50 inserting in lieu thereof the following:

Page 2

1 "Sec. 14. NEW SECTION. 455D.14 SIGNS IDENTIFYING
2 HAZARDOUS CHEMICALS. If a building or structure has
3 a floor space of five thousand square feet or less,
4 an employer shall post signs on the outside of the
5 building or structure identifying the type of each
6 hazardous chemical contained in the building or
7 structure. If the building has more than five thousand
8 square feet, the employer shall post a sign at the
9 place within the building where each hazardous chemical
10 is permanently stored to identify the type of hazardous
11 chemical. If the hazardous chemical or a portion
12 of the hazardous chemical is moved within the building,
13 the employer shall also move the sign or post an
14 additional sign at the location where the hazardous
15 chemical is moved. All letters and figures on signs
16 required by this section shall be at least three
17 inches in height. However, upon the written
18 application of an employer, the bureau may permit
19 less stringent sign posting requirements. The signs
20 shall comply with the national fire protection
21 association's standard system for the identification
22 of fire hazards of materials, based upon NFPA 704-
23 1980. The bureau shall adopt rules exempting employers
24 from the requirements of this section when a building
25 or structure or a portion of a building or structure
26 does not contain significant amounts of a hazardous
27 chemical."
28 7. Renumber as necessary.

Rosenberg of Story asked and received unanimous consent to temporarily defer action on amendment H—5862, to the committee amendment H—5738.

Anderson of Audubon asked and received unanimous consent to withdraw amendment H—5889, to the committee amendment H—5738, filed by Anderson, et al., on March 27, 1984.

Anderson of Audubon offered the following amendment H—5928, to the committee amendment H—5738, filed from the floor by Anderson, Rosenberg, Mullins, Cochran, Pellett and Muhlbauer and moved its adoption:

H—5928

- 1 Amend amendment H—5738 to Senate File 2248 as
- 2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 6 through 14 and
 4 inserting in lieu thereof the following: "AGRICULTURAL
 5 ACTIVITIES.

6 1. Except for 455D.8, this chapter does not apply
 7 to a person engaged in farming, a commercial applicator
 8 as defined in section 206.2, subsection 12, a certified
 9 applicator as defined in section 206.2, subsection
 10 17, a certified private applicator as defined in
 11 section 206.2, subsection 18, a certified commercial
 12 applicator as defined in section 206.2, subsection
 13 19, a pesticide dealer as defined in section 206.2,
 14 subsection 24, or to activities which are covered
 15 under the Federal Insecticide, Fungicide, and
 16 Rodenticide Act, 7 U.S.C. sec. 135 et seq.; provided,
 17 however, that such persons shall comply with the
 18 requirements of the Federal Insecticide, Fungicide,
 19 and Rodenticide Act, 40 C.F.R. sec. 170, and chapter
 20 206 where applicable to such persons. As used in
 21 this section, "farming" means the cultivation of land
 22 for the production of agricultural crops, the raising
 23 of poultry, the production of eggs, production of
 24 milk, the production of fruit or other horticultural
 25 crops, grazing or the production of livestock,
 26 spraying, or harvesting. The department of agriculture
 27 shall cooperate with the bureau in an investigation
 28 of an agricultural employee's complaint filed pursuant
 29 to section 455D.8.

30 2. Notwithstanding subsection 1 a pesticide dealer,
 31 a commercial applicator, or a certified applicator
 32 who retails or stores a pesticide as defined in section
 33 206.2, subsection 1, shall comply with sections 455D.14
 34 and 455D.15 for those hazardous chemicals stored or
 35 available for sale."

Amendment H—5928 was adopted, placing out of order amend-
 ment H—5862, (to the committee amendment H—5738) filed by
 Rosenberg of Story on March 27, 1984.

On motion by Rosenberg of Story, the committee amendment
 H—5738, as amended, was adopted.

Groninga of Cerro Gordo offered amendment H—5900 filed by
 him. Division was requested as follows:

H—5900

1 Amend Senate File 2248 as amended, passed and
 2 reprinted by the Senate, as follows:

H-5900A

- 3 1. Page 4, line 11, by inserting after the word
- 4 "pay," the following: "Notwithstanding section
- 5 455D.3A, this section applies to an employee of a
- 6 person otherwise exempt from this chapter."

H-5900B

- 7 2. Page 4, line 23, by inserting after the word
- 8 "chemical," the following: "Notwithstanding section
- 9 455D.3A, this section applies to an employee of a
- 10 person otherwise exempt from this chapter."

On motion by Groninga of Cerro Gordo, amendment H-5900A was adopted.

Rosenberg of Story offered the following amendment H-5863 filed by him and moved its adoption:

H-5863

- 1 Amend Senate File 2248 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking line 19 and inserting in
- 4 lieu thereof the following: "chemicals. The training
- 5 shall be available for review and approval upon
- 6 inspection by the bureau and shall".

Amendment H-5863 was adopted.

The House resumed consideration of amendment H-5900B.

Koenigs of Mitchell in the chair at 4:37 p.m.

Groninga of Cerro Gordo moved the adoption of amendment H-5900B.

A non-record roll call was requested.

The ayes were 40, nays 49.

Amendment H-5900B lost.

Anderson of Audubon asked and received unanimous consent to withdraw amendment H-5776 filed by Anderson, et al., on March 20, 1984.

Rosenberg of Story offered the following amendment H—5732 filed by him and moved its adoption:

H—5732

- 1 Amend Senate File 2248 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 4 through 7.
- 4 2. Renumber as necessary.

Amendment H—5732 was adopted.

Speaker Avenson in the chair at 5:15 p.m.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2248)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Rensink

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2202, a bill for an act relating to the procedure required for a savings and loan association chartered in another state or country to transact business in Iowa, with report of committee recommending passage was taken up for consideration.

Gronstal 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. 2202)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonerган	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Rensink

Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Norland of Worth asked and received unanimous consent to resume consideration of **Senate File 2291**, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, previously deferred.

Tabor of Jackson called up for consideration the motion to reconsider amendment H-5838 filed by him on March 27, 1984, and moved to reconsider the vote by which amendment H-5838, to the committee amendment H-5829A, was adopted by the House on March 27, 1984.

A non-record roll call was requested.

The ayes were 51, nays 44.

The motion prevailed and the House reconsidered amendment H-5838.

The House stood at ease at 5:42 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H-5838, to the committee amendment H-5829A, to Senate File 2291 at 6:20 p.m., Speaker Avenson in the chair.

Lonergan of Boone asked and received unanimous consent to withdraw amendment H-5838, found on pages 1347 and 1348 of the House Journal.

On motion by Swartz of Marshall, the committee amendment H-5829A was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2291)

The ayes were, 41:

Arnould	Baxter	Bennett	Black
Blanshan	Carpenter	Chapman	Cooper
Copenhaver	Diemer	Doderer	Fey
Groninga	Halvorson, R. A.	Hanson	Hermann
Hummel	Jay	Jochum	Lloyd-Jones
McIntee	Menke	Miller	Norland
O'Kane	Parker	Peick	Renken
Royer	Schnekloth	Schroeder	Shoultz
Skow	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Welden
Mr. Speaker			

The nays were, 56:

Anderson	Brammer	Branstad	Buhr
Carl	Carter	Chiodo	Clark
Cochran	Connolly	Connors	Corey
Daggett	Davitt	De Groot	Fogarty
Grandia	Gronstal	Groth	Gruhn
Halvorson, R. N.	Hammond	Handorf	Harbor
Hoffmann-Bright	Holveck	Hughes	Knapp
Koenigs	Krewson	Lageschulte	Loneragan
Maulsby	McKean	Muhlbauer	Mullins
Ollie	Osterberg	Oxley	Paulin
Pavich	Pellet	Poney	Renaud
Rosenberg	Running	Sherzan	Stromer
Stueland	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman

Absent or not voting, 3:

Haverland	Rensink	Tofte
-----------	---------	-------

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

The House resumed consideration of **Senate File 2165**, a bill for an act to provide for the development of a proposal to reduce upper-level management positions in certain state agencies, and amendment H—5902, to the committee amendment H—5762, temporarily deferred, and found on page 1390 of the House Journal.

Norland of Worth asked and received unanimous consent that Senate File 2165 be deferred and placed on the unfinished business calendar.

MOTIONS TO RECONSIDER
(Senate File 2117)

I move to reconsider the vote by which Senate File 2117 failed to pass the House on March 27, 1984.

LLOYD-JONES of Johnson

(Senate File 2206)

I move to reconsider the vote by which Senate File 2206 passed the House on March 28, 1984.

CHAPMAN of Linn

(Senate File 2277)

We move to reconsider the vote by which Senate File 2277 passed the House on March 28, 1984.

O'KANE of Woodbury
SCHROEDER of Pottawattamie

(Senate File 2291)

I move to reconsider the vote by which Senate File 2291 failed to pass the House on March 28, 1984.

CHIODO of Polk

(Senate File 2291)

I move to reconsider the vote by which Senate File 2291 failed to pass the House on March 28, 1984.

STROMER of Hancock

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 19, 1984 and March 20, 1984. Had I been present, I would have voted "aye" on House File 2433; "nay" on amendments H-5483A and H-5462 to House File 2433, and "aye" on motions to suspend the

rules to consider amendments H—5714 and H—5426 to House File 2433.

HANSON of Delaware

PRESENTATION OF VISITORS

Daggett of Taylor presented to the House the Honorable Glen Bortell, former member of the House representing Madison County.

The Speaker announced that the following visitors were present in the House chamber:

Burlington High School Ecology Club, Burlington, accompanied by Sherman Lundy. By Baxter of Des Moines.

Twenty senior government students from Central Webster High School, Burnside, accompanied by Jim Ainslie. By Cochran of Webster.

Sixty-two high school students from Wahlert and Hempstead High Schools, Dubuque, accompanied by Marge Reidy and Juli Geraghty. By Connolly of Dubuque.

Thirty-two junior high students from Crestland Junior-Senior High School, Early, accompanied by Steve Steele and Mary Nehring. By Maulsby of Calhoun.

Eight students from North Mahaska School District, New Sharon, accompanied by Mrs. Anita Seitsinger. By Van Maanen of Mahaska.

A group of Senior students from Rudd-Rockford-Marble Rock High School, Rockford. By Clark of Cerro Gordo.

Twenty Senior students from Clay Central High School, Royal, accompanied by Mr. Lew Heller. By Fogarty of Palo Alto.

Fifty fifth and sixth grade students from Jensen Elementary School, Urbandale, accompanied by Muriel Nicholson and Gail Dubberke. By Krewson of Polk.

Thirty Seniors from Midland Community High School, Wyoming. By McKean of Jones.

Twenty Seniors from Nesco High School, Zearing, accompanied by Jack Roberts. By Lonergan of Boone.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 798 Ways and Means

Relating to what constitutes discounts on transactions occurring between June 1, 1982 and June 1, 1984 involving farm equipment and related products for purposes of the state sales, services, and use tax, relating to refunds, and providing retroactive effect.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 588), relating to the apportionment of net income for purposes of the corporate income tax, with a retroactive effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 28, 1984.

Committee Bill (Formerly Study Bill 793), relating to the taxation of engraving, photography retouching, printing, and binding under the state sales, services, and use tax and to the exemption from the state sales, services, and use tax for sales by trade shops to printers and making the exemption retroactive to July 1, 1971.

Fiscal Note is required.

Recommended Amend and Do Pass March 28, 1984.

Committee Bill (Formerly Study Bill 795), to provide funding for the removal or encapsulation of asbestos by school districts.

Fiscal Note is not required.

Recommended Amend and Do Pass March 28, 1984.

Committee Bill (Formerly House File 2460), to increase the tax levy for a municipal transit system.

Fiscal Note is required.

Recommended **Do Pass** March 28, 1984.

Committee Bill (Formerly House File 2483), relating to the tort liability of municipal governments by allowing self-insured cities to levy additional taxes to cover the cost of tort liability and allowing municipal taxpayers to serve as jurors in cases where the municipality is a defendant.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1984.

AMENDMENTS FILED

H-5907	H.F.	2172	Senate Amendment
H-5908	H.F.	2164	Senate Amendment
H-5909	H.F.	2067	Senate Amendment
H-5910	H.F.	2234	Senate Amendment
H-5911	H.F.	2398	Senate Amendment
H-5912	H.F.	540	Senate Amendment
H-5913	H.F.	4	Senate Amendment
H-5914	H.F.	489	Senate Amendment
H-5921	S.F.	2165	Swartz of Marshall
H-5923	H.F.	2389	Senate Amendment
H-5924	S.F.	32	Miller of Woodbury
H-5925	H.F.	2477	Ollie of Clinton
H-5926	S.F.	2259	McKean of Jones
H-5927	S.F.	2317	Van Camp of Scott
H-5929	S.F.	2165	Swartz of Marshall
H-5930	S.F.	2293	Carl of Poweshiek
			Mullins of Kossuth
			Connors of Polk
			Peick of Linn
			Zimmerman of Dallas
			Van Gerpen of Black Hawk
H-5931	S.F.	2095	Carl of Poweshiek
H-5932	S.F.	24	Woods of Polk
H-5933	S.F.	2306	Schroeder of Pottawattamie
H-5934	S.F.	253	Spear of Lee
H-5935	S.F.	2306	Schroeder of Pottawattamie

JOURNAL OF THE HOUSE

Eighty-first Calendar Day—Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 29, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Roy Radloff, pastor of the Trinity Lutheran Church, Ottumwa.

The Journal of Wednesday, March 28, 1984 was approved.

INTRODUCTION OF BILLS

House File 2512, by committee on ways and means, a bill for an act relating to the exemption from the state sales, services, and use tax for sales by trade shops to printers and making the exemption retroactive to July 1, 1971.

Read first time and placed on the **ways and means calendar**.

House File 2513, by committee on ways and means, a bill for an act relating to the requirement of a minimum nexus in at least one other state before an Iowa domiciled corporation may apportion its net income within and without the state for purposes of the corporate income tax and removing the special provision relating to apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date.

Read first time and placed on the **ways and means calendar**.

House File 2514, by committee on ways and means, a bill for an act to increase the tax levy for a municipal transit system.

Read first time and referred to committee on **finance**.

House File 2515, by committee on ways and means, a bill for an act relating to the tort liability of municipal governments by allowing self-insured cities to levy additional taxes to cover the cost of tort liability and allowing municipal taxpayers to serve as jurors in cases where the municipality is a defendant.

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 March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 531, a bill for an act to revise the procedures for the assessment of penalties under the laws regulating coal mining.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 590, a bill for an act relating to the requirements that certain buildings be designed by registered architects.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 601, a bill for an act relating to appeal of bond set after parole revocation.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2043, a bill for an act relating to the reporting of property owned by a city utility.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2065, a bill for an act limiting gas or electric service deposits.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2167, a bill for an act relating to the cost of permanent soil and water conservation practices constructed under administrative order with public cost-sharing funds.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2194, a bill for an act relating to the reporting of receipts by the county treasurer.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2243, a bill for an act providing that a person who provides assistance or advice in the abatement or attempted abatement or cleanup of a hazardous condition is not liable for damages resulting from the assistance or advice.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2265, a bill for an act permitting certain teachers at the Iowa school for the deaf and Iowa braille and sight-saving school to be eligible for certain repayment criteria for loan programs.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2380, a bill for an act authorizing the dissemination of criminal history data to certain youth service agencies.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act relating to the authority of the department of water, air and waste management over used oil.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2412, a bill for an act relating to informing defendants of an applicable mandatory minimum sentence.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2416, a bill for an act relating to employee continuation rights under an employer-provided health benefit plan and to employer liability for breaking an agreement to provide a health benefit plan for employees.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act establishing court jurisdiction over certain non-residents in paternity and child support cases.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2424, a bill for an act relating to expenses incurred by health care facilities in receivership and the liability of the receiver for the expenses and for suits filed against the receiver.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2425, a bill for an act relating to the commitment of children and certain adults either to the state training school or the appropriate adult correctional facility.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2427, a bill for an act relating to disclosure of the court's decision on whether to reconsider a felon's sentence of confinement.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2431, a bill for an act relating to the issuance of arrest warrants for work release violators or escapees.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2432, a bill for an act to establish a public transit assistance fund.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2447, a bill for an act relating to the providing of interpreters for hearing impaired persons.

Also: That the Senate has on March 27, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2452, a bill for an act relating to the requirement of bail during and after a period of deferred judgment and to the discharge of surety bail upon the occurrence of specified conditions.

Also: That the Senate has on March 28, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2474, a bill for an act relating to the form of probate inventory.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 253, a bill for an act relating to qualifications for and

exemptions from juror service, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H—5934 filed by him and requested division as follows:

H—5934

- 1 Amend Senate File 253 as amended, passed and
- 2 reprinted by the Senate as follows:

H—5934A

- 3 1. Page 2, line 18, by striking the figure and
- 4 word "6. The" and inserting in lieu thereof the words
- 5 "A person may be disqualified if the".

H—5934B

- 6 2. Page 2, line 20, by striking the figure "609.2"
- 7 and inserting in lieu thereof the figure "609.1".

Spear of Lee moved the adoption of amendment H—5934A.

A non-record roll call was requested.

The ayes were 45, nays 38.

Amendment H—5934A was adopted.

On motion by Spear of Lee, amendment H—5934B was adopted.

Rosenberg of Story offered the following amendment H—5455 filed by him and moved its adoption:

H—5455

- 1 Amend Senate File 253 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 19, by inserting after the word
- 4 "to" the words "at least".

Amendment H—5455 was adopted.

Varn of Johnson offered the following amendment H—5867 filed by him and Parker of Jasper and moved its adoption:

H—5867

1 Amend Senate File 253 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 29 the
4 following:

5 "Sec. 7. Section 609.1, Code 1983, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The jury commission
8 may convene at the courthouse to prepare an additional
9 list or lists as the commission deems necessary at
10 the time and date determined by a majority of the
11 commissioners.

12 Sec. 8. Section 609.5, Code 1983, is amended to
13 read as follows:

14 609.5 ADDITIONAL INFORMATION PROVIDED. For the
15 purpose of aiding the appointive commission in drawing
16 the jury lists, officials of the state and its
17 political subdivisions shall furnish the appointive
18 commission with copies of the The commission shall
19 use all of the following lists in preparing a jury
20 list:

21 1. A current list of registered voters, lists.

22 2. A list of persons holding motor vehicle
23 operators' licenses, or such.

24 3. Lists of public utility customers.

25 In addition to the lists required to be used in
26 preparing a jury list the commission may use other
27 comprehensive lists of persons residing in the county
28 as the commission may request identifies. State and
29 local government officials shall furnish the commission
30 with copies of lists required by law or as the com-
31 mission requests. The clerk of the district court
32 shall also deliver to the commission a list of all
33 persons who have served as grand or petit jurors since
34 January 1 of the preceding year. Lists of public
35 utility customers are limited to publicly available
36 telephone directories."

37 2. By renumbering as necessary.

Amendment H—5867 was adopted.

Clark of Cerro Gordo offered the following amendment H—5886
filed by her and moved its adoption:

H—5886

1 Amend Senate File 253 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 1 the following:

- 4 "Sec. 8. Section 609.20, Code 1983, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. If the notice of
 7 selection as a juror requests the completion of a
 8 questionnaire by the juror, the notice shall state
 9 that the juror's completion of the questionnaire is
 10 voluntary."
 11 2. By renumbering as necessary.

Amendment H — 5886 lost.

Holveck 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. 253)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poney	Renaud	Rensink
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Taber	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Mr. Speaker

The nays were, 5:

Chapman	Jay	Renken	Rosenberg
Welden			

Absent or not voting, 3:

Chiodo

Copenhaver

Halvorson, R. A.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2223, a bill for an act relating to the maximum fine assessable upon the conviction of a class "C" or class "D" felony, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2223)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jochum	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Copenhaver Jay Knapp

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 creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Holveck of Polk in the chair at 9:54 a.m.

Carl of Poweshiek offered the following amendment H-5930 filed by Carl, et al.:

H-5930

- 1 Amend Senate File 2293 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "Sec. . Section 232.2, subsection 5, Code
- 6 Supplement 1983, is amended by adding the following
- 7 new lettered paragraph:
- 8 NEW LETTERED PARAGRAPH. m. Who is in need of
- 9 treatment to cure or alleviate chemical dependency.
- 10 Sec. . Section 232.37, subsection 2, Code 1983,
- 11 is amended to read as follows:
- 12 2. Notice of the pendency of the case shall be
- 13 served upon the known ~~parent~~ parents, guardian
- 14 guardians or legal ~~custodian~~ custodians of a child
- 15 if this person is these persons are not summoned to
- 16 appear as provided in subsection 1. Notice shall also
- 17 be served upon the child and upon the child's guardian
- 18 ad litem, if any. The notice shall attach a copy
- 19 of the petition and shall give notification of the
- 20 right to counsel provided for in section 232.11."
- 21 2. Page 2, by inserting before line 1 the
- 22 following:
- 23 "Sec. . Section 232.69, subsection 1, paragraph
- 24 b, Code Supplement 1983, is amended to read as follows:
- 25 b. Every social worker under the jurisdiction
- 26 of the department of human services, any social worker
- 27 employed by a public or private agency or institution,

28 public or private health care facility as defined
 29 in section 135C.1, certified psychologist, certificated
 30 school employee, employee or operator of a licensed
 31 day care facility, child care center or registered
 32 group day care home or registered family day care
 33 home, member of the staff of a mental health center,
 34 or peace officer, who, in the course of employment,
 35 examines, attends, counsels or treats a child and
 36 reasonably believes a child has suffered abuse.
 37 Whenever such If a person is required to report under
 38 this section as a member of the staff of a public
 39 or private institution, agency or facility, that
 40 person shall immediately notify the person in charge
 41 of such the institution, agency or facility, or that
 42 person's designated agent, and the person in charge
 43 of the institution, agency, or facility, or the
 44 designated agent shall make the report.

45 Sec. 100. Section 232.69, Code Supplement 1983,
 46 is amended by adding the following new subsection:
 47 NEW SUBSECTION. 3. A person required to make
 48 a report under subsection 1 shall complete two hours
 49 of training relating to the identification and
 50 reporting of child abuse within thirty days of initial

Page 2

1 employment or self-employment involving the
 2 examination, attending, counseling, or treatment of
 3 children. If the person's professional training
 4 included child abuse identification and reporting
 5 training, the two-hour training requirement is waived.
 6 The person shall complete at least two hours of
 7 additional child abuse identification and reporting
 8 training every five years. If the person is an
 9 employee of a hospital or similar institution, or
 10 of a public or private institution, agency, or
 11 facility, the employer shall be responsible for
 12 providing the child abuse identification and reporting
 13 training. If the person is self-employed, the person
 14 shall be responsible for obtaining the child abuse
 15 identification and reporting training. The person
 16 may complete the initial or additional training as
 17 part of a continuing education program required under
 18 chapter 258A or may complete the training as part
 19 of a training program offered by the department of
 20 human services, the department of public instruction,
 21 an area education agency, a school district, the Iowa
 22 law enforcement academy, an institution of higher
 23 education, or a similar public agency.

24 Sec. . Section 232.71, subsection 4, Code
 25 Supplement 1983, is amended to read as follows:

26 4. The department of human services may request
27 information from any person believed to have knowledge
28 of a child abuse case. The county attorney, and any
29 law enforcement or social services agency in the
30 state, and any mandatory reporter shall co-operate
31 and assist in the investigation upon the request of
32 the department of human services. The county attorney
33 and appropriate law enforcement agencies shall also
34 take any other lawful action which may be necessary
35 or advisable for the protection of the child.

36 Sec. . Section 232.71, subsections 9 and 13,
37 Code Supplement 1983, are amended to read as follows:

38 9. If, upon completion of the investigation, the
39 department of human services determines that the best
40 interests of the child require juvenile court action,
41 the department shall take the appropriate action to
42 initiate such action under this chapter. The county
43 attorney shall assist the county department of human
44 services in the preparation of the necessary papers
45 to initiate such action and shall appear and represent
46 the department at all juvenile court proceedings.

47 13. If a fourth report is received from the same
48 person who made three earlier unsubstantiated unfounded
49 reports which identified the same child as the abused
50 child and the same person responsible for the child

Page 3

1 as the alleged abuser, the department may determine
2 that the report is spurious, again unfounded, due
3 to the report's spurious or frivolous nature and may
4 in its discretion terminate its investigation.

5 Sec. . Section 232.78, subsections 1 and 2,
6 Code 1983, are amended to read as follows:

7 1. The juvenile court may enter an ex parte order
8 directing a peace officer to remove a child from his
9 or her the child's home or a child day care facility
10 before or after the filing of a petition under this
11 chapter provided all of the following apply:

12 a. The parent, guardian, or legal custodian, or
13 employee of the child day care facility is absent,
14 or though present, was asked and refused to consent
15 to the removal of the child and was informed of an
16 intent to apply for an order under this section; and.

17 b. It appears that the child's immediate removal
18 is necessary to avoid imminent danger to the child's
19 life or health; and.

20 c. There is not enough time to file a petition
21 and hold a hearing under section 232.95.

22 2. The order shall specify the facility to which
23 the child is to be brought. Except for good cause

24 shown or unless the child is sooner returned to the
 25 place where ~~he or she~~ the child was residing or
 26 permitted to return to the child day care facility,
 27 a petition shall be filed under this chapter within
 28 three days of the issuance of the order.

29 Sec. . Section 232.79, subsection 1, Code
 30 Supplement 1983, is amended to read as follows:

31 1. A peace officer may remove a child from ~~his~~
 32 ~~or her~~ the child's home or a child day care facility
 33 or a physician treating a child may keep the child
 34 in custody without a court order as required under
 35 section 232.78 and without the consent of a parent,
 36 guardian, or custodian provided that both of the
 37 following apply:

38 a. The child is in such circumstance or condition
 39 that ~~his or her~~ the child's continued presence in
 40 the residence or the child day care facility or in
 41 the care or custody of the parent, guardian, or
 42 custodian presents an imminent danger to the child's
 43 life or health; ~~and~~.

44 b. There is not enough time to apply for an order
 45 under section 232.78.

46 Sec. . Section 232.91, Code 1983, is amended
 47 to read as follows:

48 232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM
 49 AT HEARINGS. Any hearings or proceedings under this
 50 division subsequent to the filing of a petition shall

Page 4

1 not take place without the presence of the child's
 2 parent, guardian, ~~or~~ custodian, or guardian ad litem
 3 in accordance with and subject to ~~the provisions of~~
 4 section 232.38. A parent without custody may petition
 5 the court to be made a party to proceedings under
 6 this division.

7 Sec. . NEW SECTION. 232.94A Juvenile court
 8 records, social records, and the material required
 9 to be recorded pursuant to section 232.94 shall be
 10 maintained and shall be a part of each hearing relating
 11 to the child so long as and whenever the child is
 12 a child in need of assistance."

13 3. Page 2, by inserting after line 9 the following:
 14 "Sec. . Section 232.96, subsection 6, Code
 15 Supplement 1983, is amended to read as follows:

16 6. A report, study, record, or other writing or
 17 an audiotape or videotape recording made by the
 18 department of human services, a juvenile court officer,
 19 a peace officer ~~or~~, a guardian ad litem, a ~~hospital~~
 20 health practitioner, or a mental health professional
 21 or qualified school guidance counselor as referred

22 to in section 622.10, relating to a child in a
23 proceeding under this division shall be is admissible
24 notwithstanding any objection to hearsay statements
25 contained therein in it provided it is relevant and
26 material and provided its probative value substantially
27 outweighs the danger of unfair prejudice to the child's
28 parent, guardian, or custodian. The circumstances
29 of the making of the report, study, record or other
30 writing or an audiotape or videotape recording,
31 including the maker's lack of personal knowledge,
32 may be proved to affect its weight.

33 Sec. . Section 232.97, subsections 1 and 3,
34 Code Supplement 1983, are amended to read as follows:

35 1. The court shall not make ~~any~~ a disposition
36 of the petition until a social report has been
37 submitted to and considered by the court. The court
38 may direct either the juvenile court officer, or the
39 department of human services or any other agency
40 licensed by the state to conduct a social investigation
41 and to prepare a social report which may include any
42 evidence provided by an individual providing foster
43 care for the child. A report prepared shall include
44 any founded reports of child abuse.

45 3. The social report shall not be disclosed except
46 as provided in this section and except as otherwise
47 provided in this chapter. Prior to the hearing at
48 which the disposition is determined, the court shall
49 permit counsel for the child, and counsel for the
50 child's parent, guardian or custodian, and the guardian

Page 5

1 ad litem to inspect any social report to be considered
2 by the court. The court may in its discretion order
3 ~~such~~ counsel not to disclose parts of the report to
4 the child, or to the parent, guardian or custodian
5 if disclosure would seriously harm the treatment or
6 rehabilitation of the child or would violate a promise
7 of confidentiality given to a source of information.

8 Sec. . Section 232.98, subsection 1, unnumbered
9 paragraph 5, Code 1983, is amended to read as follows:

10 The child's parent, guardian, or custodian shall
11 be included in counseling sessions offered during
12 the child's stay in a hospital, facility, or
13 institution when feasible, and when in the best
14 interests of the child and the child's parent,
15 guardian, or custodian. If separate counseling
16 sessions are conducted for the child and the child's
17 parent, guardian, or custodian, a joint counseling
18 session shall be offered prior to the release of the
19 child from the hospital, facility, or institution.

20 The court shall require that notice be provided to
 21 the child's guardian ad litem of the counseling
 22 sessions and of the participants and results of the
 23 sessions."

24 4. Page 2, line 32, by inserting after the word
 25 "possible." the words "When the child is not returned
 26 to the child's home and if the child has been
 27 previously placed in a licensed foster care facility,
 28 the department or agency shall consider placing the
 29 child in the same licensed foster care facility."

30 5. Page 3, line 11, by striking the word "should"
 31 and inserting in lieu thereof the words "should shall".

32 6. Page 3, line 16, by striking the word "should"
 33 and inserting in lieu thereof the words "should shall".

34 7. Page 3, line 20, by inserting after the word
 35 "services." the words "When the child is not returned
 36 to the child's home and if the child has been
 37 previously placed in a licensed foster care facility,
 38 the department or agency responsible for the placement
 39 of the child shall consider placing the child in the
 40 same licensed foster care facility."

41 8. Page 3, by inserting after line 20 the
 42 following:

43 "Sec. . Section 232.116, subsection 4,
 44 paragraphs b and d, Code 1983, are amended to read
 45 as follows:

46 b. The custody of the child has been transferred
 47 from ~~his or her~~ the child's parents for placement
 48 pursuant to section 232.102 and ~~such~~ the placement
 49 has lasted for a period of at least six consecutive
 50 months, but less than twelve consecutive months; and

Page 6

1 d. There is clear and convincing evidence that
 2 the parents have not maintained contact with the child
 3 during the previous six consecutive months and have
 4 made no reasonable efforts to resume care of the child
 5 despite being given the opportunity to do so.

6 Sec. . Section 232.116, subsection 5, paragraph
 7 b, Code 1983, is amended to read as follows:

8 b. The custody of the child has been transferred
 9 from ~~his or her~~ the child's parents for placement
 10 pursuant to section 232.102 for at least twelve of
 11 the last eighteen months; and"

12 9. Page 3, by inserting after line 31 the
 13 following:

14 "Sec. . Section 234.11, Code 1983, is amended
 15 to read as follows:

16 234.11 DUTIES OF THE COUNTY BOARD—FOOD STAMP
 17 PROGRAM. The county board shall be vested with the

18 ~~authority to may~~ direct emergency relief with only
 19 ~~such~~ the powers and duties ~~as are~~ prescribed in the
 20 laws relating thereto and shall determine the
 21 allocation of funds to child day care centers
 22 facilities pursuant to sections 237A.14 to 237A.18.
 23 Child day care provider associations and individual
 24 providers of child day care may apply for the funds.
 25 The board shall act in an advisory capacity on programs
 26 within the jurisdiction of the department of human
 27 services. The board shall review policies and
 28 procedures of the local departments of human services
 29 and make recommendations for changes to insure that
 30 effective services are provided in their respective
 31 communities. The county board may also make
 32 recommendations for new programs which it is believed
 33 would meet needs in the community. The state
 34 department shall establish a procedure to insure that
 35 county board recommendations receive appropriate
 36 review at the level of policy determination.

37 Sec. . Section 235A.17, Code 1983, is amended
 38 by adding the following new subsection:

39 NEW SUBSECTION. 5. The department of human
 40 services shall notify orally the mandatory reporter
 41 in an individual child abuse case of the results of
 42 the case investigation and of the confidentiality
 43 provisions of section 235A.15 and 235A.21. Within
 44 forty-eight hours of the making of the oral
 45 notification, the department shall transmit a written
 46 notice to the mandatory reporter of the results and
 47 confidentiality provisions. A copy of the written
 48 notice shall be transmitted to the registry and shall
 49 be maintained by the registry as provided in section
 50 235A.18.

Page 7

1 Sec. . Section 235A.18, subsection 2, Code
 2 Supplement 1983, is amended to read as follows:
 3 2. Child abuse information ~~may shall~~ be expunged
 4 where the probative value of the information is so
 5 doubtful as to outweigh its validity one year after
 6 the receipt of the initial report of such abuse if
 7 the information cannot be determined by a preponderance
 8 of the evidence to be founded or unfounded. Child
 9 abuse information shall be expunged if ~~it~~ the
 10 information is determined to be unfounded as a result
 11 of any of the following:
 12 a. The investigation of a report of suspected
 13 child abuse by the department.
 14 b. A successful appeal as provided in section
 15 235A.19.

16 c. A court adjudication.

17 Sec. . NEW SECTION. FOSTER CARE INFORMATION.

18 The department of human services shall provide services
19 and information to licensed foster care facilities
20 to assist the facilities in the transition to the
21 provision of child foster care to a child. The
22 information may include a synopsis of previous
23 placements of the child and the initial grounds for
24 an adjudication of the child as a child in need of
25 assistance.

26 Sec. 200. NEW SECTION. FOSTER PARENT TRAINING.

27 As a condition for initial licensure, each individual
28 licensee shall complete twelve hours of foster parent
29 training offered or approved by the department. The
30 training shall include but not be limited to physical
31 care, education, learning disabilities, referral to
32 and receipt of necessary professional services,
33 behavioral assessment and modification, self-
34 assessment, self-living skills, and biological parent
35 contact. An individual licensee may complete the
36 training as part of an approved training program
37 offered by a public or private agency with expertise
38 in the provision of child foster care or in related
39 subject areas."

40 10. Page 11, by inserting after line 18 the
41 following:

42 "Sec. . Section 237A.1, subsection 7, Code
43 Supplement 1983, is amended by adding the following
44 new lettered paragraphs:

45 NEW LETTERED PARAGRAPH. d. Care to children from
46 only one family.

47 NEW LETTERED PARAGRAPH. e. Care to no more than
48 six children for less than ninety days in any twelve-
49 month period.

50 Sec. . Section 237A.1, subsection 9, paragraph

Page 8

1 a, Code Supplement 1983, is amended by striking the
2 paragraph and inserting in lieu thereof the following:
3 a. "Family day care home" means a person providing
4 child day care for two to six children at any one
5 time, or for two to six children at any one time and
6 no more than two additional children who each receive
7 care for no more than thirty hours per week.

8 Sec. . Section 237A.3, subsection 1, Code 1983,
9 is amended to read as follows:

10 1. A person who operates or establishes a family
11 day care home ~~may~~ shall apply to the department for
12 registration under this chapter. The department shall
13 issue a certificate of registration upon receipt of

14 a statement from the family day care home that the
15 home complies with rules adopted by the department.
16 The registration certificate shall be posted in a
17 conspicuous place in the family day care home, shall
18 state the name of the registrant, the number of
19 individuals who may be received for care at any one
20 time and the address of the home, and shall include
21 a check list of registration compliances. No greater
22 number of children than is authorized by the
23 certificate shall be kept in the family day care home
24 at any one time. The registration process may for
25 a family day care home shall be repeated on an annual
26 basis. A facility which is not a family day care
27 home by reason of the definition of child day care
28 in section 237A.1, subsection 7 or the definition
29 of a family day care home in section 237A.1, subsection
30 9, but which provides care, supervision or guidance
31 to a child may be issued a certificate of registration
32 under this chapter if the facility complies with rules
33 adopted by the department.

34 Sec. . . Section 237A.3, Code 1983, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 4. The parent or guardian of
37 a child being provided care at a family day care home
38 for no more than thirty hours per week, pursuant to
39 section 237A.1, subsection 9, paragraph a, shall
40 provide verification to the registrant that the child
41 attends not more than thirty hours per week.

42 Sec. . . Section 237A.4, Code 1983, is amended
43 to read as follows:

44 237A.4 INSPECTION AND EVALUATION. The local
45 boards of health shall make periodic at least annual
46 inspections of licensed centers to insure compliance
47 with licensing requirements provided in this chapter.
48 In those instances where no If a local board of health
49 exists then does not exist the director may shall
50 make periodic at least annual inspections of licensed

Page 9

1 centers as necessary to carry out the provisions of
2 implement this chapter. The director may inspect
3 records maintained by a licensed center and may inquire
4 into matters concerning these centers and the persons
5 in charge. The director shall require that the center
6 be inspected by the state fire marshal or a designee
7 for compliance with rules relating to fire safety
8 before a license is granted or renewed. The director
9 or a designee may shall periodically visit registered
10 family day care homes and group day care homes for
11 the purpose of evaluation of an inquiry into matters

12 concerning compliance with rules promulgated under
 13 section 237A.12. Evaluation of family day care homes
 14 and group day care homes under this section may include
 15 consultative services provided pursuant to section
 16 237A.6.

17 Sec. . Section 237A.13, unnumbered paragraph
 18 1, Code Supplement 1983, is amended to read as follows:

19 Funds appropriated to the department to assist
 20 child day care ~~centers~~ facilities shall be apportioned
 21 among the counties as follows:

22 Sec. . Section 237A.13, Code Supplement 1983,
 23 is amended by adding the following new subsection:

24 **NEW SUBSECTION. 5.** Child day care provider
 25 associations and individual providers of child day
 26 care may apply for the funds.

27 Sec. . Section 237A.14, Code 1983, is amended
 28 to read as follows:

29 237A.14 ALLOCATION BY THE COUNTY. The county
 30 board shall determine how the funds received by that
 31 county under this chapter shall be allocated among
 32 existing or planned child day care ~~centers~~ facilities
 33 in the county on the basis of the following factors
 34 as applied to each child day care ~~center~~ facility
 35 considered for financial assistance under this chapter:

36 1. The demonstrated need for child care services
 37 in the community served by the ~~center~~ facility.

38 2. The proportion of low-income families among
 39 all families served by the ~~center~~ facility.

40 3. The demonstrated need of the ~~center~~ facility
 41 for additional equipment, and improvement, enlargement
 42 or relocation of the ~~center's~~ facility's physical
 43 facilities designed to bring the ~~center~~ facility into
 44 compliance with local health, fire and zoning laws.

45 4. The manner in which the ~~center~~ facility derives
 46 its support, other than funds made available to it
 47 under this chapter, and in particular the extent to
 48 which it is supported from sources other than tuition
 49 or fees paid by the parents or guardians of the
 50 children served by the ~~center~~ facility.

Page 10

1 5. Child day care provider associations and
 2 individual providers of child day care may apply for
 3 the funds.

4 Sec. . Section 237A.15, subsections 1 and 2,
 5 Code 1983, are amended to read as follows:

6 1. Prescribe forms for use by licensed ~~centers~~
 7 or registered facilities in applying to their
 8 respective county boards for funds appropriated by
 9 the general assembly.

10 2. Establish a procedure by which a licensed
11 center or registered facility aggrieved by a decision
12 of a county board under section 237A.17 may appeal
13 the decision to the commissioner or his the
14 commissioner's designee, however, the judgment of
15 the county board on the merits of any an application
16 shall not be overturned in the absence of a
17 determination that the county board has misinterpreted
18 any of the provisions of this chapter, has acted
19 arbitrarily or capriciously, or both.

20 Sec. . Section 237A.16, Code 1983, is amended
21 to read as follows:

22 237A.16 USE OF FUNDS. A child day care center
23 facility may use funds received pursuant to this
24 chapter only for the following purposes:

25 1. To acquire or improve physical facilities to
26 house the center facility.

27 2. To acquire recreational or educational equipment
28 or supplies.

29 3. To purchase assistance to child day care centers
30 facilities for program development and staff
31 development in meeting standards for child day care
32 centers facilities established under this chapter.

33 Sec. . Section 237A.17, Code 1983, is amended
34 to read as follows:

35 237A.17 DISTRIBUTION. The county board shall
36 consider all applications which are submitted by child
37 day care centers facilities in the county for funds
38 allocated to the county under this chapter, and shall
39 determine the distribution of the funds. Each child
40 day care center facility submitting an application
41 shall indicate the amount of money requested and the
42 intended use of the money. The county board may
43 establish a deadline for submission of applications,
44 which shall not be earlier than thirty days after
45 it is notified by the department of the amount
46 initially allocated to the county pursuant to section
47 237A.13.

48 Sec. . Section 237A.18, Code 1983, is amended
49 to read as follows:

50 237A.18 RESTRICTIONS ON FUNDING. Funds shall

Page 11

1 be distributed only to licensed centers or registered
2 facilities which serve primarily low-income families
3 and which do not prohibit admission of children on
4 the basis of race, creed, religion, sex, or national
5 origin or child day care provider associations.

6 Sec. . Section 237A.19, unnumbered paragraph
7 2, Code 1983, is amended to read as follows:

8. A person who establishes, conducts, manages, or
 9 operates a group day care home or family day care
 10 home without registering under this chapter is guilty
 11 of a simple misdemeanor. Each day of continuing
 12 violation after conviction, or notice from the
 13 department by certified mail of the violation, is
 14 a separate offense. A single charge alleging
 15 continuing violation may be made in lieu of filing
 16 charges for each day of violation.

17 Sec. . Section 237A.19, Code 1983, is amended
 18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person who establishes,
 20 conducts, manages, or operates a family day care home
 21 without verification from a parent or guardian of
 22 a child who attends the home for no more than thirty
 23 hours per week as required under section 237A.3,
 24 subsection 4, is guilty of a simple misdemeanor.

25 Sec. . Section 237A.20, Code Supplement 1983,
 26 is amended to read as follows:

27 237A.20 INJUNCTION. A person who establishes,
 28 conducts, manages, or operates a center without a
 29 license or a group day care home or family day care
 30 home without a certificate of registration may be
 31 restrained by temporary or permanent injunction.
 32 The action may be instituted by the state, a political
 33 subdivision of the state, or an interested person.

34 Sec. . NEW SECTION. 237A.23 LICENSING FEE.

35 A person who applies for a license, renewal of a
 36 license, a certificate of registration or a renewal
 37 of a certificate to operate a child day care facility
 38 shall submit a fee with the application to defray
 39 the costs of the inspection or visit. A local board
 40 of health shall receive the fee from the department
 41 when an inspection or visit is made by the board
 42 pursuant to section 237A.4. Otherwise the fees
 43 collected shall be deposited in the general fund of
 44 the state.

45 The annual fee shall be as follows:

- 46 1. Family day care home \$12.00
- 47 2. Group day care home \$22.00
- 48 3. Child care center \$40.00

49 Sec. . NEW SECTION. 237A.24 IMPLEMENTATION.

50 Notwithstanding section 237A.3, a family day care

Page 12

1 home which provides child day care for five or six
 2 children shall be registered by June 30, 1985, a
 3 family day care home which provides child day care
 4 for three or four children shall be registered by
 5 June 30, 1986, and a family day care home which

6 provides child day care for two children shall be
7 registered by June 30, 1987."

8 11. Page 12, by inserting after line 8 the
9 following:

10 "Sec. . Until July 1, 1986, the standards
11 adopted by the department of human services for a
12 registered family day care home shall be the same
13 standards adopted by the department for a registered
14 family day care home on July 1, 1984 unless mandated
15 by the general assembly.

16 Sec. . The initial two-hour training requirement
17 in section 100 of this Act applies to all mandatory
18 reporters whose employment or self-employment involves
19 the examination, attending, counseling, or treatment
20 of children performed on or after the effective date
21 of this Act. However, the initial training may be
22 completed within one year of the effective date of
23 this Act.

24 Sec. . The twelve-hour training requirement
25 in section 200 of this Act applies to all individuals
26 licensed to provide child foster care on or after
27 the effective date of this Act."

28 12. Title page, line 1, by inserting after the
29 word "Act" the words "relating to child protection
30 by".

31 13. Title page, by striking line 5 and inserting
32 in lieu thereof the following: "dispositional order,
33 amending Iowa's child abuse, delinquency, and child-
34 in-need-of-assistance laws, by requiring family or
35 group day care providers to report child abuse,
36 requiring child abuse identification and reporting
37 training for mandatory reporters of child abuse,
38 requiring foster parent training, permitting a peace
39 officer to remove a child from a child day care
40 facility under certain circumstances, permitting child
41 care financial assistance funds to go to group day
42 care homes, family day care homes, provider
43 associations and individual providers, amending the
44 definition of a family day care home, requiring
45 registration of family day care homes but maintaining
46 current standards for two years, requiring periodic
47 inspections or visits to group and family day care
48 homes, expanding injunctive authority to family day
49 care homes, and establishing fees and penalties."

50 14. By renumbering as necessary.

Bennett of Ida offered the following amendment H-5943, to
amendment H-5930, filed by him from the floor and moved its
adoption:

H—5943

1 Amend amendment H—5930 to Senate File 2293 as
2 amended, passed and reprinted by the Senate as fol-
3 lows:

4 1. Page 1, by inserting before line 21 the fol-
5 lowing:

6 "Section 1. Section 232.69, subsection 1, para-
7 graph a, Code Supplement 1983, is amended to read
8 as follows:

9 a. Every health practitioner who examines, at-
10 tends, or treats a child and who reasonably believes
11 the child has been abused or who has knowledge that
12 a child has been abused. If, however, the health
13 practitioner examines, attends, or treats the child
14 as a member of the staff of a hospital or similar
15 institution, the examining health practitioner shall
16 immediately notify and give complete information to
17 the person in charge of the institution or the health
18 practitioner's designated agent and the person in
19 charge of the institution or designated agent shall
20 make the report."

21 2. Page 1, line 36, by inserting after the word
22 "abuse" the words "or who has knowledge that a child
23 has been abused".

Amendment H—5943 was adopted.

Carl of Poweshiek offered the following amendment H—5945, to amendment H—5930, filed by her from the floor and moved its adoption:

H—5945

1 Amend amendment H—5930 to Senate File 2293 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, line 25, by striking the line and inserting
4 in lieu thereof the following:

5 "b. Every self-employed social worker, every social
6 worker under the jurisdiction".

Amendment H—5945 was adopted.

Carl of Poweshiek offered the following amendment H—5946, to amendment H—5930, filed by her from the floor and moved its adoption:

H-5946

1 Amend amendment H-5930 to Senate File 2293 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 7, by inserting after line 39 the
5 following:

6 "Sec. . NEW SECTION. 237.23 LEGISLATIVE
7 STUDY. The legislative fiscal bureau shall conduct
8 a study of each of the following:

9 1. The foster care review boards pursuant to
10 section 237.16 and 237.19. The study shall:

11 a. Determine if the state and local foster care
12 review boards are accomplishing the duties of sections
13 237.18 and 237.20 respectively and if the two local
14 boards are meeting the objectives determined by the
15 state board.

16 b. Compare the actions and results relating to
17 foster care in the two judicial districts with local
18 foster care review boards to the actions and results
19 in two similar judicial districts without local foster
20 care review boards.

21 The legislative fiscal bureau shall not begin the
22 study before May 1, 1987 and shall submit a report
23 of its finding to the second session of the Seventy-
24 second General Assembly not later than January 15,
25 1988.

26 2. The current child welfare system in Iowa.
27 The study shall:

28 a. Assess the state's current system and the cost
29 and practice pattern of the system.

30 b. Make a comparison of the system to similar
31 systems in other states.

32 c. Research and indentification of innovative
33 systems and practices which could be implemented in
34 the state's system.

35 d. Identify areas which improvement is needed.

36 e. Recommend adjustments to the system for areas
37 identified in paragraph "d".

38 The legislative fiscal bureau shall submit a report
39 of its findings to the second session of the Seventy-
40 first General Assembly not later than January 15,
41 1986."

42 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 59, nays 18.

Amendment H-5946 was adopted.

Bennett of Ida offered the following amendment H—5947, to amendment H—5930, filed by him from the floor and moved its adoption:

H—5947

- 1 Amend amendment H—5930 to Senate File 2293 as
- 2 amended, passed and reprinted by the Senate as fol-
- 3 lows:
- 4 1. Page 1, by inserting before line 21 the fol-
- 5 lowing:
- 6 "Section 1. Section 232.69, subsection 1, unnum-
- 7 bered paragraph 1, Code Supplement 1983, is amended
- 8 to read as follows:
- 9 The following classes of persons shall make a
- 10 report, within 24 hours and as provided
- 11 in section 232.70, of cases of child abuse:".
- 12 2. By renumbering as necessary.

Amendment H—5947 was adopted.

Welden of Hardin rose on a point of order that amendment H—5930 was not germane.

The Speaker ruled the point well taken and amendment H—5930 not germane.

Norland of Worth asked for unanimous consent to consider amendment H—5930.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H—5930.

A non-record roll call was requested.

The ayes were 62, nays 28.

The motion prevailed and the rules were suspended to consider amendment H—5930, as amended.

Carl of Poweshiek moved the adoption of amendment H—5930, as amended.

A non-record roll call was requested.

The ayes were 54, nays 37.

Amendment H—5930, as amended, was adopted.

Carl of Poweshiek offered the following amendment H—5937 filed by her and moved its adoption:

H—5937

- 1 Amend Senate File 2293 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 8, line 3, by inserting after the word
- 4 "process" the words "for those children reviewed by
- 5 local boards".

Amendment H—5937 was adopted.

Carl of Poweshiek moved that the bill be read a last time now and 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, 78:

Arnould	Avenson	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connors
Cooper	Copenhaver	Corey	Davitt
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson
Haverland	Hermann	Hoffmann-Bright	Hughes
Jochum	Koenigs	Krewson	Lageschulte
Lloyd-Jones	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Rensink	Rosenberg	Running
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Varn	Woods
Zimmerman	Mr. Speaker (Holveck)		

The nays were, 19:

Anderson	Branstad	Daggett	De Groot
Grandia	Handorf	Harbor	Jay
Lonergan	Maulsby	Menke	O'Kane
Renken	Royer	Schneklath	Schroeder
Tofte	Van Maanen	Welden	

Absent or not voting, 3:

Connolly	Hummel	Knapp
----------	--------	-------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 10:48 a.m., until the fall of the gavel.

The House resumed session at 11:30 a.m., Speaker Avenson in the chair.

Senate File 2271, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H-5852 filed by Jay, et al.:

H-5852

- 1 Amend Senate File 2271 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1: Page 2, by striking lines 17 through 23, and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 5. Chapter 80, Code 1983, is amended by
- 6 adding the following new section:
- 7 **NEW SECTION. REIMBURSEMENT OF DEFENSE COSTS.**
- 8 If a peace officer employed in any division of the
- 9 department is charged with the alleged commission
- 10 of public offense, based on acts or omissions within
- 11 the scope of the officer's lawful duty or authority,

12 and the charge is dismissed or the officer is acquitted
 13 of the charge, the presiding magistrate or judge shall
 14 enter judgment awarding reimbursement to the office
 15 for any costs incurred in defending against the charge,
 16 including but not limited to a reasonable attorney
 17 fee, if the court finds the existence of any of the
 18 following grounds:

19 1. The charge was without probable cause.

20 2. The charge was filed for malicious purposes.

21 3. The charge was unwarranted in consideration

22 of all of the circumstances and matters of law

23 attending the the alleged offense.

24 The officer may apply for review of a failure or
 25 refusal to rule or an adverse ruling as to the
 26 existence of any of the above grounds. The application
 27 shall be to a district judge if the officer is seeking
 28 review of the act of a magistrate or district associate
 29 judge and it shall be to a different district judge
 30 if review is sought of an act of a district judge.

31 If the charge was filed by a private citizen, the
 32 judgment for reimbursement shall be entered against
 33 that person. If the charge was not filed by a private
 34 citizen, the judgment shall be entered against the
 35 political subdivision or state law enforcement agency
 36 whose officer, official, or agent filed the charge."

37 2. Page 2, line 16, by striking the word "or"
 38 and inserting in lieu thereof the word "and".

The following amendment H-5952, to amendment H-5852,
 filed by Halvorson of Clayton from the floor was adopted by
 unanimous consent:

H-5952

1 Amend amendment H-5852 to Senate File 2271 as
 2 follows:

3 1. Page 1, line 14, by striking the word "office"

4 and inserting in lieu thereof the word "officer".

On motion by Halvorson of Clayton, amendment H-5852, as
 amended, was adopted.

The following amendment H-5951 filed by Jay of Appanoose
 from the floor was adopted by unanimous consent:

H-5951

1 Amend Senate File 2271 as follows:

2 1. Title page, line 6, by inserting after the word

3 "members" the following: "and reimbursement of defense

4 costs for peace officers".

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2271)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Haverland Osterberg

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2253, a bill for an act relating to the penalty for violation of the Iowa competition law and providing for a prohibition from bidding on governmental contracts by persons convicted of violations of the Iowa competition law, with report of committee recommending passage was taken up for consideration.

Blanshan 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. 2253)

The ayes were, 99:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Haverland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2270 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2270 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2284, a bill for an act relating to lease-purchase agreements made by an area education agency, with report of committee recommending passage was taken up for consideration.

Shoultz 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.

Under the provisions of Rule 77, McIntee of Black Hawk refrained from voting.

On the question "Shall the bill pass?" (S.F. 2284)

The ayes were, 90:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Hermann	Hoffmann-Bright	Holveck	Hughes
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McKean	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Pavich	Peick
Pellett	Poncy	Renaud	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 8:

Branstad	Copenhaver	Grandia	Hummel
Maulsby	Menke	Paulin	Renken

Absent or not voting, 2:

Haverland	McIntee
-----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2014, a bill for an act to provide an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees, with report of committee recommending passage was taken up for consideration.

Halvorson of Webster offered the following amendment H-5936 filed by Halvorson of Webster, et al.:

H-5936

1 Amend Senate File 2014 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. NEW SECTION. 56.31 RESTRICTED
6 CAMPAIGNS.

7 1. A candidate for a seat in the general assembly
8 who has been nominated by a political party as defined
9 by section 43.2 may register with the commission for
10 a restricted campaign. A restricted campaign exists
11 when all candidates for that seat in the general
12 assembly nominated by a political party have registered
13 for a restricted campaign.

14 2. If a restricted campaign exists, a candidate's
15 committee of a candidate nominated by a political
16 party for a seat in the house of representatives shall
17 be subject to the following limitations:

18 a. Total contributions and expenditures shall
19 not exceed seven thousand dollars.

20 b. Total contributions from political committees,
21 other than county or state statutory political
22 committees, shall not exceed two thousand five hundred
23 dollars, of which not more than five hundred dollars
24 may be received from any one such political committee.

25 3. If a restricted campaign exists, a candidate's
26 committee of a candidate nominated by a political
27 party for a seat in the senate is subject to the
28 limitations provided in subsection 2 with the dollar
29 amounts doubled.

30 4. If a restricted campaign exists, the limitations
31 of subsections 2 and 3 shall apply to contributions
32 received and expenses incurred during the following
33 periods:

34 a. For a candidate nominated by a convention,
35 from the date of the convention until December 31
36 following the general election.

37 b. For a candidate nominated by a primary election,
38 except as provided in paragraph c, from the date of
39 filing nomination papers until December 31 following

40 the general election.

41 c. For a candidate nominated at a primary election
42 who had an opponent on the primary election ballot
43 or an opponent who received write-in votes of five
44 percent or more of the votes cast, from the day after
45 the primary election until December 31 following the
46 general election.

47 5. When a restricted campaign begins the financial
48 balance of the candidate's committee shall be credited
49 against the contribution limit and the value of any
50 campaign materials, supplies and services which have

Page 2

1 been previously purchased and are still available
2 or will become available to the candidate's committee
3 shall be credited against the expenditure limit.

4 Sec. 2. NEW SECTION. 56.32 REGISTRATION FILING.

5 A candidate nominated by a political party by the
6 primary election shall file a statement with the
7 commission within fourteen days after the primary
8 election stating whether the candidate is registering
9 for a restricted campaign. A candidate nominated
10 at a convention shall file the statement within seven
11 days after the convention. A candidate cannot register
12 for a restricted campaign if that candidate's political
13 party previously nominated a person for that seat
14 at that general election and that person declined
15 to register for a restricted campaign.

16 Sec. 3. NEW SECTION. 56.33 POLITICAL PARTY
17 GRANTS.

18 1. It is a condition of receiving funds from the
19 Iowa election campaign fund that a political party
20 provide the grants for legislative candidates as
21 provided in this Act. If a political party declines
22 to accept money from the Iowa election campaign fund
23 subject to this condition, the money in that party's
24 account in the fund shall remain in that account until
25 it reverts under section 56.24 and be subject to the
26 remission of funds under subsection 3.

27 2. Each state statutory political committee shall
28 provide one thousand dollars in cash or services to
29 each nominated candidate of that political party who
30 registers for a restricted campaign. The state
31 statutory political committee shall determine what
32 amount of the one thousand dollars shall be contributed
33 in cash and what amount shall be contributed in
34 services.

35 3. If a candidate nominated by a political party
36 declines to register for a restricted campaign, that
37 candidate's political party shall remit fifteen hundred

38 dollars to the commission which shall transmit it
39 to the other political party which has a candidate
40 nominated for that seat who has registered for a
41 restricted campaign. If the political party has
42 declined to accept funds from the Iowa election
43 campaign fund, the money shall be remitted from that
44 party's account in the fund. The receiving political
45 party shall provide the fifteen hundred dollars to
46 its candidate for that seat. If there is more than
47 one other candidate nominated by a political party
48 for that seat the amount shall be divided equally
49 among those political parties and provided to their
50 candidates for that seat. If there is no such opposing

Page 3

1 candidate at the time that funds are remitted, the
2 commission shall hold the funds until a candidate
3 can no longer be placed on the ballot and if there
4 is no opposing candidate who has registered for a
5 restricted campaign at that time, the funds shall
6 be deposited in the Iowa election campaign fund.

7 4. If the payment of the grants in full and the
8 amounts remitted would exceed the amount received
9 by the political party accepting those funds from
10 the Iowa election campaign fund between general
11 elections, the political party is not required to
12 remit funds under subsection 3.

13 5. A candidate may register for a restricted
14 campaign and decline to accept the money or services
15 provided by the candidate's political party under
16 this section.

17 Sec. 4. NEW SECTION. 56.34 PAYMENT. The
18 commission shall promptly notify the political parties
19 of their candidates who have registered or declined
20 to register for a restricted campaign. A political
21 party shall pay its cash grants to its candidates
22 by September 1 preceding the general election and
23 within seven days after notice preceding a special
24 election. If a candidate declines to register, the
25 candidate's political party shall remit the amount
26 provided in section 56.33 to the commission within
27 seven days of notice. The commission and the receiving
28 political party shall pay the amount received promptly
29 to a candidate who has registered for a restricted
30 campaign.

31 By August 1 of each even-numbered year, the state
32 statutory political committee shall determine how
33 it will provide cash and services to its candidates.
34 If the funds received and expected from the Iowa
35 election campaign fund appear to be less than the

36 amount necessary to pay all the grants in full to
 37 all of the political party's legislative candidates,
 38 the committee may by resolution adopt a uniform and
 39 prorated reduction in the amount of the grant and
 40 shall file a copy of the resolution with the
 41 commission.

42 Sec. 5. NEW SECTION. 56.35 PENALTY.

43 1. If a candidate's committee exceeds either of
 44 the contribution limits provided in section 56.31
 45 when a restricted campaign exists, the candidate's
 46 committee shall deposit into the Iowa election campaign
 47 fund a civil penalty of an amount equal to twice the
 48 amount by which the limit was exceeded.

49 2. The criminal penalty of section 56.16 shall
 50 apply to violations of sections 56.31 through 56.35

Page 4

1 and may be imposed in addition to the civil penalty
 2 provided in subsection 1.

3 Sec. 6. Section 56.21, Code 1983, is amended to
 4 read as follows:

5 56.21 FUNDS— APPLICATION TO COMPTROLLER. Any
 6 candidate for a partisan public office, except as
 7 otherwise provided by section 56.17, subsection 2,
 8 may receive campaign funds from the Iowa election
 9 campaign fund through the state central committee
 10 of the candidate's political party. However, the
 11 state central committee of each political party, after
 12 satisfying the requirements of sections 56.31 through
 13 56.35, shall have discretion which of the party's
 14 candidates for public office shall be allocated
 15 campaign funds out of money received by that party
 16 from the Iowa election campaign fund.

17 Sec. 7. This Act, being deemed of immediate
 18 importance, takes effect from and after its publication
 19 in the Marshalltown Times-Republican, a newspaper
 20 published in Marshalltown, Iowa, and in the Iowa City
 21 Press-Citizen, a newspaper published in Iowa City,
 22 Iowa."

23 2. Amend the title, by striking lines 1 through
 24 3 and inserting in lieu thereof the following: "An
 25 Act relating to the public financing of legislative
 26 elections and providing penalties and an effective
 27 date."

(Amendment H— 5936 pending at recess.)

On motion by Norland of Worth, the House was recessed at 12:12 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, until his arrival, on request of Ollie of Clinton.

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 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony.

Also: That the Senate has on March 29, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 2136, a bill for an act relating to the licensing and regulation of social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

Also: That the Senate has on March 27, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2183, a bill for an act relating to the regulation of business entities and workers engaging in the removal or encapsulation of asbestos and providing penalties.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2211, a bill for an act making changes in the practice act relating to physical therapy.

Also: That the Senate has on March 27, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2272, a bill for an act to authorize certain motor trucks and motor homes to tow a four-wheeled trailer with a steering axle and more than one trailer or semitrailer or both subject to penalties.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2302, a bill for an act amending the definition of "child abuse" for purposes of reporting, investigation, and rehabilitation to include permitting a child to engage in prostitution and sexually exploiting a child in certain other ways.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2373, a bill for an act relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage.

Also: That the Senate has on March 27, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2401, a bill for an act relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2414, a bill for an act relating to credit union reciprocity, par value of shares, deposits, investments, powers, membership, and reserves.

Also: That the Senate has on March 27, 1984, 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 the study of the feasibility of a state-owned hazardous waste treatment and resource recovery facility.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2430, a bill for an act relating to the selection and operation of foster care review committees under the department of human services.

Also: That the Senate has on March 27, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2440, a bill for an act relating to the Iowa veterans home and its administration.

Also: That the Senate has on March 27, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act relating to the priority of construction mortgage liens.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2468, a bill for an act relating to the election laws and making certain technical corrections to the voting laws.

Also: That the Senate has on March 29, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions.

K. MARIE THAYER, Secretary

SENATE FILE 2014 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2014 be temporarily deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2277)

O'Kane of Woodbury asked and received unanimous consent to withdraw the motion to reconsider Senate File 2277, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date, filed by him and Schroeder of Pottawattamie on March 28, 1984.

SENATE FILE 2063 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2063 be temporarily deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2306, a bill for an act authorizing the use of com-

puter data storage systems for the collection, storage, and retrieval of intelligence data, providing for restrictions on access to these computer data storage systems, and requiring the adoption of rules for authorization to access a computer data storage system containing intelligence data, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5935 filed by him and moved its adoption:

H—5935

1 Amend Senate File 2306 as passed by the Senate
 2 as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 68A.1, Code 1983, is amended
 6 to read as follows:
 7 68A.1 PUBLIC RECORDS DEFINED. Wherever used in
 8 this chapter, "public records" includes all records,
 9 and documents, tape, or other information, stored
 10 or preserved in any medium, of or belonging to this
 11 state or any county, city, township, school
 12 corporation, political subdivision, or tax-supported
 13 district in this state, or any branch, department,
 14 board, bureau, commission, council, or committee of
 15 any of the foregoing."

Amendment H—5935 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5933 filed by him on March 28, 1984.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2306)

The ayes were, 97:

Anderson	Arnould.	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Chapman
Chiodo	Clark	Cochran	Connolly

Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poney
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, 1:

Doderer

Absent or not voting, 2:

Carter

Haverland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2063, a bill for an act relating to the Iowa product development corporation Act, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5820 filed by him on March 23, 1984.

Chido 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. 2063)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Running
Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chapman	Halvorson, R. N.	Haverland	Krewson
Royer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2173, a bill for an act relating to appeals of awards by compensation commissions in condemnation proceedings, with report of committee recommending passage was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2173)

The ayes were, 98:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Daggett Haverland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2183, a bill for an act relating to sexual abuse committed by engaging in a sex act against the will of the other participant, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H-5874 filed by him and moved its adoption:

H-5874

- 1 Amend Senate File 2183 as passed by the Senate,
- 2 as follows:

3 1. Page 1, by inserting after line 9, the
 4 following:
 5 "Sec. 2. Section 709.3, subsection 1, Code 1983,
 6 is amended to read as follows:
 7 1. During the commission of sexual abuse the
 8 person displays in a threatening manner a deadly
 9 dangerous weapon, or uses or threatens to use force
 10 creating a substantial risk of death or serious injury
 11 to any person."

Amendment H — 5874 was adopted.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2183)

The ayes were, 94:

Anderson	Arnould	Bennett	Black
Blanshan	Brammer	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Hermann	Hoffmann-Bright	Holveck
Hughes	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 3:

Baxter	Hummel	Parker
--------	--------	--------

Absent or not voting, 3:

Branstad

Haverland

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2247, a bill for an act relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5807 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5807

- 1 Amend Senate File 2247 as passed by the Senate
- 2 as follows:
- 3 1. Page 4, by inserting after line 20, the
- 4 following:
- 5 "Sec. 15. NEW SECTION. 716A.15 CHAPTER NOT
- 6 EXCLUSIVE. This chapter does not preclude the
- 7 applicability of any other provision of the law of
- 8 this state which is not inconsistent with this chapter
- 9 and which applies or may apply to an act or transaction
- 10 in violation of this chapter.
- 11 Sec. 16. NEW SECTION. 716A.16 PRINTOUTS
- 12 ADMISSIBLE AS EVIDENCE. In a prosecution under this
- 13 chapter, computer printouts shall be admitted as
- 14 evidence of any computer software, program, or data
- 15 contained in or taken from a computer, notwithstanding
- 16 an applicable rule of evidence to the contrary."

The committee amendment H—5807 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 98:

Anderson
Black

Arnould
Blanshan

Baxter
Brammer

Bennett
Buhr

Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Branstad

Haverland

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 procedures in small claims actions, with report of committee recommending passage was taken up for consideration.

Woods of Polk offered the following amendment H—5932 filed by him:

H—5932

- 1 Amend Senate File 24, as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 331.655, subsection 1,
- 6 paragraph a, Code Supplement 1983, is amended to read
- 7 as follows:

- 8 a. For serving a notice and returning it, for
- 9 the first person served, ~~six~~ twenty dollars, and each
- 10 additional person, ~~six~~ twenty dollars except the fee
- 11 for serving additional persons in the same household
- 12 shall be ~~three~~ ten dollars for each additional service,
- 13 or if the service of notice cannot be made or several
- 14 attempts are necessary, the repayment of all necessary
- 15 expenses actually incurred by the sheriff while
- 16 attempting in good faith to serve the notice."
- 17 2. By renumbering as necessary.

Doderer of Johnson 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.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 24)

The ayes were, 100:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McIntee	McKean
Menke	Miller	Muhlbauer	Mullins
Norland	O'Kane	Ollie	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellet	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schnekloth	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence

Van Camp
Welden

Van Gerpen
Woods

Van Maanen
Zimmerman

Varn
Mr. Speaker

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Swearingin of Keokuk in the chair at 2:12 p.m.

Senate File 2035, a bill for an act relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5878 filed by him and moved its adoption:

H—5878

- 1 Amend Senate File 2035 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 9 and 10, by striking the words
- 4 "to an aggravated misdemeanor or a felony".
- 5 2. Page 1, line 27, by striking the word "
- 6 require" and inserting in lieu thereof the words "and
- 7 with the approval of the defendant, waive".

Amendment H—5878 was adopted.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2035)

The ayes were, 98:

Anderson
Bennett
Branstad
Carter
Cochran

Arnould
Black
Buhr
Chapman
Connolly

Avenson
Blanshan
Carl
Chiodo
Connors

Baxter
Brammer
Carpenter
Clark
Cooper

Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklath	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Swearingen)		

The nays were, none.

Absent or not voting, 2:

Groninga Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2217, a bill for an act establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties, with report of committee recommending passage was taken up for consideration.

Schneklath of Scott offered the following amendment H-5791 filed by him:

H-5791

- 1 Amend Senate File 2217 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting in lieu thereof the following:
- 4 "Section 1. PROPOSED SCHEDULE OF CIVIL PENALTIES—
- 5 MINOR VIOLATIONS—DEPARTMENT OF WATER, AIR AND WASTE
- 6 MANAGEMENT.
- 7 1. The water, air and waste management commission

8 shall provide a schedule or range of civil penalties
9 which may be administratively assessed. The proposed
10 schedule shall be delivered to the speaker of the
11 house of representatives and the president of the
12 senate who shall forward the proposed schedule to
13 the appropriate standing committees of the two houses
14 for legislative consideration. The proposed schedule
15 or range of civil penalties shall provide procedures
16 and criteria for the administrative assessment of
17 penalties of not more than one thousand dollars for
18 minor violations of chapter 455B or rules, permits
19 or orders adopted or issued under chapter 455B. In
20 drafting the proposed schedule or range of penalties,
21 the commission and the executive director shall
22 consider among other relevant factors the following:
23 a. The costs saved or likely to be saved by
24 noncompliance by a violator.
25 b. The gravity of the violation.
26 c. The degree of culpability of a violator.
27 d. The maximum penalty authorized for that
28 violation under chapter 455B.
29 2. The water, air and waste management commission
30 shall include a procedure for the screening of alleged
31 violations to determine which cases may be appropriate
32 for the administrative assessment of penalties.
33 However, the screening procedure shall not limit the
34 discretion of the department to refer any case to
35 the attorney general for legal action."
36 3. Amend the title, by striking lines 1 through
37 3 and inserting in lieu thereof the following: "An
38 Act relating to a proposed schedule of civil penalties
39 for minor violations of chapter 455B."

Shultz of Black Hawk rose on a point of order that amendment
H—5791 was not germane.

The Speaker ruled the point not well taken and amendment
H—5791 germane.

Schneklath of Scott moved the adoption of amendment H—5791.

A non-record roll call was requested.

The ayes were 38, nays 54.

Amendment H—5791 lost.

Shoultz 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. 2217)

The ayes were, 83:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Davitt	Diemer	Doderer
Fey	Fogarty	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson	Haverland	Hermann	Hoffmann-Bright
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	McIntee	McKean
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Poncy	Renaud	Rosenberg	Running
Schneklath	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Varn
Woods	Zimmerman	Mr. Speaker (Swearingin)	

The nays were, 12:

Branstad	Daggett	De Groot	Grandia
Handorf	Maulsby	Pellet	Renken
Rensink	Royer	Van Maanen	Welden

Absent or not voting, 5:

Groninga	Harbor	Holveck	Menke
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 420 DEFERRED

Norland of Worth asked and received unanimous consent that

Senate File 420 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2269, a bill for an act limiting the amount charged employed county prisoners for meals, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H—5948.

Objection was raised.

Schroeder of Pottawattamie moved to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H—5948 filed by him from the floor as follows:

H—5948

- 1 Amend Senate File 2269 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 356.29, Code 1983, is amended
- 6 to read as follows:
- 7 356.29 WAGES OR SALARY COLLECTED BY SHERIFF.
- 8 If a prisoner is employed for wages or salary the
- 9 sheriff may collect the same or require the prisoner
- 10 to turn over his wages or salary in full when received,
- 11 and the sheriff shall deposit the same in a trust
- 12 checking account and shall keep a ledger showing the
- 13 status of the account of each prisoner. Such wages
- 14 or salary are not subject to garnishment during the
- 15 prisoner's term and shall be disbursed only as provided
- 16 in these sections 356.26 through 356.35."
- 17 2. Page 1, line 4, by inserting after the word
- 18 "employed" the words "and released pursuant to section
- 19 356.26".
- 20 3. Page 1, line 21, by inserting after the word
- 21 "prisoner" the words ", after deductions required
- 22 by law,".

A non-record roll call was requested.

The ayes were 80, nays 4.

The motion prevailed and the rules were suspended.

On motion by Schroeder of Pottawattamie, amendment H—5948 was adopted.

Rosenberg 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.

Rules 75 and 76 were invoked.

On the question "Shall the bill pass?" (S.F. 2269)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Swearingen)			

The nays were, none.

Absent or not voting, 3:

Branstad Harbor Menke

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2235 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2235 be deferred and that the bill retain its place on the calendar.

Senate File 2005, a bill for an act relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty, with report of committee recommending passage was taken up for consideration.

Brammer 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. 2005)

The ayes were, 95:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Mr. Speaker (Swearingen)	

The nays were, none.

Absent or not voting, 5:

Branstad	Davitt	Harbor	Menke
Zimmerman			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2257, a bill for an act relating to the ownership of joint transmission facilities, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5834 filed by him and moved its adoption:

H—5834

- 1 Amend Senate File 2257 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "provides." the following: "Own" and "ownership"
- 5 in the case of transmission facilities, including
- 6 substations and associated facilities, does not include
- 7 those which are located in states which are not
- 8 contiguous to Iowa."

Amendment H—5834 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. 2257)

The ayes were, 96:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear

Stromer	Stueland	Sturgeon	Sullivan
Swartz	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker (Swearingen)

The nays were, none.

Absent or not voting, 4:

Carter	Harbor	Krewson	Menke
--------	--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2057, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the compensation of certain county officers and deputies, with report of committee recommending passage was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2057)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Hoffmann-Bright	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lonergan	Maulsby	McIntee
McKean	Miller	Muhlbauer	Mullins
Norland	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schneklloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland

Sturgeon	Sullivan	Swartz	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Swearingen)		

The nays were, 3:

Hughes	Lloyd-Jones	O'Kane
--------	-------------	--------

Absent or not voting, 3:

Harbor	Krewson	Menke
--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 2:50 p.m.

Senate File 309, a bill for an act relating to the distance a person without an operator's license may move a farm tractor or implement of husbandry to farmland for conducting farm operations, with report of committee recommending amendment and passage was taken up for consideration.

Cochran of Webster offered the following amendment H—5802 filed by the committee on transportation and moved its adoption:

H—5802

- 1 Amend Senate File 309, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 6, by inserting after the period
- 4 the following: "This subsection shall not apply to
- 5 persons whose driving privileges have been denied,
- 6 suspended or revoked under chapters 321, 321A or
- 7 321B."

A non-record roll call was requested.

The ayes were 54, nays 3.

The committee amendment H—5802, was adopted placing out of order amendment H—5142 filed by Koenigs of Mitchell on February 9, 1984.

Cochran of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 309)

The ayes were, 85:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Carl
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Handorf	Hanson
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Renaud	Renken	Rensink	Rosenberg
Royer	Schnekloth	Schroeder	Shoultz
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, 10:

Brammer	Buhr	Doderer	Halvorson, R. N.
Hammond	Lloyd-Jones	Poney	Running
Sherzan	Swartz		

Absent or not voting, 5:

Carpenter	Harbor	Krewson	Menke
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2272 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2272 be deferred and that the bill retain its place on the calendar.

Senate File 2317, a bill for an act relating to the purchase of Iowa coal by state and local government institutions, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5827 filed by the committee on energy and moved its adoption:

H—5827

- 1 Amend Senate File 2317 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking line 23 and inserting in
- 4 lieu thereof the following: "in this state may be
- 5 granted up to a five percent preference over".

The committee amendment H—5827 was adopted.

Van Camp of Scott offered the following amendment H—5927 filed by him and moved its adoption:

H—5927

- 1 Amend Senate File 2317 as passed by the Senate
- 2 as follows:
- 3 1. Page 2, by inserting after line 1 the following:
- 4 "Sec. 2. This Act is repealed five years after
- 5 its effective date."

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—5927 lost.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2317)

The ayes were, 97:

- | | | | |
|----------|-----------|----------|---------|
| Anderson | Arnould | Bennett | Black |
| Blanshan | Brammer | Branstad | Buhr |
| Carl | Carpenter | Carter | Chapman |

Chiodo	Clark	Cochran	Conolly
Connors	Cooper	Copenhagen	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Baxter

Davitt

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2215 be deferred and placed on the unfinished business calendar.

Senate File 2259, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year, with report of committee recommending amendment and passage was taken up for consideration.

Groth of Buena Vista offered the following amendment H—5803

filed by the committee on education and moved its adoption:

H-5803

- 1 Amend Senate File 2259 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking line 20 and inserting in
- 4 lieu thereof the following:
- 5 "Sec. 3. Sections 1 and 2 of this Act take effect
- 6 July 1, 1985, and are repealed June 30, 1990."

The committee amendment H-5803 was adopted, placing out of order amendment H-5941 by Groninga of Cerro Gordo on March 28, 1984.

Pellett of Cass offered the following amendment H-5837 filed by Pellett, et al.:

H-5837

- 1 Amend Senate File 2259 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 257.10, Code 1983, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 16. Consider a request made by
- 7 a school corporation board to commence classes for
- 8 regularly established elementary and secondary schools
- 9 on a date before the first Tuesday after the first
- 10 Monday in September."
- 11 2. Page 1, by inserting after line 8 the following:
- 12 "Sec. 3. Section 279.10, Code Supplement 1983,
- 13 is amended by adding the following new subsection:
- 14 NEW SUBSECTION. 4. The state board of public
- 15 instruction may grant a request made by a school
- 16 corporation board stating its desire to commence
- 17 classes for regularly established elementary and
- 18 secondary schools on a date before the first Tuesday
- 19 after the first Monday in September."

Muhlbauer of Crawford offered the following amendment H-5939, to amendment H-5837, filed by Muhlbauer, et al., and moved its adoption:

H-5939

- 1 Amend amendment H-5837 to Senate File 2259 as
- 2 passed by the Senate as follows:

- 3 1. Page 1, line 6, by striking the word "request"
 4 and inserting in lieu thereof the word "petition".
 5 2. Page 1, line 7, by striking the words "school
 6 corporation board" and inserting in lieu thereof the
 7 words "board of directors of a school district."
 8 3. Page 1, by striking lines 15 through 19 and
 9 inserting in lieu thereof the following: "instruction
 10 may grant approval to a petition filed by the board
 11 of directors of a school district for exemption from
 12 the requirements of subsection 1 of this section.
 13 The board of directors shall present evidence that
 14 beginning school on the first Tuesday after the first
 15 Monday in September or later would be detrimental
 16 to the educational program of the school district.
 17 The department of public instruction shall review
 18 the evidence presented by the board of directors and
 19 make a recommendation to the state board."

A non-record roll call was requested.

The ayes were 46, nays 43.

Amendment H—5939 was adopted, placing out of order amendment H—5926, to amendment H—5837, filed by McKean of Jones on March 28, 1984.

Lageschulte of Bremer offered amendment H—5970, to amendment H—5837, filed by him from the floor and requested division as follows:

H—5970

- 1 Amend amendment H—5837 to Senate File 2259 as
 2 passed by the Senate as follows:

H—5970A

- 3 1. Page 1, by striking lines 9 and 10, and inserting
 4 in lieu thereof the following: "on a date no sooner than
 5 one week preceding the first Monday in September."

H—5970B

- 6 2. Page 1, by striking lines 18 and 19, and inserting
 7 in lieu thereof the following: "secondary schools on a
 8 date no sooner than one week preceding the first Monday
 9 in September."

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—5970B.

Lageschulte of Bremer moved the adoption of amendment H—5970A, to amendment H—5837.

Amendment H—5970A lost.

On motion by Pellett of Cass, amendment H—5837, as amended, was adopted.

Sturgeon of Woodbury in the chair at 4:06 p.m.

Zimmerman of Dallas offered the following amendment H—5847 filed by her:

H—5847

1 Amend Senate File 2259 as passed by the Senate,
2 as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 28.7, subsection 5, Code 1983,
6 is amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. The commission shall
9 submit a report to each regular session of the general
10 assembly detailing facts and figures pertinent to
11 the condition of the tourism industry in the state,
12 with special attention given to those spring and
13 summer months when normal school year classes are
14 not in session at regularly established elementary
15 and secondary schools. The last of these reports
16 is to be submitted for the year ending December 31,
17 1990."

Skow of Guthrie rose on a point of order that amendment H—5847 was not germane.

The Speaker ruled the point well taken and amendment H—5847 not germane.

Zimmerman of Dallas asked and received unanimous consent to consider amendment H—5847.

Zimmerman of Dallas moved the adoption of amendment H—5847.

A non-record roll call was requested.

The ayes were 33, nays 52.

Amendment H—5847 lost.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—5888 filed by him on March 27, 1984.

Harbor of Mills offered the following amendment H—5846 filed by him:

H—5846

- 1 Amend Senate File 2259 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "year" the following: "with the final day of classes
- 5 to commence no later than May 30, unless such time
- 6 is needed beyond this date so as to complete regularly
- 7 established classes which were canceled during the
- 8 school year due to inclement weather".

Harbor of Mills offered the following amendment H—5984, to amendment H—5846, filed by him from the floor and moved its adoption:

H—5984

- 1 Amend H—5846 to Senate File 2259 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "weather" and inserting in lieu thereof the
- 4 following: "weather or physical plant problems".

Amendment H—5984 was adopted.

Norland of Worth asked and received unanimous consent that Senate File 2259 be temporarily deferred and that the bill retain its place on the calendar.

(Amendment H—5846, as amended, pending.)

Senate File 2250, a bill for an act relating to the budget year and annual report provisions for secondary roads, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2250)

The ayes were, 97:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Fey	Fogarty
Grandia	Groninga	Gronstal	Groth
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Handorf	Hanson	Harbor	Haverland
Hermann	Hoffmann-Bright	Holveck	Hughes
Hummel	Jay	Jochum	Knapp
Koenigs	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Menke
Miller	Muhlbauer	Mullins	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Shoultz	Skow
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker (Sturgeon)			

The nays were, none.

Absent or not voting, 3:

Doderer	Krewson	Peick
---------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2132, a bill for an act relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5828 filed by the committee on judiciary and law enforcement:

H—5828

1 Amend Senate File 2132 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 633.211, subsection 1, Code
 6 1983, is amended to read as follows:
 7 1. ~~One-third~~ One-half in value of all the legal
 8 or equitable estates in real property possessed by
 9 the decedent at any time during the marriage, which
 10 have not been sold on execution or other judicial
 11 sale, and to which the surviving spouse has ~~made no~~
 12 ~~relinquishment of not relinquished~~ his or her right.
 13 Sec. 2. Section 633.211, subsection 3, Code 1983,
 14 is amended to read as follows:
 15 3. ~~One-third~~ One-half of all other personal
 16 property of the decedent which is not necessary for
 17 the payment of debts and charges.
 18 Sec. 3. Section 633.212, subsection 3, Code 1983,
 19 is amended to read as follows:
 20 3. ~~One-half of all~~ All other real and personal
 21 property of the decedent which is not necessary for
 22 the payment of debts and charges.
 23 Sec. 4. Section 633.212, subsections 4 and 5,
 24 Code 1983, are amended by striking the subsections."

Schroeder of Pottawattamie offered the following amendment H—5841, to the committee amendment H—5828, filed by him and moved its adoption:

H—5841

1 Amend House amendment H—5828 to Senate File 2132
 2 as passed by the Senate as follows:
 3 1. Page 1, line 12, by striking the words "his
 4 or her right." and inserting in lieu thereof the
 5 following: "his the spouse's right. However, the
 6 spouse may petition the court to receive less than
 7 one-half, but not less than one-third, of the value
 8 of the estates identified in this subsection."
 9 2. Page 1, line 17, by inserting after the word
 10 "charges." the following: "However, the spouse may
 11 petition the court to receive less than one-half,
 12 but not less than one-third, of the property identified
 13 in this subsection."

A non-record roll call was requested.

The ayes were 55, nays 22.

Amendment H—5841 was adopted.

On motion by Schroeder of Pottawattamie, the committee amendment H—5828, 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?" (S.F. 2132)

The ayes were, 94:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Buhr	Carl	Carpenter	Carter
Chapman	Chiodo	Clark	Cochran
Connolly	Connors	Cooper	Copenhaver
Corey	Daggett	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McIntee	McKean	Miller	Muhlbaauer
Mullins	Norland	O'Kane	Osterberg
Oxley	Parker	Paulin	Pavich
Peick	Pellett	Poncy	Renaud
Renken	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Shoultz	Skow	Spear	Stromer
Stueland	Sullivan	Swartz	Swearingen
Tabor	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Sturgeon)		

The nays were, 5:

Branstad	Grandia	Maulsby	Menke
Tofte			

Absent or not voting, 1:

Ollie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2262, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5824 filed by the committee on small business and commerce and moved its adoption:

H—5824

- 1 Amend Senate File 2262 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 2, by striking the words "and
- 4 individual".
- 5 2. Page 2, line 6, by striking the words "or
- 6 individual".
- 7 3. Page 2, lines 7 and 8, by striking the words
- 8 "and individual".
- 9 4. Page 2, line 9, by striking the words "and
- 10 individual".
- 11 5. By striking page 2, line 31 through page 3,
- 12 line 21.
- 13 6. By numbering and renumbering as necessary.

The committee amendment H—5824 was adopted.

Zimmerman of Dallas offered the following amendment H—5938 filed by her and moved its adoption:

H—5938

- 1 Amend Senate File 2262 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "complications." the following: "Such programs shall
- 5 meet standards developed by the state department of
- 6 health in consultation with American diabetes associa-
- 7 tion, Iowa affiliate, for certification of outpatient
- 8 diabetes education programs."

9 2. Page 2, line 28, by inserting after the word
 10 "complications." the following: "Such programs shall
 11 meet standards developed by the state department of
 12 health in consultation with American diabetes associa-
 13 tion, Iowa affiliate, for certification of outpatient
 14 diabetes education programs."

15 3. Page 4, line 18, by inserting after the word
 16 "complications." the following: "Such programs shall
 17 meet standards developed by the state department of
 18 health in consultation with American diabetes associa-
 19 tion, Iowa affiliate, for certification of outpatient
 20 diabetes education programs."

A non-record roll call was requested.

The ayes were 57, nays 28.

Amendment H - 5938 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2262)

The ayes were, 98:

- | | | | |
|------------|-----------|------------------|------------------|
| Anderson | Arnould | Avenson | Baxter |
| Bennett | Black | Blanshan | Brammer |
| Branstad | Buhr | Carl | Carpenter |
| Carter | Chapman | Chiodo | Clark |
| Cochran | Connolly | Connors | Cooper |
| Copenhaver | Corey | Daggett | Davitt |
| De Groot | Diemer | Doderer | Fey |
| Fogarty | Grandia | Groninga | Gronstal |
| Groth | Gruhn | Halvorson, R. A. | Halvorson, R. N. |
| Hammond | Handorf | Hanson | Harbor |
| Haverland | Hermann | Hoffmann-Bright | Holveck |
| Hughes | Hummel | Jay | Jochum |
| Knapp | Koenigs | Lageschulte | Lloyd-Jones |
| Loneragan | Maulsby | McIntee | McKean |
| Menke | Miller | Muhlbauer | Norland |
| O'Kane | Ollie | Osterberg | Oxley |
| Parker | Paulin | Pavich | Peick |
| Pellett | Poncy | Renaud | Renken |
| Rensink | Rosenberg | Royer | Running |

Schnekloth	Schroeder	Sherzan	Shoultz
Skow	Spear	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tabor
Tofte	Torrence	Van Camp	Van Gerpen
Van Maanen	Varn	Welden	Woods
Zimmerman	Mr. Speaker (Sturgeon)		

The nays were, 2:

Krewson Mullins

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.

Senate File 2270, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug, (temporarily deferred) with report of committee recommending passage was taken up for consideration.

The following amendment H—5997 filed by Jay of Appanoose from the floor was adopted by unanimous consent:

H—5997

- 1 Amend Senate File 2270 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 8, by striking the word "Trial" and
- 4 inserting in lieu thereof the word "Trail".

McKean of Jones asked for unanimous consent to consider amendment H—5971.

Objection was raised.

McKean of Jones moved to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H—5971 filed by him from the floor as follows:

H—5971

- 1 Amend Senate File 2270 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Chapter 321, Code 1983, is amended

6 by adding the following new section:

7 **NEW SECTION. CIVIL PENALTY – VICTIM REPARATION**

8 **FUND.** If the department revokes a person's license

9 or operating privilege under section 321.209,

10 subsection 2, section 321.281 or section 329.283,

11 the department shall assess the person a civil penalty

12 of one hundred dollars. The money collected by the

13 department under this section shall be transmitted

14 to the treasurer of state who shall deposit the money

15 in a separate fund dedicated and used for the purposes

16 of chapter 912. A temporary restricted license shall

17 not be issued or a license or privilege to drive

18 reinstated until the civil penalty has been paid."

19 2. Page 1, line 32, by inserting after the word

20 "under" the following: "section 1 of this Act or".

A non-record roll call was requested.

The ayes were 42, nays 50.

The motion to suspend the rule lost.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2270)

The ayes were, 99:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin

Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Woods	Zimmerman	Mr. Speaker (Sturgeon)	

The nays were, none.

Absent or not voting, 1:

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 420, a bill for an act relating to the collection of dishonored checks, drafts, or other negotiable instruments, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 420 be deferred and placed on the unfinished business calendar.

Senate File 2235, a bill for an act relating to the penalties for operating a motor vehicle when the operator's license has been suspended or revoked, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5864 filed by him:

H—5864

- 1 Amend Senate File 2235 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 26 through 28.

Jay of Appanoose offered the following amendment H—5994, to amendment H—5864, filed by him and Varn of Johnson from the floor and moved its adoption:

H-5994

- 1 Amend House amendment H-5864 to Senate File 2235
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by inserting after line 2 the following:
 5 "1. Page 1, line 9, by inserting after the word
 6 and figure "section 321.209" the words and figure
 7 "or chapter 321B."
 8 2. By renumbering according to this amendment.

Amendment H-5994 was adopted.

On motion by Spear of Lee, amendment H-5864, as amended, was adopted, placing out of order amendment H-5890 filed by Spear of Lee on March 27, 1984.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2235)

The ayes were, 100:

Anderson	Arnould	Avenson	Baxter
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carl	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Grohinga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Shoultz	Skow	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence

Van Camp
Welden

Van Gerpen
Woods

Van Maanen
Zimmerman

Varn
Mr. Speaker
(Sturgeon)

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.

The House resumed consideration of **Senate File 2259**, a bill for an act relating to the day school shall commence for elementary and secondary schools each school year, and amendment H-5846, as amended, temporarily deferred.

Norland of Worth asked and received unanimous consent that Senate File 2259 be deferred and placed on the unfinished business calendar.

(Amendment H-5846, as amended, pending.)

The House resumed consideration of **Senate File 2014**, a bill for an act to provide an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees, (temporarily deferred) and amendment H-5936.

Norland of Worth asked and received unanimous consent that Senate File 2014 be deferred and placed on the unfinished business calendar.

(Amendment H-5936 pending.)

MOTIONS TO RECONSIDER
(Senate File 24)

I move to reconsider the vote by which Senate File 24 passed the House on March 29, 1984.

WOODS of Polk

(Senate File 2271)

I move to reconsider the vote by which Senate File 2271 passed the House on March 29, 1984.

SCHROEDER of Pottawattamie

(Senate File 2271)

I move to reconsider the vote by which Senate File 2271 passed the House on March 29, 1984.

HOFFMANN-BRIGHT of Muscatine

(Senate File 2306)

I move to reconsider the vote by which Senate File 2306 passed the House on March 29, 1984.

JAY of Appanoose

COMMUNICATION FROM STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 29, 1984 and is on file in the office of the Chief Clerk:

March 16, 1984

Joseph O'Hern
Chief Clerk of the House
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 3 claims of a general nature. This supplements our filing of December 27, 1983.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1512-70-25	Craig Waldean Kickbush 5015 S.W. 9th, #88 Des Moines, Iowa 50315 Back Pay	\$ 83.20	Disapproved
1696-71-25	Ruth Mary Felton 1301 Country Club Road Indianola, Iowa Insurance	Undetermined	Disapproved
1720-71-25	James N. Jensen 1003 Central Avenue Fort Dodge, Iowa 50501 License Refund	\$ 50.00	Disapproved

PRESENTATION OF VISITORS

Skow of Guthrie presented to the House the Honorable Ernest Gilson, former member of the House representing Guthrie County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five seniors from YJB High School, Bagley, accompanied by Milt Peters and Ernie Gilson. By Skow of Guthrie.

Twenty-three students from Twin Rivers Community School District, Bode, accompanied by Dave Cady and Garvin Larson. By Mullins of Kossuth.

Forty student council members from Holmes Junior High School, Cedar Falls, accompanied by Dave Andreasen and Phyllis Carter. By Diemer of Black Hawk.

Fifty fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Sue Renaud. By Carpenter and Renaud of Polk.

Thirty-three eighth grade students from Glidden-Ralston Junior-Senior High School, Glidden, accompanied by Denny Ploeger and Larry Littlefield. By Blanshan of Greene.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA RAILWAY FINANCE AUTHORITY

The 1983 Annual report of the Iowa Railway Finance Authority, pursuant to Chapter 307B.8(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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 2496, a bill for an act relating to the schools subject to the provisions of chapter 601A on sex discrimination in education.

Fiscal note is not required.

Recommended: **Do Pass** March 29, 1984.

House Concurrent Resolution 114, a concurrent resolution urging the United States congress to enact the Sex Discrimination in Education Reform Act of 1984 and H.R. 5011.

Fiscal note is not required.

Recommended: **Do Pass** March 29, 1984.

Senate Joint Resolution 2001, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

Fiscal note is not required.

Recommended: **Amend and Do Pass with amendment H-5954** March 29, 1984.

AMENDMENTS FILED

H—5949	S.F.	2014	Lageschulte of Bremer
H—5950	S.F.	420	Parker of Jasper
			Varn of Johnson
H—5953	S.F.	2014	Carpenter of Polk
			Bennett of Ida
H—5954	S.J.R.	2001	Committee on
			State Government
H—5955	S.F.	420	Holveck of Polk
			Miller of Woodbury
H—5956	H.F.	2302	Senate Amendment
H—5957	H.F.	2211	Senate Amendment
H—5958	H.F.	2373	Senate Amendment
H—5959	H.F.	2468	Senate Amendment
H—5960	H.F.	2414	Senate Amendment
H—5961	H.F.	2401	Senate Amendment
H—5962	H.F.	2430	Senate Amendment
H—5963	H.F.	595	Senate Amendment
H—5964	H.F.	2183	Senate Amendment
H—5965	S.F.	2014	Van Gerpen of Black Hawk
H—5966	H.F.	2440	Senate Amendment
H—5967	H.F.	2463	Senate Amendment
H—5968	H.F.	2426	Senate Amendment
H—5969	H.F.	2272	Senate Amendment
H—5972	S.F.	2289	Welden of Hardin
H—5973	S.F.	2188	Stromer of Hancock
H—5974	S.F.	2238	Schroeder of Pottawattamie
H—5975	S.F.	2203	Running of Linn
			Varn of Johnson
			Renaud of Polk
			Diemer of Black Hawk
H—5976	S.F.	2203	Renaud of Polk
			Running of Linn
H—5977	S.F.	2203	Renaud of Polk
			Renken of Grundy
			Hanson of Delaware
			Corey of Louisa
			Parker of Jasper
			Gronstal of Pottawattamie
			Running of Linn
			Varn of Johnson
			Hermann of Scott
			Anderson of Audubon

H-5978	S.F.	2203	Renaud of Polk
			Running of Linn
			Hanson of Delaware
			Corey of Louisa
			Parker of Jasper
			Gronstal of Pottawattamie
H-5979	S.F.	2238	Schroeder of Pottawattamie
H-5980	S.F.	420	Varn of Johnson
H-5982	S.F.	2238	Pavich of Pottawattamie
			Schroeder of Pottawattamie
			Jay of Appanoose
			Brammer of Linn
			Varn of Johnson
H-5983	H.F.	2471	Senate Amendment
H-5985	S.F.	2272	Hammond of Story
			Jay of Appanoose
H-5986	S.F.	2259	Groninga of Cerro Gordo
			Blanshan of Greene
H-5987	S.F.	2259	McKean of Jones
H-5988	S.F.	2259	Lageschulte of Bremer
H-5989	S.F.	244	Halvorson of Clayton
			Grandia of Marion
			Handorf of Marshall
			Hummel of Benton
			Schnekloth of Scott
H-5990	H.F.	2515	O'Kane of Woodbury
H-5991	S.F.	2203	Running of Linn
			Renaud of Polk
			Varn of Johnson
H-5992	H.F.	540	Sturgeon of Woodbury
H-5993	S.F.	2203	Running of Linn
H-5995	H.F.	2509	Schnekloth of Scott
H-5996	S.F.	2259	Hummel of Benton
			Doderer of Johnson
H-5998	S.F.	2268	Connors of Polk
			Krewson of Polk
			Chapman of Linn
H-5999	S.F.	2289	Welden of Hardin
			Jochum of Dubuque
H-6000	H.F.	2456	Carter of Henry

On motion by Norland of Worth, the House adjourned at 5:28 p.m., until 9:00 a.m., Friday, March 30, 1984.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day—Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 30, 1984

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Don Frank, pastor of the First United Methodist Church, Jefferson.

The Journal of Thursday, March 29, 1984 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Avenson of Fayette, from one hundred thirty-six residents of Tama County favoring the Uniform School Opening bill.

By Connors of Polk from thirteen constituents favoring the Uniform School Opening bill.

By Running of Linn from constituents and members of Cedar Rapids chapter of Iowa Engineering Society favoring Senate File 2224.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Copenhaver of Buchanan; Shoultz of Black Hawk on request of Norland of Worth.

INTRODUCTION OF BILL

House File 2516, by committee on ways and means, a bill for an act to provide funding for the removal or encapsulation of asbestos by school districts.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Noncontroversial Calendar

The House resumed consideration of **Senate File 2122**, a bill for an act relating to county libraries, deferred on March 23, 1984.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H-5471 filed by him on March 7, 1984.

Connolly of Dubuque offered the following amendment H-5632 filed by him and Lageschulte of Bremer and moved its adoption:

H-5632

- 1 Amend Senate File 2122, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 2 the following:
 4 "NEW UNNUMBERED PARAGRAPH. A county library
 5 district may be terminated upon a majority vote of
 6 the electors of the unincorporated area of the county
 7 and the cities included in the county library district.
 8 The election shall be held upon motion of the board
 9 of supervisors and simultaneously with a general
 10 election."
 11 2. Page 2, by inserting after line 16 the
 12 following:
 13 "NEW UNNUMBERED PARAGRAPH. An election for
 14 withdrawal from or termination of a county library
 15 district shall not be held more than once each four
 16 years."

Amendment H-5632 was adopted.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2122)

The ayes were, 92:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors

Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Gruhn	Halvorson, R. A.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Chiodo	Copenhaver	Groth
Halvorson, R. N.	Hummel	Lonergan	Shultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2188, a bill for an act relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale, with report of committee recommending passage was taken up for consideration.

Stromer of Hancock offered the following amendment H—5973 filed by him and moved its adoption:

H—5973

- 1 Amend Senate File 2188 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Section 1. Section 321.52, subsection 3, Code
- 6 1983, is amended to read as follows:
- 7 3[†] When a vehicle for which a certificate of title
- 8 is issued is junked or dismantled by the owner, the

9 owner shall detach the registration plates and
 10 surrender the plates to the county treasurer, unless
 11 the plates are properly assigned to another vehicle.
 12 The owner shall also surrender the registration receipt
 13 and certificate of title to the county treasurer.
 14 Upon surrendering the certificate of title, the county
 15 treasurer shall issue to such person, without fee,
 16 a junking certificate, which shall authorize the
 17 holder to possess, transport or transfer ownership
 18 of the junked vehicle by endorsement of the junking
 19 certificate. A The county treasurer shall hold the
 20 surrendered certificate of title, registration receipt
 21 and, if applicable, the registration plates for a
 22 period of fourteen days following the issuance of
 23 a junking certificate under this subsection. Within
 24 the fourteen-day period the person who was issued
 25 the junking certificate and to whom the vehicle was
 26 titled or assigned may surrender to the county
 27 treasurer the junking certificate, and upon the
 28 person's payment of appropriate fees and taxes and
 29 payment of any credit for registration fees received
 30 by the person for the vehicle under section 321.46,
 31 subsection 3, the county treasurer shall issue to
 32 the person a restricted certificate of title for the
 33 vehicle. After the expiration of the fourteen-day
 34 period, a certificate of title shall not again be
 35 issued for the junked vehicle for which a junking
 36 certificate is issued. The county treasurer shall
 37 cancel the record of the vehicle and forward the
 38 certificate of title to the department."

39 2. Title page, line 3, by inserting after the
 40 word "resale" the following: "and allowing a county
 41 treasurer to issue, under certain circumstances, a
 42 restricted certificate of title to a person who was
 43 issued a junking certificate".

44 3. Renumber as necessary.

Amendment H—5973 was adopted.

Van Camp 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. 2188)

The ayes were, 96:

Anderson
 Black

Arnould
 Blanshan

Baxter
 Branstad

Bennett
 Buhr

Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Chiodo	Copenhaver	Shultz
---------	--------	------------	--------

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 2273**, a bill for an act to ratify and enter into an interstate compact between Iowa, Kansas, Missouri, and Nebraska for the development of the Missouri river for barge traffic, deferred March 23, 1984.

Pavich of Pottawattamie offered the following amendment H—5667 filed by him and moved its adoption:

H—5667

- 1 Amend Senate File 2273 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, lines 27 and 28, by striking the words
- 4 “, notwithstanding Article II of the compact”.

Amendment H—5667 was adopted.

Pavich 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. 2273)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schnekloth	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Chiodo	Copenhaver	Shoultz
Van Camp			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2155, a bill for an act relating to internal expense reporting and payroll procedures in the office of the auditor of state, with report of committee recommending passage was taken up for consideration.

Rensink 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. 2155)

The ayes were, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Chiodo	Copenhaver	Shultz
---------	--------	------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2238, a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties, with report of committee recommending passage was taken up for consideration.

Pavich of Pottawattamie offered the following amendment, H-5982 filed by Pavich, et al., and moved its adoption:

H—5982

1 Amend Senate File 2238 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 33 the
 4 following:
 5 "Sec. 3, Chapter 79, Code 1983, is amended by
 6 adding the following new section:
 7 NEW SECTION. REPRISALS PROHIBITED. A person shall
 8 not discharge an employee from or take or fail to
 9 take action regarding an employee's appointment or
 10 proposed appointment to, promotion or proposed
 11 promotion to, or any advantage in, a position in a
 12 state employment system administered by, or subject
 13 to approval of, a state agency as a reprisal for a
 14 disclosure of information by that employee to a member
 15 of the general assembly, the legislative service
 16 bureau, the legislative fiscal bureau or the respective
 17 caucus staffs of the general assembly, or a disclosure
 18 of information which the employee reasonably believes
 19 evidences a violation of law or rule, mismanagement,
 20 a gross abuse of funds, an abuse of authority, or
 21 a substantial and specific danger to public health
 22 or safety. This subsection does not apply if the
 23 disclosure of that information is prohibited by
 24 statute."

Amendment H—5982 was adopted.

Jay of Appanoose offered the following amendment H—5875
 filed by him and Schroeder of Pottawattamie and moved its adop-
 tion:

H—5875

1 Amend Senate File 2238 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 9, by inserting after line 12 the
 4 following:
 5 "Sec. . Section 321.135, Code 1983, is amended
 6 to read as follows:
 7 321.135 WHEN FEES DELINQUENT. Such delinquencies
 8 shall Delinquencies begin and penalty penalties accrue
 9 the first of the month following the purchase of a
 10 new vehicle, and the first of the month following
 11 the date cars are a vehicle is brought into the state,
 12 except as herein otherwise provided."
 13 2. By renumbering sections as necessary.

Amendment H—5875 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5974 filed by him:

H—5974

1 Amend Senate File 2238, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 10, by inserting after line 32 the
4 following:
5 "Sec. NEW SECTION. 31.270 ACCIDENTS EXEMPT
6 FROM RECORDS. Notwithstanding sections 321.200 and
7 321A.3, a motor vehicle accident involving a motor,
8 vehicle operated by a peace officer as defined under
9 section 801.4, or by a member of a fire department
10 as defined under section 321.423, shall not be included
11 as part of the operating record of the peace officer
12 or fire department member if the accident occurred
13 on or after the effective date of this Act, and if
14 all of the following criteria are met:
15 1. The peace officer or the fire department member
16 was involved in the performance of official duties
17 at the time the accident occurred.
18 2. The peace officer or the fire department member
19 was responding to what the officer or member reasonably
20 believed to be a bona fide emergency situation when
21 the accident occurred.
22 3. The peace officer or the fire department member
23 exercised all due care under the circumstances involved
24 in the accident.
25 However, this section does not apply if the officer
26 or member is found guilty of a public offense in
27 connection with the accident.
28 The peace officer or the fire department member
29 desiring that an accident be excluded from the person's
30 operating record under this section, shall request
31 the exclusion in writing and the request shall be
32 attached to the written report of the accident
33 forwarded to the department under section 321.266."

Chapman of Linn rose on a point of order that amendment H—5974 was not germane.

The Speaker ruled the point well taken and amendment H—5974 not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5979 filed by him on March 29, 1984.

Chapman moved that the bill be read a last time now and 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, 96:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Knapp	Koenigs	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Maulsby	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	O'Kane	Ollie
Osterberg	Oxley	Parker	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tabor	Tofte	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Zimmerman	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Chiodo	Hermann	Shoultz
---------	--------	---------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2182 DEFERRED

Norland of Worth asked and received unanimous consent that Senate File 2182 be deferred and that the bill retain its place on the calendar.

Senate File 256, a bill for an act permitting the Code editor to editorially correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 256)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Haverland	Hermann
Hoffmann-Bright	Holveck	Hughes	Hummel
Jay	Jochum	Knapp	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Paulin
Pavich	Peick	Pellett	Poncy
Renaud	Renken	Rensink	Rosenberg
Royer	Running	Schneklath	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Van Maanen	Varn	Welden
Woods	Zimmerman	Mr. Speaker	

The nays were, 1:

Schroeder

Absent or not voting, 4:

Brammer

Menke

Parker

Shultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 400, a bill for an act relating to the appointment of the director of the office of planning and programming, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on Senate File 400 and that the bill retain its place on the calendar.

Senate File 2135, a bill for an act relating to the electric transmission line, wire, or cable franchises and making civil penalties applicable, 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. 2135)

The ayes were, 97:

Anderson	Baxter	Bennett	Black
Blanshan	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schneklath
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Arnould Brammer Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2276, a bill for an act relating to the state board of engineering examiners, with report of committee recommending passage was taken up for consideration.

Chapman 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. 2276)

The ayes were, 94:

Anderson	Arnould	Baxter	Bennett
Black	Branstad	Buhr	Carl
Carpenter	Carter	Chapman	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Pellett	Poncy
Renaud	Rensink	Rosenberg	Royer
Running	Schneklath	Schroeder	Sherzan
Skow	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Tofte	Torrence	Van Camp
Van Gerpen	Varn	Welden	Woods
Zimmerman	Mr. Speaker		

The nays were, 2:

Renken Van Maanen

Absent or not voting, 4:

Blanshan

Brammer

Paulin

Shultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2153, a bill for an act relating to drainage district expenses and assessments, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2153 be deferred and placed on the unfinished business calendar.

Senate File 407, a bill for an act relating to the eligibility for and annuities of the senior judge program, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 407 be deferred and placed on the unfinished business calendar.

Senate File 2095, a bill for an act providing a penalty for violation of requirements for setting aside handicapped parking spaces, with report of committee recommending passage was taken up for consideration.

Carl of Poweshiek offered the following amendment H-5931 filed by her:

H-5931

- 1 Amend Senate File 2095 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 5 the following:
- 4 "Sec. Section 321.257, subsection 2,
- 5 paragraphs b, e and f, Code 1983, are amended to read
- 6 as follows:
- 7 b. A "steady circular yellow" or "steady yellow
- 8 arrow" light means vehicular traffic is warned that
- 9 the related green movement is being terminated and
- 10 vehicular traffic shall no longer proceed into the
- 11 intersection and shall stop. If the stop cannot be

12 made in safety, a vehicle may be driven cautiously
 13 through the intersection, however, the vehicle shall
 14 yield the right of way to pedestrians already in the
 15 intersection. Pedestrian traffic is warned that there
 16 is insufficient time to cross the intersection and
 17 any pedestrian starting to cross the roadway shall
 18 yield the right of way to all vehicles.

19 e. A "flashing circular red" light means vehicular
 20 traffic shall stop and after stopping may proceed
 21 cautiously through the intersection yielding to all
 22 vehicles not required to stop or yield which are
 23 within the intersection or approaching so closely
 24 as to constitute a hazard, but then may proceed
 25 yielding to pedestrians lawfully within the
 26 intersection.

27 f. A "flashing yellow" light means vehicular
 28 traffic shall proceed through the intersection or
 29 past such signal with caution yielding to pedestrians
 30 lawfully within the intersection.

31 Sec. . Section 321.327, Code 1983, is amended
 32 to read as follows:

33 321.327 PEDESTRIANS RIGHT OF WAY. Where traffic-
 34 control signals as provided in section 321.257 are
 35 not in place or in operation the driver of a vehicle
 36 shall yield the right of way, slowing down or stopping
 37 if need be to ~~so~~ yield, to a pedestrian crossing the
 38 roadway within any marked crosswalk or within any
 39 an unmarked crosswalk at an intersection or within
 40 a marked crosswalk, except as otherwise provided in
 41 this chapter."

42 2. Title page, line 1, by inserting after the
 43 word "Act" the words "relating to transportation laws
 44 by clarifying pedestrian rights at crosswalks and
 45 intersections and by".

46 3. Renumber as necessary.

Van Camp of Scott offered the following amendment H—6001, to
 amendment H—5931, filed by him from the floor and moved its
 adoption:

H—6001

1 Amend House amendment H—5931 to Senate File 2095
 2 as passed by the Senate as follows:

3 1. Page 1, by striking line 4 and inserting in
 4 lieu thereof the following:

5 " "Sec. . Section 321.46, subsection 3,
 6 unnumbered paragraph 1, Code Supplement 1983, is
 7 amended to read as follows:

8 3. The applicant shall be entitled to a credit

9 for that portion of the registration fee of the vehicle
 10 sold, traded, or junked within the state which had
 11 not expired prior to the transfer of ownership of
 12 the vehicle. The registration fee for the new
 13 registration for the vehicle acquired shall be reduced
 14 by the amount of the credit. The credit shall be
 15 computed on the basis of the number of months remaining
 16 in the registration year, rounded to the nearest whole
 17 dollar. The credit shall be subject to the following
 18 limitations:
 19 Sec. . Section 321.257, subsection 2,".

Amendment H—6001 was adopted.

Harbor of Mills rose on a point of order that amendment H—5931 was not germane.

The Speaker ruled the point well taken and amendment H—5931, as amended, not germane.

Torrence 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. 2095)

The ayes were, 97:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Copenhaver	Corey
Daggett	Davitt	De Groot	Diemer
Doderer	Fey	Fogarty	Grandia
Groninga	Gronstal	Groth	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Handorf
Hanson	Harbor	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Lonerган	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Skow	Spear

Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Taber	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Welden	Woods	Zimmerman
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brammer	Haverland	Shoultz
---------	-----------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2121, a bill for an act relating to the establishment of a state historic building code, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2121)

The ayes were, 91:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Chiodo	Clark	Cochran	Connolly
Connors	Cooper	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McIntee
McKean	Menke	Miller	Muhlbauer
Mullins	Norland	Ollie	Osterberg
Oxley	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Rensink
Rosenberg	Royer	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Taber	Tofte	Torrence

Van Camp
Woods

Van Gerpen
Zimmerman

Van Maanen
Mr. Speaker

Varn

The nays were, 5:

Maulsby
Welden

O'Kane

Renken

Running

Absent or not voting, 4:

Brammer

Copenhaver

Parker

Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2102, a bill for an act relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2102 be deferred and placed on the unfinished business calendar.

Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 244 be deferred and placed on the unfinished business calendar.

Senate File 2203, a bill for an act to allow a person who is an instructor or proprietor at a licensed school of cosmetology to serve on the board of cosmetology examiners, with report of committee recommending passage was taken up for consideration.

Mullins of Kossuth in the chair at 10:08 a.m.

Running of Linn offered the following amendment H—5993 filed by him and moved its adoption:

H—5993

- 1 Amend Senate File 2203 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word "three"
- 4 and inserting in lieu thereof the word "five".

A non-record roll call was requested.

The ayes were 23, nays 58.

Amendment H—5993 lost.

Renaud of Polk asked and received unanimous consent to temporarily defer on amendment H—5978.

Running of Linn offered the following amendment H—5975 filed by Running, et al., and moved its adoption:

H—5975

- 1 Amend Senate File 2203 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 27, by inserting after the figure
- 4 "11." the following: "An examiner shall not have
- 5 a financial interest in or be a proprietor or an
- 6 instructor at a licensed school of cosmetology which
- 7 solicits from or performs services of the profession
- 8 for the public in an attempt to gain a profit."

A non-record roll call was requested.

The ayes were 30, nays 44.

Amendment H—5975 lost.

Norland of Worth asked and received unanimous consent that Senate File 2203 be deferred and placed on the unfinished business calendar.

Senate File 2237, a bill for an act relating to the appointment, terms, retention and qualifications of magistrates, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5822 filed by the committee on judiciary and law enforcement:

H—5822

- 1 Amend Senate File 2237 as passed by the Senate
- 2 as follows:

- 3 1. Page 1, line 4, by striking the word "odd"
- 4 and inserting in lieu thereof the word "even".
- 5 2. Page 2, line 18, by striking the figure "1984"
- 6 and inserting in lieu thereof the figure "1986".
- 7 3. Page 2, line 33, by striking the figure "1984"
- 8 and inserting in lieu thereof the figure "1986".

McKean of Jones asked and received unanimous consent to withdraw amendment H-5845, to the committee amendment H-5822, filed by him on March 26, 1984.

On motion by Hammond of Story, the committee amendment H-5822 was adopted.

McKean of Jones offered the following amendment H-5844 filed by him:

H-5844

- 1 Amend Senate File 2237 as follows:
- 2 1. Page 1, by striking everything after the
- 3 enacting clause and inserting in lieu thereof the
- 4 following:
- 5 "Section 1. NEW SECTION. 602.6406 APPEAL FOR
- 6 FAILURE TO BE REAPPOINTED. If a magistrate appointed
- 7 pursuant to section 602.6403 seeks but fails to be
- 8 reappointed, and the magistrate feels that the failure
- 9 to be reappointed was due to factors other than
- 10 performance or qualification, the magistrate may
- 11 appeal to an appointment panel for reappointment.
- 12 An appointment panel shall consist of the court
- 13 administrator, the chief judge of the judicial district
- 14 in which the magistrate serves and a district judge
- 15 of the judicial district in which the magistrate
- 16 serves. If the panel determines that the magistrate
- 17 was refused reappointment for reasons other than
- 18 performance or qualification, the panel may reappoint
- 19 the magistrate to serve pursuant to section 602.6403." "

McKean of Jones offered the following amendment H-6004, to amendment H-5844, filed by him from the floor and moved its adoption:

H-6004

- 1 Amend amendment H-5844 to Senate File 2237 as
- 2 follows:
- 3 1. Page 1, line 19, by adding after the numeral

- 4 "602.6403." the following: "The supreme court shall
 5 promulgate rules, according to the procedure provided
 6 for in section 602.4202, governing the time and method
 7 for making such appeals."

Amendment H—6004 was adopted.

On motion by McKean of Jones, amendment H—5844, as amended, lost.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2237)

The ayes were, 88:

Anderson	Arnould	Avenson	Baxter
Black	Blanshan	Buhr	Carl
Carpenter	Chapman	Chiodo	Clark
Cochran	Connolly	Connors	Cooper
Copenhaver	Corey	Daggett	Davitt
De Groot	Diemer	Doderer	Fey
Fogarty	Grandia	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Handorf	Hanson	Harbor
Haverland	Hermann	Hoffmann-Bright	Holveck
Hughes	Hummel	Jay	Jochum
Koenigs	Lageschulte	Lonergan	Maulsby
McIntee	Miller	Muhlbauer	Norland
O'Kane	Ollie	Osterberg	Oxley
Parker	Paulin	Pavich	Peick
Pellett	Poncy	Renaud	Renken
Rensink	Rosenberg	Royer	Running
Schnekloth	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Tofte
Torrence	Van Camp	Van Gerpen	Van Maanen
Varn	Woods	Zimmerman	Madam Speaker (Mullins)

The nays were, 9:

Bennett	Branstad	Carter	Knapp
Krewson	McKean	Menke	Schroeder
Welden			

Absent or not voting, 3:

Brammer

Lloyd-Jones

Shultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2272, a bill for an act relating to modification of orders made in proceedings for dissolution of marriage, annulment or separate maintenance, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered amendment H—5985 filed by her and Jay of Appanoose. Division was requested as follows:

H—5985

- 1 Amend Senate File 2272 as passed by the Senate
- 2 as follows:

H—5985A

- 3 1. Page 1, line 5, by inserting after the word
- 4 “circumstances” the words “which was not contemplated
- 5 at the time the order was issued or the time of the
- 6 most recent hearing on the order”.

H—5985B

- 7 2. Page 1, line 9, by striking the word “shall”
- 8 and inserting in lieu thereof the word “may”.

On motion by Hammond of Story, amendment H—5985A was adopted.

Hammond of Story moved the adoption of amendment H—5985B.

A non-record roll call was requested.

The ayes were 50, nays 28.

Amendment H—5985B was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2272)

The ayes were, 69:

Arnould	Avenson	Baxter	Buhr
Carl	Carpenter	Carter	Chiodo
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Diemer
Doderer	Fey	Groninga	Gronstal
Groth	Gruhn	Halvorson, R. N.	Hammond
Hanson	Haverland	Hoffmann-Bright	Holveck
Hughes	Jay	Jochum	Koenigs
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McIntee	McKean	Miller
Muhlbauer	Norland	O'Kane	Ollie
Osterberg	Oxley	Paulin	Pavich
Peick	Renaud.	Rosenberg	Royer
Running	Sherzan	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Torrence	Van Camp
Van Gerpen	Varn	Woods	Zimmerman
Madam Speaker (Mullins)			

The nays were, 27:

Anderson	Bennett	Black	Blanshan
Branstad	Chapman	Daggett	De Groot
Fogarty	Grandia	Halvorson, R. A.	Handorf
Harbor	Hermann	Hummel	Knapp
Menke	Pellet	Pony	Renken
Rensink	Schneklath	Schroeder	Skow
Tabor	Van Maanen	Welden	

Absent or not voting, 4:

Brammer	Davitt	Parker	Shoultz
---------	--------	--------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 11:07 a.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1984, passed the following bill in which the concurrence of the Senate was asked:

House File 573, a bill for an act providing for the disposition of personal property in the possession of the department of public safety.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2415, a bill for an act providing for the creation of a home equity line of credit and priority of advances under mortgages securing the home equity line of credit.

Also: That the Senate has on March 28, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2439, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license.

Also: That the Senate has on March 30, 1984, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 107, requesting the executive council and historical department to accept gifts of interests in the Matthew Edel property.

K. MARIE THAYER, Secretary

On motion by Norland of Worth, the House was recessed at 11:08 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Appropriations Calendar

Norland of Worth asked and received unanimous consent for the immediate consideration of **House File 2511**, a bill for an act relating to and making appropriations to the auditor of state and the treasurer of state and providing an effective date.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2511)

The ayes were, 95:

Anderson	Arnould	Baxter	Bennett
Black	Blanshan	Branstad	Buhr
Carl	Carpenter	Carter	Chapman
Clark	Cochran	Connolly	Connors
Cooper	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Fey	Fogarty	Grandia	Groninga
Gronstal	Groth	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Handorf	Hanson
Harbor	Haverland	Hermann	Hoffmann-Bright
Holveck	Hughes	Hummel	Jay
Jochum	Knapp	Koenigs	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Maulsby
McIntee	McKean	Menke	Miller
Muhlbauer	Mullins	Norland	O'Kane
Ollie	Osterberg	Oxley	Parker
Paulin	Pavich	Peick	Pellett
Poncy	Renaud	Renken	Rensink
Rosenberg	Royer	Running	Schnekloth
Schroeder	Sherzan	Skow	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tabor	Torrence
Van Camp	Van Gerpen	Van Maanen	Varn
Welden	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Chiodo	Shultz	Tofte
Zimmerman			

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:

Torrence of Muscatine on request of Bennett of Ida; Hoffmann-Bright of Muscatine on request of Stromer of Hancock; Tofte of Winneshiek on request of Van Camp of Scott, all for the remainder of the day.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 117

Norland of Worth asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 117, relating to the bonding authority of the state board of regents.

Norland of Worth asked and received unanimous consent that House Concurrent Resolution 117 be temporarily deferred.

The House resumed consideration of **Senate File 400**, a bill for an act relating to the appointment of the director of the office of planning and programming, temporarily deferred.

Blanshan of Greene asked and received unanimous consent to consider amendment H—6003 filed by him from the floor as follows:

H—6003

- 1 Amend Senate File 400 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word "salary"
- 4 the following: "within the range".

On motion by Blanshan of Greene, amendment H—6003 was adopted.

Blanshan 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. 400)

The ayes were, 62:

Arnould	Baxter	Black	Blanshan
Buhr	Carl	Carter	Chapman
Chiodo	Cochran	Connolly	Connors
Cooper	Copenhaver	Davitt	De Groot
Diemer	Doderer	Fey	Fogarty
Gronstal	Groth	Gruhn	Halvorson, R. N.
Hammond	Handorf	Hanson	Haverland
Hermann	Holveck	Hughes	Jay
Jochum	Knapp	Koenigs	Lloyd-Jones
Lonergan	Miller	Muhlbauer	Norland
Ollie	Osterberg	Oxley	Parker
Pavich	Peick	Poncy	Renaud
Rosenberg	Running	Sherzan	Skow
Spear	Sturgeon	Sullivan	Swartz
Tabor	Van Camp	Van Gerpen	Varn
Woods	Mr. Speaker		

The nays were, 32:

Anderson	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	Grandia

Groninga	Halvorson, R. A.	Harbor	Hummel
Krewson	Lageschulte	Maulsby	McIntee
McKean	Menke	Mullins	O'Kane
Paulin	Pellett	Renken	Rensink
Royer	Schnekloth	Schroeder	Stromer
Stueland	Swearingen	Van Maanen	Welden

Absent or not voting, 6:

Brammer	Hoffmann-Bright	Shoultz	Tofte
Torrence	Zimmerman		

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 the membership of the Iowa development commission, (temporarily deferred) with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2182 be deferred and placed on the unfinished business calendar.

Senate File 2254, a bill for an act relating to the state employee suggestion system, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2254 be deferred and placed on the unfinished business calendar.

Senate File 2232, a bill for an act relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2232 be deferred and placed on the unfinished business calendar.

Senate File 32, a bill for an act to prohibit the recording of speeding tickets for certain violations ten miles per hour or less over the posted limit, subject to a penalty provided by law, with report of committee recommending amendment and passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 32 be deferred and placed on the unfinished business calendar.

Senate File 2289, a bill for an act relating to the involvement of the state in a world trade center, with report of committee recommending passage was taken up for consideration.

Norland of Worth asked and received unanimous consent that Senate File 2289 be deferred and placed on the unfinished business calendar.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 117

The House resumed consideration of House Concurrent Resolution 117, relating to the bonding authority of the state board of regents, temporarily deferred.

Norland of Worth asked and received unanimous consent to suspend the rules for the immediate consideration of amendment H-6008.

Welden of Hardin offered the following amendment H-6008 filed from the floor by him and Jochum of Dubuque, and moved its adoption:

H-6008

- 1 Amend House Concurrent Resolution 117 as follows:
- 2 1. Page 2, by adding after line 11 the following:
- 3 "It is the intent of the legislature that any amount
- 4 expended for fire safety deficiency corrections or mech-
- 5 anical engineering equipment shall be in addition to,
- 6 not in place of, the amounts included in the regents'
- 7 operating budget."

Amendment H-6008 was adopted.

Poncy of Wapello moved the adoption of the resolution, as amended.

A non-record roll call was requested.

The ayes were 63, nays 22.

The motion prevailed and the resolution, as amended, was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 113

Connors of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 113 relating to adoption, and moved its adoption.

The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER PREVAILED (Senate File 2291)

Chiodo of Polk called up for consideration the motion to reconsider Senate File 2291, filed on March 28, 1984, and moved to reconsider the vote by which Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, failed to pass the House and was placed on its last reading on March 28, 1984.

The House stood at ease at 2:20 p.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider Senate File 2291 at 3:17 p.m., Speaker Avenson in the chair.

On the motion to reconsider, a non-record roll call was requested.

The ayes were 57, nays 18.

The motion prevailed and the House reconsidered Senate File 2291, placing out of order the motion to reconsider Senate File 2291 filed by Stromer of Hancock on March 28, 1984.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cooper of Lucas, for the remainder of the day, on request of Muhlbauer of Crawford; Lageschulte of Bremer on request of Pellett of Cass.

Tabor of Jackson in the chair at 3:21 p.m.

Speaker Avenson in the chair at 3:45 p.m.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 76 was invoked.

On the question "Shall the bill pass?" (S.F. 2291)

The ayes were, 57:

Arnould	Baxter	Bennett	Black
Blanshan	Branstad	Buhr	Carpenter
Carter	Chapman	Chiodo	Clark
Cochran	Copenhaver	Diemer	Fey
Groninga	Gronstal	Halvorson, R. A.	Halvorson, R. N.
Hanson	Harbor	Haverland	Hermann
Hummel	Jay	Jochum	Koenigs
Krewson	Lloyd-Jones	Loneragan	McIntee
Menke	Muhlbauer	Norland	O'Kane
Ollie	Parker	Pavich	Pellett
Renken	Royer	Schneklath	Schroeder
Sherzan	Skow	Spear	Stromer
Sturgeon	Sullivan	Swartz	Swearingen
Tabor	Van Gerpen	Varn	Welden
Mr. Speaker			

The nays were, 33:

Anderson	Connolly	Connors	Corey
Daggett	Davitt	De Groot	Doderer
Fogarty	Grandia	Groth	Gruhn
Hammond	Handorf	Holveck	Hughes
Knapp	Maulsby	Miller	Mullins
Osterberg	Oxley	Paulin	Peick
Poncy	Renaud	Rensink	Rosenberg
Running	Stueland	Van Camp	Van Maanen
Woods			

Absent or not voting, 10:

Brammer	Carl	Cooper	Hoffmann-Bright
Lageschulte	McKean	Shoultz	Tofte
Torrence	Zimmerman		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 2291)

Norland of Worth asked and received unanimous consent to immediately message Senate File 2291 to the Senate.

MOTION TO RECONSIDER
(Senate File 2188)

I move to reconsider the vote by which Senate File 2188 passed the House on March 30, 1984.

STROMER of Hancock

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, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 422, a bill for an act relating to joint exercise of powers by public agencies for public works and facilities.

Also: That the Senate has on March 29, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2015, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo.

Also: That the Senate has on March 28, 1984, amended and failed to pass the following bill in which the concurrence of the Senate was asked:

House File 2279, a bill for an act relating to regulation of taxicabs by cities.

Also: That the Senate has on March 30, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2348, a bill for an act relating to correctional procedures by expanding the circumstances under which home work release may be granted.

Also: That the Senate has on March 30, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2385, a bill for an act relating to the frequency of inspection of grain dealers.

Also: That the Senate has on March 30, 1984, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2467, a bill for an act relating to administrative procedures for establishment, determination, and collection of certain child support debts.

K. MARIE THAYER, Secretary

SUBCOMMITTEE ASSIGNMENTS

House File 2481

Finance: Doderer, Chair; Branstad and Connolly.

House File 2504

Finance: Doderer, Chair; Branstad and Norland.

House File 2506

Finance: Connolly, Chair; Chiodo and Krewson.

House File 2511

Finance: Jochum, Chair; Arnould and Krewson.

House Concurrent Resolution 117

Finance: Jochum, Chair; Branstad and Connolly.

Senate File 2330

Ways and Means: Doderer, Chair; Carpenter, De Groot, Osterberg and Rosenberg.

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.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2330, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating

references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-6024, March 30, 1984.

Pursuant to House Rule 31.7, Senate File 2330 was referred to the committee on appropriations.

RESOLUTION FILED

HCR 118, by Hummel, Copenhaver, Halvorson of Clayton, Jochum, Harbor and Fey, a concurrent resolution amending the joint rules to provide for explanations on reprinted bills.

Referred to committee on **Rules and Administration**.

AMENDMENTS FILED

H-6002	S.F.	32	Carter of Henry
H-6005	H.F.	2172	Schnekloth of Scott Hermann of Scott Doderer of Johnson
H-6006	H.F.	2439	Senate Amendment
H-6007	H.F.	2415	Senate Amendment
H-6009	H.F.	2373	Lloyd-Jones of Johnson
H-6010	S.F.	2203	Renaud of Polk Running of Linn
H-6011	H.F.	2385	Senate Amendment
H-6012	H.F.	2467	Senate Amendment
H-6013	H.F.	2348	Senate Amendment
H-6014	H.F.	2015	Senate Amendment
H-6015	H.F.	422	Senate Amendment
H-6016	H.F.	2508	Spear of Lee
H-6017	S.F.	32	Woods of Polk
H-6018	H.F.	2508	Spear of Lee

H-6019	H.F.	2508	Spear of Lee
H-6020	H.F.	2508	Spear of Lee
H-6021	H.F.	2508	Spear of Lee
H-6022	S.F.	2259	Groth of Buena Vista
H-6023	H.F.	2508	Spear of Lee
H-6024	S.F.	2330	Committee on Ways and Means
H-6025	H.F.	2508	Spear of Lee

On motion by Norland of Worth, the House adjourned at 3:50 p.m., until 10:00 a.m., Monday, April 2, 1984.