

State of Iowa

1976

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1976

**REGULAR SESSION
SIXTY-SIXTH
GENERAL ASSEMBLY**

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Adjourned May 29, 1976

**ROBERT D. RAY, Governor
ARTHUR A. NEU, President of the Senate
DALE M. COCHRAN, Speaker of the House**

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STATE OF IOWA
Des Moines**

SIXTY-SIXTH GENERAL ASSEMBLY

1976 Regular Session

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DINO MASOLINI, <i>Postmaster</i>	Des Moines

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, <i>Governor</i>	Des Moines
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MELVIN D. SYNHORST, <i>Secretary of State</i>	Des Moines
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ROBERT H. LOUNSBERRY, <i>Secretary of Agriculture</i>	McCallsburg
RICHARD C. TURNER, <i>Attorney General</i>	West Des Moines

JUSTICES OF THE IOWA SUPREME COURT

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M. L. MASON, <i>Justice</i>	Mason City
MAURICE E. RAWLINGS, <i>Justice</i>	Sioux City
CLAY LeGRAND, <i>Justice</i>	LeClaire
WARREN J. REES, <i>Justice</i>	Anamosa
HARVEY UHLENHOPP, <i>Justice</i>	Hampton
W. W. REYNOLDSON, <i>Justice</i>	Osceola
K. DAVID HARRIS, <i>Justice</i>	Jefferson
MARK McCORMICK, <i>Justice</i>	Des Moines

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION

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SENATORS

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Andersen, Leonard C.	Sioux City	64	Insurance, Real Estate, Investments	26—Woodbury, Monona	59, 60, 60X, 62, 63, 64, 65, 66 (1-S)
Bergman, Irvin L.	Harris	64	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65, 66 (1-S)
Briles, James E.	Corning	49	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Burroughs, Cliff	Greene	58	Securities Sales	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65 (2-S), 66 (1-S)
Carr, Robert M.	Dubuque	38	Stockbroker	10—Dubuque	65, 66 (1-S)
Coleman, C. Joseph	Clare	52	Farmer	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Culver, Louis P.	Dunlap	67	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	66 (1-S)
Curtis, Warren E.	Cherokee	61	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65, 66 (1-S)
DeKoster, Lucas J.	Hull	57	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65, 66 (1-S)
Doderer, Minnette	Iowa City	52	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65, 66 (1-S)
Gallagher, James V.	Jesup	42	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65, 66 (1-S)
Glenn, Gene W.	Ottumwa	47	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	61, 62, 63, 64, 65, 66 (1-S)
Gluba, William E.	Davenport	33	Lawmaker-Realtor	41—Scott	64, 65, 66 (1-S)
Griffin, James W., Sr.	Council Bluffs	40	Insurance Executive	50—Pottawattamie	63, 64, 65, 66 (1-S)
Hansen, Willard R.	Cedar Falls	44	General Insurance, Real Estate	18—Black Hawk	63, 64, 65, 66 (1-S)
Heying, Hilarius L.	West Union	61	Businessman, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	61, 62, 65, 66 (1-S)
Hill, Eugene M.	Newton	62	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Hill, Philip B.	Des Moines	44	Lawyer	33—Polk	64, 65, 66 (1-S)
Hultman, Calvin O.	Red Oak	34	Retail Lumberman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65, 66 (1-S)
Junkins, Lowell L.	Montrose	31	Home Construction and Real Estate Developer, Ambulance Service Operator	43—Lee, Des Moines, Henry	65, 66 (1-S)

(1-S) Denotes 1975 Regular Session

(2-S) Denotes 1974 Regular Session

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Kelly, E. Kevin	Sioux City	32	Attorney—Trust Officer	25—Woodbury, Cherokee, Plymouth	64, 65, 66 (1-S)
Kinley, George R.	Des Moines	38	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	64, 65, 66 (1-S)
Lamborn, Clifton C.	Maquoketa	56	Road Contractor	12—Jackson, Cedar, Clinton, Johnson, Jones, Scott	62, 63, 64, 65, 66 (1-S)
Merritt, Milo	Osage	60	Real Estate Salesman	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	66 (1-S)
Miller, Charles P.	Burlington	57	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Miller, Elizabeth R.	Marshalltown	70	Homemaker, Legislator	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65, 66 (1-S)
Murray, John S.	Ames	36	Attorney	21—Story, Boone, Polk	65, 66 (1-S)
Nolin, Karl	Ralston	68	Consultant	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	62, 65, 66 (1-S)
Nolting, Fred W.	Waterloo	43	Meat Cutter	17—Black Hawk	63, 66 (1-S)
Norpel, Richard J., Sr.	Bellevue	57	Real Estate and Insurance Salesman, Owner Women's Clothing Store	11—Jackson, Delaware, Dubuque, Jones	64, 65, 66 (1-S)
Nystrom, John N.	Boone	42	Auto Dealer	22—Boone, Greene, Hamilton, Story, Webster	64, 65, 66 (1-S)
Orr, Joan	Grinnell	52	Legislator	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63 (2-S), 65, 66 (1-S)
Palmer, William D.	Des Moines	40	President Ins. Agency	32—Polk	61, 62, 63, 64, 65, 66 (1-S)
Plymat, William N.	Urbandale	64	Insurance Co. Executive	30—Polk	65, 66 (1-S)
Priebe, Berl E.	Algona	57	Farmer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66 (1-S)
Rabedeaux, W. R.	Wilton	56	Pres. Publishing Co.; Director, Power Co.	38—Muscatine, Johnson, Louisa, Scott	63 (2-S), 64, 65, 66 (1-S)
Ramsey, Richard R.	Osceola	34	Attorney	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66 (1-S)
Redmond, James M.	Cedar Rapids	33	Attorney	13—Linn, Johnson	66 (1-S)
Robinson, Cloyd E.	Cedar Rapids	37	Production Line Operator	14—Linn, Benton	64, 65, 66 (1-S)

(1-S) Denotes 1975 Regular Session

(2-S) Denotes 1970 Regular Session

SENATORS

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Rodgers, Norman G.	Adel	48	Farmer	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65, 66 (1-S)
Schwengels, Forrest V.	Fairfield	60	Real Estate	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66 (1-S)
Scott, Kenneth D.	Thornton	45	Farmer, Auctioneer, Real Estate	6—Cerro Gordo, Worth	64, 65, 66 (1-S)
Shaff, Roger J.	Camanche	64	Farmer	39—Clinton, Scott	62, 63, 64, 65, 66 (1-S)
Shaw, Elizabeth	Davenport	52	Lawyer, Housewife	40—Scott	62, 63, 64, 65, 66 (1-S)
Sovern, Steve	Marion	33	Manager (Pres.) Sign Company	15—Linn	66 (1-S)
Taylor, Ray	Steamboat Rock	52	Farmer	5—Hardin, Cerro Gordo, Franklin, Hancock, Wright	65, 66 (1-S)
Tieden, Dale L.	Elkader	53	Farmer	9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66 (1-S)
Van Gilst, Bass	Oskaloosa	64	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66 (1-S)
Willits, Earl M.	Des Moines	29	Attorney	31—Polk	64, 65, 66 (1-S)
Winkelman, William P.	Lohrville	42	Farmer	24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)

(1-S) Denotes 1975 Regular Session

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SENATORS

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	30	Teacher	99th—Jasper, Marion, Polk, Warren	66 (1-S)
Avenson, Donald D.	Oelwein	31	Office Manager	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66 (1-S)
Baker, Keith	Linn Grove	46	Farmer	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	66 (1-S)
Bennett, Wayne	Galva	48	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66 (1-S)
Bina, Robert F.	Davenport	35	Artist	80th—Scott	66 (1-S)
Binneboese, Donald*	Hinton	52	Farmer	49th—Cherokee, Plymouth, Woodbury	None
Bittle, Edgar H.	West Des Moines	33	Attorney	66th—Polk	65, 66 (1-S)
Bortell, Glen E.	St. Charles	61	Owner & Operator of Summer Camp	58th—Adair, Clarke, Dallas, Madison, Warren	63 (2-S), 65, 66 (1-S)
Brandt, Diane	Cedar Falls	37	Legislator	35th—Black Hawk	66 (1-S)
Branstad, Terry E.	Lake Mills	29	Lawyer	8th—Emmet, Hancock, Kossuth, Winnebago	65, 66 (1-S)
Brockett, Glenn F.	Marshalltown	65	Retired	39th—Marshall	65, 66 (1-S)
Brunow, John B.	Centerville	26	Sales Manager	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	65, 66 (1-S)
Byerly, Richard L.	Ankeny	37	College Administrator	61st—Polk	65, 66 (1-S)
Caffrey, James T.†	Des Moines	67	Retired	67th—Polk	61, 62, 63, 65, 66 (1-S)
Clark, John H.	Keokuk	29	Insurance Agent	86th—Lee, Henry	64, 65, 66 (1-S)
Cochran, Dale M.	Eagle Grove	47	Farmer, Businessman	45th—Webster, Humboldt	61, 62, 63, 64, 65, 66 (1-S)
Connors, John H.	Des Moines	52	Captain—Fire Department	64th—Polk	65, 66 (1-S)
Crabb, Frank	Denison	72	Retired Business Executive	53rd—Crawford, Harrison, Monona	63, 65, 66 (1-S)
Crawford, Reid W.	Ames	24	Legislator	42nd—Boone, Polk, Story	65, 66 (1-S)
Cusack, Gregory D.	Davenport	32	Community Organizer	81st—Scott	65, 66 (1-S)
Daggett, Horace	Kent	44	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66 (1-S)
Danker, Arlyn E.	Minden	46	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66 (1-S)
Den Herder, Elmer H.	Sioux Center	67	Farmer	1st—Lyon, Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Dieleman, Wm. W. (Bill)	Pella	44	Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66 (1-S)
Doyle, Donald V.	Sioux City	50	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66 (1-S)
Drake, Richard F.	Muscatine	48	General Farming	76th—Muscatine, Scott	63, 64, 65, 66 (1-S)
Dunton, Keith H.	Thornburg	60	Farmer, Businessman	88th—Keokuk, Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)

REPRESENTATIVES

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MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

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REPRESENTATIVES

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Dyrland, Terry.....	Elkader.....	32	Teacher.....	18th—Clayton, Delaware, Dubuque, Fayette.....	66 (1-S)
Egenes, Sonja.....	Story City.....	45	Housewife, Legislator.....	43rd—Boone, Hamilton, Story, Webster.....	64, 65, 66 (1-S)
Evans, Cooper.....	Grundy Center.....	51	Farmer.....	38th—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama.....	66 (1-S)
Fitzgerald, Jerome.....	Fort Dodge.....	34	Small Businessman.....	46th—Webster.....	65, 66 (1-S)
Fullerton, Bert††.....	Correctionville.....	73	Farmer.....	49th—Cherokee, Plymouth, Woodbury.....	62, 65, 66 (1-S)
Gentleman, Julia B.....	Des Moines.....	44	Housewife.....	65th—Polk.....	66 (1-S)
Gilloon, Thomas J.....	Epworth.....	26	Salesperson.....	21st—Dubuque, Jackson.....	66 (1-S)
Griffie, William B.....	Nashua.....	39	Consultant.....	14th—Chickasaw, Floyd, Howard, Mitchell.....	65, 66 (1-S)
Halvorson, Roger A.....	Monona.....	41	Insurance, Real Estate.....	17th—Allamakee, Clayton, Winneshiek.....	66 (1-S)
Hansen, Ingwer L.....	Hartley.....	63	Retired.....	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux.....	65, 66 (1-S)
Hargrave, William J., Jr.....	Iowa City.....	45	Self-Employed.....	74th—Johnson.....	65, 66 (1-S)
Harper, Mattie.....	West Grove.....	51	Homemaker, Business- woman.....	90th—Appanoose, Davis, Wapello.....	65, 66 (1-S)
Harvey, LaVern R.....	Bettendorf.....	31	Contractor.....	79th—Scott.....	65, 66 (1-S)
Hennessey, Maurice.....	Ryan.....	48	Salesman.....	22nd—Delaware, Dubuque, Jackson, Jones.....	65, 66 (1-S)
Higgins, Thomas J.....	Davenport.....	30	Communication Consultant.....	82nd—Scott.....	65, 66 (1-S)
Hines, Neal.....	Nevada.....	25	Legislator.....	41st—Story.....	66 (1-S)
Hinkhouse, Herbert C.....	West Branch.....	58	Farmer.....	24th—Cedar, Clinton, Johnson, Scott.....	66 (1-S)
Horn, Wally E.....	Cedar Rapids.....	41	Teacher.....	28th—Linn.....	65, 66 (1-S)
Howell, Rollin K.....	Rockford.....	46	Farmer.....	13th—Cerro Gordo, Floyd, Mitchell.....	65, 66 (1-S)
Hullinger, Arlo.....	Leon.....	54	Farmer.....	94th—Clarke, Decatur, Madison, Ringgold, Union, Wayne.....	61, 62, 66 (1-S)
Husak, Emil J.....	Toledo.....	45	Farmer.....	71st—Benton, Iowa, Poweshiek, Tama.....	64, 65, 66 (1-S)
Hutchins, C. W. (Bill).....	Guthrie Center.....	44	Self-Employed Businessman.....	56th—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby.....	65, 66 (1-S)
Jesse, Norman G.....	Des Moines.....	38	Attorney.....	62nd—Polk.....	63, 64, 65, 66 (1-S)
Jochum, Thomas J.....	Dubuque.....	24	Plant Worker.....	19th—Dubuque.....	66 (1-S)
Jordan, James D.....	Marion.....	55	Farmer.....	30th—Linn.....	65, 66 (1-S)
Junker, Willis E.....	Sioux City.....	50	Investor.....	50th—Woodbury.....	65, 66 (1-S)

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Koogler, Fred L., Sr.	Oskaloosa	49	Legislator	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	66 (1-S)
Krause, Robert A.	Fenton	25	Agri-politician	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	65, 66 (1-S)
Kreamer, Robert M.	Des Moines	35	Attorney	60th—Polk	63, 64, 65, 66 (1-S)
Lageschulte, Ray	Waverly	53	Farmer	37th—Black Hawk, Bremer, Butler, Floyd	66 (1-S)
Lindeen, Arnold R.	Swedesburg	65	Legislator	83rd—Des Moines, Henry, Louisa	66 (1-S)
Lipsky, Joan	Cedar Rapids	56	Legislator	26th—Linn	62, 63, 64, 65, 66 (1-S)
Loneragan, Joyce	Boone	41	Housewife	44th—Boone, Greene	66 (1-S)
McElroy, Lillian	Percival	58	Businesswoman, Legislator	97th—Fremont, Mills, Montgomery, Page	64, 65, 66 (1-S)
Menke, Lester D.	Calumet	56	Farmer, Insurance	5th—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65, 66 (1-S)
Mennenga, Jay	Clinton	32	Teacher	77th—Clinton	65, 66 (1-S)
Middleswart, James I.	Indianola	63	Food Producer	92nd—Lucas, Marion, Warren	62, 63, 64, 65, 66 (1-S)
Middleton, M. Peter	Waterloo	29	Labor Relations— Packing Company	34th—Black Hawk	66 (1-S)
Millen, Floyd H.	Farmington	56	Owner—Limestone & Gravel Company	87th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Miller, Alvin V.	Ventura	54	Retail Merchant, Insurance Agency	11th—Cerro Gordo	65, 66 (1-S)
Miller, Kenneth D.	Independence	49	Owner-Mobile Home Ct.	32nd—Black Hawk, Buchanan	65, 66 (1-S)
Miller, Opal	Rockwell City	60	Farm Owner, Homemaker	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	66 (1-S)
Monroe, W. R. (Bill), Jr.	Burlington	37	Pharmacist	84th—Des Moines	64, 65, 66 (1-S)
Nealson, Otto H.	West Liberty	58	Real Estate Broker	75th—Johnson, Louisa, Muscatine	66 (1-S)
Newhard, Scott D.	Anamosa	24	Retail Clothing	23rd—Cedar, Clinton, Jackson, Jones	65, 66 (1-S)
Nielsen, Carl V.	Altoona	43	Lawyer	63rd—Polk	65, 66 (1-S)
Norland, Lowell E.	Kensett	44	Farmer	12th—Cerro Gordo, Worth	65, 66 (1-S)
Oakley, Brice C.	Clinton	38	Lawyer	78th—Clinton, Scott	65, 66 (1-S)
O'Halloran, Mary	Cedar Falls	32	Teacher	36th—Black Hawk	65, 66 (1-S)
Patchett, John E.	North Liberty	26	Legislator	25th—Johnson, Linn	65, 66 (1-S)
Pavich, Emil S.	Council Bluffs	44	Cereal Company Employee	99th—Pottawattamie	66 (1-S)
Pellett, Wendell C.	Atlantic	58	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64, 65, 66 (1-S)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Perkins, Carroll	Jefferson	49	Agriculture	55th—Audubon, Carroll, Crawford, Greene, Guthrie	66 (1-S)
Poncy, Charles N.	Ottumwa	53	Maintenance Engineer	89th—Mahaska, Monroe, Wapello	62, 63, 65, 66 (1-S)
Readinger, David M.	Urbandale	40	Automobile Salesman	59th—Polk	65, 66 (1-S)
Rinas, B. Joseph	Marion	28	Machinist	29th—Linn	65, 66 (1-S)
Scheelhaase, Lyle	Moville	44	Farmer	52nd—Monona, Woodbury	66 (1-S)
Schroeder, Laverne W.	McClelland	42	Farmer	98th—Mills, Pottawattamie	62, 63, 64, 65, 66 (1-S)
Small, Arthur A., Jr.	Iowa City	41	Businessman	73rd—Johnson	64, 65, 66 (1-S)
Spear, Clay	Burlington	59	Retired, Substitute Teacher	85th—Des Moines, Lee	66 (1-S)
Spencer, Don W.	Ruthven	53	Farmer	4th—Clay, Dickinson, Emmet, Palo Alto	66 (1-S)
Spradling, James W.	Orange City	53	School Psychologist	2nd—Plymouth, Sioux	66 (1-S)
Stromer, Delwyn	Garner	45	Farmer	9th—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66 (1-S)
Svoboda, Linda A.	Amana	32	Journalist	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	66 (1-S)
Tauke, Thomas J.	Dubuque	25	Attorney	20th—Dubuque	66 (1-S)
Totte, Semor C.	Decorah	64	Farm Equipment Repair Specialist	16th—Fayette, Howard, Winneshiek	65, 66 (1-S)
Varley, Andrew	Stuart	41	Farmer	57th—Adair, Dallas, Guthrie	62, 63, 64, 65, 66 (1-S)
Walter, Craig D.	Council Bluffs	26	Self-Employed	100th—Pottawattamie	66 (1-S)
Weiden, Richard W.	Iowa Falls	67	Retired Contractor	10th—Franklin, Hardin, Wright	62, 63, 64, 65, 66 (1-S)
Wells, James D.	Cedar Rapids	47	Factory Worker	27th—Benton, Linn	63, 64, 65, 66 (1-S)
West, James C.	State Center	43	Furniture Retailer	40th—Grundy, Hardin, Jasper, Marshall, Story	65, 66 (1-S)
Woods, Jack E.	Des Moines	39	Self-Employed	68th—Polk, Warren	65, 66 (1-S)
Wulff, Henry C.	Waterloo	32	Real Estate Salesman	33rd—Black Hawk	65, 66 (1-S)
Wyckoff, Russell L.	Vinton	50	Farmer	31st—Benton, Black Hawk, Buchanan, Linn, Tama	64, 65, 66 (1-S)

1-S Denotes 1975 regular session

2-S Denotes 1970 regular session

†Deceased April 24, 1976

††Deceased January 17, 1976

*Elected in Special Election February 24, 1976

JOURNAL OF THE SENATE

OPENING DAY

1976 Regular Session

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, JANUARY 12, 1976

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the 1976 regular session of the Sixty-sixth General Assembly convened at 10:00 a.m., and was called to order by Lieutenant Governor Arthur A. Neu.

The following prayer was offered by the Reverend Allan M. Peterson, pastor of the First Presbyterian Church, Carroll, Iowa:

Eternal God, who committest to us the swift and solemn trust of life, we know not what this session of the Legislature may bring forth, but we do know the time to begin is here; we convene this Legislature conscious that our human laws are but an approximation to thine immutable law, and if our institutions are to stand, they must rest on justice, for only justice can endure.

Grant to all legislators a deep consciousness that they are called to see justice done, and they prostitute a holy duty if ever they connive in its defeat. Fill them with a high determination to make the laws of our state of Iowa a strong fortress of defense for the poor and the weak, and never a castle of oppression for the hard and cunning.

Save them from surrendering the clear-bought safeguards of the people for which our fathers fought and suffered. Revive in them the spirit of the great liberators of the past that they may cleanse our law of the inherited wrongs that still cling to it. Suffer not the web of outgrown precedents to veil their moral vision, rather, grant them a penetrating eye for the rights and wrongs of today and a quick human sympathy for the people who are neglected, forsaken, forgotten. Aid them to make the course of legislation so simple, its justice so swift and sure, that the humblest citizen may safely trust it, and the strongest citizen fear it.

Grant them wisdom to refashion all legislation that it may become a true expression of the fairer ideals of freedom and brotherhood. And, heavenly Father, help them gather the stars of our flag as a reminder of the bond of liberty which holds our nation together; help them gather the songs of our nation that call for patriotism and loyalty to the land which we love; help them gather the faces of women, men, and children with compassion for their needs; help them gather the years of our nation—all 200 of them—as a heritage to cherish and to prolong. . . . This we pray for in Thee, O God, we place our trust. Amen.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Ehrick, Grundy Center, Iowa.

OPENING REMARKS BY THE LIEUTENANT GOVERNOR

Lieutenant Governor Neu addressed the Senate as follows:

The tradition has been—and I hope will continue to be—that the second session of each General Assembly is shorter than the first. With that in mind, I will keep my opening remarks very brief.

Our last session was marked by distinguished bipartisan cooperation. As Republicans and Democrats we did have our differences. But in the end we did not let those differences get in the way of conducting the people's business.

I trust that our session this year will be equally cooperative. We are in another election year, of course. The attendant temptation to score political points will be great. But, hopefully, we can restrain ourselves most of the time.

Let me mention quickly the three areas in which I feel the Legislature must act in 1976.

The first, as you would guess, is property taxes. We must compensate our property taxpayers for the \$55 million generated by the uniform school levy with the new assessed valuations. Further, as was suggested by the 1974 local services interim study committee, we must consider seriously the imposition of local government budgetary growth limitations. In both instances, we have to move as quickly as possible to insure minimal interruption of budgeting processes.

The second area in which the Legislature must act this year is transportation financing—especially in so far as our roads and highways are concerned. We must face the fact that inflation and federal bridge standards are preventing Iowa from maintaining and completing its most vital transportation network.

Third, and finally, the explosion in Iowa's corrections population cries out for legislative attention this year. Unemployment and stiffer sentencing, among other things, have caused both the reformatory at Anamosa and the penitentiary at Fort Madison to be filled near capacity. In fact, there now are several hundred men at Fort Madison who should be housed at Anamosa.

It takes little imagination to appreciate the potential explosiveness of the situation. We are lucky that our plight is not so great as that of many states—such as Florida which has had to build tent cities on the grounds of its maximum security prison, or Louisiana which reportedly is considering the use of an old Navy ship as a floating prison. But our plight does require action this session.

Since 1973, we have been committed to a system of community corrections throughout the State. Certainly support for that effort must be accelerated this year with our rapidly growing corrections population. Additionally, though, we have to consider medium security alternatives.

Those of us who have been advocates of annual sessions always have said that the Legislature must be able to respond to the State's needs more often than once every other year. So not only does the impending crisis in our prisons necessitate an immediate response, it also gives

us an opportunity to demonstrate the wisdom of the decision made by Iowa voters in 1968.

In short, let us try to make our bicentennial year legislative session an exemplary one.

ELECTION OF SECRETARY OF THE SENATE

Senator Palmer moved that Acting Secretary Steven C. Cross be elected permanent Secretary of the Senate to replace Clark R. Rasmussen who resigned October 23, 1975.

The motion prevailed and Mr. Cross appeared before the rostrum, was duly sworn and subscribed his name to the oath of office.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Kinley moved that a committee of three be appointed to notify the Governor that the Senate was organized and ready to receive any communication he might be ready to transmit.

The motion prevailed and the Chair appointed as such committee Senators Heying, Bergman and Griffin.

COMMITTEE TO NOTIFY THE HOUSE

Senator Kinley moved that a committee of three be appointed to notify the House that the Senate was organized and ready for business.

The motion prevailed and the Chair appointed as such committee Senators Hill of Jasper, Doderer and Miller of Marshall.

COMMUNICATIONS

The following communications were presented:

Lieutenant Governor Neu and Members of the Iowa Senate. We cannot express in words how we appreciated the beautiful bouquet you sent us in the time of our deep sorrow.

MRS. WALTER GLENN
GENE W. GLENN
ROBERT G. GLENN

The family of Mrs. Nellie Van Gilst acknowledges with grateful appreciation your kind expression of sympathy.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

June 18, 1975

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Clarence R. Hosford, D.D.S., Monticello, Jones County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Robert L. Moore, D.D.S., Hampton, Franklin County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Connie Price, Des Moines, Polk County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Carolyn Tufty, Cedar Rapids, Linn County, Iowa, for appoint-

ment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Thomas A. Underkoffer, D.D.S., Marshalltown, Marshall County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Marcia L. Wiedmeyer, Des Moines, Polk County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of David L. Wolf, D.D.S., Cedar Rapids, Linn County, Iowa for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

July 14, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Wayne J. Barnes, Sioux City, Woodbury County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

August 1, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ronald D. Brown, Muscatine, Muscatine County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Arnold O. Chantland, Ames, Story County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Dawn E. Chapman, Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Francis E. Holland, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harrison Kane, Iowa City, Johnson County, Iowa, for appoint-

ment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Herman Lewis, Edgewood, Clayton County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Burt R. Livingston, Newton, Jasper County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

August 8, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Gretchen M. Bataille, Ames, Story County, Iowa, for appointment to the Iowa State Civil Rights Commission pursuant to Chapter 601A, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1975 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Gary H. Koerselman, Sioux City, Woodbury County, Iowa, for reappointment to the Iowa State Civil Rights Commission pursuant to Chapter 601A, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1975 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Charles W. Toney, Davenport, Scott County, Iowa, for appointment to the Iowa State Civil Rights Commission pursuant to Chapter 601A, 1975 Code of Iowa, for the regular four-year term commencing July 1, 1975 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ann Frenzen, Cedar Rapids, Linn County, Iowa, for appointment as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality pursuant to Section 455B.4, 1975 Code of Iowa, for a term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

August 22, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Dwight Brooke, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Pearl Forbes, L.P.N., Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Mildred I. Freel, R.N., Iowa City, Johnson County, Iowa, for appointment

as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Nellie Osterlund, R.N., Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Barbara Ann Steen, R.N., Jesup, Buchanan County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ruth M. Turnis, R.N., Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Noel W. Willis, Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

August 29, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Thomas Hal Huston, Columbus Junction, Louisa County, Iowa, for appointment as Superintendent of Banking for the State of Iowa pursuant to Section 524.203, 1975 Code of Iowa, for an unexpired term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ralph W. Potter, Marion, Linn County, Iowa, for appointment to the City Development Board pursuant to Section 368.9, 1975 Code of Iowa, for an unexpired term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Blaine L. Donaldson, Storm Lake, Buena Vista County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Dwight E. Fry, R.Ph., Greenfield, Adair County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of James Gannon, M.D., Laurens, Pocahontas County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant

to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Richard J. Lintner, Des Moines, Polk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Phyllis J. Peters, Sioux City, Woodbury County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Richard F. Rabe, D.D.S., Des Moines, Polk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ezra W. Shenk, Wellman, Washington County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Lois M. Sherman, Cedar Falls, Black Hawk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Dorcas W. Speer, Ames, Story County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

September 9, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Evelyn Villines, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to Chapter 601A, 1975 Code of Iowa, for a term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

September 10, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Janet A. Johnson, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Board of Parole pursuant to Section 247.2, 1975 Code of Iowa, for an unexpired term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

September 17, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name

of Keith Edward Bridson, Des Moines, Polk County, Iowa, for appointment as the department member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Beverly B. Everett, New Sharon, Mahaska County, Iowa, for appointment as a public member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Domenic P. Morrow, Des Moines, Polk County, Iowa, for appointment to the Board of Certification for the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harris F. Seidel, Ames, Story County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality pursuant to Section 455B.53, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Vernon Spilker, Missouri Valley, Harrison County, Iowa, for appointment as a public member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality pursuant to Sec-

tion 455B.53, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

September 30, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Joseph A. McCaffrey, Davenport, Scott County, Iowa, for appointment as public member of the State Board of Medical Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an unexpired term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

October 1, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of William G. Murray, Ames, Story County, Iowa, for appointment as a member of the State Board of Tax Review pursuant to Section 421.1, 1975 Code of Iowa, for a regular six-year term commencing July 1, 1975 and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

October 14, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Joseph A. Graham, Jr., D.V.M., Milo, Warren County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Marie L. Holz, Grand Junction, Greene County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Samuel D. Linn, D.V.M., Humboldt, Humboldt County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Stanley C. Romans, D.V.M., Mason City, Cerro Gordo County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of John E. Soorholtz, Melbourne, Marshall County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

October 17, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Bill E. Algood, Fort Dodge, Webster County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Fredine M. Branson, Iowa City, Johnson County, Iowa, as a member of

the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Constance C. Foster, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Gene E. Geissinger, West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harold W. Godbersen, Ida Grove, Ida County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Donald A. Graham, Sergeant Bluff, Woodbury County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Larry L. Hill, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Eugene O. Johnson, Davenport, Scott County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Joseph L. Strasser, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

October 22, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Clarence A. Gordy, Oskaloosa, Mahaska County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for appoint-

ment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Karlton L. Kunath, Spencer, Clay County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Irvin H. Palm, Red Oak, Montgomery County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of James W. Peterson, Washington, Washington County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of James R. Van Denover, Oelwein, Fayette County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Sidney E. Wilcox, Missouri Valley, Harrison County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely

ROBERT D. RAY
Governor

October 23, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ira M. Deal, O.D., Westwood, Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Bertha J. Kirkwood, Ankeny, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Kenneth O. McMaster, O.D., Oelwein, Fayette County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Claude E. Nichols, O.D., Clarinda, Page County, Iowa, for appoint-

ment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Martha H. Peck, O.D., Fort Madison, Lee County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Katherine R. Stroud, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harold Raymond Wilson, O.D., Forest City, Winnebago County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Sister Bernadine Pieper, Ottumwa, Wapello County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Grace Rasmussen, Manilla, Crawford County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Helen Reichart, Monticello, Jones County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1977.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Warren J. Rogers, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1978.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Nancy G. Thompson, Des Moines, Polk County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

Sincerely

ROBERT D. RAY
Governor

November 22, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Rodson L. Riggs, Ames, Story County, Iowa, for appointment as

Director of Energy Policy for the State of Iowa pursuant to Section 93.3, 1975 Code of Iowa, for a term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

December 2, 1975

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of William H. McNarney, Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 6, Acts of the Sixty-sixth General Assembly, 1975 Session, to serve at the pleasure of the Governor.

Sincerely
ROBERT D. RAY
Governor

January 2, 1976

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Lester E. Calvert, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Kathryn L. Graf, Fairfield, Jefferson County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Donald Knudsen, Eagle Grove, Wright County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Gracie M. Ruden, Le Mars, Plymouth County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Julie Zelenka, Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of T. J. Heronimus, Grundy Center, Grundy County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976 and ending January 2, 1982.

Sincerely

ROBERT D. RAY
Governor

January 5, 1976

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Madalene Roberts Townsend, Davenport, Scott County, Iowa, for appointment as a member of the Council on Social Services pursuant to Section 217.2, 1975 Code of Iowa, for an unexpired term ending June 30, 1979.

Sincerely

ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Alice A. McKee, Des Moines, Polk County, Iowa, for appoint-

ment as a member of the Merit Employment Commission pursuant to Section 19A.6, 1975 Code of Iowa, for a regular six-year term ending June 30, 1981.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of James B. Morris, Jr., Des Moines, Polk County, Iowa, for appointment as a member of the Merit Employment Commission pursuant to Section 19A.6, 1975 Code of Iowa, for a regular six-year term ending June 30, 1981.

Sincerely
ROBERT D. RAY
Governor

January 6, 1976

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of John E. van der Linden, Sibley, Osceola County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976 and ending January 2, 1982.

Sincerely
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Susan M. Wilson, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976 and ending January 2, 1982.

Sincerely,
ROBERT D. RAY
Governor

COMMITTEE FROM THE HOUSE

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

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Heying reported that the committee assigned to

notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Hill of Jasper reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Culver moved that the Secretary of the Senate be authorized to assign seats to representatives of the news media and that appropriate badges be provided for their use.

The motion prevailed and the Secretary assigned the following:

51. Des Moines Register, Jerry Szumski
52. Des Moines Tribune, Norman Brewer
53. Associated Press, Val G. Corley
54. Des Moines Sunday Register, James Flansburg
55. United Press International, Norman Sandler
56. Iowa Daily Press Association, Harrison Weber
57. KRNT News, David Garms
59. Dubuque Telegraph Herald, Stephen Good
60. The Cedar Rapids Gazette, Frank T. Nye
61. Iowa Press Association, Don Reid
62. Waterloo Daily Courier, Bob Case
63. Quad-City Times, Roger Munns
64. KCCI-TV, James Worthington
65. Ames Daily Tribune: John Oppenheimer, Bill Wickersham
66. Dysart Reporter, Steven Karr
67. Des Moines Area Community College Eclectic, Jeff Kautz
68. Keokuk Daily Gate City, John Marion
69. Legislative Bulletins, Otto Weber
70. The Daily Iowan: Kris Jensen, Kim Rogal
71. Iowa Educational Broadcasting Network: Robert Bradsell, Bill Hanley, Daniel Miller
72. Associated Press: Dan Even, Margy McCay, Chuck Roberts
73. Iowa AFL-CIO News, Joe Poduska
73. Mason City Globe-Gazette, Charles W. Walk
74. KIOA, Nancy Crowfoot
75. KCRG-TV: Dale Brodt, Gary Galvin, Andy Smith
76. Quad-City Times, John McCormick
77. KMA Radio, Bill Bone
78. WOI AM/FM: David Feingold, Nancy Fushan
79. WOI TV News: Craig King, Richard Vohs
80. WMT Stations, Dave Scheie
81. KCCI-TV: Jim Giudicessi, Rick Prenger

82. WHO Radio and Television: Pat Boddy, Ev Hickman, Gene LaSuer, Lloyd Patterson
83. WOC Broadcasting Company, Jack Thomsen
84. Iowa Radio Network, Donald Silcott
84. Lee Town News, Russell K. Clingan
85. KRNT News, George Davison
86. KGLO-TV: Roy Clark, Carole Custer, John Flanzer, Larry Huegli, Max Lee, Mark Phipps
87. KTVO: Marva Faeth, Ron Heller, Dean Weitenhagan
88. KCBC/Black Hawk Bureau: Dale Cerbin, Bruce Frank, Jim Gritzner
89. KTIV, Dick Wait
89. KSO/KGGO Radio, Ken Paul

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 12, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, resolving that a joint convention of the House and Senate be held on Tuesday, January 13, 1976, at 10:00 a.m.; and that Governor Ray be invited to deliver his annual state of the state and budget messages at this joint convention.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 101

By Fitzgerald

- 1 *Be It Resolved by the House, the Senate*
- 2 *Concurring,* That a joint convention of the two
- 3 houses of the 1976 regular session of the Sixty-
- 4 sixth General Assembly be held on Tuesday,
- 5 January 13, 1976, at 10:00 a.m.
- 6 *Be It Further Resolved,* That Governor Robert
- 7 D. Ray be invited to deliver his annual state of
- 8 the state and budget messages at this joint con-
- 9 vention of the two houses, and that the Speaker
- 10 of the House and the President of the Senate be
- 11 designated to deliver the invitation to him.

Read first time and passed on file.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Senator Kinley asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 101 and moved its adoption.

The motion prevailed and the resolution was adopted.

HEART FUND REPRESENTATIVES PRESENTED

Monty and Marshalle King, of Treynor, Iowa, the 1976 Heart

Fund Representatives, were escorted to the rostrum by Senator Hultman and presented to the Senate by President Neu. Both young people have had successful heart surgery, and for the first time, two members of one family have been chosen to represent the Heart Fund in Iowa.

BILLS RETURNED TO COMMITTEE FROM SENATE
CALENDAR UNDER RULE 4

The Chair announced that under Senate Rule 4 the following bills and resolutions remaining on the calendar on the last day of the 1975 Regular Session have been returned to committee:

S. J. R. 8 County government

S. F. 73 Natural resources

S. F. 91 Ways and means

S. F. 104 Ways and means

S. F. 106 Human resources

S. F. 128 Transportation

S. F. 152 Ways and means

S. F. 159 Commerce

S. F. 188 Commerce

S. F. 226 Transportation

S. F. 256 Natural resources

S. F. 288 State government

S. F. 321 State government

S. F. 336 Natural resources

S. F. 355 County government

S. F. 356 Cities

S. F. 368 Agriculture

S. F. 380 County government

S. F. 396 Ways and means

S. F. 398 Transportation

S. F. 410 Cities

S. F. 414 Transportation

S. F. 435	Education
S. F. 439	Commerce
S. F. 443	Commerce
S. F. 454	State government
S. F. 455	County government
S. F. 462	Transportation
S. F. 484	Cities
S. F. 489	Transportation
S. F. 490	State government
S. F. 493	Energy
S. F. 507	State government
S. F. 508	Human resources
S. F. 512	Natural resources
S. F. 516	County government
S. F. 517	County government
S. F. 519	Cities
S. F. 529	Agriculture
S. F. 535	Judiciary
S. F. 539	Ways and means
S. F. 542	Judiciary
S. F. 546	State government
S. F. 547	Cities
S. F. 558	Human resources
S. F. 577	Ways and means
S. F. 578	State government
S.C.R. 6	Rules and administration
S.C.R. 32	Energy
S.C.R. 34	Energy
S.C.R. 39	Energy

S.C.R. 43 Energy
S.C.R. 44 Ways and means
S.C.R. 48 Energy
S.C.R. 52 County government
H. F. 59 Natural resources
H. F. 91 Transportation
H. F. 188 State government
H. F. 207 Commerce
H. F. 243 Labor and industrial relations
H. F. 292 Human resources
H. F. 324 Transportation
H. F. 336 Commerce
H. F. 352 Judiciary
H. F. 414 Commerce
H. F. 505 Natural resources
H. F. 614 Human resources
H. F. 628 Education
H. F. 787 Agriculture
H. F. 795 Education
H. F. 798 Human resources
H. F. 835 Judiciary
H. F. 843 Agriculture
H.C.R. 38 Transportation

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1975, passed the following bill in which the concurrence of the Senate is asked:

House File 175, a bill for an act to require completion of first aid courses by certain school employees.

Also: That the House has on April 15, 1975, passed the following bill in which the concurrence of the Senate is asked:

House File 504, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties.

Also: That the House has on April 18, 1975, passed the following bill in which the concurrence of the Senate is asked:

House File 576, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties.

Also: That the House has on April 21 1975, passed the following bill in which the concurrence of the Senate is asked:

House File 726, a bill for an act relating to contracts entered into for the purchase of coal.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1001, by Senator Hultman, a bill for an act to provide that negotiating sessions conducted pursuant to the public employment relations act are subject to the open meetings law, subject to penalties provided by law.

Read first time and **passed on file.**

Senate File 1002, by Senator Hultman, a bill for an act relating to grain dealer licenses.

Read first time and **passed on file.**

Senate File 1003, by Senator Hultman, a bill for an act relating to the employment of veterinarians at certain livestock markets and to the collection and distribution of fees for veterinary inspections.

Read first time and **passed on file.**

Senate File 1004, by Senator Hultman, a bill for an act relating to the determination of actual value of agricultural property for tax purposes.

Read first time and **passed on file.**

Senate File 1005, by Senator Curtis, a bill for an act making an appropriation to the department of general services for the construction of a capitol mall.

Read first time and **passed on file.**

Senate File 1006, by Senator Curtis, a bill for an act making an appropriation for the planning and construction of a rotunda covering in the state capitol for the purpose of restoring the rotunda opening to its original condition.

Read first time and **passed on file**.

Senate File 1007, by Senator Curtis, a bill for an act to make an appropriation to the capitol planning commission for a feasibility study and planning related to facilities for the state historical department.

Read first time and **passed on file**.

HOUSE MESSAGES CONSIDERED

House File 175, a bill for an act to require completion of first aid courses by certain school employees.

Read first time and **passed on file**.

House File 504, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Read first time and **passed on file**.

House File 576, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law.

Read first time and **passed on file**.

House File 726, a bill for an act relating to contracts entered into for the purchase of coal.

Read first time and **passed on file**.

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate:

COMMONWEALTH OF KENTUCKY

A resolution of the House of Representatives memorializing the Congress of the United States to call a constitutional convention to propose an amendment to the United States Constitution to prohibit the assignment of students on account of race, religion, color or national origin.

STATE OF LOUISIANA

A Senate Concurrent Resolution memorializing the Congress of the United States to call a constitutional convention to propose an amendment to the United States Constitution to prohibit federal deficit spending; to prohibit any increase in the national debt and require its repayment; and suspending the prohibitions in time of national emergency or war.

STATE OF LOUISIANA

A House Concurrent Resolution memorializing the Congress of the United States to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

STATE BOARD OF PUBLIC INSTRUCTION

A copy of the Report and Recommendations to the 1976 Regular Session of the Sixty-sixth General Assembly in accordance with section 257.10(9), Code 1975.

OFFICE OF CITIZENS' AIDE

I, Thomas R. Mayer, the Citizens' Aide of Iowa do hereby appoint Andrew Roberts as Specialist-Indian Affairs effective: November 20, 1975, at an annual salary of \$12,012.

The undersigned as Citizens' Aide does hereby delegate to said Specialist-Indian Affairs, all the Citizens' Aide's authority and duties except the duty of formally making recommendations or reports to the Governor or the General Assembly.

This instrument is made by authority of Chapter 601G of the 1975 Code of Iowa.

Signed this 15th day of December, 1975.

THOMAS R. MAYER, Citizens' Aide

STATE OF IOWA)	
	)	ss. OATH OF OFFICE
COUNTY OF POLK)	

I, Andrew Roberts, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of Specialist-Indian Affairs Office of Citizens' Aide in the State of Iowa, as now or hereafter required by law.

ANDREW ROBERTS

Subscribed and sworn to before me this 15th day of December, 1975.

THOMAS R. MAYER

On motion of Senator Kinley, the Senate adjourned at 3:45 p.m., until 9:30 a.m., Tuesday, January 13, 1976.

JOURNAL OF THE SENATE

SECOND DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, JANUARY 13, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by Sister Mary Margaret O'Toole, C.H.M., Religious Education Director, Christ the King Parish, Des Moines, Iowa.

The Journal of Monday, January 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. H. Coddington, Humboldt, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Redmond for the day and Senator Nolin for the day on request of Senator Kinley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hultman from two hundred fourteen residents of Montgomery County and adjoining counties favoring more stringent hunting regulations.

By Senator Hultman from fifty-five residents of Montgomery and Fremont Counties protesting the recent equalization order by the Director of Revenue.

By Senator Rabedaux from one thousand five hundred sixty-nine residents of Muscatine County opposing payment of unemployment benefits to noncertified school employees during the time regular school is not in session.

SENATE CONCURRENT RESOLUTION 101

By Hultman

1 *Whereas*, Sidney, Iowa, has been the site and has sponsored

- 2 rodeos in the state of Iowa since 1923; and
3 *Whereas*, the Sidney Iowa Rodeo is a member of the Rodeo
4 Cowboys Association and pays the largest purse in Iowa to
5 rodeo participants; and
6 *Whereas*, the Sidney Iowa Rodeo attracts one of the lar-
7 gest crowds to any competitive sport held in Iowa, 55,000
8 persons having attended the rodeo held in the year 1975; *Now*
9 *Therefore*,
10 *Be It Resolved by the Senate, the House Concurring*, that
11 Sidney, Iowa, be designated as the "Rodeo Capitol of Iowa"
12 and that copies of this resolution be forwarded to the sponsors
13 of the Sidney Iowa Rodeo and special tribute be paid to
14 American Legion Post 128 of Sidney, Iowa, for its efforts
15 in promoting and sponsoring the annual rodeo held in Sidney,
16 Iowa, on a nonprofit basis.

Read first time and passed on file.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 101, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

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

Senator Kinley 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 Neu declared a quorum present and the joint convention duly organized.

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

The motion prevailed and the President appointed as such committee Senators Scott, Merritt and Taylor, on the part of the Senate, and Representatives Wells, O'Halloran and Varley, on the part of the House.

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

The committee waited upon Governor Ray and escorted him to the Speaker's station. President Neu then presented Governor Ray, who delivered the following condition of the state message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Senators and Representatives, State Officials, Distinguished Guests, Ladies and Gentlemen:

Nineteen seventy-five was a year when cynicism became fashionable.

Yet, at the beginning of 1976, polls show that over two-thirds of the American people are optimistic about the future.

This is the year of our Nation's 200th birthday—a time for us to reflect and maybe even be a little nostalgic. It is a time for us to realize what our role is in this amazing and fantastic experience called American democracy—a democracy which binds together fifty sovereign states.

My role today is to talk to you about one of those states—the State of IOWA. Specifically, I will discuss with you the condition of the state and offer recommendations as you move into the Second Session of the Sixty-sixth General Assembly.

* * * * *

What kind of place is this state which we call home? Maybe it is even a bit better than what we think. Perhaps a stranger can best open our eyes to the good which is here and far more prevalent, than the bad about which we hear so much.

Listen to what a newcomer said in simple eloquence about our homeland. "The Iowa people are marvelous," he said. "Their kindness is without limit. They are always ready to help . . . in any way they can; and do it with great enjoyment. This warmness in the heart we get from the Iowa population makes us forget months of distress."

The speaker was Cam Uynh, the leader of the Tai Dam refugees who resettled in Iowa last fall.

Cam Uynh paid us a compliment and he and his people brought us a gift—a gift of perspective.

Picture if you will these people who were buffeted from country to country in war-torn Southeast Asia, hungering for freedom and clinging fiercely to the ideals of hard work, liberty and loyalty to family; an agrarian people whose dreams are linked to the soil; a people from the other side of the globe—who now are dropped into the heartland of our country—an almost totally different world.

They can see a country disturbed by its economy, by a low confidence in its institutions, a society of cynicism—but also a country beginning, with pride, to celebrate its 200th year of independence.

Our Tai Dam Friends may be more at home here in Iowa than you might think—for here is where they will see some similarities. Our citizens might be taller and more affluent, but *our* people, too, have the love of freedom and a belief in the value of work, a loyalty to family and a respect for the land.

These are traditional characteristics of Iowans—even in the unsettled times of 1976.

Though Cam Uynh and his people could not have known it, the very way they began their adventure into our state is indicative of the thoughtful processes which have led to so many successes in Iowa government.

Iowans—government officials, headed by Colleen Shearer, and private citizens—worked together planning for the arrival of the Tai Dam refugees lining up sponsors and jobs before the new settlers ever arrived. This experience is one more small victory—a heartening illustration of cooperative individual Iowans who, when working on a worthwhile task, can achieve it.

Iowa is a celebration of small victories at a time when other places seem disheartened by defeat.

We have gained confidence by successes with government programs that produce at a time when so many do not. And we are seeing the great advantage of approaching tough problems with reason, understanding and ingenuity instead of with rhetoric and knee-jerk proposals.

* * * * *

We are not free of problems; neither are we content to accept either inaction or overaction as an answer.

We have found that government need not always be in a position of confrontation. We have seen Iowa government stimulate the private sector.

An example is our newly created Rail Assistance Program responsible for the 523 miles of branch line that have been rebuilt or are presently under construction.

Our recent venture into coal research is now producing coal and holds promise of the revival of an industry and the expansion of Iowa's energy capability.

So I want to visit with you about more than merely the condition of the state. We will consider the dollars and cents of the state budget and the yield of our harvest and the mix of our taxes. But I want us also to consider a broader condition. I would call it the "condition" of our condition.

* * * * *

As we face this country's third century and the 130th year of our state's existence, we will do well to recognize that a bright and happy future for our people will not develop without work and the work ethic. People need to work, people need to try, people need to achieve.

How are our people doing? Iowans went through a lot in 1975; an example is agriculture. That segment of our economy suffered blizzard, drought, collapse of a major meat packing company, and up and down prices.

Nonetheless, during the past few months, Iowa cattlemen have put far more cattle on feed than they did the year before. And one thing for sure, when spring comes, the miracle of a new crop will begin on every farm in this state. And there is exciting new promise for the future with the announcement today by Iowa State University of a breakthrough which could well boost soybean yields by ten or twenty bushels an acre.

You can count on other Iowans to pursue their vocations with the same resiliency, determination and innovative spirit.

And these qualities are major factors in the healthy condition of this state. This helps explain why Iowa unemployment is below the national average and why our state government is not suffering the disastrous deficits so common elsewhere.

Iowa can continue to stand like a lighthouse in a storm if we wisely manage our financial resources.

This requires an awareness that government cannot do everything for everyone—nor should it.

* * * * *

Another awareness, that of the importance of the environment, has helped us to avoid much of the poisonous pollution suffered in other areas of the country.

And now we need to nurture yet another kind of environment—the environment in which free enterprise thrives—for that also can be fragile.

We know that just as people need space to live, fresh air to breathe and clean water to drink, so do they need jobs to sustain them and their families.

Our interrelationship with a national economy has been painfully evident in the past year with the loss of 19,000 manufacturing jobs. The loss of jobs is not so abnormal, but the lack of expansions and new starts of industry in our state this last year is abnormal.

One of the biggest factors has been our inability to obtain supplies of natural gas for companies that would like to have come to Iowa, but instead settled in gas-producing states.

Another reason, obviously, was the pinch of a sagging economy. In any event, it is absolutely imperative that those of us in government do our part to encourage a healthy climate for business and industry that can provide jobs, payrolls and community support.

We cannot afford to lose our tax structure that allows us to be competitive with states offering a variety of incentives for new industry. It is also in the best interest of our Iowans, our Iowa communities and the economy of this state to avoid creating an aura of uncertainty and fear of unnecessary adverse legislation that would injure our competitive position.

We are recognizing that our state is part of the world trade market. It behooves us to aggressively seek foreign trade and foreign dollars. This is the time to expand our foreign markets and not be left sitting on the curb watching other states pass us by.

It is to Iowa's advantage to open a foreign office.

* * * * *

There is another special uneasiness that draws our attention today. That is the concern over the effect of rising real estate assessments. This we can do something about . . . with much the same studied approach we have used on comparable problems in the past.

- We developed a school financing plan that shifted from the property tax increased costs of our local schools.
- We abolished the sales tax on food and drugs.
- We removed most welfare costs borne by property.
- We eliminated the personal property tax on household goods.
- We are now phasing out taxes on other personal property.
- We provided property tax relief for the elderly.

In Iowa, the state does not collect any property tax. The state, however, is required by law to equalize assessments among all counties. Equalization is absolutely essential.

When our Director of Revenue issued orders for equalization in 1975, it became apparent that Iowa land and property had become substantially more valuable.

Increased valuations per se do not, for the most part, raise taxes. And even though a number of good local public officials have pledged to hold the limit on spending, there exists the fear that budgets will increase by taking advantage of the higher assessments.

Without being unduly restrictive, the steps that I introduce to you now are designed to allay the fears and anxieties of our citizens—and to provide solid property tax relief.

First, we provide for increased state aid for local schools in the amount of \$48 million for direct property tax relief. Without this provision, because of equalization, \$37 million would have shifted to property taxes. You should know that we are also relieving property taxes of an additional \$11 million. At this time, we are of the opinion that this injection of additional state funds can best be accomplished by moving from 74 percent to 80 percent the state's participation in local school financing.

Second, we establish a special task force of citizens who are knowledgeable and interested in the future of our governments. This task force would explore the nature of government units, what level of government should provide services, who should pay for those services, how to value classes of property for equal assessment, budget limitations, revenue sharing and the economics and effectiveness of delivery of services.

Third, while this study is being conducted, I propose we put a cap on property taxes. In this measure we assure local units of government they will have access to growth, according to a formula such as used in school financing. Local government could seek extra financing or additional taxation through an appeals procedure for unique and unusual circumstances.

Fourth, we give \$17 million additional municipal assistance for state revenue sharing, sewers and for the appeals procedure.

And, fifth, we grant funds to support the Department of Revenue in efforts to determine correct assessments of industrial property.

* * * * *

As important as they are, property taxes will not be the exclusive focus of your deliberations in 1976.

There are other priorities as well which demand attention if we are to have a genuinely productive session. These issues are as complex as transportation funding and corrections, as fundamental as education, as necessary as salaries and capitals, as unpredictable as changing human needs.

Today I submit to you a number of recommendations which address these concerns. While I wish it were possible to discuss in detail my suggestions, obviously time doesn't permit. Rather, you will receive today, in addition to the printed text of my remarks, a digest of the Governor's recommendations and a brief analysis of adjustments to our biennial budget.

My staff, our executive departments and I personally offer our assistance and cooperation as you consider and act on these items in an orderly and timely fashion.

* * * * *

People can always find much to criticize, but I found it interesting what

James Russell Wiggins, former editor of the *Washington Post*, had to say about this. He said: "Those who criticize government today, like those who criticized 200 years ago, have, as a part of their armament, the popular illusion of a golden past from which there was a fall. . . ."

Then he observed that "the very evidently defective Today must [also] suffer by comparison with an ideal Tomorrow that exists only in the imagination of naive people who are deluded by the notion that man is perfectible, not just improvable."

The fact that we are improvable can be the key to how we approach this new legislative session.

Our people do not look to you for wild and radical changes, or expect absolute perfection—but they will respond appreciatively to improvement.

As you go about your business of writing laws, remember that you help the process of government best with laws that are designed to provide flexibility in changing times and that deal squarely with the problems they seek to attack. And you should avoid legislative overkill which so often throws government into confrontation with the very people it is trying to protect.

Above all, search for equities. Ours is a society of push and shove—of give and take. We look to our lawmakers for fairness and for action to prevent one side or another from having unfair advantage.

People are cynical; they are critical. And there are reasons for both. Yet it is not our nature to want to be this way.

We want to believe in our ability to shape events; we want to be able to trust each other and our government.

Within these walls and within your authority, collectively and individually, you have the power to set the example.

Thank you.

GOVERNOR'S RECOMMENDATIONS

Recommendations submitted to the Sixty-sixth General Assembly, 1976 Session, in accordance with Article IV, Section 12, of the Constitution of the State of Iowa:

Property Tax Relief—School Aid

The inordinate increase in property valuations experienced in 1975 will result in additional property tax for school financing unless the school funding formula is adjusted. We, therefore, should move to the full 80 percent foundation level which will provide \$48 million in property tax relief. The assessment factor in determining maximum allowable growth should then be removed.

We also need to provide for a triggering device in the school foundation plan. If future unusual property tax assessment increases occur, the state foundation level should automatically increase to prevent a return to a heavier reliance on property taxes in school financing.

Industrial Assessments

Questions have been raised concerning the fairness of the valuation and equalization process for industrial property. To resolve these concerns, it

is essential that funds be provided the Department of Revenue to beef-up the capabilities of state and local appraisers of industrial property and to improve appraisal procedures.

Elderly Property Tax Relief

We can extend the property tax credit program to additional deserving elderly by raising income eligibility limits and by upgrading the reimbursement schedule.

Limits on Local Spending

To reassure property taxpayers without imposing undue restrictions on local units of government, we are proposing that a two-year cap be placed on property taxes. Reasonable growth should be allowed in accordance with the present rates permitted under the school foundation plan. This is consistent with the spending patterns of local governments during the past five years.

To provide for unique and unusual demands in local government spending, a budget review committee should be created.

Local Governmental Services and Funding Sources Task Force

Very valuable and special service can be performed by an ad hoc public task force that would address itself to local government services and funding sources. This task force would research and analyze:

- the nature of local government services
- which level of government should provide what services
- who should pay for these services
- how should different types and kinds of property be valued and equalized for assessment purposes
- what, if any, budget limitations should be imposed
- which, if any, local services should be financed by state aid
- the economics and effectiveness of the delivery of services to people
- the merits of local option taxation
- the budgeting procedures and mechanisms of local governments

Abandoned Railroad Right-of-Way

The land on which railroads have their lines built is in reality dedicated to the use of the public. Where lines are abandoned by the railroads, the land should first be offered for continued public use before being transferred to private ownership.

Adoption Revision

The revision of the adoption code needs to be completed. As a word of caution, the traumatic experience resulting from unnecessary interim foster care placement should be avoided.

Anti-Trust

The Uniform State Anti-Trust Act will answer the need for reasonable public protection without unduly restricting responsible trade and business transactions.

Barbering/Cosmetology

To provide for adequate protection of public health and welfare, reconsideration should be given to the issue of licensing and regulation of the

barbering and cosmetology professions. Unnecessary restriction of these professions, however, will have to be avoided.

Capital Improvements

You delayed in appropriating for needed capital improvements last year. These projects are just as valid today as twelve months ago except they will now cost more. With our surplus, this is also an appropriate time to undertake the Lindquist Center at the University of Iowa.

Area Schools

An additional capital need that should be financed is the investment for the one unfunded area vocational-technical school.

The role and emphasis of our area schools in providing vocational-technical and liberal arts instruction should be redefined.

Code Modernization

A Republican Task Force has identified obsolete sections of the Iowa Code. It reports that all or part of thirty-one chapters can be eliminated. In addition, a periodic bipartisan review process of the Code should be established.

Criminal Code

The Senate has waded through the intricacies of criminal code revision and the task now needs to be completed.

Employment Security Commission Reorganization

The forty-year-old structure of administering our employment security operations can be improved by replacing the three-member commission with a single director.

Foreign Office

Iowa is a part of the world trade market. To take advantage of our potential and compete with other aggressive states, a foreign office should be opened to secure foreign investments for the creation of jobs in Iowa and to promote the sale of Iowa products.

Intermediate Care Facilities for the Mentally Retarded

The first session of the Sixty-sixth General Assembly urged the licensing of Glenwood and Woodward Hospitals as intermediate care facilities for the mentally retarded. This will involve participation in the Title XIX program. Federal funds are providing for educational improvements, but there is need for a \$4.5 million appropriation for FY 1977, representing half the cost of improved housing. These funds ultimately will be reimbursed to the state.

Land Use

Land, an extraordinarily important resource in the State of Iowa, must be protected against shortsighted exploitation and despoliation; at the same time, recognition must be given to the individual landowners' rights. The progress made in the House is deserving of Senate action.

Legislators on Boards and Commissions

An attorney general's opinion has pointed out the constitutional prohibition against legislators serving on executive boards and commissions. While a bill on this issue passed each house, no final resolution resulted.

The confusion as to quorums clouds the decisions of affected governmental boards and commissions; this matter needs attention.

Liquor Outlets

Instead of building and maintaining liquor outlets in sparsely populated areas, our citizens could be treated more equally by permitting limited private outlets under strong state supervision.

Medicaid

There has been a substantial increase in eligible recipients for medical assistance. Costs for hospital and supplemental care have skyrocketed. We refuse to turn our backs on those who must have health care, so we have provided \$12 million for FY 1976 and \$9.6 million for FY 1977 to cover these increases. At the same time, we feel it is incumbent upon the Social Services Department to develop certain reductions and limitations in the medicaid program. This is being done.

Mobile Home Tie-Down

To prevent deaths, injuries, and millions of dollars in property losses, mobile home tie-downs should be required.

No-Fault—First Party Insurance Coverage

The states that have adopted threshold, no-fault insurance programs now find from experience that not only have victims' rights to recover from wrongdoers been curtailed, but higher-than-ever liability premiums have resulted. Therefore, I would again ask that a reasonable level of first-party coverage with no threshold, similar to the Delaware or Oregon approach, be adopted.

Open Spaces—Tax Relief

Unlike developed stated-owned lands that bring increased economic benefits to an area, Open Spaces land is held in reserve and remains relatively undeveloped. Last year's bill was unacceptable. However, to offset the reduced property tax base in Open Spaces areas, I recommend state replacement of the loss.

Park User Fee

It is still advisable to provide a modest fee for the use of our major parks; the fees collected would be used for the maintenance and enhancement of these recreational areas.

Rail Assistance Program

Because a small state appropriation has inspired a spirit of innovative cooperation between shippers and railroads, our rail assistance program has earned the support of our people as well as nationwide acclaim. We ask funding for it.

Regents

We believe that our public universities can absorb some additional students without additional appropriations. However, the increase in enrollment exceeds what anyone projected and therefore, we have made arrangements for additional funding for the more than 4,300 new full-time students.

Loss of federal funds related to instruction at our state universities must be offset by additional state moneys. Funds should be appropriated for losses experienced in both years of the biennium.

Orthopedically handicapped Iowans should not be denied educational opportunities at our public universities. To prevent this, I recommend we provide financing to begin to remove the architectural barriers in student-used buildings at all Regents' universities.

Salaries

We have provided funds for all the merit step increases, a realignment of the pay steps, and a minimum 4.7 percent cost-of-living increase for state employees.

Social Services Institutions and Corrections

Our Social Services institutions have experienced rapid increases in food, utility, and medicine costs during this past year. Adjustments are needed in both fiscal year appropriations to cover these inescapable increases.

A more difficult problem has arisen with the unforeseen increase of 358 inmates at Fort Madison and Anamosa since December, 1974. We must face the need for additional security facility space.

Because of the loss of LEAA funds, additional state financing is also needed in community-based corrections for existing programs. If community corrections are to relieve some of the pressure from our penal institutions, this support must be provided.

Clarification of Drunken Driving Laws

Drunk drivers kill and maim. The required proof for OMVUI convictions should be modified to clarify the current presumptive evidence rule if it is proved the accused is intoxicated and driving a motor vehicle.

Tax Moratorium on Home Improvements

Rather than penalizing those who make improvements to their residential property by immediately increasing their property taxes, a five-year moratorium on the additional property taxes resulting from such home improvements should be allowed.

Transportation Aid

With the exceptionally high rate of inflation of highway construction and maintenance costs, and with the drop in revenue because of slower speeds and cars with better gas mileage, highway funding is becoming increasingly inadequate. You cannot indefinitely delay providing additional revenue from user fees to support our transportation system. As you know, I favor a tax as a percentage of the price of fuel so that the revenues could more nearly meet the needs. I also ask you to appropriate \$14.7 million of general fund monies remaining from my initial budget recommendations to be used where the needs are the greatest.

Tuition Grant

Our Tuition Grant program has provided a choice in education and maintained academic vitality in higher education. We can build upon the success of this program by creating a standing limited appropriation which will allow the grants to be awarded in a timely fashion.

Unemployment Trust Fund

In 1975, the unemployment trust fund was reduced from \$123 million to \$63 million. When more accurate revenue forecasts become available

early next month, it will have to be determined what additional funding will be required to maintain an adequate balance in this trust fund.

Uniform Bidding Regulations

Uniform bidding regulations for Iowa's units of local government should be required. Provisions should be made for both informal and formal bidding procedures.

Volunteer Committee Funding

State government frequently needs to call upon the skills and talents of people outside government. Volunteer citizens have contributed substantially to intelligent solutions of problems in our state. Most recent examples include the Task Force on Housing, the Economic Advisory Council, the Task Force on Early Childhood Development, and the National Guard Blue Ribbon Committee. It is essential that this kind of service be available when necessary as an alternative to increased bureaucracy. A small appropriation is requested for only the expenses of ad hoc committees such as the Local Governmental Services and Funding Sources Task Force proposed in this message, councils for early childhood development and for Spanish-speaking people, and the study on the consolidation of alcoholism and drug abuse programs.

Washington, D. C., Office

While we can be pleased we are not as dependent as some upon federal aid, it behooves us to secure our share of federal funds which can truly benefit us in Iowa. Establishing a state office in Washington, D. C., as done by twenty-one other states, will assist us in this effort and help protect us from federal encroachment.

Workmen's Compensation

You have initiated work in further updating our workmen's compensation law. The coverage, protection, and procedural items included in the pending revision need to be enacted to provide a modernized system of providing benefits to injured workers.

Youth Opportunity

An important component of the Governor's Youth Coordinator's Office is our successful Youth Conservation Corps. This valuable work experience program on non-federal public land should be expanded next year to involve more youth in job experience and also to provide assistance in conserving and preserving Iowa's recreational and wildlife areas.

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

On motion of Representative Fitzgerald, the joint convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, President Neu presiding.

On motion of Senator Van Gilst, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1008, by Senators Van Gilst, Junkins, Lamborn and Shaff, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans.

Read first time and **passed on file**.

Senate File 1009, by Senator Ramsey, a bill for an act relating to the liability for persons admitted or committed to a hospital-school or special unit.

Read first time and **passed on file**.

Senate File 1010, by Senator Curtis, a bill for an act making an appropriation to the department of general services for the construction of a central heating and cooling plant for the capitol complex and demolition of the existing heating plant.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1001 State government

S. F. 1002 Agriculture

S. F. 1003 State government

S. F. 1004 Ways and means

S. F. 1005 Appropriations

S. F. 1006 Appropriations

S. F. 1007 Appropriations

H. F. 175 Education

H. F. 504 Ways and means

H. F. 576 Transportation

H. F. 726 Energy

H. F. 918 Appropriations

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu announced the following appointments:

In accordance with Section 249A.4(8), 1975 Code of Iowa, Senator Dale L. Tieden to the Medical Assistance Council to fill the unexpired portion of a term ending June 30, 1977.

In accordance with Section 306.6, 1975 Code of Iowa, Senator Charles P. Miller to the State Functional Classification Review Board, to serve at the pleasure of the appointing officer.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

COMMISSION ON THE STATUS OF WOMEN

Recommendations for legislative priorities submitted to the 1976 Regular Session of the Sixty-sixth General Assembly in accordance with section 601.4, Code 1975.

ANNOUNCEMENT OF INVESTIGATING COMMITTEES FOR GOVERNOR'S APPOINTMENTS

President Neu, in accordance with section 2.32, Code 1975, announced the appointment of the following Senators to investigating committees:

As members of the State Board of Physical Therapy Examiners:

Sister Bernadine Pieper, Ottumwa, Wapello County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Orr, Chairperson
Senator Glenn
Senator Hill of Jasper
Senator Miller of Marshall
Senator Murray

Grace Rasmussen, Manilla, Crawford County, Iowa, as a public member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Ramsey, Chairperson

Senator Carr
Senator Hill of Polk
Senator Nolin
Senator Palmer

Helen Reichart, Monticello, Jones County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Scott, Chairperson
Senator Norpel
Senator Plymat
Senator Sovern
Senator Taylor

Warren J. Rogers, Cedar Rapids, Linn County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Schwengels, Chairperson
Senator Redmond
Senator Robinson
Senator Rodgers
Senator Shaff

Nancy G. Thompson, Des Moines, Polk County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Hultman, Chairperson
Senator Coleman
Senator Hill of Polk
Senator Junkins
Senator Kinley

As members of the State Board of Optometry Examiners:

Ira M. Deal, Mount Pleasant, Henry County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Carr, Chairperson
Senator Andersen
Senator Briles
Senator Culver
Senator Miller of Des Moines

Bertha J. Kirkwood, Ankeny, Polk County, Iowa, as a public member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Burroughs, Chairperson
Senator Coleman
Senator Culver
Senator Curtis
Senator Willits

Kenneth O. McMaster, Oelwein, Fayette County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Gallagher, Chairperson

Senator DeKoster
Senator Glenn
Senator Heying
Senator Nystrom

Martha H. Peck, Fort Madison, Lee County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Miller of Marshall, Chairperson
Senator Junkins
Senator Merritt
Senator Murray
Senator Sovern

Katherine R. Stroud, Des Moines, Polk County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Doderer, Chairperson
Senator Gluba
Senator Hill of Polk
Senator Nolting
Senator Plymat

Harold R. Wilson, Forest City, Winnebago County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Tieden, Chairperson
Senator Palmer
Senator Priebe
Senator Shaw
Senator Van Gilst

Claude E. Nichols, Clarinda, Page County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Coleman, Chairperson
Senator Briles
Senator Carr
Senator Hill of Jasper
Senator Winkelman

As Director of Energy Policy:

Rodson L. Riggs, Ames, Story County, Iowa, to fill the unexpired portion of a term ending June 30, 1977.

Senator Curtis, Chairperson
Senator Murray
Senator Nolin
Senator Nolting
Senator Priebe

As executive director of the Iowa Housing Finance Authority:

William H. McNarney, Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Junkins, Chairperson
Senator DeKoster
Senator Gallagher

Senator Gluba
Senator Plymat

As a member of the State Board of Tax Review:

William G. Murray, Ames, Story County, Iowa, for a six-year term, commencing July 1, 1975 and ending June 30, 1981.

Senator Bergman, Chairperson
Senator Carr
Senator Doderer
Senator Nystrom
Senator Van Gilst

As a member of the State Board of Medical Examiners:

Joseph A. McCaffrey, Davenport, Scott County, Iowa, as a public member, for the unexpired portion of a term ending June 30, 1976.

Senator Priebe, Chairperson
Senator Culver
Senator Hansen
Senator Kinley
Senator Shaw

As members of the State Board of Veterinary Medical Examiners:

Joseph A. Graham, Jr., Milo, Warren County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Ramsey, Chairperson
Senator Nolin
Senator Redmond
Senator Shaff
Senator Van Gilst

Marie L. Holz, Grand Junction, Greene County, Iowa, as a public member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Nolting, Chairperson
Senator Nystrom
Senator Orr
Senator Robinson
Senator Shaw

Samuel D. Linn, Humboldt, Humboldt County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Taylor, Chairperson
Senator Coleman
Senator Miller of Marshall
Senator Norpel
Senator Rodgers

Stanley C. Romans, Mason City, Cerro Gordo County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Miller of Des Moines, Chairperson
Senator Nystrom
Senator Scott
Senator Tieden
Senator Willits

John E. Soorholtz, Melbourne, Marshall County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Lamborn, Chairperson
Senator Merritt
Senator Miller of Marshall
Senator Robinson
Senator Scott

As a member of the City Development Board:

Ralph W. Potter, Marion, Linn County, Iowa, for the unexpired portion of a term ending June 30, 1978.

Senator Orr, Chairperson
Senator Curtis
Senator DeKoster
Senator Palmer
Senator Sovern

As Superintendent of Banking:

Thomas Hal Huston, Columbus Junction, Louisa County, Iowa, for the unexpired portion of a term ending June 30, 1977.

Senator Schwengels, Chairperson
Senator Heying
Senator Palmer
Senator Rabedaux
Senator Robinson

As a member of the Solid Waste Disposal Commission of the Department of Environmental Quality:

Ann Frenzen, Cedar Rapids, Linn County, Iowa, for the unexpired portion of a term ending June 30, 1978.

Senator Orr, Chairperson
Senator Miller of Marshall
Senator Plymat
Senator Redmond
Senator Sovern

As members of the Board of Public Instruction:

T. J. Heronimus, Grundy Center, Grundy County, Iowa, for a six-year term commencing January 3, 1976 and ending January 2, 1982.

Senator Carr, Chairperson
Senator Burroughs
Senator Culver
Senator Nystrom
Senator Palmer

John E. van der Linden of Sibley, Osceola County, Iowa, for a six-year term commencing January 3, 1976 and ending January 2, 1982.

Senator Miller of Des Moines, Chairperson
Senator Bergman
Senator Murray
Senator Kinley
Senator Redmond

Susan M. Wilson, Waterloo, Black Hawk County, Iowa, for a six-year term commencing January 3, 1976 and ending January 2, 1982.

Senator Rabedaux, Chairperson

Senator Nolting

Senator Nystrom

Senator Robinson

Senator Sovern

As a member of the Iowa Board of Parole:

Janet A. Johnson, Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Orr, Chairperson

Senator Burroughs

Senator Hultman

Senator Palmer

Senator Priebe

As members of the Iowa Real Estate Commission:

Lester E. Calvert, Des Moines, Polk County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Nolting, Chairperson

Senator Glenn

Senator Hill of Jasper

Senator Hill of Polk

Senator Hultman

Donald Knudsen, Eagle Grove, Wright County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Rabedaux, Chairperson

Senator Nolin

Senator Scott

Senator Taylor

Senator Willits

Gracie M. Ruden, LeMars, Plymouth County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Nolin, Chairperson

Senator DeKoster

Senator Griffin

Senator Junkins

Senator Priebe

Kathryn L. Graf, Fairfield, Jefferson County, Iowa, as a public member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Kelly, Chairperson

Senator Merritt

Senator Nolting

Senator Orr

Senator Schwengels

Julie Zelenka, Iowa City, Johnson County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Rodgers, Chairperson
Senator Doderer
Senator Rabedeaux
Senator Ramsey
Senator Scott

As members of the Merit Employment Commission:

James B. Morris, Jr., Des Moines, Polk County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Merritt, Chairperson
Senator Orr
Senator Plymat
Senator Priebe
Senator Schwengels

Alice Anderson McKee, Des Moines, Polk County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Glenn, Chairperson
Senator Hill of Polk
Senator Junkins
Senator Kelly
Senator Van Gilst

As a member of the Social Services Council:

Madalene Roberts Townsend, Davenport, Scott County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Hultman, Chairperson
Senator Doderer
Senator Glenn
Senator Gluba
Senator Shaw

As members of the Iowa State Civil Rights Commission:

Gretchen M. Bataille, Ames, Story County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Nolin, Chairperson
Senator Doderer
Senator Murray
Senator Nolting
Senator Ramsey

Gary H. Koerselman, Sioux City, Woodbury County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Hultman, Chairperson
Senator Andersen
Senator Junkins
Senator Kinley
Senator Rodgers

Charles W. Toney, Davenport, Scott County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Priebe, Chairperson
Senator Hansen
Senator Merritt
Senator Shaw
Senator Sovern

Evelyn Villines, Des Moines, Polk County, Iowa, to fill the unexpired portion of a term ending June 30, 1977.

Senator Kelly, Chairperson
Senator Culver
Senator Hill of Jasper
Senator Orr
Senator Plymat

As members of the Iowa Housing Finance Authority:

Bill E. Algood, Fort Dodge, Webster County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Coleman, Chairperson
Senator Andersen
Senator Briles
Senator Carr
Senator Van Gilst

Fredine M. Branson, Iowa City, Johnson County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Plymat, Chairperson
Senator Burroughs
Senator Coleman
Senator Culver
Senator Doderer

Constance C. Foster, Des Moines, Polk County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Sovern, Chairperson
Senator DeKoster
Senator Doderer
Senator Gallagher
Senator Plymat

Gene E. Geissinger, West Des Moines, Polk County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Griffin, Chairperson
Senator Glenn
Senator Gluba
Senator Hill of Polk
Senator Rodgers

Harold W. Godbersen, Ida Grove, Ida County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Heying, Chairperson
Senator Hill of Polk
Senator Sovern
Senator Willits
Senator Winkelman

Donald A. Graham, Sergeant Bluff, Woodbury County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Rabedaux, Chairperson
Senator Andersen
Senator Hill of Jasper
Senator Junkins
Senator Sovern

Larry L. Hill, Cedar Falls, Black Hawk County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Coleman, Chairperson
Senator Hansen
Senator Kinley
Senator Murray
Senator Nolting

Eugene O. Johnson, Davenport, Scott County, Iowa, for a four-year term commencing July 1, 1975 and ending June 30, 1979.

Senator Gluba, Chairperson
Senator Lamborn
Senator Merritt
Senator Palmer
Senator Schwengels

Joseph L. Strasser, Des Moines, Polk County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Shaff, Chairperson
Senator Hill of Polk
Senator Norpel
Senator Orr
Senator Sovern

As members of the State Board of Engineering Examiners:

Ronald D. Brown, Muscatine, Muscatine County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Gluba, Chairperson
Senator Culver
Senator Kelly
Senator Palmer
Senator Rabedaux

Arnold O. Chantland, Ames, Story County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Bergman, Chairperson
Senator Heying
Senator Murray
Senator Redmond
Senator Scott

Dawn E. Chapman, Cedar Rapids, Linn County, Iowa, as a public member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Glenn, Chairperson

Senator Andersen
Senator Ramsey
Senator Redmond
Senator Scott

Francis E. Holland, Mason City, Cerro Gordo County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Heying, Chairperson
Senator Hansen
Senator Miller of Marshall
Senator Robinson
Senator Scott

Harrison Kane, Iowa City, Johnson County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Hultman, Chairperson
Senator Doderer
Senator Hill of Jasper
Senator Nystrom
Senator Rodgers

Herman Lewis, Edgewood, Clayton County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Kelly, Chairperson
Senator Junkins
Senator Scott
Senator Tieden
Senator Willits

Burt R. Livingston, Newton, Jasper County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Miller of Des Moines, Chairperson
Senator Hill of Jasper
Senator Kinley
Senator Plymat
Senator Taylor

As members of the State Board of Watchmaking Examiners:

Clarence A. Gordy, Oskaloosa, Mahaska County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Redmond, Chairperson
Senator Merritt
Senator Nystrom
Senator Ramsey
Senator Van Gilst

Marian R. Haaf, Waterloo, Black Hawk County, Iowa, as a public member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Orr, Chairperson

Senator Griffin
Senator Miller of Des Moines
Senator Nolting
Senator Winkelman

Karlton L. Kunath, Spencer, Clay County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Schwengels, Chairperson
Senator Bergman
Senator Nolin
Senator Rodgers
Senator Willits

Irvin H. Palm, Red Oak, Montgomery County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Palmer, Chairperson
Senator Hultman
Senator Shaff
Senator Sovern
Senator Willits

James W. Peterson, Washington, Washington County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Norpel, Chairperson
Senator Nolting
Senator Priebe
Senator Schwengels
Senator Taylor

James R. Van Denover, Oelwein, Fayette County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Briles, Chairperson
Senator Carr
Senator Curtis
Senator Heying
Senator Hill of Jasper

Sidney E. Wilcox, Missouri Valley, Harrison County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Doderer, Chairperson
Senator Coleman
Senator Culver
Senator DeKoster
Senator Griffin

As members of the Department of Environmental Quality Board of Certification:

Keith Edward Bridson, Des Moines, Polk County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Nystrom, Chairperson

Senator Nolting
Senator Orr
Senator Palmer
Senator Van Gilst

Beverly B. Everett, New Sharon, Mahaska County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Miller of Des Moines, Chairperson
Senator Hill of Jasper
Senator Palmer
Senator Rabedaux
Senator Winkelman

Domenic P. Morrow, Des Moines, Polk County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Shaff, Chairperson
Senator Culver
Senator Kinley
Senator Rodgers
Senator Schwengels

Harris F. Seidel, Ames, Story County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Nolting, Chairperson
Senator Murray
Senator Ramsey
Senator Robinson
Senator Van Gilst

Vernon Spilker, Missouri Valley, Harrison County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Taylor, Chairperson
Senator Culver
Senator Miller of Marshall
Senator Scott
Senator Sovern

As members of the State Board of Nursing:

Dwight Brooke, Des Moines, Polk County, Iowa, as a public member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Shaff, Chairperson
Senator Hill of Jasper
Senator Hill of Polk
Senator Nolin
Senator Palmer

Pearl Forbes, Marshalltown, Marshall County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Bergman, Chairperson
Senator Heying
Senator Miller of Marshall
Senator Norpel
Senator Sovern

Mildred I. Freel, Iowa City, Johnson County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Carr, Chairperson
Senator Briles
Senator DeKoster
Senator Doderer
Senator Priebe

Nellie Osterlund, Des Moines, Polk County, Iowa, as a licensed member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Burroughs, Chairperson
Senator Coleman
Senator Hansen
Senator Palmer
Senator Redmond

Barbara Ann Steen, Jesup, Buchanan County, Iowa, as a licensed member, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Culver, Chairperson
Senator Curtis
Senator Gallagher
Senator Griffin
Senator Robinson

Ruth M. Turnis, Dubuque, Dubuque County, Iowa, as a licensed member, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Curtis, Chairperson
Senator Carr
Senator Glenn
Senator Heying
Senator Hultman

Noel W. Willis, Iowa City, Johnson County, Iowa, as a public member, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Hill of Jasper, Chairperson
Senator DeKoster
Senator Doderer
Senator Kelly
Senator Van Gilst

As members of the State Board of Examiners for Nursing Home Administrators:

Blaine L. Donaldson, Storm Lake, Buena Vista County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Tieden, Chairperson
Senator Curtis
Senator Gallagher
Senator Merritt
Senator Rodgers

Dwight E. Fry, Greenfield, Adair County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Robinson, Chairperson

Senator Glenn

Senator Griffin

Senator Rodgers

Senator Schwengels

James Gannon, Laurens, Pocahontas County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Shaw, Chairperson

Senator Curtis

Senator Scott

Senator Sovern

Senator Willits

Richard J. Lintner, Des Moines, Polk County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Redmond, Chairperson

Senator Plymat

Senator Sovern

Senator Van Gilst

Senator Winkelman

Phyllis J. Peters, Sioux City, Woodbury County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Nystrom, Chairperson

Senator Kelly

Senator Orr

Senator Priebe

Senator Willits

Richard F. Rabe, Des Moines, Polk County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Scott, Chairperson

Senator Carr

Senator Hill of Polk

Senator Junkins

Senator Winkelman

Ezra W. Shenk, Wellman, Washington County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Shaff, Chairperson

Senator Glenn

Senator Schwengels

Senator Sovern

Senator Willits

Lois M. Sherman, Cedar Falls, Black Hawk County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Palmer, Chairperson

Senator Hansen

Senator Tieden

Senator Van Gilst

Senator Willits

Dorcas Speer, Ames, Story County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Hultman, Chairperson
Senator Doderer
Senator Glenn
Senator Murray
Senator Nolting

As members of the State Board of Dental Examiners:

Wayne J. Barnes, D.D.S., Sioux City, Woodbury County, Iowa, for appointment to an initial three-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Priebe, Chairperson
Senator Andersen
Senator Nolin
Senator Rodgers
Senator Winkelman

Clarence R. Hosford, D.D.S., Monticello, Jones County, Iowa, for appointment to an initial three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Ramsey, Chairperson
Senator Culver
Senator Gallagher
Senator Norpel
Senator Rabedaux

Robert L. Moore, D.D.S., Hampton, Franklin County, Iowa, for appointment to an initial two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Rodgers, Chairperson
Senator Heying
Senator Robinson
Senator Shaff
Senator Taylor

Connie Price, Des Moines, Polk County, Iowa, for appointment as a public member to an initial three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Miller of Marshall, Chairperson
Senator Nolin
Senator Plymat
Senator Scott
Senator Sovern

Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment as a public member to an initial one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Scott, Chairperson
Senator Doderer
Senator Gluba
Senator Ramsey
Senator Winkelman

Carolyn Tufty, Cedar Rapids, Linn County, Iowa, for appointment to an initial one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Briles, Chairperson
Senator Hansen
Senator Orr
Senator Redmond
Senator Sovern

Thomas A. Underkoffler, D.D.S., Marshalltown, Marshall County, Iowa, for appointment to an initial two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Glenn, Chairperson
Senator Gluba
Senator Merritt
Senator Miller of Marshall
Senator Schwengels

Marcia L. Wiedmeyer, Des Moines, Polk County, Iowa, for appointment to an initial three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Kelly, Chairperson
Senator Hill of Jasper
Senator Nolting
Senator Plymat
Senator Van Gilst

David L. Wolf, D.D.S., Cedar Rapids, Linn County, Iowa, for appointment to an initial one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Priebe, Chairperson
Senator Andersen
Senator Culver
Senator Redmond
Senator Winkelman

COMMUNICATIONS

The following communications were filed with the Secretary of the Senate:

Mr. Steven C. Cross
Secretary of Senate
State House
Local

Dear Mr. Cross:

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

These include 78 claims of a general nature.

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

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

Receipt of the above is hereby acknowledged.

STEVEN C. CROSS, Secretary of Senate

OFFICE OF STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2408-64-25	Earl Wittrock Carroll, Iowa		
	License fee refund	\$ 389.00	Disapproved
2205-65-25	Cellox Corporation Reedsburg, Wisconsin		
	Permit fee refund	20.00	Disapproved
2206-65-25	L. J. Trucking, Inc. Seattle, Washington		
	Fine refund	237.96	Disapproved
2248-65-25	George Transit Line, Inc. Des Moines, Iowa		
	License fee refund	1,449.80	Disapproved
2255-65-25	Dolly Madison Dairies LaCrosse, Wisconsin		
	Fine and permit fee refund	25.00	Disapproved
2332-65-25	Lois Schmidt Boone, Iowa		
	Clerical error—Holiday pay missed	21.12	Disapproved
2492-65-25	Borroughs Division of Lear Siegler Kalamazoo, Michigan		
	Fine and permit fee refund	25.00	Disapproved
2586-65-25	Waterloo Ambulance Service Waterloo, Iowa		
	Outdated invoice	140.00	Disapproved
2587-65-25	Waterloo Ambulance Service Waterloo, Iowa		
	Outdated invoice	120.00	Disapproved
2624-65-25	Onley Refrigerated Transport, Inc. Oakland, Iowa		
	License fee refund	Undetermined	Disapproved
306-66-25	Patricia Dunham Ames, Iowa		
	Property damage	131.34	Disapproved
541-66-25	Chem Gro of Houghton, Inc. Houghton, Iowa		
	County plate refund	1,175.00	Disapproved
554-66-25	Eugene B. Newton d/b/a Newton Trucking Hornick, Iowa		
	License fee refund	524.55	Disapproved
635-66-25	Iowa Better Trucking Bureau Sioux City, Iowa		
	Permit fee refund	10.00	Disapproved
778-66-25	Larry King Bronson, Iowa		
	Prorate license fee refund	478.00	Disapproved
792-66-25	Daufeldt Transport, Inc. Muscatine, Iowa		
	License fee refund	264.25	Disapproved
842-66-25	Luverne Marcusson Red Oak, Iowa		
	License fee refund	Undetermined	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
870-66-25	D. A. Wilson Company Ames, Iowa License fee refund	302.94	Disapproved
876-66-25	Corner Drug Store Clear Lake, Iowa Outdated invoice	37.35	Disapproved
907-66-25	Melvin Wiseman Chapin, Iowa Prorate refund	273.00	Disapproved
962-66-25	Central Community School District DeWitt, Iowa Breach of contract rental	1,495.00	Disapproved
963-66-25	Jack Link Truck Line Dyersville, Iowa License fee refund	125.25	Disapproved
965-66-25	Larry Scheibel Lebanon, Illinois License fee refund	600.00	Disapproved
1021-66-25	William Wahl New Hampton, Iowa License fee refund	565.01	Disapproved
1037-66-25	Schwerman Trucking Milwaukee, Wisconsin Registration fee refund	1,407.63	Disapproved
1038-66-25	Schwerman Trucking Milwaukee, Wisconsin Registration fee refund	1,900.69	Disapproved
1039-66-25	Schwerman Trucking Co. Milwaukee, Wisconsin Registration fee refund	607.82	Disapproved
1085-66-25	Iowa Better Trucking Bureau Sioux City, Iowa Permit fee refund	10.00	Disapproved
1224-66-25	Harry F. Rose Glidden, Iowa License fee refund	302.41	Disapproved
1256-66-25	Albert B. Dun Dundee, Illinois Trip permit exchange	Undetermined	Disapproved
1298-66-25	Best Refrigerated Express, Inc. Council Bluffs, Iowa License fee refund	4,807.74	Disapproved
1340-66-25	Herbert James Schwarz Newton, Iowa License fee refund	Undetermined	Disapproved
1355-66-25	Jim Lightner Sioux City, Iowa License fee refund	212.46	Disapproved
1369-66-25	State Steel Supply Sioux City, Iowa Prorate refund	761.83	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1410-66-25	Ryder Truck Rental & Central Soya Co. Des Moines, Iowa Prorate refund	1,398.02	Disapproved
1530-66-25	Karl Klein Grain & Feed LeMars, Iowa Prorate refund	355.11	Disapproved
1533-66-25	Jon Norton Sioux City, Iowa Prorate refund	39.48	Disapproved
1561-66-25	Saunders Leasing System Mt. Pleasant, Iowa License fee refund	380.28	Disapproved
1588-66-25	Melvin C. Allensworth Davenport, Iowa Registration fee refund	4.00	Disapproved
1589-66-25	Dows Community School Dows, Iowa Outdated invoice	270.00	Disapproved
1607-66-25	Larry W. Miller Merrill, Iowa License fee refund	415.24	Disapproved
1633-66-25	Marcella Cadwell Cherokee, Iowa Property damage	20.00	Disapproved
1642-66-25	Gene Geissinger West Des Moines, Iowa Property loss	50.00	Disapproved
1646-66-25	I B M Kansas City, Missouri Outdated invoice	23.95	Disapproved
1657-66-25	Northwestern Bell Telephone Co. Des Moines, Iowa Outdated invoice	26.28	Disapproved
1669-66-25	Nachurs Plant Food Co. Red Oak, Iowa License fee refund	1,023.70	Disapproved
1695-66-25	Mrs. Wally Hale Des Moines, Iowa Property damage	36.00	Disapproved
1700-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	151.87	Disapproved
1701-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	209.44	Disapproved
1702-66-25	Gerald M. Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	198.62	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1703-66-25	Gerald Donahue d/b/a Donahue Farms & Tri-State New Albin, Iowa License fee refund	151.87	Disapproved
1706-66-25	De Jong Truck Service Orange City, Iowa Fine refund	25.00	Disapproved
1707-66-25	Mid-Equipment, Inc. Grundy Center, Iowa License fee refund	900.92	Disapproved
1709-66-25	Mission Trucking Service, Inc. Mission, South Dakota License fee refund	23.21	Disapproved
1719-66-25	Dan J. Voegele Valley City, North Dakota License fee refund	28.70	Disapproved
1725-66-25	Iowa Beef Processors, Inc. Dakota City, Nebraska Probate license refund	532.89	Disapproved
1738-66-25	Mouw Transportation, Inc. Sibley, Iowa License fee refund	492.96	Disapproved
1767-66-25	Stockberg Transfer & Storage Mason City, Iowa License fee refund	660.80	Disapproved
1778-66-25	Ryder Truck Rental, Inc. Des Moines, Iowa License refund	355.63	Disapproved
1838-66-25	Dubuque Communication Corporation a/k/a KDUB-TV Channel 40 Dubuque, Iowa Breach of contract	430.00	Disapproved
1853-66-25	Peavey Company Dealer Service Sioux City, Iowa Prorate refund	551.23	Disapproved
1856-66-25	Lewis A. Morrow Chariton, Iowa Merit pay increase	19.38	Disapproved
1861-66-25	Everett G. Stapp, Jr. Chariton, Iowa Merit pay increase	19.38	Disapproved
1887-66-25	Marvin Lee Corll Leon, Iowa Merit pay increase	12.46	Disapproved
1891-66-25	The Universe Company, Inc. Omaha, Nebraska License fee refund	6,312.64	Disapproved
1922-66-25	Robert Blair Sharpsburg, Iowa Tax stamp refund	13.61	Disapproved
1934-66-25	Dennis M. South Leon, Iowa Merit pay increase	8.16	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1944-66-25	Garland Draper Van Wert, Iowa Merit pay increase	12.46	Disapproved
1969-66-25	Des Moines Photo Copy Des Moines, Iowa Outdated invoice	66.50	Disapproved
1973-66-25	Eddie R. McKee Toledo, Iowa Property damage	699.89	Disapproved
2001-66-25	Richard A. Broyles Indianola, Iowa Merit pay increase	8.08	Disapproved
2002-66-25	Merl J. Curnes Indianola, Iowa Merit pay increase	17.44	Disapproved
2031-66-25	Ray Sullins Des Moines, Iowa Outdated expense claim	1,000.00	Disapproved
2032-66-25	Harvey L. Price Montour, Iowa Property damage	106.38	Disapproved
2037-66-25	James L. Goodell Millerton, Iowa Merit pay increase	10.34	Disapproved
2038-66-25	Lester E. Ripperger Chariton, Iowa Merit pay increase	13.70	Disapproved
2073-66-25	Lewis A. Souer Indianola, Iowa Real Estate transfer tax refund	46.75	Disapproved
2147-66-25	Ronald Banowetz Charlotte, Iowa Property tax refund	5,000.00	Disapproved

Mr. Steven C. Cross
Secretary of Senate
State House
Local

Dear Mr. Cross:

In accordance with Section 25A.12, Code of Iowa, 1975, we are hereby submitting to the General Assembly all claims and judgments paid during 1975 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,
MARVIN R. SELDEN, JR.
State Comptroller

Receipt of the above is hereby acknowledged.

STEVEN C. CROSS, Secretary of Senate

**CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1975**

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-134-63	Harvey Bittinger		\$ 200,000.00	\$ 5,000.00
T-110-65	Gerald N. Roeder	Personal injury due to collapse of x-ray table	1,832.10	400.00
T-447-65	Helen P. Preston	Damage to auto due to gate malfunction	8.09	8.09
T-685-65	Mrs. Bennie Harrington	Damage to auto due to gate malfunction	Undetermined	12.00
T-933-65	Tom & Cindy Chapman	Property damage due to hot water heater	1,500.00	550.00
T-2119-65	Eldon L. Kelley	Injury sustained at University of Iowa Recreational Center	59.75	59.75
T-2124-65	Gary E. Wenger	Damage to auto due to gate malfunction	55.52	55.52
T-2213-65	Claud M. Fraleigh	Damage to auto due to gate malfunction	42.23	42.23
T-2472-65	Frank J. Bridges	Damage at parking lot at University of Iowa	160.00	75.00
T-20-66	George & Wanda Pickering	Paint damage to auto	82.40	82.40
T-104-66	Willard H. Miller	Paint damage to auto	50.47	50.47
T-762-66	Keith Renner	Property damage	2,356.73	2,000.00
T-790-66	Bert Kamies, Father & & Lucille B. Kamies,			
T-791-66	Mother	Wrongful death	100,000.00	
	Bert Kamies, Claimant Administrator of the Est. of Delbert G. Kamies			43,000.00
			250,000.00	
T-998-66	Johnnie Arrick	Personal injury	25,000.00	525.00
T-1016-66	Joseph L. Houts	Damage to auto at parking lot	43.26	43.26
T-1036-66	Eloise Morse	Personal injury	11,401.17	6,000.00
T-1047-66	Gregg Reisinger	Crop loss due to sheep	3,669.66	3,100.00
T-1092-66	Dr. Joel Bernard Freeman	Damage to auto due to gate malfunction	14.00	14.00
T-1131-66	Duane Oliver	Damage to auto	990.86	990.86
T-1144-66	Edwin J. Guntren	Damage to auto	556.30	556.30

2nd Day

TUESDAY, JANUARY 13, 1976

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Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-1148-66	Charles A. Skaugstand, M.D.	Damage to auto	43.51	43.51
T-1189-66	Steven Leon Moss	Clothing damage sustained in fire	47.00	47.00
T-1192-66	Clarence R. Boyel	Clothing damage sustained in fire	38.45	38.45
T-1251-66	Dale L. Giese Welch Wilderness Voageors	Rented property stolen while on field trip	300.00	300.00
T-1337-66	Margaret L. Moore	Auto damage	356.79	356.79
T-1479-66	Phyllis M. Garton	Auto damage	696.54	696.54
T-1498-66	Shirley Louise Barton	Injuries at State Fair	Undetermined	21.50
T-1527-66	Bruce Sedred	Auto damage	169.95	169.95
T-1528-66	David Lee Blackburn	Damage to auto due to gate malfunction	126.00	114.72
T-1554-66	James D. Kirk	Clothing damage	45.00-60.00	25.00
T-1581-66	Susan Diane Doering	Injuries sustained in fall	127.10	127.10
T-1650-66	Mrs. Isabel Turner	Tire damage	80.48	80.48
T-1680-66	Sister Mary Rebecca Fidler	Auto damage due to gate malfunction	Undetermined	23.49
T-1882-66	George A. Kline	Auto damage	Undetermined	199.82
T-1956-66	Shirley F. Taylor	Auto damage due to gate malfunction	97.85	97.85
T-1983-66	Carl Wyman Cook	Injuries at State Fair	52.74	52.74
T-1986-66	Thomas G. Hughes	Auto damage	306.78	306.78
T-2000-66	Richard David Weeks	Injuries at State Fair	9.00	9.00
T-2014-66	Gerald E. Evans	Auto damage	53.56	53.56
T-2019-66	Jim M. Foster	Auto damage	95.00	95.00
T-2104-66	Beverly Burgett	Injuries at State Fair	176.55	176.55
T-2106-66	Richard R. Feldman	Auto damage	Undetermined	145.03
T-2129-66	Joanne Eloise Bullis	Property damage	39.00	39.00
T-2130-66	Joanne Eloise Bullis	Property damage	10.00	10.00
T-2135-66	Mrs. Alpha T. Proulx	Injuries at State Fair	300.00	170.00
T-2197-66	Nancy T. Cmelik	Personal injury	58.25	43.25

**CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1975**

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-46-66-T	Neal P. Thuesen	Crop damage	\$ 109.96	\$ 109.96
H-74-66-T	Lawrence L. Hoenig & Sons	Crop damage	1,631.00	1,631.00
H-76-66-T	Leonard Haijsman & Elizabeth Haijsman Loraine May Gowdy & John Gowdy	Damage to land	8,384.70	8,144.70
H-83-66-T	Merilyn L. Passow	Crop damage	18.00	18.00
H-85-66-T	Thomas C. Wilgenbusch & Farmers Casualty Co.	Auto damage	389.19	389.19
H-91-66-T	Dean E. Arter	Auto damage from paint	68.28	68.28
H-96-66-T	Elmer L. Venteicher	Property damage	55.00	55.00
H-112-66-T	Clarence Patermi	Driveway damage	136.35	136.35
H-126-66-T	State Farm Mutual Auto Insurance Co.	Subrogation/auto damage	967.00	483.50
H-132-66-T	Rollie E. Billman	Auto damage	197.76	197.76
H-136-66-T	Ernest C. Burchett	Auto damage	289.52	289.52
H-137-66-T	Cox Signs & Display Co.	Tar on sign & truck	195.75	95.75
H-138-66-T	Bruce LaVerne McCabe	Auto damage	81.22	81.22
H-140-66-T	Arthur A. Allen	Sidewalk damage	136.50	68.25
H-143-66-T	Dick Christensen	Tar on auto	25.00	25.00
H-146-66-T	Floyd Reuben Anderson	Repair tile	104.80	104.80
H-151-66-T	Doris Jean Eddy	Auto damage	85.26	85.26
H-155-66-T	Phyllis Moore	Auto damage	109.85	109.85
H-157-66-T	Donald F. Gerling	Damage to strawberry crop	50.00	50.00
H-158-66-T	Gerald Weber	Crop damage—water	1,486.86	856.86

2nd Day

TUESDAY, JANUARY 13, 1976

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-160-66-T	Nancy Gillette Mary Hammer— Joe Hammer Agent	Crop damage	532.00	100.00
H-161-66-T	Herman J. Mass	Mower damage	267.56	267.56
H-165-66-T	Thomas Jones, Jr.	Auto damage	76.12	76.12
H-174-66-T	Paul E. Ernsberger	Auto damage	53.06	53.06
H-176-66-T	Barbara L. Sieglaff	Auto damage	344.15	274.15
H-185-66-T	Paul Smith	Auto damage	119.89	119.89
H-186-66-T	Elmer E. Marvin	Auto damage	142.20	142.20
H-187-66-T	Alice Somers	Loss of rent caused by land damage	187.21	187.21

CHAPTER 25A—TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL—1975

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-228-64-T	Clarence Thiel Estate	Personal Injury Property Damage (Settlement)	\$ 27,784.60	\$ 1,000.00
T-2147-64	Anna K. Thurman	Personal Injury (Settlement)	300,000.00	30,000.00
H-41-65-T	Edward J. Hughes, Admn. Estate of Randy Hughes	Personal Injury & Death (Settlement)	100,000.00	26,000.00
T-48-65	Kris Christensen Gillespie	Personal Injury & Property Damage (Settlement)	5,015.00	4,000.00
H-83-65-T	James Daniel Henderson	Personal Injury Property Damage (Settlement)	22,700.00	5,000.00
H-122-65-T	Donald Wakefield & Max Arrasmith	Property Damage (Settlement)	3,000.00	2,000.00
H-134-65-T	Vance Shoemaker	Property Damage (Settlement)	758.80	250.00
H-165-65-T	Richard Moritz as Admin. of Est. of Roxanne Moritz	Personal Injury Property Damage (Settlement)	104,000.00	1,000.00
H-166-65-T	Richard Staab	Personal Injury (Settlement)	100,000.00	1,000.00
T-595-65	Eric Bahl, et al.	Personal Injury (Settlement)	600,000.00	125,000.00

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2212-65	Ross A. Engle	Property Damage (Settlement)	53.01	53.01
H-4-66-T	Gary J. McDowell	Personal Injury (Settlement)	125,000.00	4,125.00
H-24-66-T	David O. & Jeanne R. Thorson	Personal Injury Property Damage (Settlement)	38,239.05	22,500.00
T-1557-66	Frances E. Neuleib	Personal Injury (Settlement)	5,324.00	90.00
H-209-64-T	Carl Francis Ehlinger	Personal Injury (Judgment)	3,500,000.00	638,000.00
			(UNDER APPEAL)	
T-1596-64	Coy W. McBroom, Jr.	Personal Injury (Affirmed Judgment)	200,000.00	138,854.23
T-2060-64	Vaughn R. Webb	Personal Injury (Judgment)	1,900,900.00	78,000.00
T-2076-64	John E. Scannell	Personal Injury (Judgment)	25,000.00	7,000.00
			+ Interest	
H-45-65-T	Thomas Hunt	Personal Injury (Judgment)	750,000.00	501,000.00
			(UNDER APPEAL)	
T-515-65	James Speed	Personal Injury (Judgment)	3,500,000.00	750,000.00
			(UNDER APPEAL)	

2nd Day

TUESDAY, JANUARY 13, 1976

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REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on rules and administration to which was referred **Senate Concurrent Resolution 8**, a resolution honoring the memory of Martin Luther King, Jr., begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the resolution be adopted:**

S—5001

- 1 Amend Senate Concurrent Resolution 8, page
- 2 1, line 15, by striking the figures "1975" and
- 3 inserting in lieu thereof the figures "1976".

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

On motion of Senator Kinley, the Senate adjourned at 4:15 p.m., until 9:30 a.m., Wednesday, January 14, 1976.

JOURNAL OF THE SENATE

THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, JANUARY 14, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Arthur E. Brent, pastor of Union Park United Methodist Church, Des Moines, Iowa.

The Journal of Tuesday, January 13, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Perry Lee Weigel, Van Meter, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Redmond for the day on request of Senator Kinley; Senator Griffin for the day on request of Senator Rabedeaux.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixteen students from Palmer Consolidated School, Palmer, Iowa, accompanied by their instructor, Shirley Reekers. Senator Winkelman.

SUPPLEMENTAL REPORT OF COMMITTEE ON SENATE SECRETARIES

Senator Doderer submitted the following supplemental report and moved its adoption:

MR. PRESIDENT: Your committee appointed to determine the standing and qualifications of the candidates for Senate secretaries begs leave to report that it has made investigation and examinations and finds the following persons competent as stenographers for the positions to which they have been appointed. Assignments have been made as follows:

Senator Robert M. Carr—Nancy Smith
Senator Minnette F. Doderer—Jane Oelmann

Senator Willard R. Hansen—Nancy Henter
 Senator Milo Merritt—Marjorie Merritt
 Senator John N. Nystrom—Betty Soncrant
 Senator James M. Redmond—Dixie Risbeck
 Senator Dale Tieden—Mildred Stewart
 Senator Earl M. Willits—Rosemary Randolph

MINNETTE F. DODERER, Chairperson
 WILLIAM E. GLUBA
 CLIFF BURROUGHS
 DALE L. TIEDEN

The motion prevailed and the report was adopted.

The secretaries appeared before the bar of the Senate, were duly sworn and subscribed their names to the oath of office.

ELECTION TO COMPLETE STAFF OF PERMANENT OFFICERS AND EMPLOYEES

Senator Kinley submitted the following report and moved its adoption:

SUPPLEMENTAL REPORT OF COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Your committee on rules and administration begs leave to submit the names of the following personnel for nomination to complete the permanent officers and employees of the Senate for the Sixty-sixth General Assembly, 1976 Regular Session:

Legal Counsel	David B. Frost, Des Moines
Research Assistant to Majority Leader	Martin H. Brown, Iowa Falls
Research Assistant to Minority Leader	Gary Thomas, Norwalk
Research Assistant to President Pro Tempore	Jane Fowler, Des Moines
Research Assistant to Majority Caucus	Robert Mulqueen, Des Moines
Research Assistant to Majority	
Caucus	Charles W. Reeves, West Des Moines
Research Assistant to Minority	
Caucus	Kimberly J. Hudson, West Des Moines
Enrolling Clerk/Terminal Operator	Cynthia A. Clingan, Des Moines
Assistant to the Legal Counsel	Jean Cook, Des Moines
Records and Supply Clerk	Judy K. Iseminger, Des Moines
Special Clerk	Judith M. Rutledge, Des Moines
Assistant Bill Clerk	Janet Ellsworth, Des Moines
Control Board Operator	Elissa Weisner, West Des Moines
Doorkeeper	Catherine L. DeHeck, Des Moines
Lieutenant Governor's Page	Kay Eason, Battle Creek
Secretary of the Senate's Page	Ann Shima, Marengo
Senate Page	Amy Beattie, Runnells
Senate Page	Marci Kneeter, West Des Moines
Senate Page	Karla Kruse, New Albin
Senate Page	Bret Nilles, Dubuque
Senate Page	Gary Parker, Bussey

Senate Page	Darnell Pettengill, Graettinger
Senate Page	Lu Ann Ray, Des Moines
Senate Page	Lisa Sievers, Avoca
Senate Page	Kevin Smith, Waterloo
Senate Page	William G. Stowe, Nevada
Senate Page	Julie Street, Wapello

WILLIAM D. PALMER, Chairperson

The motion prevailed and the report was adopted.

Senator Kinley moved the election of the permanent officers and employees placed in nomination by the committee on rules and administration to complete the Senate staff.

The motion prevailed and the foregoing officers and employees appeared before the bar of the Senate, were duly sworn and subscribed to their oaths of office.

President pro tempore Doderer took the chair at 9:45 a.m.

WITHDRAWN

Senator Shaw asked and received unanimous consent that **Senate File 161** be withdrawn from further consideration of the Senate.

Senator Priebe asked and received unanimous consent that **Senate Concurrent Resolution 9** be withdrawn from further consideration of the Senate.

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 1001, by Senator Miller of Des Moines, a joint resolution providing that veteran legislators be presented with a legislative desk and chair in tribute to their years of service.

Read first time and **passed on file**.

Senate File 1011, by Senator Andersen, a bill for an act relating to the use of a firearm in the commission of a felony and providing a penalty.

Read first time and **passed on file**.

Senate File 1012, by Senators Taylor, Scott and Rodgers (Baker, Norland, Hutchins, Miller of Cerro Gordo and Hines), a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund.

Read first time and passed on file.

Senate File 1013, by Senators Hill of Polk, Redmond and Willits, a bill for an act to prohibit the department of transportation from requiring listing of the applicant's social security number on applications for certificate of title of a motor vehicle.

Read first time and passed on file.

Senate File 1014, by Senator Hultman, a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars.

Read first time and passed on file.

Senate File 1015, by Senator Shaw, a bill for an act relating to airport commissions.

Read first time and passed on file.

Senate File 1016, by Senator Shaw, a bill for an act relating to passage of ordinances and amendments.

Read first time and passed on file.

Senate File 1017, by Senator Shaw, a bill for an act to provide for the voluntary registration of bicycles.

Read first time and passed on file.

Senate File 1018, by Senator Norpel, a bill for an act relating to the termination of insurance agency contracts.

Read first time and passed on file.

Senate File 1019, by Senator Shaw, a bill for an act relating to compulsory financial responsibility for owners and operators of motor vehicles and providing penalties.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1008 Commerce

S. F. 1009 Judiciary

S. F. 1010 Appropriations

S.C.R. 101 Rules and administration

REPORTS OF COMMITTEE

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 288**, a bill for an act to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 454**, a bill for an act relating to sexual contact performed for a fee and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 546**, a bill for an act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **House File 188**, a bill for an act authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

House File 188 referred to committee on appropriations, under Senate Rule 38.

AMENDMENTS FILED

S—5002

- 1 Amend Senate File 1008, page 1, line 7, by insert-
- 2 ing after the word "*business*" the word "*investment*".

PHILIP B. HILL

S—5003

- 1 Amend Senate File 1008, page 1, by striking
- 2 lines 13 through 17, and inserting in lieu thereof
- 3 the following:
- 4 "Sec. 2. This Act, being deemed of immediate
- 5 importance, shall take effect and be in force from
- 6 and after its publication in the Oskaloosa Daily
- 7 Herald, a newspaper published in Oskaloosa, Iowa,
- 8 and in the Telegraph Herald, a newspaper published
- 9 in Dubuque, Iowa."

BASS VAN GILST

On motion of Senator Kinley, the Senate adjourned at 3:27 p.m., until 9:30 a.m., Thursday, January 15, 1976.

JOURNAL OF THE SENATE

FOURTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, JANUARY 15, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Frank Bognanno, pastor of the St. Patrick's Church, Cumming, Iowa.

The Journal of Wednesday, January 14, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. E. D. Linder, Ogden, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

January 14, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

I am hereby withdrawing my request for Senate confirmation on the appointment of Richard J. Lintner, Des Moines, Polk County, Iowa, to the State Board of Examiners for Nursing Home Administrators. This appointment was for an initial term ending June 30, 1978.

Thank you for your attention to this matter.

Sincerely
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 1020, by Senator Shaff, a bill for an act relating to the computation of the foundation property tax.

Read first time and passed on file.

Senate File 1021, by Senator Winkelman, a bill for an act relating to the alienation of preserves.

Read first time and **passed on file.**

Senate File 1022, by Senator Shaff, a bill for an act to double the inheritance tax exemption for sons and daughters.

Read first time and **passed on file.**

ADOPTION OF SENATE CONCURRENT RESOLUTION 8

Senate Concurrent Resolution 8

On motion of Senator Hill of Polk, the following concurrent resolution, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted:

SENATE CONCURRENT RESOLUTION 8

By Hill of Polk

1 *Whereas*, January 15 is the birthdate of the Reverend Martin
2 Luther King, Jr.; and

3 *Whereas*, the Reverend Martin Luther King, Jr. has been
4 recognized by all people of the world as having made great
5 contributions towards the promotion of equality of man and
6 the furtherance of peace; and

7 *Whereas*, pursuant to this recognition the Reverend Martin
8 Luther King, Jr. was awarded the Nobel Peace Prize; and

9 *Whereas*, it is appropriate that the General Assembly of the
10 State of Iowa pay tribute to the memory of the Reverend Martin
11 Luther King, Jr. on the anniversary of his birth; *Now There-*
12 *fore,*

13 *Be It Resolved by the Senate, the House Concurring,* That
14 the General Assembly of the State of Iowa meeting in the year
15 1975 humbly honors the memory of the Reverend Martin Luther
16 King, Jr. and the accomplishments and contributions which he
17 made to this nation and the world; and

18 *Be It Further Resolved,* That copies of this resolution be
19 forwarded to the widow of the Reverend Martin Luther King, Jr.

Senator Hill of Polk offered amendment S—5001 by the committee on rules and administration and moved its adoption:

S—5001

1 Amend Senate Concurrent Resolution 8, page

2 1, line 15, by striking the figures "1975" and

3 inserting in lieu thereof the figures "1976".

Amendment S—5001 was adopted.

Senator Hill of Polk moved the adoption of the resolution as amended.

The motion prevailed and the resolution as amended was adopted.

Senator Kinley asked and received unanimous consent that **Senate Concurrent Resolution 8** be **immediately messaged** to the House, which request was complied with.

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

SUPPLEMENTAL REPORT OF JOINT ADMINISTRATION SUBCOMMITTEE

Senator Junkins submitted the following supplemental report and moved its adoption:

MR. PRESIDENT: Your joint administration subcommittee begs leave to submit the names of the following personnel as employees on the joint Senate-House payroll for the Sixty-sixth General Assembly, 1976 Regular Session:

LEGISLATIVE INDEXING

Assistant Index Clerk Wilma F. Zika

LEGISLATIVE SERVICE BUREAU

Bill Clerk Lois Johnson
Bill Clerk Susan Gurwell

JOINT EMPLOYEES

Law Library Clerk Judy Neff

BUILDINGS AND GROUNDS

Night Watchman Donald E. Lewis

On the Part of the Senate:	On the Part of the House:
LOWELL JUNKINS, Chairperson	DONALD V. DOYLE, Chairperson
W. R. RABEDEAUX	FLOYD H. MILLEN
BASS VAN GILST	MARY O'HALLORAN

The motion prevailed and the report was adopted.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 15, 1976, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 8 resolving that the General Assembly honor the memory of the Reverend Martin Luther King, Jr. and the accomplishments and contributions which he made to this nation and the world.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1023, by Senator Briles, a bill for an act relating to the registration of vehicles owned and used exclusively for activities for churches and religious organizations.

Read first time and **passed on file**.

Senate File 1024, by Senators Rabedeaux, Kelly, Griffin, Tieden and Lamborn, a bill for an act establishing special liquor retailers, and providing penalties.

Read first time and **passed on file**.

Senate File 1025, by Senator Gallagher, a bill for an act relating to the routing of pipelines.

Read first time and **passed on file**.

Senate File 1026, by Senator Gallagher, a bill for an act making the energy policy council a permanent public agency.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R. 1001 Rules and administration

S. F. 1011 Judiciary

S. F. 1012 Ways and means

S. F. 1013 Transportation

S. F. 1014 State government

S. F. 1015 Cities

S. F. 1016 Cities

- S. F. 1017 Transportation
- S. F. 1018 Commerce
- S. F. 1019 Commerce

REPORT OF COMMITTEE

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on labor and industrial relations to which was referred **House File 243**, a bill for an act relating to absences of public employees for medically-related disability, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CLOYD E. ROBINSON, Chairperson

Ordered passed on file.

On motion of Senator Kinley, the Senate adjourned at 3:55 p.m., until 9:30 a.m., Friday, January 16, 1976.

JOURNAL OF THE SENATE

FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, JANUARY 16, 1976

The Senate met in regular session, Senator Van Gilst presiding.

Prayer was offered by the Honorable Kenneth D. Scott, member of the Senate from Thornton, Cerro Gordo County, Iowa.

The Journal of Thursday, January 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Tesdall, Des Moines, Iowa.

INTRODUCTION OF BILL

Senate File 1027, by Senators Miller of Marshall and Tieden, a bill for an act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the Uniform Probate Code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing inconsistent legislation; and providing penalties.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 288

On motion of Senator Doderer, Senate File 288, a bill for an act to repeal the procedure for establishment of a convention to

ratify amendments to the Constitution of the United States, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 288) the vote was:

Ayes, 42:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Nolin	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Junkins	Norpel	Shaff
Culver	Kinley	Nystrom	Shaw
Curtis	Lamborn	Orr	Sovern
DeKoster	Merritt	Palmer	Taylor
Doderer	Miller of	Priebe	Tieden
Gallagher	Des Moines	Rabedeaux	Van Gilst
Gluba	Miller of	Redmond	Willits
Griffin	Marshall	Robinson	
Hansen			

Nays, 4:

Briles	Burroughs	Hultman	Winkelman
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Absent or not voting, 4:

Glenn	Kelly	Plymat	Ramsey
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

CONSIDERATION OF BILLS

Senate File 454

On motion of Senator Hill of Jasper, Senate File 454, a bill for an act relating to sexual contact performed for a fee and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk moved that Senate File 454 be referred to the committee on judiciary.

Senator Nolting took the chair at 11:40 a.m.

President pro tempore Doderer took the chair at 11:50 a.m.

Senator Kinley moved as a substitute motion that further

action on Senate File 454 be deferred and that the bill be placed on the calendar under unfinished business.

Senator Hill of Polk raised the point of order that the substitute motion to defer further action on the bill was out of order under Sec. 401.2, Mason's Manual of Legislative Procedure.

The Chair ruled the point well taken and the substitute motion out of order.

Senator Kinley withdrew the substitute motion and moved that action on the Hill of Polk motion to refer the bill to the committee on judiciary be deferred, which motion prevailed.

(Senate File 454 pending on adjournment.)

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 546.

Senate File 546

On motion of Senator Redmond, Senate File 546, a bill for an act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel offered amendment S—4167 filed by him and moved its adoption:

S—4167

- 1 Amend Senate File 546, page 1, line 15, by inserting
- 2 after the period the following new sentence: "*State*
- 3 *owned vehicles used by the department of health for*
- 4 *venereal disease investigation shall be equipped with*
- 5 *a flashing stroboscopic light which shall be operated*
- 6 *at all times when the vehicles are operated.*"

A record roll call was requested.

On the question "Shall amendment S—4167 be adopted?" (S.F. 546) the vote was:

Ayes, 2:

Culver Norpel

Nays, 36:

Andersen	DeKoster	Hill of Jasper	Murray
Bergman	Doderer	Hill of Polk	Nolin
Burroughs	Gallagher	Junkins	Nolting
Carr	Gluba	Kinley	Orr
Coleman	Hansen	Miller of	Palmer
Curtis	Heying	Des Moines	Plymat

Priebe	Robinson	Scott	Tieden
Rabedeaux	Rodgers	Shaw	Willits
Ramsey	Schwengels	Taylor	Winkelman
Redmond			

Absent or not voting, 12:

Briles	Kelly	Miller of	Shaff
Glenn	Lamborn	Marshall	Sovern
Griffin	Merritt	Nystrom	Van Gilst
Hultman			

Amendment S—4167 lost.

Senator Redmond offered amendment S—5004 and moved its adoption:

S—5004

- 1 Amend Senate File 546 as follows:
- 2 1. Page 1, line 9, insert after the word "*investi-*
- 3 *gation*," the words "*up to but*".
- 4 2. Page 1, line 14, insert after the word "*in-*
- 5 *vestigation*," the words "*up to but*".
- 6 3. Page 2, line 11, insert after the word "*Code*,"
- 7 the words "*up to but*".
- 8 4. Page 2, line 35, insert after the word "*Code*,"
- 9 the words "*up to but*".

Amendment S—5004 was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 546) the vote was:

Ayes, 33:

Andersen	Gallagher	Murray	Redmond
Bergman	Gluba	Nolin	Robinson
Briles	Hansen	Nolting	Rodgers
Burroughs	Heying	Orr	Schwengels
Carr	Hill of Jasper	Palmer	Shaw
Coleman	Hill of Polk	Plymat	Taylor
Curtis	Junkins	Rabedeaux	Willits
DeKoster	Kinley	Ramsey	Winkelman
Doderer			

Nays, 5:

Culver	Priebe	Scott	Tieden
Norpel			

Absent or not voting, 12:

Glenn	Lamborn	Miller of	Shaff
Griffin	Merritt	Marshall	Sovern
Hultman	Miller of	Nystrom	Van Gilst
Kelly	Des Moines		

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

INTRODUCTION OF BILLS

Senate File 1028, by Senator Gluba, a bill for an act establishing care review committees for the state hospital-schools and prescribing the powers and duties thereof.

Read first time and **passed on file**.

Senate File 1029, by committee on appropriations, a bill for an act making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women.

Read first time and **placed on calendar**.

Senate File 1030, by committee on appropriations, a bill for an act appropriating funds to the governor, lieutenant governor, and the council of state governments.

Read first time and **placed on calendar**.

Senate File 1031, by committee on appropriations, a bill for an act appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board.

Read first time and **placed on calendar**.

Senate File 1032, by committee on appropriations, a bill for an act appropriating funds to the Iowa state arts council and the academy of science.

Read first time and **placed on calendar**.

Senate File 1033, by committee on appropriations, a bill for an act appropriating funds from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system.

Read first time and **placed on calendar**.

Senate File 1034, by committee on appropriations, a bill for an act making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services.

Read first time and **placed on calendar**.

Senate File 1035, by committee on appropriations, a bill for an act providing a salary range for the director of the Iowa real estate commission.

Read first time and placed on calendar.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that on January 16, 1976, the House has adopted the Supplemental Report of the Joint Administration Subcommittee regarding employees on the Joint Senate-House payroll.

DAVID L. WRAY, Chief Clerk

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1020 Ways and means
- S. F. 1021 Natural resources
- S. F. 1022 Ways and means
- S. F. 1023 Transportation
- S. F. 1024 Ways and means
- S. F. 1025 Commerce
- S. F. 1026 State government

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

DEPARTMENT OF JUSTICE

Attorney General's Report on the Iowa Consumer Credit Code For the Year 1975, in accordance with section 537.6104(5), Code 1975.

ENERGY AND MINERAL RESOURCES RESEARCH INSTITUTE

The Second Annual Progress Report of the Iowa Coal Research Project at Iowa State University in accordance with Chapter 1065, section 6, Acts of the Sixty-fifth General Assembly, 1974 Regular Session.

DEPARTMENT OF TRANSPORTATION

The following report relating to special rules governing the length of a combination of three vehicles:

The Honorable Arthur A. Neu
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. Neu:

Attached is a report of the Department of Transportation which covers action taken by the Iowa Transportation Commission in public session January 13, 1976, relating to special rules governing the length of a combination of three vehicles.

The attached report includes a transcript of the motion approved by the commission members and the proposed rules.

Very truly yours,
VICTOR PREISSER
State Director

IOWA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE RULES

IN THE MATTER OF)	
SPECIAL RULES GOVERNING	)	REPORT OF
THE LENGTH OF A	)	THE DEPARTMENT
COMBINATION OF THREE	)	OF TRANSPORTATION
VEHICLES)	

To the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa:

Section 1. Pursuant to the authority of section 307.10 of the Code and in accordance with the special rulemaking provisions of that section, the Iowa Transportation Commission in public session January 13, 1976 adopted the following motion:

That the Iowa DOT, pursuant to the authority granted to it under SF 1141, establish the legal length limit of a combination of three vehicles coupled together, one of which is a motor vehicle, inclusive of front and rear bumpers, to be sixty-five feet. No single semitrailer or trailer included in such combination shall have an overall length, inclusive of rear bumper, in excess of thirty feet. Said combination of three vehicles in excess of sixty feet but not in excess of sixty-five feet may be operated on 4 lane highways or on highways other than 4 lane when the points of origin and destination are within five miles of a 4 lane highway. Said 4 lane highway restriction shall not affect those Iowa border cities which shall have by ordinance allowed internal movement of said sixty-five foot combination vehicles.

In addition to these exceptions said sixty-five foot three vehicle combinations shall be allowed on all Iowa 24' highway segments as now exist or may exist in the future and such other segments less than 24' which may provide continuity to the transportation system or provide

reasonable route continuity and/or access to communities of 5,000 or greater population. Said exception to 24' highways shall be subject to Iowa DOT Commission approval and shall not exceed 125 miles in total.

Said motion shall also include an appropriate fee schedule which shall be adopted by the Iowa DOT Commission prior to the effective date of usage as established by S.F. 1141.

The legalization of 65 ft. double bottoms shall be effective the day the General Assembly sends the enrolled bills outlawing studded tires and implementing functional classification to the Governor.

Section 2. PROPOSED RULES:

TRANSPORTATION DEPARTMENT (820) 07 MOTOR VEHICLE DIVISION

ARTICLE F OPERATING AUTHORITY

CHAPTER 6 LENGTH OF THREE VEHICLE COMBINATIONS

820—(07,F) 6.1 (307) *Length.* Sixty-five feet is established as the maximum legal length of a combination of three vehicles coupled together, one of which is a motor vehicle, inclusive of front and rear bumpers, which may operate on Iowa highways. No single semi-trailer or trailer included in such combination operated on Iowa highways shall have an overall length, inclusive of rear bumper, in excess of thirty feet.

820—(07,F) 6.2 *Operations restricted.* A combination of three vehicles in excess of sixty feet but not in excess of sixty-five feet may be operated only on four lane highways with the following exceptions:

6.2(1) When traveling to or from points of origin and destination which are within five miles of a four lane highway, highways other than those with four lane may be used;

6.2(2) When operated in Iowa border cities pursuant to subsection 321.457(7) of the Code;

6.2(3) When operated on Iowa highways with pavement widths of twenty-four feet or more;

6.2(4) When operated on Iowa highways with pavement widths less than twenty-four feet which may provide continuity to the highway transportation system or which provide reasonable route continuity or access to communities of five thousand or greater population. The granting of an exception to a section of highway under this sub-rule shall be by order of the transportation commission and the total of all such exceptions shall not exceed one hundred and twenty-five miles.

Respectfully submitted,
The Iowa Department of Transportation
VICTOR PREISSER
Director of Transportation

Des Moines, Iowa
January 16, 1976

ACKNOWLEDGEMENT

I, Steven Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the sixteenth day of January, 1976 of the foregoing report of the Iowa Department of Transportation pertaining to the length of three vehicle combinations.

STEVEN C. CROSS

Secretary of the Senate

1976 Regular Session of the Sixty-sixth

General Assembly of the State of Iowa

2:17 p.m., January 16, 1976.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 8	Senate File 234	Senate File 401
County Government	Natural Resources	Agriculture
Briles, Chairperson	Miller of Marshall,	Tieden, Chairperson
Miller of Des Moines	Chairperson	Heying
Merritt	Sovern	Priebe
Senate File 1	Winkelman	Senate File 430
Transportation	Senate File 256	Agriculture
Norpel, Chairperson	Natural Resources	Tieden, Chairperson
Rabedeaux	Priebe, Chairperson	Heying
Nolin	Sovern	Priebe
Senate File 16	Miller of Marshall	Senate File 455
Natural Resources	Senate File 258	County Government
Sovern, Chairperson	Judiciary	Briles, Chairperson
Bergman	Glenn, Chairperson	Scott
Priebe	Coleman	Miller of Des Moines
Senate File 25	DeKoster	Senate File 458
County Government	Doderer	Natural Resources
Robinson, Chairperson	Ramsey	Hultman, Chairperson
Scott	Senate File 267	Bergman
Briles	Natural Resources	Sovern
Senate File 63	Hultman, Chairperson	Senate File 467
Natural Resources	Priebe	Natural Resources
Norpel, Chairperson	Culver	Miller of Marshall,
Bergman	Senate File 304	Chairperson
Sovern	Natural Resources	Winkelman
Senate File 73	Sovern, Chairperson	Culver
Natural Resources	Miller of Marshall	Senate File 484
Culver, Chairperson	Norpel	Cities
Norpel	Senate File 321	Carr, Chairperson
Winkelman	State Government	Hansen
Senate File 94	Coleman, Chairperson	Miller of Des Moines
Natural Resources	Glenn	Senate File 490
Priebe, Chairperson	Curtis	State Government
Miller of Marshall	Senate File 336	Glenn, Chairperson
Norpel	Natural Resources	Nolin
Senate File 127	Heying, Chairperson	Schwengels
Natural Resources	Priebe	Senate File 512
Priebe, Chairperson	Winkelman	Natural Resources
Norpel	Senate File 380	Heying, Chairperson
Miller of Marshall	County Government	Priebe
Senate File 157	Merritt, Chairperson	Winkelman
Natural Resources	Gallagher	
Heying, Chairperson	Ramsey	
Priebe		
Sovern		

Senate File 516 County Government Robinson, Chairperson Heying Ramsey	Senate File 1016 Cities Redmond, Chairperson Griffin Nolting	House File 505 Natural Resources Priebe, Chairperson Norpel Miller of Marshall
Senate File 517 County Government Briles, Chairperson Scott Taylor	House File 1 Natural Resources Sovern, Chairperson Hultman Bergman	House File 584 Judiciary Redmond, Chairperson Kelly Willits Shaw Rodgers
Senate File 527 Labor and Industrial Relations Nolting, Chairperson Redmond Andersen	House File 59 Natural Resources Sovern, Chairperson Miller of Marshall Norpel	House File 617 Commerce Gallagher, Chairperson Bergman Carr
Senate File 547 Cities Palmer, Chairperson Redmond Nystrom	House File 175 Education Norpel, Chairperson Carr Shaw	House File 739 Transportation Norpel, Chairperson Coleman Miller of Marshall
Senate File 558 Human Resources Orr, Chairperson Hill of Polk Sovern	House File 217 Agriculture Van Gilst, Chairperson Shaff Scott	House File 744 Transportation Norpel, Chairperson Coleman Miller of Marshall
Senate File 570 Agriculture Heying, Chairperson Taylor Tieden	House File 345 Agriculture Tieden, Chairperson Heying Priebe	House File 775 Natural Resources Winkelman, Chairperson Bergman Sovern
Senate File 576 Ways and Means Junkins, Chairperson Nolting Shaff	House File 374 County Government Gallagher, Chairperson Taylor Scott	House File 906 Ways and Means Junkins, Chairperson Culver Lamborn
Senate File 1004 Ways and Means Shaff, Chairperson Hill of Jasper Nolting	House File 393 Natural Resources Hultman, Chairperson Norpel Culver	House Concurrent Resolution 26 Transportation Norpel, Chairperson Coleman Miller of Marshall
Senate File 1015 Cities Miller of Des Moines, Chairperson Nolting Schwengels	House File 504 Ways and Means Gluba, Chairperson Burroughs Schwengels	

REPORT OF COMMITTEE

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on labor and industrial relations to which was referred **House File 863**, a bill for an act relating to workmen's compensation laws, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5005

1 Amend House File 863, as amended and passed by

2 the House, as follows:

3 1. Page 1, by striking line 35.

4 2. Page 2, by striking line 1 and inserting in
5 lieu thereof the following: "while such officer or
6 person related to the officer is engaged in
7 agricultural pursuits or any operation immediately
8 connected therewith whether on or off the premises
9 of the employer."

10 3. Page 2, line 8, by striking the word "assume"
11 and inserting in lieu thereof the word "[assume]".

12 4. Page 2, by striking line 11 and inserting in
13 lieu thereof the following: "*by subsections 1, 2,*
14 *[3] and 4 and subsection three (3), paragraph a of.*"

15 5. Page 2, line 16, by inserting after the word
16 "States," the word "*assume*".

17 6. Page 2, line 20, by striking the word "*assume*".

18 7. Page 2, line 22, by inserting after the word
19 "*employees*" the word "*assume*".

20 8. Page 4, line 21, by striking the word
21 "*reasonable*" and inserting in lieu thereof the words
22 "*reasonably necessary*".

23 9. Page 11, line 20, by striking the word
24 "*reasonable*" and inserting in lieu thereof the words
25 "*reasonably necessary*".

26 10. Page 12, line 30, by striking the figure
27 "*1975*" and inserting in lieu thereof the figure "*1976*".

28 11. Page 13, line 9, by striking the figure "*1975*"
29 and inserting in lieu thereof the figure "*1976*".

30 12. Page 14, by striking line 3 and inserting
31 in lieu thereof the words "[sustained by his employee
32 in the course] *alleged by an employee to have been*
33 *sustained in the course*".

34 13. Page 14, line 21, by striking the words "*of*
35 *injury*".

36 14. Page 14, line 22, by inserting after the word
37 "*commissioner*" the words "*of injury*".

38 15. Page 14, by striking lines 31 through 35 and
39 inserting in lieu thereof the following:

40 "86.12 FAILURE TO REPORT. The industrial com-
41 missioner may require any employer to supply the
42 information required by section eighty-six point ten
43 (86.10) of the Code or to file a report required by
44 section eighty-six point eleven (86.11) of the Code,
45 by written demand sent to the employer's last known
46 address. Upon failure to supply such information
47 or file such report, the employer may".

48 16. Page 15, by striking line 1.

49 17. Page 15, line 4, by striking the words "if
50 the facts justify it".

Page 2

1 18. Page 15, line 5, by inserting after the word
2 "*enter*" the words "*a finding of fact and may enter*".

3 19. Page 15, line 10, by inserting after the word
4 "*such*" the words "*finding and*".

- 5 20. Page 15, line 15, by inserting after the word
6 "the" the words "finding and".
7 21. Page 15, line 31, by inserting after the word
8 "injury" the words "in the same manner and to the
9 same extent as an employer under this section".
10 22. Page 15, by striking lines 32 through 35.
11 23. Page 17, line 16, by striking the words
12 "Additional evidence" and inserting in lieu thereof
13 the words "[Additional evidence] *Evidence*".
14 24. Page 17, line 27, by inserting after the word
15 "mail" the words "*with return receipt requested*".
16 25. Page 19, by striking lines 1 and 2 and insert-
17 ing in lieu thereof "Within thirty days after voluntary
18 payments are begun, the employer or insurance carrier
19 shall file a notice with".
20 26. Page 19, line 18, by striking the word "with"
21 and inserting in lieu thereof the word "and".
22 27. Page 19, line 18, by inserting after the word
23 "denial" the words "shall be".
24 28. Page 19, line 19, by inserting after the word
25 "mail" the words "*with return receipt requested*".
26 29. Page 19, line 24, by striking the words "of
27 section" and inserting in lieu thereof the words "of
28 time allowed under section".
29 30. Page 19, line 27, by striking the word "in"
30 and inserting in lieu thereof the word "within".
31 31. Page 19, line 27, by striking the word "shall"
32 and inserting in lieu thereof the word "must".
33 32. Page 19, line 28, by striking the word
34 "within".
35 33. Page 19, line 30, by striking the word "if"
36 and inserting in lieu thereof the word "is".
37 34. Page 20, line 4, by striking the figure "1976"
38 and inserting in lieu thereof the figure "1977".
39 35. Page 20, line 5, by striking the figure "1976"
40 and inserting in lieu thereof the figure "1977".
41 36. Page 20, line 9, by striking the figure "1976"
42 and inserting in lieu thereof the figure "1977".
43 37. Page 20, line 9, by striking the word "such"
44 and inserting in lieu thereof the word "that".
45 38. Amend the title, line 1, by inserting after
46 the word "laws" the words "and providing a civil
47 penalty".

CLOYD E. ROBINSON, Chairperson

Ordered passed on file.

AMENDMENT FILED

S—5006

- 1 Amend Senate File 454 as follows:
2 1. Page 1, line 6, by striking the word
3 "performs,".
4 2. Page 1, line 7, by inserting after the word

5 "acts" the words " , or who performs or engages in
6 acts".

MINNETTE DODERER

On motion of Senator Kinley, the Senate adjourned at 12:10 p.m., until 10:00 a.m., Tuesday, January 20, 1976.

JOURNAL OF THE SENATE

NINTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, JANUARY 20, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Galen E. Peckham, pastor of the Methodist Church, Bloomfield, Iowa.

The Journal of Friday, January 16, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Clarence Douglas, Belle Plaine, Iowa.

PETITIONS

The following petitions were presented and placed on file:

By Senator Plymat from one hundred sixty-seven residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

By Senator Tieden from fifty-three residents of Clayton County favoring legislation to exclude attorneys from representing either party in small claims courts.

INTRODUCTION OF BILL

Senate File 1036, by Senators Miller of Marshall, Taylor, Scott, Winkelman, Shaw, Plymat, Hultman, Merritt, Shaff, Briles, Robinson, Norpel, Bergman, Hill of Jasper, Schwengels, Ramsey, Coleman, Heying, Tieden, Andersen and Rodgers, a bill for an act relating to the sale of beer and alcoholic beverages.

Read first time and **passed on file.**

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

January 15, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Richard C. Grossman, Marshalltown, Marshall County, Iowa, for reappointment as a member of the Commission on Judicial Qualifications for the State of Iowa pursuant to Section 605.26, 1975 Code of Iowa, for a regular six-year term commencing January 2, 1976 and ending January 1, 1982. Mr. Grossman was an initial member of this commission which was established January 1, 1974.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Paul A. Johns, Jr., D.P.M., Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Richard N. Lepird, D.P.M., Estherville, Emmet County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Alice V. Loeffler, Sioux City, Woodbury County, Iowa, for appoint-

ment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1976.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ray J. Samuel, D.P.M., Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Shirley A. Thompson, Keokuk, Lee County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Carroll J. Hobson, Eldora, Hardin County, Iowa, for reappointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1975 Code of Iowa, for a regular six-year term commencing July 1, 1975 and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Gerald Norland, Cylinder, Palo Alto County, Iowa, for reappointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1975 Code of Iowa, for a regular six-year term commencing July 1, 1975 and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ANNOUNCEMENT

The Chair announced the appointment of the following official delegation to represent the Senate at the funeral services of Representative Bert Fullerton, to be held at 10:00 a.m., Wednesday, January 21, 1976, at the United Methodist Church, Correctionville, Iowa: Senators Leonard C. Andersen, Louis P. Culver, and E. Kevin Kelly.

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate:

STATE BOARD OF REGENTS

R. Wayne Richey, Executive Secretary of the State Board of Regents, has transmitted to the General Assembly the proposed ten-year building program of the Board of Regents, in accordance with section 262A.3, Code 1975.

LEGISLATIVE SERVICE BUREAU

Please note that Senate Rule 29 provides that "No bill shall be introduced after 4:00 p.m. on Friday of the second week of the second regular session of a general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time. However, standing committees may introduce bills at any time."

This being the second week of the session, Senators should make their requests to the service bureau for individual bills prior to 4:00 p.m., Friday, January 23, 1976.

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1033, a bill for an act to provide for the nomination by politi-

cal parties of candidates for special elections called pursuant to section 69.14 of the Code.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1002, by Senator Hill of Jasper, a joint resolution to disapprove rules of the state department of transportation adopted pursuant to section three hundred seven point ten (307.10), subsection five (5), Code 1975.

Read first time and passed on file.

Senate File 1037, by Senator Burroughs (Branstad), a bill for an act relating to the penalty provided for refusal to employ on the basis of union membership.

Read first time and passed on file.

Senate File 1038, by Senator Redmond, a bill for an act relating to the usury rate applicable to limited partnerships.

Read first time and passed on file.

SENATE RESOLUTION 101

By Committee on Ethics

- 1 *Whereas*, section sixty-eight B point ten (68B.10),
- 2 of the Code requires that the senate committee on ethics
- 3 shall prepare a code of ethics within thirty days after
- 4 the commencement of the session; *Now Therefore*
- 5 *Be It Resolved by the Senate*, That the senate code
- 6 of ethics for the sixty-sixth general assembly, 1975
- 7 regular session, as amended and adopted on January 21,
- 8 1975, is adopted as the senate code of ethics for the
- 9 1976 regular session of the sixty-sixth general assembly.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1033, a bill for an act to provide for the nomination by political parties of candidates for special elections called pursuant to section sixty-nine point fourteen (69.14) of the Code.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1033.

House File 1033

On motion of Senator Hill of Jasper, House File 1033, a bill for an act to provide for the nomination by political parties of candidates for special elections called pursuant to section sixty-nine point fourteen (69.14) of the Code, was taken up for immediate consideration.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1033) the vote was:

Ayes, 43:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Burroughs	Hill of Jasper	Murray	Schwengels
Carr	Hill of Polk	Nolin	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Kelly	Norpel	Sovern
Curtis	Kinley	Nystrom	Taylor
DeKoster	Lamborn	Palmer	Tieden
Gallagher	Merritt	Plymat	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines	Redmond	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

Briles	Junkins	Priebe	Shaw
Doderer	Orr	Ramsey	

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

UNFINISHED BUSINESS**Senate File 454**

The Senate resumed consideration of Senate File 454, a bill for an act relating to sexual contact performed for a fee and providing a penalty, and the Hill of Polk motion to refer the bill to the committee on judiciary.

Senator Hill of Polk restated his motion to refer Senate File 454 to the committee on judiciary.

A record roll call was requested.

On the question "Shall the motion to refer the bill to the committee on judiciary be adopted?" (S.F. 454) the vote was:

Ayes, 16:

Coleman	Griffin	Merritt	Rabedeaux
Curtis	Hansen	Murray	Redmond
DeKoster	Hill of Polk	Nolin	Sovern
Gallagher	Hultman	Orr	Willits

Nays, 30:

Andersen	Junkins	Nolting	Schwengels
Bergman	Kelly	Norpel	Scott
Briles	Kinley	Nystrom	Shaff
Burroughs	Lamborn	Palmer	Taylor
Carr	Miller of	Plymat	Tieden
Culver	Des Moines	Ramsey	Van Gilst
Gluba	Miller of	Robinson	Winkelman
Heying	Marshall	Rodgers	
Hill of Jasper			

Voting present, 2:

Doderer	Glenn
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Absent or not voting, 2:

Priebe	Shaw
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The motion lost.

Senator Hill of Jasper offered amendment S—5007 and moved its adoption:

S—5007

- 1 Amend Senate File 454 as follows:
- 2 1. Page 1, line 2, by striking the words "sexual
- 3 organs" and inserting in lieu thereof the words
- 4 "breasts of a female or the genitals of a male or
- 5 female".

Amendment S—5007 was adopted.

Senator Doderer offered amendment S—5006 filed by her and moved its adoption:

S—5006

- 1 Amend Senate File 454 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "performs,".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "acts" the words ", or who performs or engages in
- 6 acts".

Amendment S—5006 was adopted.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 454) the vote was:

Ayes, 36:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hultman	Norpel	Scott
Carr	Junkins	Nystrom	Shaff
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Gallagher	Lamborn	Plymat	Van Gilst
Gluba	Miller of	Ramsey	Winkelman
Griffin	Des Moines		

Nays, 13:

Coleman	Hill of Polk	Nolin	Shaw
Curtis	Merritt	Rabedaux	Sovern
Doderer	Murray	Redmond	Willits
Glenn			

Absent or not voting, 1:

Priebe

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

CONSIDERATION OF BILLS

House File 243

On motion of Senator Redmond, House File 243, a bill for an act relating to absences of public employees for medically-related disability, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Doderer took the chair at 4:45 p.m.

Senator Redmond offered amendment S—5012 by Senators Doderer and Redmond and moved its adoption:

S—5012

- 1 Amend House File 243, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 30, by striking the word
- 4 "included".
- 5 2. Page 1, by striking lines 31, 32, and 33.
- 6 3. Page 1, line 34, by striking the words "absence
- 7 shall not be".

Amendment S—5012 was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 243) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolin	Scott
Carr	Hultman	Nolting	Shaff
Coleman	Junkins	Norpel	Shaw
Culver	Kelly	Nystrom	Sovern
Curtis	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, 3:

Hill of Jasper	Rabedaux	Taylor
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Absent or not voting, 1:

Priebe

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 243 passed the Senate on January 20, 1976.

CALVIN O. HULTMAN

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1027 Judiciary

S. F. 1028 Human resources

REPORTS OF COMMITTEE

Senator Heying submitted the following reports:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 73**, a bill for an act relating to development of a program by state conservation commission in regard to persons who have moved or constructed dwellings on land owned by the state, begs leave to report it has had the same under consideration and recommends the same be amended in accordance with amendment S—3723 by the committee on natural resources, filed May 6, 1975, and found on page 1266 of the 1975 Senate Journal and when so amended the bill do pass.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 256**, a bill for an act to require fishways on all dams, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 336**, a bill for an act relating to the conservation commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 512**, a bill for an act relating to quarterly reporting by certain state agencies to certain standing committees of the general assembly, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 59**, a bill for an act exempting certain military personnel from obtaining a hunting and fishing license, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5010

- 1 Amend Senate File 1029, page 1, line 17, by
- 2 striking the figure "\$102,488" and inserting in lieu
- 3 thereof the figure "\$104,950".

JOHN S. MURRAY

S—5009

- 1 Amend Senate File 1029, page 2, by inserting
- 2 after line 9 the following section:
- 3 "Sec. All fees and charges collected by
- 4 the Board of Medical Examiners, the Board of Nursing
- 5 Examiners, and the Board of Pharmacy Examiners in

- 6 excess of ten percent over the amount appropriated in
- 7 this act shall be refunded proportionately to those
- 8 who paid the fees and charges."

JOHN S. MURRAY

S—5011

- 1 Amend House File 863, as amended and passed by the
- 2 House, as follows:
- 3 Page 14, line 4, by striking the word "their" and
- 4 inserting in lieu thereof the words "his or her".

CLOYD E. ROBINSON

S—5008

- 1 Amend the committee on labor and industrial re-
- 2 lations amendment S—5005 to House File 863, as amended
- 3 and passed by the House, as follows:
- 4 1. Page 1, line 47, by inserting after the word
- 5 "report" the words "within twenty days".

LUCAS J. DeKOSTER
CLOYD E. ROBINSON

On motion of Senator Kinley, the Senate adjourned at 4:50 p.m., until 9:30 a.m., Wednesday, January 21, 1976.

JOURNAL OF THE SENATE

TENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, JANUARY 21, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend William Cotton, pastor of the Dayton-Harcourt United Methodist Church, Dayton, Iowa.

The Journal of Tuesday, January 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Russell Dean, Cedar Falls, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hultman for the morning session on request of Senator Rabe-deaux.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-three students from Harding Junior High School, Cedar Rapids, Iowa, accompanied by their instructor, Jim Herman. Senator Sovern.

INTRODUCTION OF BILLS

Senate File 1039, by Senator Briles, a bill for an act relating to the exemption provided to each son and daughter of a deceased in computing inheritance tax.

Read first time and **passed on file**.

Senate File 1040, by Senator Shaff, a bill for an act relating to the collection of fees for special assessments by the county treasurer.

Read first time and **passed on file**.

Senate File 1041, by Senator Gluba, a bill for an act to prohibit a state agency from establishing an office outside the borders of Iowa.

Read first time and passed on file.

Senate File 1042, by Senator Norpel, a bill for an act to provide a twenty percent refund for the motor fuel tax paid by an operator of a cement truck.

Read first time and passed on file.

Senate File 1043, by Senators Hill of Polk, Hultman, Redmond, Schwengels, Miller of Marshall and Taylor, a bill for an act to change the authority and title of the commission on compensation, expenses and salaries of elected state officials.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1029

On motion of Senator Priebe, Senate File 1029, a bill for an act making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women, was taken up for consideration.

Senator Murray offered amendment S—5010 filed by him, moved its adoption and requested a record roll call:

S—5010

- 1 Amend Senate File 1029, page 1, line 17, by
- 2 striking the figure "\$102,488" and inserting in lieu
- 3 thereof the figure "\$104,950".

President Neu took the chair at 10:00 a.m.

On the question "Shall amendment S—5010 be adopted?" (S.F. 1029) the vote was:

Ayes, 19:

Bergman	Griffin	Miller of	Ramsey
Briles	Hansen	Marshall	Redmond
Burroughs	Hill of Polk	Murray	Schwengels
Curtis	Kelly	Nystrom	Shaff
DeKoster	Lamborn	Plymat	Shaw

Nays, 26:

Carr	Hill of Jasper	Nolting	Sovern
Coleman	Junkins	Norpel	Taylor
Doderer	Kinley	Palmer	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Robinson	Willits
Gluba	Des Moines	Rodgers	Winkelman
Heying	Nolin	Scott	

Absent or not voting, 5:

Andersen	Hultman	Orr	Rabedeaux
Culver			

Amendment S—5010 lost.

Senator Murray offered amendment S—5009 filed by him, moved its adoption and requested a record roll call:

S—5009

- 1 Amend Senate File 1029, page 2, by inserting
- 2 after line 9 the following section:
- 3 "Sec. All fees and charges collected by
- 4 the Board of Medical Examiners, the Board of Nursing
- 5 Examiners, and the Board of Pharmacy Examiners in
- 6 excess of ten percent over the amount appropriated in
- 7 this act shall be refunded proportionately to those
- 8 who paid the fees and charges."

On the question "Shall amendment S—5009 be adopted?" (S.F. 1029) the vote was:

Ayes, 18:

Bergman	Hansen	Murray	Ramsey
Briles	Hill of Polk	Nystrom	Redmond
Burroughs	Kelly	Plymat	Schwengels
Curtis	Miller of	Rabedeaux	Shaw
DeKoster	Marshall		
Griffin			

Nays, 28:

Carr	Kinley	Norpel	Shaff
Doderer	Lamborn	Orr	Sovern
Gallagher	Merritt	Palmer	Taylor
Glenn	Miller of	Priebe	Tieden
Gluba	Des Moines	Robinson	Van Gilst
Heying	Nolin	Rodgers	Willits
Hill of Jasper	Nolting	Scott	Winkelman
Junkins			

Absent or not voting, 4:

Andersen	Coleman	Culver	Hultman
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Amendment S—5009 lost.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1029) the vote was:

Ayes, 47:

Bergman	Heying	Murray	Robinson
Briles	Hill of Jasper	Nolin	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Junkins	Norpel	Scott
Coleman	Kelly	Nystrom	Shaff
Curtis	Kinley	Orr	Shaw
DeKoster	Lamborn	Palmer	Sovern
Doderer	Merritt	Plymat	Taylor
Gallagher	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedeaux	Van Gilst
Gluba	Miller of	Ramsey	Willits
Griffin	Marshall	Redmond	Winkelman
Hansen			

Nays, none.

Absent or not voting, 3:

Andersen Culver Hultman

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

Senate File 1030

On motion of Senator Willits, Senate File 1030, a bill for an act appropriating funds to the governor, lieutenant governor, and the council of state governments, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1030) the vote was:

Ayes, 47:

Bergman	Heying	Murray	Robinson
Briles	Hill of Jasper	Nolin	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Junkins	Norpel	Scott
Coleman	Kelly	Nystrom	Shaff
Curtis	Kinley	Orr	Shaw
DeKoster	Lamborn	Palmer	Sovern
Doderer	Merritt	Plymat	Taylor
Gallagher	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedeaux	Van Gilst
Gluba	Miller of	Ramsey	Willits
Griffin	Marshall	Redmond	Winkelman
Hansen			

Nays, none.

Absent or not voting, 3:

Andersen Culver Hultman

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

Senate File 1031

On motion of Senator Willits, Senate File 1031, a bill for an act appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1031) the vote was:

Ayes, 47:

Bergman	Heying	Murray	Robinson
Briles	Hill of Jasper	Nolin	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Junkins	Norpel	Scott
Coleman	Kelly	Nystrom	Shaff
Curtis	Kinley	Orr	Shaw
DeKoster	Lamborn	Palmer	Sovern
Doderer	Merritt	Plymat	Taylor
Gallagher	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedeaux	Van Gilst
Gluba	Miller of	Ramsey	Willits
Griffin	Marshall	Redmond	Winkelman
Hansen			

Nays, none.

Absent or not voting, 3:

Andersen	Culver	Hultman
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 21, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 102 relating to filing of reports to the General Assembly.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 102

By Brunow, Menke, Anderson, Fitzgerald and Millen

1 *Whereas*, the Code of Iowa requires many state
2 departments and agencies to file reports with or
3 submit reports to the general assembly or to members
4 of the general assembly; and

5 *Whereas*, pursuant to such direction state
6 departments and agencies often prepare reports for
7 each member of the general assembly which are then
8 forwarded to such members; and

9 *Whereas*, the printing and dissemination of such
10 reports result in a substantial printing cost to the
11 state of Iowa and such reports are often submitted
12 to members of the general assembly when there is
13 inadequate time to read or research such reports;

14 *Now Therefore*,

15 *Be It Resolved by the House of Representatives,*
16 *the Senate Concurring*, That state departments and
17 agencies which are required, and those agencies which
18 desire, to submit reports to the general assembly
19 and members of the general assembly submit not more
20 than five copies of such reports to the secretary
21 of the senate and the chief clerk of the house unless
22 such officers shall notify the agency or department
23 that an additional specified number of such reports
24 shall be filed with the appropriate house for use
25 of members of the general assembly; and

26 *Be It Further Resolved*, That the chief clerk of
27 the house and the secretary of the senate shall develop
28 an administrative procedure for determining which
29 members of their respective houses desire designated
30 reports and shall make such reports available to such

Page 2

1 members on an individualized basis, and in addition
2 the chief clerk of the house and the secretary of
3 the senate shall have on file not more than five
4 current state department and agency reports for the
5 use of members of the house or senate who request
6 them.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 1044, by Senator Culver, a bill for an act making an appropriation from the general fund of the state to the state conservation commission for the dredging of Blue Lake.

Read first time and passed on file.

Senate File 1045, by Senator Andersen, a bill for an act to require county zoning.

Read first time and passed on file.

SPECIAL GUEST

President Neu welcomed Sergio Paulo Maura De Vasconellos, Brasilia, Brazil, former exchange student to Iowa and a guest of Senator Culver. His father, Sergio Ribeiro De Vasconellos, is Main Person of Political Affairs, a position comparable to the United States Secretary of State.

CONSIDERATION OF BILLS

Senate File 1032

On motion of Senator Willits, Senate File 1032, a bill for an act appropriating funds to the Iowa state arts council and the academy of science, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1032) the vote was:

Ayes, 49:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolin	Schwengels
Carr	Hultman	Nolting	Scott
Coleman	Junkins	Norpel	Shaff
Culver	Kelly	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
Doderer	Lamborn	Palmer	Taylor
Gallagher	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Van Gilst
Gluba	Des Moines	Rabedaux	Willits
Griffin		Ramsey	Winkelman

Nays, none.

Absent or not voting, 1:

DeKoster

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

Senate File 1033

On motion of Senator Willits, Senate File 1033, a bill for an act appropriating funds from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1033) the vote was:

Ayes, 50:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolin	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

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

Senate File 1034

On the motion of Senator Willits, Senate File 1034, a bill for an act making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1034) the vote was:

Ayes, 50:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolin	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

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

Senate File 1035

On motion of Senator Willits, Senate File 1035, a bill for an act providing a salary range for the director of the Iowa real estate commission, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1035) the vote was:

Ayes, 50:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolin	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

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

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on January 21, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

H. F. 1033—To provide for the nomination by political parties of candidates for special elections called pursuant to section sixty-nine point fourteen (69.14) of the Code.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R. 1002 Rules and administration

S. F. 1036 Judiciary

S. F. 1037 Labor and industrial relations

S. F. 1038 Commerce

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate:

COMMISSION ON UNIFORM STATE LAWS

The 1975 Report of the Commission on Uniform State Laws, submitted to the Sixty-sixth General Assembly in accordance with section 5.4, Code 1975.

REPORTS OF COMMITTEES

Senator Willits submitted the following reports:

MR. PRESIDENT: Your committee on cities to which was referred **Senate File 356**, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities to which was referred **Senate File 484**, a bill for an act relating to the regulation of noise emission from motor vehicles by cities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities to which was referred **Senate File 519**, a bill for an act relating to registration of motor vehicles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities to which was referred **Senate File 547**, a bill for an act relating to the financing of levees and drainage districts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities to which was referred **House File 24**, a bill for an act relating to public pay toilets and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5013

- 1 Amend House File 24, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, line 3, by striking the words "access
- 4 to or".

EARL M. WILLITS, Chairperson

Ordered passed on file.

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **Senate File 455**, a bill for an act providing for a fee for the collection of special city assessments, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CHARLES P. MILLER, Chairperson

Ordered passed on file.

AMENDMENT FILED

S—5014

- 1 Amend Senate File 247 as follows:
- 2 1. Page 1, by striking lines 29 through 35.
- 3 2. Page 2, by striking lines 1 through 6.

MINNETTE DODERER

On motion of Senator Priebe, the Senate adjourned at 4:40 p.m., until 9:30 a.m., Thursday, January 22, 1976.

JOURNAL OF THE SENATE

ELEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, JANUARY 22, 1976**

The Senate met in regular session, President Neu presiding.

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

The Journal of Wednesday, January 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, Harlan, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hill of Polk for the day on request of Senator Lamborn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Jasper from thirty-five residents of Polk County, favoring Senate File 67 which would regulate the practice of massage.

By Senator Hultman from seventy-five residents of Iowa favoring more stringent hunting regulations.

By Senator Schwengels from twenty-four residents of Henry County opposing the closing of the Mental Health Institute at Mount Pleasant, Iowa.

By Senator Hill of Jasper from twenty-seven residents of Madison County favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Jasper from sixty residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

COMMUNICATIONS

The following communications from the Governor's office were presented:

July 1, 1975

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

Please withdraw the name of Betty L. Biondi, Des Moines, Polk County, Iowa, for appointment as a representative of the general public to the State Board of Barber Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975 and ending June 30, 1976.

A new appointment for this position will be forthcoming.

Very truly yours,
WYTHE WILLEY
Executive Assistant

Also:

August 26, 1975

Dear Governor Neu:

On March 27, 1975, I submitted to the Senate for their consideration the name of Milton F. Schlein, D.C., Postville, Allamakee County, Iowa, for appointment to the State Board of Chiropractic Examiners.

Dr. Schlein has subsequently notified my office that he will not be able to accept this appointment. Therefore, I am officially withdrawing my request for the Senate's consideration on the above appointment.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

Senate File 1046, by Senator Winkelman, a bill for an act relating to civil proceedings against corporations and businesses connected with organized crime.

Read first time and passed on file.

WITHDRAWN

Senator Tieden asked and received unanimous consent that

Senate File 73 be removed from the regular calendar and **withdrawn** from further consideration of the Senate.

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1047, by Senator Ramsey, a bill for an act broadening the powers of a notary public.

Read first time and **passed on file**.

Senate File 1048, by Senator Burroughs (Branstad), a bill for an act relating to unlawful labor practices.

Read first time and **passed on file**.

Senate File 1049, by Senators Winkelman and Hansen, a bill for an act relating to the establishment of equestrian riding trails.

Read first time and **passed on file**.

Senate File 1050, by Senator Rabedeaux, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

Read first time and **passed on file**.

Senate File 1051, by Senators Priebe, Tieden, Culver and Norpel, a bill for an act authorizing the removal of grass and hay from the right-of-way of interstate highways.

Read first time and **passed on file**.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1052, by Senators Priebe, Gallagher, Lamborn and Tieden, a bill for an act relating to the installation of limited access diagonal highways and highway placement.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1039 Ways and means
- S. F. 1040 Ways and means
- S. F. 1041 State government
- S. F. 1042 Ways and means
- S. F. 1043 State government
- S. F. 1044 Appropriations
- S. F. 1045 County government

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 542**, a bill for an act relating to lobbyists and providing penalties, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5015

- 1 Amend Senate File 542 as follows:
- 2 1. Page 2, line 7, by striking the words "by any
- 3 public body".
- 4 2. Page 2, line 25, by inserting after the word
- 5 "benefits" the word "on".
- 6 3. Page 3, lines 34 and 35, by striking the words
- 7 " , be imprisoned for up to one year, or be both so
- 8 fined and imprisoned".
- 9 4. Page 5, lines 28 and 29, by striking the words
- 10 "This statement shall compile for the year the infor-
- 11 mation contained in the monthly statements."
- 12 5. Page 5, lines 31 and 32, by striking the words
- 13 "and list the total salary and fees paid to such
- 14 person for lobbying".
- 15 6. Page 6, by striking lines 3 and 4, and insert-
- 16 ing in lieu thereof the words "information contained
- 17 in the monthly statements."
- 18 7. Page 6, lines 18 and 19, by striking the words
- 19 " , be imprisoned for up to one year, or be both so
- 20 fined and imprisoned".
- 21 8. Page 7, line 17, by inserting after the word
- 22 "benefits" the word "on".

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5016

- 1 Amend Senate File 356 as follows:
- 2 1. Page 3, line 11, by striking the words
- 3 "twenty-five" and inserting in lieu thereof the
- 4 word "fifty".

RICHARD J. NORPEL, SR.

S—5017

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "two" the word "*red*".
- 4 2. Page 1, line 23, by inserting after the word
- 5 "*stars*" the words "*on a yellow background*".
- 6 3. Page 1, line 24, by striking the words
- 7 "*registration*" and inserting in lieu thereof the words
- 8 "*officer's badge*".

CALVIN O. HULTMAN

EXPLANATION OF BRACKETS AND ITALICS IN
AMENDMENTS PRINTED IN THE JOURNALS

When bills are drafted to amend existing sections of the Code or session laws, words to be stricken are indicated by a line through such words, and words to be inserted are underlined. Amendments to such bills may also contain strike-throughs and underlines, but when they appear in the Journals, the form is different from the original amendment. Words to be stricken are enclosed in brackets, and underlined words are printed in *italics*.

On motion of Senator Kinley, the Senate adjourned at 5:10 p.m., until 9:30 a.m., Friday, January 23, 1976.

JOURNAL OF THE SENATE

TWELFTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, JANUARY 23, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Jacob VanMantgem, pastor of the First United Methodist Church, North Liberty, Iowa.

The Journal of Thursday, January 22, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Eckstadt, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hill of Polk for the day on request of Senator Lamborn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Jasper from four residents of Madison County favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Jasper from fifty-one residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

INTRODUCTION OF BILLS

Senate File 1053, by Senator Norpel, a bill for an act relating to the appropriation of federal funds received by state agencies, and subjecting violators to a penalty.

Read first time and passed on file.

Senate File 1054, by Senators Andersen and Culver, a bill for an act appropriating funds for certain legal fees.

Read first time and passed on file.

SPECIAL ORDER

Senator Kinley asked and received unanimous consent that House File 863 be made a special order of business for Thursday, January 29, 1976, at 1:30 p.m.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 59.

House File 59

On motion of Senator Heying, House File 59, a bill for an act exempting certain military personnel from obtaining a hunting or fishing license, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Heying moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 59) the vote was:

Ayes, 39:

Andersen	Glenn	Murray	Robinson
Bergman	Griffin	Nolting	Rodgers
Briles	Hansen	Norpel	Schwengels
Burroughs	Heying	Nystrom	Scott
Carr	Hultman	Palmer	Shaw
Coleman	Junkins	Plymat	Sovern
Culver	Kinley	Priebe	Taylor
Curtis	Merritt	Rabedaux	Tieden
DeKoster	Miller of	Ramsey	Winkelman
Doderer	Marshall	Redmond	
Gallagher			

Nays, 2:

Hill of Jasper	Nolin
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Absent or not voting, 9:

Gluba	Lamborn	Orr	Van Gilst
Hill of Polk	Miller of	Shaff	Willits
Kelly	Des Moines		

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

ADOPTION OF RESOLUTION

Senate Resolution 101

Senate Resolution 101, a resolution relating to the Senate Code of Ethics, and found on page 101 of the Senate Journal, was taken up for consideration.

Senator Scott moved the adoption of the resolution.

The motion prevailed and the Senate Code of Ethics adopted for the 1975 Regular Session of the Sixty-sixth General Assembly became the Senate Code of Ethics for the 1976 Regular Session of the Sixty-sixth General Assembly.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 455.

Senate File 455

On motion of Senator Briles, Senate File 455, a bill for an act providing for a fee for the collection of special city assessments, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 455) the vote was:

Ayes, 30:

Bergman	Gluba	Miller of	Redmond
Briles	Hill of Jasper	Marshall	Robinson
Burroughs	Hultman	Nolting	Rodgers
Carr	Junkins	Nystrom	Schwengels
Coleman	Kinley	Orr	Shaw
Curtis	Merritt	Palmer	Taylor
Gallagher	Miller of	Plymat	Tieden
Glenn	Des Moines	Ramsey	Winkelman

Nays, 14:

Andersen	Hansen	Norpel	Scott
Culver	Heying	Priebe	Sovern
DeKoster	Lamborn	Rabedeaux	Willits
Griffin	Nolin		

Absent or not voting, 6:

Doderer	Kelly	Shaff	Van Gilst
Hill of Polk	Murray		

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

Senate File 484

On motion of Senator Willits, Senate File 484, a bill for an act relating to the regulation of noise emission from motor vehicles by cities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Van Gilst offered amendment S—3776 filed by him and moved its adoption:

S—3776

- 1 Amend Senate File 484, page 1, line 4, by
- 2 inserting following the word "from" the word
- 3 "licensed".

Amendment S—3776 was adopted.

Senator Coleman offered amendment S—3770 filed by Senators Coleman and Nolin and moved its adoption:

S—3770

- 1 Amend Senate File 484, page 1, line 5, by inserting
- 2 after the word "vehicles" the words "except trucks
- 3 having a gross weight of twelve tons or more".

Amendment S—3770 lost.

Senator Lamborn offered amendment S—5019 and moved its adoption:

S—5019

- 1 Amend Senate File 484 as follows:
- 2 1. Page 1, line 7, by adding after the word
- 3 "Code" the words ", but not more restrictive than
- 4 the manufacturers' original specifications for the
- 5 exhaust system when operating in a normal manner".

A record roll call was requested.

On the question "Shall amendment S—5019 be adopted?" (S.F. 484) the vote was:

Ayes, 32:

Andersen	Gallagher	Miller of	Rabedaux
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolin	Scott
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Taylor
Curtis	Lamborn	Orr	Van Gilst
DeKoster	Merritt	Plymat	Willits
Doderer			

Nays, 10:

Carr	Miller of	Ramsey	Sovern
Glenn	Des Moines	Redmond	Winkelman
Kinley	Nolting	Robinson	

Absent or not voting, 8:

Gluba	Hill of Polk	Palmer	Shaff
Hill of Jasper	Kelly	Priebe	Tieden

Amendment S—5019 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 484) the vote was:

Ayes, 39:

Andersen	Gluba	Murray	Schwengels
Bergman	Hansen	Nolting	Scott
Briles	Heying	Norpel	Shaw
Burroughs	Hultman	Nystrom	Sovern
Carr	Junkins	Orr	Taylor
Culver	Kinley	Plymat	Tieden
Curtis	Lamborn	Ramsey	Van Gilst
DeKoster	Miller of	Redmond	Willits
Doderer	Des Moines	Robinson	Winkelman
Gallagher	Miller of	Rodgers	
Glenn	Marshall		

Nays, 5:

Coleman	Merritt	Nolin	Rabedaux
Griffin			

Absent or not voting, 6:

Hill of Jasper	Kelly	Priebe	Shaff
Hill of Polk	Palmer		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 547.

Senate File 547

On motion of Senator Willits, Senate File 547, a bill for an act relating to the financing of levees and drainage districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 547) the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Redmond
Bergman	Gluba	Marshall	Robinson
Briles	Griffin	Murray	Rodgers
Burroughs	Hansen	Nolin	Schwengels
Carr	Heying	Nolting	Scott
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Gallagher		Ramsey	

Nays, 4:

Miller of	Priebe	Tieden	Winkelman
Des Moines			

Absent or not voting, 5:

Hill of Jasper
Hill of Polk

Kelly

Palmer

Shaff

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

House File 24

On motion of Senator Plymat, House File 24, a bill for an act relating to public pay toilets and providing a penalty, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5013 by the committee on cities and moved its adoption:

S—5013

- 1 Amend House File 24, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, line 3, by striking the words "access
- 4 to or".

Amendment S—5013 was adopted.

Senator Plymat moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 24) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Heying	Nolin	Schwengels
Carr	Hultman	Nolting	Scott
Coleman	Junkins	Norpel	Shaw
Culver	Kinley	Nystrom	Sovern
Curtis	Lamborn	Orr	Taylor
DeKoster	Merritt	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Rabedeaux	Willits
Glenn		Ramsey	Winkelman

Nays, none.

Absent or not voting, 5:

Hill of Jasper
Hill of Polk

Kelly

Palmer

Shaff

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

Senate File 256

On motion of Senator Heying, Senate File 256, a bill for an act

to require fishways on all dams, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Heying offered amendment S—5020 and moved its adoption:

S—5020

- 1 Amend Senate File 256 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 “erected” the words “*after the effective date of this*
- 4 *Act*”.
- 5 2. Page 1, line 11, by striking the words “or
- 6 maintained” and inserting in lieu thereof the words
- 7 “[or maintained]”.

Senator Hultman raised the point of order that a fiscal note on the bill was required under Senate Rule 32.

The Chair ruled the point well taken and invoked Senate Rule 32.

Further action on Senate File 256 was deferred pending receipt of a fiscal note.

Senate File 512

On motion of Senator Priebe, Senate File 512, a bill for an act relating to quarterly reporting by certain state agencies to certain standing committees of the general assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 512) the vote was:

Ayes, 35:

Andersen	Gluba	Murray	Robinson
Bergman	Griffin	Norpel	Rodgers
Briles	Hansen	Nystrom	Schwengels
Burroughs	Heying	Orr	Scott
Carr	Junkins	Palmer	Taylor
Coleman	Kinley	Plymat	Tieden
Culver	Lamborn	Priebe	Van Gilst
Curtis	Miller of	Rabedeaux	Willits
Glenn	Marshall	Redmond	Winkelman

Nays, 7:

DeKoster	Hultman	Nolin	Sovern
Gallagher	Merritt	Nolting	

Absent or not voting, 8:

Doderer
Hill of Jasper
Hill of Polk

Kelly
Miller of
Des Moines

Ramsey
Shaff

Shaw

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

INTRODUCTION OF BILLS

Senate File 1055, by committee on judiciary, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, as full-time Jasper County Attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from \$12,500.00 to \$22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of \$22,500.00 to said Jasper County Attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper County Attorney and the \$22,500.00 salary commensurate with said change in status of the Jasper County Attorney shall constitute a valid and binding obligation upon Jasper County, Iowa.

Read first time and **placed on calendar.**

Senate File 1056, by Senator Rodgers, a bill for an act relating to blood donors and to labeling of blood containers and providing a penalty.

Read first time and **passed on file.**

Senate File 1057, by Senators Carr, Van Gilst, Norpel, Miller of Des Moines, Kinley, Gallagher, Robinson, Nolting, Plymat, Nolin, Coleman, Gluba and Tieden, a bill for an act relating to the transportation of all elementary and secondary school pupils.

Read first time and **passed on file.**

Senate File 1058, by Senator Heying, a bill for an act making an appropriation to the Volga River project.

Read first time and **passed on file.**

Senate File 1059, by Senators Burroughs and Ramsey, a bill for an act relating to eligibility for property tax exemption for military service.

Read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1046 Judiciary
- S. F. 1047 Judiciary
- S. F. 1048 Labor and industrial relations
- S. F. 1049 Natural resources
- S. F. 1050 Judiciary
- S. F. 1051 Transportation
- S. F. 1052 Transportation
- H.C.R. 102 Rules and administration

SUBCOMMITTEE ASSIGNMENTS

- | | | |
|---|--|---|
| Senate File 531
Appropriations
Hill of Jasper,
Chairperson
Priebe
Hultman | Senate File 1006
Appropriations
Willits, Chairperson
Culver
Plymat | Senate File 1020
Ways and Means
Hill of Jasper,
Chairperson
Nolting
Burroughs |
| Senate File 540
Appropriations
Van Gilst, Chairperson
Orr
Bergman | Senate File 1007
Appropriations
Willits, Chairperson
Culver
Plymat | Senate File 1021
Natural Resources
Winkelman,
Chairperson
Norpel
Bergman |
| Senate File 1001
State Government
Hill of Jasper,
Chairperson
Gluba
Nystrom | Senate File 1009
Judiciary
Shaw, Chairperson
Miller of Des Moines
Willits | Senate File 1022
Ways and Means
Culver, Chairperson
Van Gilst
Taylor |
| Senate File 1002
Agriculture
Scott, Chairperson
Priebe
Taylor | Senate File 1010
Appropriations
State Departments | Senate File 1023
Transportation
Murray, Chairperson
Orr
Rabedeaux |
| Senate File 1003
State Government
Coleman, Chairperson
Nolin
Andersen | Senate File 1011
Judiciary
Ramsey, Chairperson
Doderer
Shaw | Senate File 1024
Ways and Means
Rodgers, Chairperson
Junkins
Taylor |
| Senate File 1005
Appropriations
Hill of Jasper,
Chairperson
Junkins
Tieden | Senate File 1012
Ways and Means
Kinley, Chairperson
Schwengels
Culver | Senate File 1026
State Government
Glenn, Chairperson
Kinley
Schwengels |
| | Senate File 1014
State Government
Nolin, Chairperson
Coleman
Miller of Marshall | |

Senate File 1027

Judiciary
Kelly, Chairperson
DeKoster
Coleman

Senate File 1028

Human Resources
Murray, Chairperson
Scott
Orr

Senate File 1036

Judiciary
Willits, Chairperson
Doderer
Hill of Polk

House File 188

Appropriations
State Departments

House File 576

Transportation
Miller of Marshall,
Chairperson

Orr
Coleman

House File 917

Appropriations
State Departments

House File 918

Appropriations
State Departments

AMENDMENTS FILED

S—5018

- 1 Amend Senate File 256, page 1, line 11, by
- 2 striking the words "or maintained".

DALE L. TIEDEN

S—5021

- 1 Amend the committee on education amendment S—3810
- 2 to Senate File 435 as follows:
- 3 1. Line 8, by inserting after the word "*unless*"
- 4 the words "*their safety is enhanced thereby*,".
- 5 2. Lines 8 through 10, by striking the words
- 6 "*the private road leads to a housing development or*
- 7 *mobile home park where there are five or more dwell-*
- 8 *ing units*".
- 9 3. Line 12, by inserting after the word "*road-*
- 10 *way*," the words "*Vehicles transporting physically*
- 11 *handicapped pupils are exempt from the requirement*
- 12 *that the private roadway be comparable in width and*
- 13 *construction to a public roadway*."

MINNETTE F. DODERER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 11:35
a.m., until 10:00 a.m., Monday, January 26, 1976.

JOURNAL OF THE SENATE

FIFTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, JANUARY 26, 1976**

The Senate met in regular session, President Neu presiding.

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

The Journal of Friday, January 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy M. Turner, Armstrong, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day on request of Senate Griffin; Senator Shaw for the day and Senator Curtis for the day on request of Senator Lamborn; Senator Redmond for the day, Senator Junkins for the day and Senator Schwengels for the day on request of Senator Kinley; Senator Norpel for the day on request of Senator Gallagher.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hultman from forty-two residents of Pottawattamie and Harrison Counties favoring more stringent hunting regulations.

By Senator Hill of Jasper from thirty-five residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

A record roll call was requested by Senator Griffin.

Present, 36:

Andersen	Griffin	Merritt	Priebe
Bergman	Hansen	Miller of	Ramsey
Briles	Heying	Marshall	Rodgers
Burroughs	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolin	Shaff
Culver	Hultman	Nolting	Taylor
DeKoster	Kelly	Nystrom	Tieden
Doderer	Kinley	Orr	Van Gilst
Gallagher	Lamborn	Plymat	Winkelman
Glenn			

Absent, 14:

Carr	Miller of	Rabedeaux	Shaw
Curtis	Des Moines	Redmond	Sovern
Gluba	Norpel	Robinson	Willits
Junkins	Palmer	Schwengels	

President Neu declared a quorum present.

CONSIDERATION OF BILLS

Senate File 336

On motion of Senator Nystrom, Senate File 336, a bill for an act relating to the conservation commission, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 336) the vote was:

Ayes, 18:

Bergman	Hultman	Murray	Rodgers
Briles	Kelly	Nystrom	Scott
Burroughs	Merritt	Plymat	Tieden
Hansen	Miller of	Priebe	Winkelman
Heying	Marshall	Ramsey	

Nays, 19:

Andersen	Griffin	Nolin	Shaff
Culver	Hill of Jasper	Nolting	Sovern
DeKoster	Hill of Polk	Orr	Van Gilst
Gallagher	Kinley	Palmer	Willits
Glenn	Lamborn	Robinson	

Voting present, 1:

Coleman

Absent or not voting, 12:

Carr	Junkins	Norpel	Schwengels
Curtis	Miller of	Rabedeaux	Shaw
Doderer	Des Moines	Redmond	Taylor
Gluba			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 336 failed to pass the Senate on January 26, 1976.

JAMES W. GRIFFIN, SR.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 542.

Senate File 542

On motion of Senator Rodgers, Senate File 542, a bill for an act relating to lobbyists and providing penalties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman raised the point of order that a fiscal note was required on the bill under Senate Rule 32.

The Chair ruled the point well taken and invoked Senate Rule 32.

Further action on Senate File 542 was temporarily deferred pending receipt of a fiscal note.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1060, by committee on ways and means, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

Read first time and placed on calendar.

Senate File 1061, by Senator Priebe, a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle licenses.

Read first time and passed on file.

BUSINESS PENDING

Senate File 542

The Senate resumed consideration of Senate File 542.

Senator Shaff offered amendment S—3917 filed by Senators Shaff, et al., found on pages 1539-1545, inclusive, of the 1975 Senate Journal.

Senator Shaff offered amendment S—5023 to amendment S—3917 and moved its adoption:

S—5023

- 1 Amend the Shaff, et al., amendment S—3917 as
- 2 follows:
- 3 1. Page 5, by striking lines 10 through 25.
- 4 2. By redesignating subsections as necessary.

Amendment S—5023 to amendment S—3917 was adopted.

Senator Shaff moved the adoption of amendment S—3917 as amended and requested a record roll call.

On the question "Shall amendment S—3917 as amended be adopted?" (S.F. 542) the vote was:

Ayes, 25:

Bergman	Hansen	Miller of	Plymat
Briles	Hill of Polk	Des Moines	Priebe
Burroughs	Hultman	Miller of	Schwengels
Coleman	Kelly	Marshall	Shaff
DeKoster	Lamborn	Murray	Shaw
Gallagher	Merritt	Nolin	Taylor
Griffin		Nystrom	Van Gilst

Nays, 18:

Carr	Hill of Jasper	Ramsey	Scott
Culver	Kinley	Redmond	Sovern
Glenn	Nolting	Robinson	Willits
Gluba	Orr	Rodgers	Winkelman
Heying	Palmer		

Absent or not voting, 7:

Andersen	Doderer	Norpel	Tieden
Curtis	Junkins	Rabedeaux	

Amendment S—3917 as amended was adopted.

The following amendments were ruled out of order with the adoption of amendment S—3917 as amended:

Amendment S—3878 filed by Senator Glenn on May 21, 1975, and found on page 1520 of the 1975 Senate Journal.

Amendment S—5015 filed by the committee on judiciary on January 22, 1976, and found on page 122 of the Senate Journal.

Amendment S—5022 to amendment S—5015 by the committee on judiciary:

S—5022

- 1 Amend judiciary committee amendment S—5015, to
- 2 Senate File 542, as follows:
- 3 1. By striking lines 21 and 22 and inserting
- 4 in lieu thereof the following: "8. Page 7, line
- 5 17, by inserting after the words 'lobbies by conferring
- 6 benefits' the word 'on'."

Amendment S—5024 by Senator Coleman:

S—5024

- 1 Amend Senate File 542 as follows:
- 2 1. Page 2, line 19, by inserting after the
- 3 word "advancement", the words "or detriment".

Amendment S—5025 by Senator Hultman:

S—5025

- 1 Amend Senate File 542 as follows:
- 2 1. Page 2, line 20, by adding after the word
- 3 "lobbying.", the words "Notwithstanding section 2,
- 4 subsection 7 of this Act, a lobbyist includes, but
- 5 is not limited to, any person who is an employee of
- 6 a state agency, commission or an executive department
- 7 and who performs lobbying by conferring benefits for
- 8 that state agency, commission or executive depart-
- 9 ment."

Amendment S—5028 by Senator Glenn:

S—5028

- 1 Amend Senate File 542 as follows:
- 2 1. Page 4, line 6, by striking the word "of"
- 3 and inserting in lieu thereof the word "on".
- 4 2. Page 4, line 10, by striking the word "of"
- 5 and inserting in lieu thereof the word "on".

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 542) the vote was:

Ayes, 36:

Andersen	Glenn	Lamborn	Nolting
Bergman	Gluba	Merritt	Orr
Burroughs	Hansen	Miller of	Palmer
Carr	Heying	Des Moines	Plymat
Culver	Hill of Polk	Miller of	Ramsey
Doderer	Hultman	Marshall	Redmond
Gallagher	Kinley	Murray	Robinson

Rodgers
Schwengels
Scott

Shaff
Shaw
Sovern

Taylor
Van Gilst

Willits
Winkelman

Nays, 9:

Briles
Coleman
DeKoster

Griffin
Hill of Jasper

Kelly
Nolin

Priebe
Tieden

Absent or not voting, 5:

Curtis
Junkins

Norpel

Nystrom

Rabedeaux

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

Senate File 356

On motion of Senator Shaw, Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, with reports of committees recommending passage, was taken up, considered, and the reports of the committees adopted.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on **Senate File 356** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 23, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 240, a bill for an act relating to undesirable fish.

Also: That the House has on January 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 443, a bill for an act relating to the destruction of weeds by spraying.

Also: That the House has on January 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 443, a bill for an act relating to the destruction of weeds by spraying.

Read first time and passed on file.

House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas.

Read first time and passed on file.

HOUSE AMENDMENT TO SENATE FILE 240

S—5029

- 1 Amend Senate File 240 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 13, by inserting after the words
- 4 "*hand fishing*," the words "*by snagging*,".

WITHDRAWN

Senator Murray asked and received unanimous consent that **Senate File 198** be withdrawn from further consideration of the Senate.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1053 Appropriations
- S. F. 1054 Appropriations
- S. F. 1056 Human resources
- S. F. 1057 Education
- S. F. 1058 Appropriations
- S. F. 1059 Ways and means

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Connie Price of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for the initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH MILLER, Chairperson
KARL NOLIN
WILLIAM N. PLYMAT
KENNETH D. SCOTT
STEVE SOVERN

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was absent from the Senate chamber discussing prob-

lems of a freeze on property taxes with a mayor from my district when the vote was taken on amendment S—3917 to Senate File 542. Had I been present, I would have voted “aye” on the amendment.

DALE L. TIEDEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 542. Had I been present, I would have voted “aye” on the bill.

WARREN E. CURTIS

MR. PRESIDENT: Because of icy roads, I was unable to answer the quorum call this morning, January 26, as I arrived late in the Senate chamber.

CHARLES P. MILLER

REPORTS OF COMMITTEES

Senator Nolin submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred **House File 787**, a bill for an act relating to minimum percentages of plant nutrients in fertilizers, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5027

- 1 Amend House File 787 as follows:
- 2 1. Page 1, line 11, by striking the word “twenty”,
- 3 and inserting in lieu thereof, the word “sixteen”.

KARL NOLIN, Chairperson

Ordered passed on file.

Senator Heying submitted the following report:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 1021**, a bill for an act relating to the alienation of preserves, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

AMENDMENT FILED

S—5026

- 1 Amend Senate File 423, page 1, line 11, by striking
- 2 the figure “1975” and inserting in lieu thereof the
- 3 figure “1976”.

CHARLES P. MILLER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:35 p.m., until 9:30 a.m., Tuesday, January 27, 1976.

JOURNAL OF THE SENATE

SIXTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, JANUARY 27, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Ray Thompson, pastor of the United Methodist Church, Meservey, Iowa.

The Journal of Monday, January 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Walton, Resident, Broadlawns General Hospital, Des Moines, Iowa.

PETITIONS

The following petitions were presented and placed on file:

By Senator Curtis from twenty-one residents of Iowa, members of the State Society of the Daughters of Colonial Wars, urging rescission of the Equal Rights Amendment.

By Senator Curtis from thirteen residents of Iowa, members of the American Colonists, urging rescission of the Equal Rights Amendment.

UNFINISHED BUSINESS

Senate File 356

On motion of Senator Shaw, Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, was taken up for further consideration.

Senator Redmond raised the point of order that Senate File 356 should be rereferred to the committee on ways and means under Senate Rule 38.

The Chair ruled the point not well taken and that referral of

the bill to the committee on ways and means during the 1975 Regular Session satisfied the requirements of Senate Rule 38.

Senator Norpel asked and received unanimous consent to withdraw amendment S—5016 filed by him on January 22, 1976, and found on page 123 of the Senate Journal.

(Senate File 356 pending on adjournment.)

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MOTION TO RECONSIDER WITHDRAWN

Senator Hultman asked and received unanimous consent to withdraw the motion to reconsider the vote by which **House File 243** passed the Senate filed by him on January 20, 1976.

INTRODUCTION OF BILL

Senate File 1062, by committee on ways and means, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Read first time and referred to the committee on **state government** under Senate Rule 38.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1061 Transportation

H. F. 443 Agriculture

H. F. 1040 Education

PROOF OF PUBLICATION

Published copy of Senate File 1055 and verified proof of publication of said bill in the *Prairie City News*, a newspaper published in Prairie City, Iowa, on January 7, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gary H. Koerselman of Sioux City, Woodbury County, Iowa, for reappointment to the Iowa State Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for the term commencing July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
LEONARD C. ANDERSEN
LOWELL L. JUNKINS
GEORGE R. KINLEY
NORMAN RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dorcas W. Speer of Ames, Story County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MINNETTE F. DODERER
GENE W. GLENN
JOHN S. MURRAY
FRED W. NOLTING

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James R. Van Denover, Oelwein, Fayette County, Iowa, for appointment to the State Board of Watchmaking Examiners for an initial term under the provisions of Section 120.3, 1975 Code of Iowa, beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
ROBERT M. CARR
WARREN E. CURTIS
HILARIUS L. HEYING
EUGENE M. HILL

**ANNOUNCEMENT OF INVESTIGATING COMMITTEES
FOR GOVERNOR'S APPOINTMENTS**

President Neu, in accordance with section 2.32, Code 1975, announced the appointment of the following Senators to investigating committees:

As members of the State Board of Podiatry Examiners:

Paul A. Johns, Jr., D.P.M., Des Moines, Polk County, Iowa, for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Doderer, Chairperson
Senator Andersen
Senator Glenn
Senator Hill of Polk
Senator Norpel

Richard N. Lepird, D.P.M., Estherville, Emmet County, Iowa, for a two-year term commencing July 1, 1975 and ending June 30, 1977.

Senator Heying, Chairperson
Senator Bergman
Senator Griffin
Senator Orr
Senator Willits

Alice V. Loeffler, Sioux City, Woodbury County, Iowa, as a public member for a one-year term commencing July 1, 1975 and ending June 30, 1976.

Senator Hill of Jasper, Chairperson
Senator Culver
Senator Curtis
Senator Kelly
Senator Miller of Des Moines

Ray J. Samuel, D.P.M., Marshalltown, Marshall County, Iowa, for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Merritt, Chairperson
Senator Carr
Senator Hansen
Senator Miller of Marshall
Senator Van Gilst

Shirley A. Thompson, Keokuk, Lee County, Iowa, as a public member for a three-year term commencing July 1, 1975 and ending June 30, 1978.

Senator Nolting, Chairperson
Senator Burroughs
Senator Gallagher
Senator Junkins
Senator Nystrom

As members of the State Soil Conservation Committee:

Carroll J. Hobson, Eldora, Hardin County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Briles, Chairperson
Senator Coleman
Senator Gluba
Senator Nolin
Senator Taylor

Gerald Norland, Cylinder, Palo Alto County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Murray, Chairperson
Senator Priebe
Senator Robinson
Senator Scott
Senator Shaw

As a member of the Commission on Judicial Qualifications for the State of Iowa:

Richard C. Grossman, Marshalltown, Marshall County, Iowa, for a six-year term commencing January 2, 1976 and ending January 1, 1982.

Senator Rabedaux, Chairperson
Senator Miller of Marshall
Senator Redmond
Senator Rodgers
Senator Sovern

EXPLANATION

MR. PRESIDENT: I was necessarily absent from the Senate on January 26, 1976, because of the death of a close friend.

RICHARD J. NORPEL, SR.

REPORT OF COMMITTEE

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 798**, a bill for an act to provide for change of sex on birth certificates, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5032

- 1 Amend Senate File 356, as follows:
- 2 1. Page 11, line 9, by inserting after the word
- 3 "Code" the words " , providing no such proposed con-
- 4 struction is completed by public employees".

E. KEVIN KELLY

S—5031

- 1 Amend the Gluba amendment, S—4235, to Senate File
- 2 356 as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "applying" the word "annually".
- 5 2. Page 1, line 26, by inserting after the word

- 6 "applying" the word "annually".
7 3. Page 1, line 40, by inserting after the word
8 "applying" the word "annually".

WILLIAM E. GLUBA
ELIZABETH SHAW

S—5030

- 1 Amend the committee on labor and industrial
2 relations amendment S—5005 to House File 863, as
3 amended and passed by the House, as follows:
4 1. Page 1, line 3, by adding after the words
5 "line 35", the words ", and inserting in lieu thereof
6 ', the primary purpose of which, although not necess-
7 arily the stated purpose, is farming or ownership
8 of agricultural land, and' ".

LUCAS J. DeKOSTER

On motion of Senator Kinley, the Senate adjourned at 3:40 p.m., until 9:30 a.m., Wednesday, January 28, 1976.

JOURNAL OF THE SENATE

SEVENTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, JANUARY 28, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Honorable Elizabeth Miller, member of the Senate from Marshalltown, Marshall County, Iowa.

The Journal of Tuesday, January 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steven Kruse, Huxley, Iowa.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifteen students from Dana College, Blair, Nebraska, accompanied by their instructor, Darrell Dibbens. Senators Hansen and Hultman.

PETITIONS

The following petitions were presented and placed on file:

By Senator Plymat from thirty-eight residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

By Senator Schwengels from ten residents of Van Buren County favoring legislation to close massage parlors and to raise the legal age for drinking alcoholic liquor or beer, and opposing legalized prostitution.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on January 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 807, a bill for an act relating to bonded agricultural warehouses.

Also: That the House has on January 22, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1010, a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter 81, section 47, to send their registration forms to the commissioner's office in an envelope.

Also: That the House has on January 22, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1011, a bill for an act to amend the election laws of the state of Iowa.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1003, by Senator Redmond, a joint resolution proposing an amendment to the Constitution of the State of Iowa to place the provision requiring election of an attorney general within Article IV of the Constitution.

Read first time and **passed on file**.

Senate File 1063, by committee on county government (committee on county government), a bill for an act relating to the certification of deputy assessors.

Read first time and **placed on calendar**.

Senate File 1064, by committee on state government, a bill for an act to abolish certain boards, committees and councils.

Read first time and **placed on calendar**.

HOUSE MESSAGES CONSIDERED

House File 807, a bill for an act relating to bonded agricultural warehouses.

Read first time and **passed on file**.

House File 1010, a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication.

Read first time and **passed on file**.

House File 1011, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that certain officeholders seeking other elective office resign from the office currently held to qualify for the general election ballot and that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication.

Read first time and passed on file.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1065, by Senator Miller of Des Moines, a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election.

Read first time and **passed on file**.

Senate File 1066, by Senator Burroughs, a bill for an act relating to the use of force, violence, or threats to impede any person from engaging in lawful employment or educational pursuit and providing penalties.

Read first time and **passed on file**.

Senate File 1067, by committee on human resources, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty.

Read first time and **placed on calendar**.

Senate File 1068, by Senator Gluba, a bill for an act creating a volunteers in service to Iowa corps.

Read first time and **passed on file**.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

CONSIDERATION OF BILLS

Senate File 1060

On motion of Senator Curtis, Senate File 1060, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive, was taken up for consideration.

Senator Hill of Polk offered amendment S—5037 and moved its adoption:

S—5037

- 1 Amend Senate File 1060 as follows:
- 2 1. Page 2, by striking the lines 1 through 3,
- 3 and inserting in lieu thereof the words "tion
- 4 in Cherokee Daily Times, a newspaper published in
- 5 Cherokee, Iowa, and in West Des Moines Express, a
- 6 newspaper published in West Des Moines, Iowa."

Amendment S—5037 was adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1060) the vote was:

Ayes, 50:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolin	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1021.

Senate File 1021

On motion of Senator Winkelman, Senate File 1021, a bill for an act relating to the alienation of preserves, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Winkelman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1021) the vote was:

Ayes, 49:

Andersen	Burroughs	Culver	Doderer
Bergman	Carr	Curtis	Gallagher
Briles	Coleman	DeKoster	Glenn

Gluba	Merritt	Orr	Scott
Griffin	Miller of	Palmer	Shaff
Heying	Des Moines	Plymat	Shaw
Hill of Jasper	Miller of	Priebe	Sovern
Hill of Polk	Marshall	Rabedeaux	Taylor
Hultman	Murray	Ramsey	Tieden
Junkins	Nolin	Redmond	Van Gilst
Kelly	Nolting	Robinson	Willits
Kinley	Norpel	Rodgers	Winkelman
Lamborn	Nystrom	Schwengels	

Nays, none.

Absent or not voting, 1:

Hansen

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

Senator Kinley asked and received unanimous consent to take up out of order House File 787.

House File 787

On motion of Senator Scott, House File 787, a bill for an act relating to minimum percentages of plant nutrients in fertilizers, with report of committee recommending passage, and report of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Scott offered amendment S—5027 by the committee on agriculture and moved its adoption:

S—5027

- 1 Amend House File 787 as follows:
- 2 1. Page 1, line 11, by striking the word "twenty",
- 3 and inserting in lieu thereof, the word "sixteen".

Amendment S—5027 lost.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 787) the vote was:

Ayes, 40:

Andersen	Hill of Jasper	Miller of	Redmond
Bergman	Hill of Polk	Marshall	Robinson
Briles	Hultman	Murray	Rodgers
Burroughs	Junkins	Nolin	Schwengels
Carr	Kelly	Nolting	Scott
Coleman	Kinley	Norpel	Shaw
Doderer	Lamborn	Nystrom	Sovern
Gallagher	Merritt	Palmer	Tieden
Glenn	Miller of	Plymat	Van Gilst
Gluba	Des Moines	Rabedeaux	Willits
Hansen		Ramsey	

Nays, 10:

Culver
Curtis
DeKoster

Griffin
Heying
Orr

Priebe
Shaff

Taylor
Winkelman

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 787 passed the Senate on January 28, 1976.

KENNETH D. SCOTT

UNFINISHED BUSINESS

Senate File 356

The Senate resumed consideration of Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts.

Senator Kelly offered amendment S—5032 filed by him:

S—5032

- 1 Amend Senate File 356, as follows:
- 2 1. Page 11, line 9, by inserting after the word
- 3 "Code" the words ", providing no such proposed con-
- 4 struction is completed by public employees".

Senator Shaw offered amendment S—5035 to amendment S—5032:

S—5035

- 1 Amend the Kelly amendment S—5032, to Senate
- 2 File 356 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "employees" the words "; however, consultation and
- 5 planning with, or supervision by, city planners and
- 6 engineers is not precluded by the foregoing restric-
- 7 tion".

Senator Rabedaux raised the point of order that amendment S—5032 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5032 in order.

On motion of Senator Shaw, amendment S—5035 to amendment S—5032 was adopted.

Senator Miller of Des Moines took the chair at 4:35 p.m.

Senator Kelly moved the adoption of amendment S—5032 as amended.

A record roll call was requested.

On the question "Shall amendment S—5032 as amended be adopted?" (S.F. 356) the vote was:

Ayes, 12:

Briles	DeKoster	Hill of Jasper	Ramsey
Burroughs	Griffin	Hill of Polk	Schwengels
Coleman	Heying	Kelly	Winkelman

Nays, 35:

Andersen	Kinley	Nolting	Rodgers
Bergman	Lamborn	Norpel	Scott
Carr	Merritt	Orr	Shaff
Culver	Miller of	Palmer	Shaw
Curtis	Des Moines	Plymat	Sovern
Gallagher	Miller of	Priebe	Taylor
Glenn	Marshall	Rabedeaux	Tieden
Gluba	Murray	Redmond	Van Gilst
Hansen	Nolin	Robinson	Willits
Hultman			

Voting present, 1:

Junkins

Absent or not voting, 2:

Doderer Nystrom

Amendment S—5032 as amended lost.

Senator Gluba offered amendment S—4235 filed by him:

S—4235

- 1 Amend Senate File 356 as follows:
- 2 1. Page 12, line 34, by inserting after the period
- 3 the words "However, a property owner whose income
- 4 during the last preceding calendar year does not
- 5 exceed that prescribed for lower income families in
- 6 Acts of the Sixty-sixth General Assembly, House File
- 7 eight hundred twenty-three (823), section one (1),
- 8 subsection three (3), and rules promulgated pursuant
- 9 thereto by the Iowa housing finance authority, is
- 10 entitled to have his or her property within the
- 11 district exempted from the tax levied under this
- 12 section, by applying for the exemption at the office
- 13 of the city clerk on forms to be provided by the city,
- 14 not later than July first for taxes due in the year
- 15 beginning July first."
- 16 2. Page 13, line 11, by inserting after the period
- 17 the words "However, a property owner whose income
- 18 during the last preceding calendar year does not
- 19 exceed that prescribed for lower income families in
- 20 Acts of the Sixty-sixth General Assembly, House File
- 21 eight hundred twenty-three (823), section one (1),
- 22 subsection three (3), and rules promulgated pursuant
- 23 thereto by the Iowa housing finance authority, is
- 24 entitled to have his or her property within the

25 district exempted from the tax levied under this
 26 section, by applying for the exemption at the office
 27 of the city clerk on forms to be provided by the city,
 28 not later than July first for taxes due in the year
 29 beginning July first."

30 3. Page 13, line 22, by inserting after the period
 31 the words "However, a property owner whose income
 32 during the last preceding calendar year does not
 33 exceed that prescribed for lower income families in
 34 Acts of the Sixty-sixth General Assembly, House File
 35 eight hundred twenty-three (823), section one (1),
 36 subsection (3) and rules promulgated pursuant thereto
 37 by the Iowa housing finance authority, is entitled
 38 to have his or her property within the district
 39 exempted from the tax levied under this section, by
 40 applying for the exemption at the office of the city
 41 clerk on forms to be provided by the city, not later
 42 than July first for taxes due in the year beginning
 43 July first. A city shall establish a reserve fund,
 44 either from proceeds of self-supported municipal
 45 improvement district bonds or from the district's
 46 operation fund or capital improvement fund, from which
 47 it shall pay into the debt service fund each fiscal
 48 year an amount equal to the total amount of taxes
 49 levied for the year for which taxpayers claim
 50 exemptions under this section."

Senator Gluba offered amendment S—5031 to amendment S—4235 filed by Senators Gluba and Shaw and moved its adoption:

S—5031

- 1 Amend the Gluba amendment, S—4235, to Senate File
- 2 356 as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "applying" the word "annually".
- 5 2. Page 1, line 26, by inserting after the word
- 6 "applying" the word "annually".
- 7 3. Page 1, line 40, by inserting after the word
- 8 "applying" the word "annually".

Amendment S—5031 to amendment S—4235 was adopted.

On motion of Senator Gluba, amendment S—4235 as amended was adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 356) the vote was:

Ayes, 25:

Andersen
 Bergman
 Briles

Carr
 Curtis
 DeKoster

Gluba
 Griffin
 Hansen

Hill of Polk
 Hultman
 Lamborn

Miller of
Marshall
Murray
Nolting

Plymat
Rabedeaux
Ramsey
Schwengels

Shaff
Shaw
Taylor

Tieden
Willits
Winkelman

Nays, 20:

Burroughs
Coleman
Culver
Glenn
Heying
Hill of Jasper

Junkins
Kelly
Kinley
Merritt
Miller of
Des Moines

Nolin
Norpel
Orr
Palmer
Priebe

Redmond
Robinson
Scott
Van Gilst

Absent or not voting, 5:

Doderer
Gallagher

Nystrom

Rodgers

Sovern

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1037, a bill for an act appropriating funds to the capitol planning commission.

Also: That the House has on January 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1044, a bill for an act relating to fire drills and tornado drills in schools.

Also: That the House has on January 26, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 103 relating to construction of diagonal highway in Iowa County.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 103

By Caffrey and Woods

- 1 *Whereas*, on December 1, 1975, the members of the
- 2 state transportation commission voted for the
- 3 construction of a five point five mile, seventy mile
- 4 per hour diagonal highway in Iowa county connecting
- 5 Interstate eighty with the Amanas; and
- 6 *Whereas*, this diagonal highway will cost
- 7 approximately one million dollars more and use fifty-
- 8 six point seven more acres of agricultural land than
- 9 the straight alternative recommended by the state
- 10 department of transportation staff; *Now Therefore*,
- 11 *Be It Resolved by the House of Representatives*,
- 12 *the Senate Concurring*, That the general assembly

- 13 requests the state department of transportation to
14 suspend preparations for the construction of diagonal
15 Iowa one hundred forty-nine in Iowa county and reconsider
16 and adopt the straight alternative recommended by the
17 state department of transportation staff.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1037, a bill for an act appropriating funds to the capitol planning commission.

Read first time and passed on file.

House File 1044, a bill for an act relating to fire drills and tornado drills in schools.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1010 State government

H. F. 1011 State government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas A. Barton of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

LEONARD C. ANDERSEN, Chairperson
LOWELL L. JUNKINS
JOHN S. MURRAY
BERL PRIEBE
KENNETH D. SCOTT

EXPLANATION OF VOTE

MR. PRESIDENT: When the final vote was taken on Senate File 1021, the key on my voting machine apparently malfunctioned. I voted for Senate File 1021 though the machine failed to record it.

WILLARD R. HANSEN

REPORTS OF COMMITTEES

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 1062**, a bill for an act to provide budget limitations for certain political subdivisions of the state, begs leave to report it has had the same under consideration and recommends the same **be amended as follows and returns the bill without recommendation**:

S—5036

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 3, line 10, by inserting after the word
- 3 "governor" the words " , subject to confirmation by the
- 4 senate".

EUGENE M. HILL, Chairperson

Ordered passed on file.

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 204**, a bill for an act relating to registration of motor vehicles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 576**, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House Concurrent Resolution 26**, a bill for an act to urge Congress to appropriate funds in the undertaking of the inspection and replacement of bridges, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5038

- 1 Amend Senate File 256 as follows:
- 2 1. Page 1, line 7, by striking the word
- 3 "waters", and inserting in lieu thereof the words "mean-
- 4 dering streams".

HILARIUS L. HEYING

S—5033

- 1 Amend House File 863, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 14, by striking the words "one
- 4 thousand" and inserting in lieu thereof the words
- 5 "two thousand five hundred".
- 6 2. Page 5, by striking lines 32 through 35.
- 7 3. Page 6, by striking lines 1 through 4.
- 8 4. Page 6, by striking lines 27 through 35.
- 9 5. Page 7, by striking lines 1 through 9.
- 10 6. Page 8, by striking lines 17 through 31.
- 11 7. Page 12, by striking lines 25 through 35.
- 12 8. Page 13, by striking lines 1 through 12.
- 13 9. Renumber the sections and internal references
- 14 as required by this amendment.

CALVIN O. HULTMAN
 RAY TAYLOR
 WILLIAM P. WINKELMAN
 CLIFF BURROUGHS
 JAMES W. GRIFFIN, SR.
 IRVIN L. BERGMAN
 ELIZABETH R. MILLER
 CLIFTON C. LAMBORN
 ROGER J. SHAFF
 ELIZABETH SHAW
 WARREN E. CURTIS
 JAMES E. BRILES
 DALE L. TIEDEN
 W. R. RABEDEAUX
 FORREST V. SCHWENGELS

S—5034

- 1 Amend House File 863, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 16, line 18, by inserting after the figure
- 4 "86.17" the word "*ARBITRATION*".
- 5 2. Page 16, line 18, by inserting after the word
- 6 "*HEARINGS*" the words "*Petitions for arbitration shall*
- 7 *be heard before a deputy industrial commissioner.*
- 8 *Such hearings shall be conducted pursuant to the*
- 9 *provisions of chapter seventeen A (17A) of the Code*
- 10 *for contested cases."*
- 11 3. Page 16, lines 18 and 19 by striking the words
- 12 "or the board of arbitration" and inserting in lieu
- 13 thereof the words "[or the board of arbitration]".
- 14 4. Page 16, lines 21 and 22 by striking the words
- 15 "or the board of arbitration" and inserting in lieu
- 16 thereof the words "[or the board of arbitration]".
- 17 5. Page 16, after line 30, by inserting the
- 18 following sections:
- 19 "Sec. Section eighty-six point eighteen
- 20 (86.18), Code 1975, is amended to read as follows:
- 21 86.18 LIBERAL RULES OF EVIDENCE. [While sitting
- 22 as a board of arbitration, or when] *When conducting*
- 23 *a hearing on review, or in making any investigation*

24 or inquiry, [neither the board of arbitration nor] the
25 commissioner or his deputies shall *not* be bound by
26 common law or statutory rules of evidence or by
27 technical or formal rules of procedure; but they shall
28 hold such arbitrations, or conduct such hearings and
29 make such investigations and inquiries in such manner
30 as is best suited to ascertain and conserve the
31 substantial rights of all parties thereto. Process
32 and procedure under this chapter shall be as summary
33 as reasonably may be.

34 Sec. Section eighty-six point nineteen (86.19),
35 Code 1975, is amended to read as follows:

36 86.19 APPOINTMENT OF REPORTER. The industrial
37 commissioner, or one of his deputies, may appoint
38 a shorthand reporter to report the proceedings of
39 any hearing before the commissioner, or one of his
40 deputies, [or board of arbitration,] and fix the
41 reasonable amount of compensation for such service,
42 which amount shall be taxed as other costs. Any such
43 reporter shall faithfully and accurately report any
44 proceeding for which he or she shall be employed.

45 Sec. Section eighty-six point twenty-one
46 (86.21), unnumbered paragraph one (1), Code 1975,
47 is amended to read as follows:

48 The deposition of any witness may be taken and
49 used as evidence in any hearing pending before [a board
50 of arbitration or] the industrial commissioner or one

Page 2

1 of his deputies in compensation proceedings.

2 Sec. Section eighty-six point twenty-three
3 (86.23), Code 1975, is amended to read as follows:

4 86.23 FINDINGS OF [ARBITRATION BOARD OR] DEPUTY
5 COMMISSIONER FILED. The decision of a deputy
6 industrial commissioner [or board of arbitration,]
7 together with a statement or certificate of evidence
8 submitted at the hearing, the findings of fact, rulings
9 of law, and any other matters pertinent to questions
10 arising at such hearing, shall be filed in the office
11 of the industrial commissioner."

12 6. Page 16, lines 34 and 35, by striking the words
13 "or board of arbitration" and inserting in lieu thereof
14 the words "[or board of arbitration]".

15 7. Page 17, line 7, by striking the words "or
16 board of arbitration" and inserting in lieu thereof
17 the words "[or board of arbitration]".

18 8. Page 17, line 10, by striking line 10 and
19 inserting in lieu thereof the words "[the board, or]
20 may remand it to the [board] *deputy*".

21 9. Page 18, line 10, by striking the words "or
22 board of arbitration" and inserting in lieu thereof
23 the words "[or board of arbitration]".

24 10. Page 18, after line 17, by inserting the
25 following sections:

26 Sec. Section eighty-six point thirty-eight

27 (86.38), Code 1975, is amended to read as follows:
28 86.38 EXAMINATION BY PHYSICIAN—FEE. The
29 industrial commissioner may appoint a duly qualified,
30 impartial physician to examine the injured employee
31 and make report. The fee for this service shall be
32 five dollars, to be paid by the industrial
33 commissioner, together with traveling expenses, but
34 the commissioner may allow additional reasonable
35 amounts in extraordinary cases. Any physician so
36 examining any injured employee shall not be prohibited
37 from testifying before the industrial commissioner,
38 [board of arbitration,] or any other person, commission,
39 or court, as to the results of his examination or
40 the condition of the injured employee.
41 Sec. Section eighty-six point forty (86.40),
42 Code 1975, is amended to read as follows:
43 86.40 [COMPENSATION OF ARBITRATORS—COSTS] *COSTS*.
44 [The arbitrators except the commissioner shall each
45 receive five dollars as a fee for services, but the
46 industrial commissioner may allow additional reasonable
47 amounts in extraordinary cases. The fees shall be
48 paid by the employer, who may deduct an amount equal
49 to one-half the sum from any compensation found due
50 the employee.] All [other] costs incurred in the hearing

Page 3

1 before [a board of arbitration or] the commissioner
2 shall be taxed in the discretion of [such board or]
3 the commissioner [as the case may be].
4 Sec. Section eighty-six point forty-one
5 (86.41), Code 1975, is amended to read as follows:
6 86.41 WITNESS FEES. Witness fees and mileage
7 on hearings before [an arbitration board or] the
8 industrial commissioner shall be the same as in the
9 district court.
10 Sec. Section eighty-six point forty-two
11 (86.42), Code 1975, is amended to read as follows:
12 86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any
13 party in interest may present a certified copy of
14 an order or decision of the commissioner, [or an award
15 of a board of arbitration] from which no petition for
16 review has been filed within the time allowed therefor,
17 or a memorandum of agreement approved by the
18 commissioner, and all papers in connection therewith,
19 to the district court of the county in which the
20 injury occurred, whereupon said court shall render
21 a decree or judgment in accordance therewith and cause
22 the clerk to notify the parties. Such decree or
23 judgment, in the absence of a petition for judicial
24 review of the decision of the industrial commissioner,
25 shall have the same effect and in all proceedings
26 in relation thereto shall thereafter be the same as
27 though rendered in a suit duly heard and determined
28 by said court."
29 11. Page 16, after line 15, by inserting the

30 following section:

31 "Sec. Sections eighty-six point fifteen

32 (86.15), and eighty-six point sixteen (86.16), Code

33 1975, are repealed."

JAMES M. REDMOND
RICHARD RAMSEY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30
p.m., until 9:30 a.m., Thursday, January 29, 1976.

JOURNAL OF THE SENATE

EIGHTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, JANUARY 29, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Raymond Moore, pastor of the First Methodist Church, Dunlap, Iowa.

The Journal of Wednesday, January 28, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shaw for the day on request of Senator Lamborn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Junkins from twenty-five residents of Lee County, opposing the transforming of the Mental Health Institute in Mount Pleasant into a prison facility.

By Senator Junkins from one hundred four residents of Lee County, opposing legislation placing budget limitations on municipalities.

By Senator Junkins from one hundred seventeen residents of Iowa favoring legislation to prohibit the issuance of nonresident licenses to hunt fur bearing animals.

INTRODUCTION OF BILL

Senate File 1069, by Senator Priebe, a bill for an act relating to determining the market value of agricultural property for tax purposes.

Read first time and **passed on file**.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

SPECIAL ORDER

Senator Kinley asked and received unanimous consent that Senate File 1062 be made a special order of business for Wednesday, February 4, 1976, at 2:30 p.m.

SPECIAL ORDER OF BUSINESS

The hour having arrived, the Chair announced the special order of business for the consideration of House File 863.

House File 863

On motion of Senator Merritt, House File 863, a bill for an act relating to workmen's compensation laws, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Robinson asked and received unanimous consent that Mr. Robert Landess, Industrial Commissioner, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator DeKoster offered amendment S—5005 by the committee on labor and industrial relations:

S—5005

Division S—5005A

- 1 Amend House File 863, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, by striking line 35.
- 4 2. Page 2, by striking line 1 and inserting in
- 5 lieu thereof the following: "while such officer or
- 6 person related to the officer is engaged in
- 7 agricultural pursuits or any operation immediately
- 8 connected therewith whether on or off the premises
- 9 of the employer."
- 10 3. Page 2, line 8, by striking the word "assume"
- 11 and inserting in lieu thereof the word "[assume]".
- 12 4. Page 2, by striking line 11 and inserting in
- 13 lieu thereof the following: "*by subsections, 1, 2,*
- 14 *[3] and 4 and subsection three (3), paragraph a of.*"
- 15 5. Page 2, line 16, by inserting after the word
- 16 "States," the word "assume".
- 17 6. Page 2, line 20, by striking the word "assume".
- 18 7. Page 2, line 22, by inserting after the word
- 19 "employees" the word "assume".
- 20 8. Page 4, line 21, by striking the word
- 21 "reasonable" and inserting in lieu thereof the words
- 22 "*reasonably necessary*".

- 23 9. Page 11, line 20, by striking the word
24 "reasonable" and inserting in lieu thereof the words
25 "reasonably necessary".
26 10. Page 12, line 30, by striking the figure
27 "1975" and inserting in lieu thereof the figure "1976".
28 11. Page 13, line 9, by striking the figure "1975"
29 and inserting in lieu thereof the figure "1976".

Division S—5005B

- 30 12. Page 14, by striking line 3 and inserting
31 in lieu thereof the words "[sustained by his employee
32 in the course] *alleged by an employee to have been*
33 *sustained in the course*".
34 13. Page 14, line 21, by striking the words "of
35 injury".
36 14. Page 14, line 22, by inserting after the word
37 "commissioner" the words "of injury".

Division S—5005A (cont'd.)

- 38 15. Page 14, by striking lines 31 through 35 and
39 inserting in lieu thereof the following:
40 "86.12 FAILURE TO REPORT. The industrial com-
41 missioner may require any employer to supply the
42 information required by section eighty-six point ten
43 (86.10) of the Code or to file a report required by
44 section eighty-six point eleven (86.11) of the Code,
45 by written demand sent to the employer's last known
46 address. Upon failure to supply such information
47 or file such report, the employer may".
48 16. Page 15, by striking line 1.
49 17. Page 15, line 4, by striking the words "if
50 the facts justify it".

Page 2

- 1 18. Page 15, line 5, by inserting after the word
2 "enter" the words "a finding of fact and may enter".
3 19. Page 15, line 10, by inserting after the word
4 "such" the words "finding and".
5 20. Page 15, line 15, by inserting after the word
6 "the" the words "finding and".
7 21. Page 15, line 31, by inserting after the word
8 "injury" the words "in the same manner and to the
9 same extent as an employer under this section".
10 22. Page 15, by striking lines 32 through 35.
11 23. Page 17, line 16, by striking the words
12 "Additional evidence" and inserting in lieu thereof
13 the words "[Additional evidence] *Evidence*".
14 24. Page 17, line 27, by inserting after the word
15 "mail" the words "*with return receipt requested*".
16 25. Page 19, by striking lines 1 and 2 and insert-
17 in lieu thereof "Within thirty days after voluntary
18 payments are begun, the employer or insurance carrier
19 shall file a notice with".
20 26. Page 19, line 18, by striking the word "with"
21 and inserting in lieu thereof the word "and".
22 27. Page 19, line 18, by inserting after the word

- 23 "denial" the words "shall be".
24 28. Page 19, line 19, by inserting after the word
25 "mail" the words "with return receipt requested".
26 29. Page 19, line 24, by striking the words "of
27 section" and inserting in lieu thereof the words "of
28 time allowed under section".
29 30. Page 19, line 27, by striking the word "in"
30 and inserting in lieu thereof the word "within".
31 31. Page 19, line 27, by striking the word "shall"
32 and inserting in lieu thereof the word "must".
33 32. Page 19, line 28, by striking the word
34 "within".
35 33. Page 19, line 30, by striking the word "if"
36 and inserting in lieu thereof the word "is".
37 34. Page 20, line 4, by striking the figure "1976"
38 and inserting in lieu thereof the figure "1977".
39 35. Page 20, line 5, by striking the figure "1976"
40 and inserting in lieu thereof the figure "1977".
41 36. Page 20, line 9, by striking the figure "1976"
42 and inserting in lieu thereof the figure "1977".
43 37. Page 20, line 9, by striking the word "such"
44 and inserting in lieu thereof the word "that".
45 38. Amend the title, line 1, by inserting after
46 the word "laws" the words "and providing a civil
47 penalty".

Senator DeKoster offered amendment S—5030 to amendment S—5005 filed by him and moved its adoption:

S—5030

- 1 Amend the committee on labor and industrial
2 relations amendment S—5005 to House File 863, as
3 amended and passed by the House, as follows:
4 1. Page 1, line 3, by adding after the words
5 "line 35", the words ", and inserting in lieu thereof
6 ', the primary purpose of which, although not necess-
7 arily the stated purpose, is farming or ownership
8 of agricultural land, and' ".

Amendment S—5030 to amendment S—5005 was adopted.

Senator DeKoster offered amendment S—5008 to amendment S—5005 filed by Senators DeKoster and Robinson and moved its adoption:

S—5008

- 1 Amend the committee on labor and industrial re-
2 lations amendment S—5005 to House File 863, as amended
3 and passed by the House, as follows:
4 1. Page 1, line 47, by inserting after the word
5 "report" the words "within twenty days".

Amendment S—5008 to amendment S—5005 was adopted.

Senator Rabedaux called for a division of amendment S—5005

as amended, sections 12, 13 and 14 to be considered as division S—5005B and the remainder of the amendment to be considered as division S—5005A.

On motion of Senator DeKoster, division S—5005A of the amendment, as amended was adopted.

Action on division S—5005B of the amendment was temporarily deferred for the preparation of an amendment.

Senator Hultman offered amendment S—5033 filed by Senators Hultman, et al., and called for a division of the amendment as follows:

S—5033

- 1 Amend House File 863, as amended and passed by
- 2 the House, as follows:

Division S—5033C

- 3 1. Page 1, line 14, by striking the words "one
- 4 thousand" and inserting in lieu thereof the words
- 5 "two thousand five hundred".

Division S—5033B

- 6 2. Page 5, by striking lines 32 through 35.
- 7 3. Page 6, by striking lines 1 through 4.
- 8 4. Page 6, by striking lines 27 through 35.
- 9 5. Page 7, by striking lines 1 through 9.
- 10 6. Page 8, by striking lines 17 through 31.

Division S—5033A

- 11 7. Page 12, by striking lines 25 through 35.
- 12 8. Page 13, by striking lines 1 through 12.

Division S—5033B (cont'd.)

- 13 9. Renumber the sections and internal references
- 14 as required by this amendment.

Senator Hultman moved the adoption of division S—5033A of the amendment and requested a record roll call.

On the question "Shall division S—5033A of the amendment be adopted?" (H.F. 863) the vote was:

Ayes, 16:

Briles	Hultman	Nystrom	Shaff
Burroughs	Lamborn	Rabedeaux	Taylor
Curtis	Miller of	Ramsey	Tieden
Griffin	Marshall	Schwengels	Winkelman
Heying			

Nays, 33:

Andersen	Gallagher	Junkins	Murray
Carr	Glenn	Kelly	Nolin
Coleman	Gluba	Kinley	Nolting
Culver	Hansen	Merritt	Norpel
DeKoster	Hill of Jasper	Miller of	Orr
Doderer	Hill of Polk	Des Moines	Palmer

Plymat
Priebe
Redmond

Robinson
Rodgers
Scott

Shaw
Sovern

Van Gilst
Willits

Absent or not voting, 1:

Bergman

Division S—5033A of the amendment lost.

President pro tempore Doderer took the chair at 3:00 p.m.

Senator Ramsey called for a further division of amendment S—5033, section 1 to be considered as division S—5033C.

President Neu took the chair at 3:17 p.m.

Senator Hultman moved the adoption of division S—5033B of the amendment and requested a record roll call.

On the question "Shall division S—5033B of the amendment be adopted?" (H.F. 863) the vote was:

Ayes, 22:

Bergman
Briles
Burroughs
Curtis
DeKoster
Griffin

Hill of Polk
Hultman
Kelly
Lamborn
Miller of
Marshall

Murray
Nystrom
Plymat
Rabedeaux
Ramsey
Schwengels

Shaff
Shaw
Taylor
Tieden
Winkelman

Nays, 28:

Andersen
Carr
Coleman
Culver
Doderer
Gallagher
Glenn
Gluba

Hansen
Heying
Hill of Jasper
Junkins
Kinley
Merritt
Miller of
Des Moines

Nolin
Nolting
Norpel
Orr
Palmer
Priebe
Redmond

Robinson
Rodgers
Scott
Sovern
Van Gilst
Willits

Division S—5033B of the amendment lost.

Senator Hultman moved the adoption of division S—5033C of the amendment and requested a record roll call.

On the question "Shall division S—5033C of the amendment be adopted?" (H.F. 863) the vote was:

Ayes, 23:

Bergman
Briles
Burroughs
Curtis
DeKoster
Hansen
Hill of Polk

Hultman
Kelly
Lamborn
Miller of
Des Moines
Miller of
Marshall

Murray
Nystrom
Rabedeaux
Ramsey
Schwengels
Scott

Shaff
Shaw
Taylor
Tieden
Winkelman

Nays, 27:

Andersen	Gluba	Nolin	Redmond
Carr	Griffin	Nolting	Robinson
Coleman	Heying	Norpel	Rodgers
Culver	Hill of Jasper	Orr	Sovern
Doderer	Junkins	Palmer	Van Gilst
Gallagher	Kinley	Plymat	Willits
Glenn	Merritt	Priebe	

Division S—5033C of the amendment lost.

The Senate resumed consideration of division S—5005B of the committee amendment.

Senator Rabedeaux withdrew amendment S—5041 to division S—5005B:

S—5041

- 1 Amend the committee on labor and industrial
- 2 relations amendment, S—5005, to House File 863,
- 3 as amended and passed by the House, as follows:
- 4 1. Page 1, by striking lines 30 through 37
- 5 and inserting in lieu thereof the following:
- 6 "12. Page 13, by striking lines 34 through 35.
- 7 13. Page 14 by striking lines 1 through 27."
- 8 2. By renumbering the paragraphs to conform
- 9 with this amendment.

On motion of Senator DeKoster, division S—5005B of the committee amendment was adopted.

Senator Hultman offered amendment S—3978 filed by him, moved its adoption and requested a record roll call:

S—3978

- 1 Amend House File 863 as amended and passed by the
- 2 House as follows:
- 3 1. Page 6, line 13, by striking the semicolon
- 4 and inserting "[;]".
- 5 2. Page 6, by striking line 14, and inserting
- 6 "[July 1, 1977; July 1, 1979; and July 1, 1981,] the
- 7 maximum".
- 8 3. Page 6, by striking lines 16, 17, 18, and 19
- 9 and inserting "be increased so that it shall equal
- 10 one hundred percent[, one hundred thirty-three and
- 11 one-third percent, one hundred sixty-six and two-
- 12 thirds percent and two hundred percent, respectively,]
- 13 of the state average weekly wage as determined".
- 14 4. Page 8, line 3, by striking the semicolon and
- 15 inserting "[;]".
- 16 5. Page 8, line 6, by striking ", one" and
- 17 inserting "[, one]".
- 18 6. Page 8, by striking lines 7, 8 and 9 and
- 19 inserting "[hundred and twenty-two and two-thirds
- 20 percent, one hundred fifty-three and one-third percent,

- 21 and one hundred eighty-four percent, respectively,]
 22 of the state average wage".
 23 7. Page 9, by striking line 8 and inserting "as
 24 of July 1, 1975[; July 1, 1977; July 1, 1979; and July
 25 1,]".
 26 8. Page 9, line 9, by striking the figure "1981"
 27 and inserting "[1981]".
 28 9. Page 9, by striking lines 11 and 12 and
 29 inserting "percent[, one hundred thirty-three and one-
 30 third percent, one hundred sixty-six and two-thirds
 31 percent and two hundred]".
 32 10. Page 9, line 13, by striking "percent,
 33 respectively," and inserting "[percent, respectively,]".
 34 11. Page 10, lines 28 and 29, by striking "July
 35 1, 1977; July 1, 1979; and July 1, 1981," and inserting
 36 "[July 1, 1977; July 1, 1979; and July 1, 1981,]".
 37 12. Page 10, by striking lines 31, 32, and 33
 38 and inserting "that it shall equal one hundred percent[,
 39 one hundred thirty-three and one-third percent, one
 40 hundred sixty-six and two-thirds percent, and two
 41 hundred percent, respectively,] of".

On the question "Shall amendment S—3978 be adopted?"
 (H.F. 863) the vote was:

Rule 25 was invoked.

Ayes, 23:

Bergman	Hansen	Miller of	Ramsey
Briles	Heying	Marshall	Schwengels
Burroughs	Hill of Polk	Murray	Shaff
Curtis	Hultman	Nystrom	Shaw
DeKoster	Kelly	Plymat	Taylor
Griffin	Lamborn	Rabedaux	Winkelman

Nays, 25:

Andersen	Hill of Jasper	Nolting	Robinson
Carr	Junkins	Norpel	Rodgers
Coleman	Kinley	Orr	Scott
Culver	Merritt	Palmer	Sovern
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Redmond	Willits
Gluba	Nolin		

Absent or not voting, 2:

Doderer	Tieden
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Amendment S—3978 lost.

Senator Robinson offered amendment S—5011 filed by him
 and moved its adoption:

S—5011

- 1 Amend House File 863, as amended and passed by the
- 2 House, as follows:
- 3 Page 14, line 4, by striking the word "their" and
- 4 inserting in lieu thereof the words "his or her".

Amendment S—5011 was adopted.

Senator Redmond offered amendment S—5034 filed January 28, 1976, by Senators Redmond and Ramsey and found on pages 160-163, inclusive, of the Senate Journal, and moved its adoption.

Amendment S—5034 was adopted.

Senator Miller of Marshall withdrew amendment S—5040:

S—5040

- 1 Amend House File 863, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 20, by inserting after line 10 the follow-
- 4 ing new section:
- 5 "Sec. Section two hundred seventy-nine point
- 6 forty (279.40), Code 1975, is amended by adding the
- 7 following new paragraph:
- 8 *NEW PARAGRAPH.* Any amounts due an employee under
- 9 this section shall be reduced by benefits payable
- 10 under chapter eighty-five (85), or eighty-five A
- 11 (85A), of the Code."

Senator Sovern offered amendment S—5042 and moved its adoption:

S—5042

- 1 Amend House File 863, as amended and passed by
- 2 the House as follows:
- 3 1. Page 20, by inserting after line 10 the follow-
- 4 ing section:
- 5 "Sec. The Code editor is directed to strike
- 6 the words 'workmen's compensation' wherever they appear
- 7 in the Code and insert in lieu thereof the words
- 8 'workers' compensation'."
- 9 2. By redesignating sections as necessary.

Amendment S—5042 was adopted.

Senator Merritt moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 863) the vote was:

Ayes, 82:

Andersen
Bergman
Carr
Coleman
Culver
DeKoster
Doderer
Gallagher
Glenn

Gluba
Hansen
Hill of Jasper
Junkins
Kelly
Kinley
Merritt
Miller of
Des Moines

Nolin
Nolting
Norpel
Orr
Palmer
Plymat
Priebe
Redmond

Robinson
Rodgers
Scott
Shaw
Sovern
Van Gilst
Willits

Nays, 18:

Briles	Hill of Polk	Murray	Shaff
Burroughs	Hultman	Nystrom	Taylor
Curtis	Lamborn	Rabedaux	Tieden
Griffin	Miller of	Ramsey	Winkelman
Heying	Marshall	Schwengels	

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 29, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1121, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1004, by Senator Shaw, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to consideration of subjects during legislative sessions meeting in even-numbered years.

Read first time and passed on file.

Senate File 1070, by Senator Shaff, a bill for an act relating to the determination of the final compensation schedule for elected county officers.

Read first time and passed on file.

Senate File 1071, by Senator Taylor, a bill for an act relating to provisions governing permission for minors to marry.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1121, a bill for an act making a supplemental appropriation to the department of social services for medical assistance.

Read first time and passed on file.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 356 failed to pass the Senate on January 28, 1976.

CLOYD ROBINSON

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R.1003 State government
S. F. 1065 Education
S. F. 1066 Judiciary
S. F. 1068 Human resources
H. F. 807 Agriculture
H. F. 1037 Appropriations
H. F. 1044 Education
H.C.R. 103 Transportation

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rodson L. Riggs of Ames, Story County, Iowa, for appointment as Director of Energy Policy under the provisions of Section 93.3, Code 1975, for the unexpired portion of the term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
JOHN S. MURRAY
KARL NOLIN
FRED W. NOLTING
BERL E. PRIEBE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy G. Thompson of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
C. JOSEPH COLEMAN
PHILIP B. HILL
LOWELL L. JUNKINS
GEORGE R. KINLEY

**REPORT BY THE COMMITTEE ON
RULES AND ADMINISTRATION**

Pursuant to House Concurrent Resolution 5, the committee on rules and administration submits the following names of officers

and employees of the Senate designated full-time and their respective step:

Legal Counsel.....	David B. Frost.....	A.....	Full-time
Administrative Assistant to			
Majority Leader.....	Barton D. Rule.....	E.....	Full-time
Administrative Assistant to			
Minority Leader.....	Ralph M. Kauffman.....	E.....	Full-time
Research Assistant to			
President Pro Tempore.....	Jane Fowler.....	B.....	Session-only
Research Assistant to			
Majority Leader.....	Martin H. Brown.....	C.....	Session-only
Research Assistant to			
Minority Leader.....	Gary Thomas.....	C.....	Session-only
Research Assistant to Assistant			
Majority Leader.....	Nicholas Needles.....	B.....	Session-only
Research Assistant to Assistant			
Majority Leader.....	Charles Riekana.....	B.....	Session-only
Research Assistant to			
Majority Caucus.....	Robert Mulqueen.....	A.....	Session-only
Research Assistant to			
Majority Caucus.....	Charles W. Reeves.....	A.....	Session-only
Research Assistant to			
Minority Caucus.....	Kimberly J. Hudson.....	A.....	Session-only
Enrolling Clerk/Terminal			
Operator.....	Cynthia A. Clingan.....	C.....	Full-time
Assistant to the Legal			
Counsel.....	Jean Cook.....	A.....	Session-only
Executive Secretary to the			
Secretary.....	K. Marie Thayer.....	F.....	Full-time
Secretary to the Secretary.....	Joyce Horner.....	E.....	Session-only
Journal Editor.....	Dorothy F. Nepstad.....	G.....	Session-only
Journal Clerk.....	Suzanne Thomsen.....	C.....	Session-only
Finance Clerk.....	Mary Ann Abbott.....	G.....	Full-time
Engrossing Clerk.....	Elizabeth Ligouri.....	E.....	Session-only
Records and Supply Clerk.....	Judy K. Iseminger.....	B.....	Session-only
Special Clerk.....	Judith M. Rutledge.....	A.....	Session-only
Bill Clerk.....	Caryll Wilbur.....	F.....	Session-only
Assistant Bill Clerk.....	Janet Ellsworth.....	A.....	Session-only
Control Board Operator.....	Elissa Weisner.....	A.....	Session-only
Switchboard Operator.....	Betty M. Lawler.....	B.....	Session-only
Switchboard Operator.....	Betty Schwengels.....	C.....	Session-only
Postmaster.....	Dino Masolini.....	B.....	Session-only
Sergeant-at-Arms.....	William C. Sloan.....	C.....	Session-only
Assistant Sergeant-at-Arms.....	Byron Marshall.....	D.....	Session-only
Chief Doorkeeper.....	Leonard A. Borg.....	C.....	Session-only
Doorkeeper.....	Catherine L. DeHeck.....	A.....	Session-only
Doorkeeper.....	Richard Dunker.....	D.....	Session-only
Doorkeeper.....	Charles M. McCoun.....	B.....	Session-only
Doorkeeper.....	Michael McDonald.....	B.....	Session-only
Doorkeeper.....	Ray J. Prosperi.....	B.....	Session-only
Doorkeeper.....	B. W. Rulon.....	E.....	Session-only
Cloakroom Attendant.....	Gertrude Harris.....	D.....	Session-only
Porter.....	James M. Sullivan.....	H.....	Session-only

Senate Page.....	Amy Beattie.....	A.....	Session-only
Senate Page.....	Kay Eason.....	A.....	Session-only
Senate Page.....	Marci Kneeter.....	A.....	Session-only
Senate Page.....	Karla Kruse.....	A.....	Session-only
Senate Page.....	Bret Nilles.....	A.....	Session-only
Senate Page.....	Gary Parker.....	A.....	Session-only
Senate Page.....	Darnell Pettengill.....	A.....	Session-only
Senate Page.....	Lu Ann Ray.....	A.....	Session-only
Senate Page.....	Ann Shima.....	A.....	Session-only
Senate Page.....	Lisa Sievers.....	A.....	Session-only
Senate Page.....	Kevin Smith.....	A.....	Session-only
Senate Page.....	William G. Stowe.....	A.....	Session-only
Senate Page.....	Julie Street.....	A.....	Session-only

WILLIAM D. PALMER, Chairperson

REPORT BY THE COMMITTEE ON RULES AND ADMINISTRATION

Pursuant to **House Concurrent Resolution 5**, the committee on rules and administration submits the following names of secretaries to senators and their respective step:

Senate secretary.....	Charlotte O. Andersen.....	C.....	Session-only
Senate secretary.....	Dorothy R. Bahls.....	D.....	Session-only
Senate secretary.....	Golda Beals.....	F.....	Session-only
Senate secretary.....	Vera Bergman.....	E.....	Session-only
Senate secretary.....	Jane Bevington.....	F.....	Session-only
Senate secretary.....	Norma Bliquez.....	B.....	Session-only
Senate secretary.....	Kay Bolton.....	D.....	Full-time
Senate secretary.....	Margaret Bruce.....	F.....	Session-only
Senate secretary.....	Dwan L. Carter.....	F.....	Session-only
Senate secretary.....	Louise Clarke.....	E.....	Session-only
Senate secretary.....	Emily Curtis.....	D.....	Session-only
Senate secretary.....	Loanne Dodge.....	F.....	Session-only
Senate secretary.....	Katie Doyle.....	F.....	Session-only
Senate secretary.....	Constance Eichhorn.....	F.....	Session-only
Senate secretary.....	Theresa Gosek.....	B.....	Session-only
Senate secretary.....	Vivian L. Haag.....	F.....	Session-only
Senate secretary.....	Elsie L. Haun.....	F.....	Session-only
Senate secretary.....	Marjorie Helkenn.....	F.....	Session-only
Senate secretary.....	Nancy Henter.....	A.....	Session-only
Senate secretary.....	Josephine M. Heying.....	D.....	Session-only
Senate secretary.....	Brenda Jotzke.....	E.....	Session-only
Senate secretary.....	Bonnie King.....	F.....	Session-only
Senate secretary.....	Bessie Lamb.....	C.....	Session-only
Senate secretary.....	Geraldine McCarthy.....	F.....	Session-only
Senate secretary.....	Rose McCauley.....	F.....	Session-only
Senate secretary.....	Nanci Mommelaar.....	F.....	Session-only
Senate secretary.....	Marjorie Merritt.....	A.....	Session-only
Senate secretary.....	Virginia Miller.....	C.....	Session-only
Senate secretary.....	Kathleen Needles.....	B.....	Session-only
Senate secretary.....	Marcella Nelson.....	F.....	Full-time
Senate secretary.....	Willa Nolin.....	C.....	Session-only

Senate secretary.....	Jane Oelmann.....	A.....	Session-only
Senate secretary.....	Billie Ore.....	E.....	Session-only
Senate secretary.....	Rose Marie Pawlewski.....	C.....	Session-only
Senate secretary.....	Linda Pearson.....	B.....	Session-only
Senate secretary.....	Rosemary Randolph.....	A.....	Session-only
Senate secretary.....	Carole J. Reeves.....	F.....	Session-only
Senate secretary.....	Grace Rehnblom.....	E.....	Session-only
Senate secretary.....	Dixie Risbeck.....	A.....	Session-only
Senate secretary.....	Norma Santee.....	C.....	Session-only
Senate secretary.....	Hazel Schroedel.....	E.....	Session-only
Senate secretary.....	Nancy Smith.....	A.....	Session-only
Senate secretary.....	Genevieve Snetselaar.....	F.....	Session-only
Senate secretary.....	Betty Soncrant.....	A.....	Session-only
Senate secretary.....	Betty Speagh.....	C.....	Session-only
Senate secretary.....	Mildred Stewart.....	F.....	Session-only
Senate secretary.....	Peggy Thomson.....	F.....	Session-only
Senate secretary.....	Sylvia Tow.....	F.....	Session-only
Senate secretary.....	Mary Wilcox.....	F.....	Session-only
Senate secretary.....	Betty Wise.....	C.....	Session-only

WILLIAM D. PALMER, Chairperson

AMENDMENTS FILED

S—5039

- 1 Amend Senate File 204 as follows:
- 2 By striking everything after the enacting clause
- 3 and inserting in lieu thereof the following:
- 4 "Section 1. Section three hundred twenty-one
- 5 point forty (321.40), Code 1975, is amended by adding
- 6 the following new paragraphs:
- 7 The treasurer shall refuse to renew the vehicle
- 8 registration if there is a warrant outstanding for
- 9 the arrest of the owner of the motor vehicle out
- 10 of any court located within the county in which
- 11 application is being made and that the warrant
- 12 arises out of an alleged violation of the provisions
- 13 of section three hundred twenty-one point two
- 14 hundred thirty-six (321.236) subsection one (1) of
- 15 this chapter, if the county supervisors of the
- 16 county in which application is being made have prior
- 17 to the making of the application adopted a resolu-
- 18 tion finding that in such county lack of response
- 19 of the citizens of the county to citations for
- 20 violations of motor vehicle laws and ordinances
- 21 has become a significant problem and directing
- 22 the county treasurer of the county which has adopted
- 23 a resolution to enforce this provision within such
- 24 county. The action adopting the resolution may be
- 25 rescinded by another resolution of the board of
- 26 supervisors finding the problem to have significantly
- 27 abated and directing termination of enforcement of
- 28 the first resolution.
- 29 Each court in the state located in a county which

30 has adopted a resolution relating to outstanding
31 warrants as provided in the preceding paragraph
32 shall, on or before the fifth day of each month,
33 submit to the county treasurer of the county in
34 which the court is located, an alphabetized list
35 of all persons against whom an arrest warrant has
36 been issued and is outstanding. It is the duty of
37 the county auditor in each county which adopted a
38 resolution to advise the clerk of each court that
39 a resolution relating to outstanding warrants as
40 provided in the preceding paragraph has been approved
41 and the effective date of the resolution or of any
42 rescission and the effective date of the resolution
43 making the rescission of the first resolution.
44 The provisions of this Act shall only apply to
45 counties with a population of fifty thousand or more."

EARL M. WILLITS
WILLIAM D. PALMER
STEVE SOVERN
JOHN N. NYSTROM

S—5043

- 1 Amend House File 628, as amended and passed by
2 the House, page 2, by inserting after line 6 the
3 following section:
4 1. "Sec. Section two hundred eighty-five point
5 ten (285.10), subsection nine (9), Code 1975, is
6 amended to read as follows:
7 9. In the discretion of the board, furnish a
8 school bus and services of a qualified driver to an
9 organization of, or sponsoring activities for, senior
10 citizens, children, or handicapped persons in this
11 state. The board shall charge and collect an amount
12 sufficient to reimburse all costs of furnishing the
13 bus and driver *except when the bus is used for*
14 *transporting pupils to and from extracurricular*
15 *activities sponsored by the school.* A school bus
16 shall be used as provided in this subsection only
17 at times when it is not needed for transportation
18 of pupils."
19 2. By redesignating sections as necessary.

WILLARD R. HANSEN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30
p.m., until 9:30 a.m., Friday, January 30, 1976.

JOURNAL OF THE SENATE

NINETEENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, JANUARY 30, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Frederick W. Strickland, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Thursday, January 29, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Walter, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolting for the day on request of Senator Kinley; Senator Ramsey for the day because of deaths of his father and grandmother on request of Senator Lamborn.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R. 1004 Rules and administration

S. F. 1069 Ways and means

S. F. 1070 County government

S. F. 1071 Judiciary

H. F. 1121 Appropriations

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was

referred **House File 1121**, a bill for an act making a supplemental appropriation to the department of social services for medical assistance, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration **House File 1121**.

House File 1121

On motion of Senator Priebe, **House File 1121**, a bill for an act making a supplemental appropriation to the department of social services for medical assistance, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Doderer took the chair at 10:20 a.m.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1121) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolin	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Redmond	Winkelman

Nays, none.

Absent or not voting, 4:

Hill of Jasper	Kelly	Nolting	Ramsey
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

Senator Kinley asked and received unanimous consent to take up out of order House File 798.

House File 798

On motion of Senator Orr, House File 798, a bill for an act to provide for change of sex on birth certificates, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Orr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 798) the vote was:

Ayes, 41:

Andersen	Gluba	Norpel	Schwengels
Bergman	Hansen	Nystrom	Scott
Briles	Heying	Orr	Shaff
Burroughs	Hill of Polk	Palmer	Shaw
Carr	Junkins	Plymat	Sovern
Culver	Kinley	Priebe	Taylor
Curtis	Lamborn	Rabedaux	Tieden
DeKoster	Merritt	Redmond	Van Gilst
Doderer	Murray	Robinson	Willits
Gallagher	Nolin	Rodgers	Winkelman
Glenn			

Nays, none.

Absent or not voting, 9:

Coleman	Kelly	Miller of	Nolting
Griffin	Miller of	Marshall	Ramsey
Hill of Jasper	Des Moines		
Hultman			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 204.

Senate File 204

On motion of Senator Palmer, Senate File 204, a bill for an act relating to registration of motor vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5039 filed by Senators Willits, et al.:

S—5039

1 Amend Senate File 204 as follows:

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

4 "Section 1. Section three hundred twenty-one
5 point forty (321.40), Code 1975, is amended by adding
6 the following new paragraphs:

7 The treasurer shall refuse to renew the vehicle
8 registration if there is a warrant outstanding for
9 the arrest of the owner of the motor vehicle out
10 of any court located within the county in which
11 application is being made and that the warrant
12 arises out of an alleged violation of the provisions
13 of section three hundred twenty-one point two
14 hundred thirty-six (321.236) subsection one (1) of
15 this chapter, if the county supervisors of the
16 county in which application is being made have prior
17 to the making of the application adopted a resolu-
18 tion finding that in such county lack of response
19 of the citizens of the county to citations for
20 violations of motor vehicle laws and ordinances
21 has become a significant problem and directing
22 the county treasurer of the county which has adopted
23 a resolution to enforce this provision within such
24 county. The action adopting the resolution may be
25 rescinded by another resolution of the board of
26 supervisors finding the problem to have significantly
27 abated and directing termination of enforcement of
28 the first resolution.

29 Each court in the state located in a county which
30 has adopted a resolution relating to outstanding
31 warrants as provided in the preceding paragraph
32 shall, on or before the fifth day of each month,
33 submit to the county treasurer of the county in
34 which the court is located, an alphabetized list
35 of all persons against whom an arrest warrant has
36 been issued and is outstanding. It is the duty of
37 the county auditor in each county which adopted a
38 resolution to advise the clerk of each court that
39 a resolution relating to outstanding warrants as
40 provided in the preceding paragraph has been approved
41 and the effective date of the resolution or of any
42 rescission and the effective date of the resolution
43 making the rescission of the first resolution.

44 The provisions of this Act shall only apply to
45 counties with a population of fifty thousand or more."

(Senate File 204 pending on adjournment.)

INTRODUCTION OF BILL

Senate File 1072, by committee on appropriations, a bill for an act making an appropriation to judicial courts and agencies.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 102

By Rules and Administration Committee

1 *Whereas*, Section two point eleven (2.11) of the
 2 Code provides that "The compensation of the chaplains,
 3 officers and employees of the general assembly shall
 4 be fixed by joint action of the house and senate by
 5 resolution at the opening of each session, or as
 6 soon thereafter as conveniently can be done."; *Now*
 7 *Therefore*,

8 *Be It Resolved by the Senate, the House Con-*
 9 *curring*, That the compensation of Mr. David L. Wray
 10 as the chief clerk of the house shall be twenty
 11 thousand dollars (\$20,000), for the period commencing
 12 January 12, 1976, and ending January 9, 1977; that
 13 the compensation of Mr. Steven C. Cross as the
 14 secretary of the senate shall be nineteen thousand
 15 dollars (\$19,000), for the period commencing January
 16 12, 1976, and ending January 9, 1977; and that the
 17 compensation of Mr. David L. Charles as the assistant
 18 secretary of the senate shall be seventeen thousand
 19 dollars (\$17,000), for the period commencing January
 20 12, 1976, and ending January 9, 1977.

21 *Be It Further Resolved*, That the compensation
 22 of the other officers and employees of the sixty-
 23 sixth general assembly is set, effective from
 24 January 12, 1976, until January 9, 1977, in accor-
 25 dance with the following salary schedule.

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IOWA GENERAL ASSEMBLY
SALARY SCHEDULE

	#5	#6	#7	#8	#9
4					
5	4,524.00	4,732.00	4,966.00	5,174.00	5,408.00
6	174.00	182.00	191.00	199.00	208.00
7	2.18	2.28	2.39	2.49	2.60
8					
9	#10	#11	#12	#13	#14
10	5,668.00	5,928.00	6,240.00	6,526.00	6,812.00
11	218.00	228.00	240.00	251.00	262.00
12	2.73	2.85	3.00	3.14	3.28
13					
14	#15	#16	#17	#18	#19
15	7,124.00	7,436.00	7,722.00	8,060.00	8,450.00
16	274.00	286.00	297.00	310.00	325.00
17	3.43	3.58	3.71	3.88	4.06
18					
19	#20	#21	#22	#23	#24
20	8,840.00	9,256.00	9,698.00	10,166.00	10,660.00
21	340.00	356.00	373.00	391.00	410.00
22	4.25	4.45	4.66	4.89	5.13
23					
24	#25	#26	#27	#28	#29
25	11,154.00	11,700.00	12,220.00	12,792.00	13,390.00

26	429.00	450.00	470.00	492.00	515.00
27	5.36	5.63	5.88	6.15	6.44
28					
29	#30				
30	14,014.00	14,690.00	15,132.00	15,886.00	16,692.00
31	539.00	565.00	582.00	611.00	642.00
32	6.74	7.06	7.28	7.64	8.03
33					
34					
35	17,524.00	18,382.00	19,318.00		
36	674.00	707.00	743.00		
37	8.43	8.84	9.29		
38					

In this schedule each numbered block shall be the yearly, bi-weekly and hourly compensation for the pay grade of the number heading the block. Except for secretaries to senators and clerks to representatives, within each grade there shall be eight steps numbered "1" through "8". In the above schedule the steps for all grades are determined in the following manner. Each numbered block is counted as the "1" step for that grade. The next higher block is counted as the "2"

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1 step; the next higher block is the "3" step; the next higher block is the "4" step; the next higher block is the "5" step; the next higher block is the "6" step; the next higher block is the "7" step; and the next higher block is the "8" step.

Be It Further Resolved, That in the event the salary schedule for employees of the State of Iowa as promulgated by the merit employment commission pursuant to section 19A.9(2), Code 1975, is revised upward at any time during the sixty-sixth general assembly, such revised schedule shall simultaneously be adopted for the compensation of officers and employees of the sixty-sixth general assembly assigned a grade by this resolution.

Be It Further Resolved, That the officers and employees of the sixty-sixth general assembly be placed in the following pay grades:

OFFICERS AND EMPLOYEES OF THE HOUSE	
Assistant Chief Clerk and Reading Clerk	Grade 29
Legal Counsel	Grade 30
Executive Secretary to Speaker	Grade 22
Research Assistant to Speaker	Grade 24
Research Assistant to Majority Leader	Grade 24
Research Assistant to Minority Leader	Grade 24
Counsel or Administrative Assistant	
to Majority Caucus	Grade 25
Counsel or Administrative Assistant	
to Minority Caucus	Grade 25
Research Assistants	Grade 22

31	Executive Secretary to Chief Clerk	Grade 22
32	Clerk to Chief Clerk	Grade 14
33	Public Information Office Director	Grade 25
34	Clerk to Public Information	
35	Office Director	Grade 17

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1	Supervisor of Clerks	Grade 20
2	Journal Editor	Grade 22
3	Journal Clerk	Grade 16
4	Finance Clerk	Grade 20
5	Assistant Finance Clerk	Grade 12
6	Engrossing Clerk	Grade 17
7	Assistant to the Legal Counsel and	
8	Enrolling Clerk	Grade 17
9	Assistant to the Legal Counsel	Grade 17
10	Terminal Operator	Grade 17
11	Supply Clerk	Grade 12
12	Swing Clerk	Grade 13
13	Switchboard Operator	Grade 13
14	Clerk to Representative	Grade 12
15	Bill Clerk	Grade 12
16	Assistant Bill Clerk	Grade 11
17	File Clerk	Grade 8
18	Postmaster	Grade 10
19	Sergeant-at-Arms	Grade 15
20	Assistant Sergeant-at-Arms	Grade 13
21	Doorkeepers	Grade 9
22	Porter	Grade 8
23	Cloakroom Attendant	Grade 8
24	Pages	Grade 6
25	Aide to Public Information Office	
26	(2 maximum)	\$2.20 / hr.
27		

OFFICERS AND EMPLOYEES OF THE SENATE

28		
29	Legal Counsel	Grade 30
30	Administrative Assistant to	
31	Majority Leader	Grade 25
32	Administrative Assistant to	
33	Minority Leader	Grade 25
34	Research Assistant to Majority Leader	Grade 24
35	Research Assistant to Minority Leader	Grade 24

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1	Research Assistants	Grade 22
2	Executive Secretary to the Secretary	Grade 22
3	Secretary to the Secretary of the Senate	Grade 18
4	Journal Editor	Grade 22
5	Journal Clerk	Grade 16
6	Assistant to the Legal Counsel	Grade 17
7	Finance Clerk	Grade 20
8	Engrossing Clerk	Grade 17
9	Enrolling Clerk and Terminal Operator	Grade 19
10	Records and Supply Clerk	Grade 17
11	Special Clerk	Grade 14

12	Switchboard Operator	Grade 13
13	Secretary to Senator	Grade 12
14	Bill Clerk	Grade 12
15	Assistant Bill Clerk	Grade 11
16	Postmaster	Grade 10
17	Sergeant-at-Arms	Grade 15
18	Assistant Sergeant-at-Arms	Grade 13
19	Chief Doorkeeper	Grade 10
20	Control Board Operator	Grade 10
21	Doorkeeper	Grade 9
22	Porter	Grade 8
23	Cloakroom Attendant	Grade 8
24	Pages	Grade 6

LEGISLATIVE INDEXING EMPLOYEES

27	Supervisor of Legislative Indexing	Grade 18
28	Assistant Supervisor of	
29	Legislative Indexing	Grade 16
30	Index Clerk	Grade 13
31	Assistant Index Clerk	Grade 11

JOINT EMPLOYEES

34	Mail Carrier	Grade 9
35	Law Library Clerk	Grade 9
36	Secretary to Human Resources Committee	
37	Staff under contract with Legis / 50	Grade 15

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BUILDINGS AND GROUNDS EMPLOYEES

1	Matron	Grade 9
2	Elevator Operator	Grade 8
3	Parking Attendant	Grade 9
4	Night Watchman	Grade 7

LEGISLATIVE SERVICE BUREAU EMPLOYEES

8	Senior Bill Clerk	Grade 15
9	Bill Clerk	Grade 13
10	Proofreader	Grade 15
11	Assistant Bill Clerk	Grade 10

12 *Be It Further Resolved, That temporary officers*
 14 *and employees of the general assembly, other than*
 15 *secretaries to senators or clerks to representatives,*
 16 *shall be eligible for mobility within pay steps*
 17 *at the discretion of the chief clerk of the house*
 18 *and the secretary of the senate, and subject to*
 19 *the approval of the house committee on admini-*
 20 *stration or the senate committee on rules and*
 21 *administration, as the case may be, in accord*
 22 *with the following schedule:*
 23 1) Step 1 During the first legislative session
 24 2) Step 2 After one legislative session's experience
 25 3) Step 3 After two legislative sessions' experience
 26 4) Step 4 After four legislative sessions' experience

- 27 5) Step 5 After six legislative sessions' experience
28 6) Step 6 After eight legislative sessions' experience
29 7) Step 7 After ten legislative sessions' experience
30 *Be It Further Resolved*, That the entrance salary
31 for temporary officers and employees other than
32 secretaries to senators or clerks to representatives
33 shall be at step 1 in the grade of the position held.
34 Such officer or employee may be hired above the
35 entrance step if possessing outstanding and unusual

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- 1 experience for the position, provided the entrance
2 is not beyond step 3. Such officer or employee
3 who is hired above the entrance step shall be
4 mobile above that step in the same period of time
5 as other officers or employees in that same step.
6 An officer or employee who is moved to another
7 position from any temporary or permanent
8 position may be considered for partial or full
9 credit for their experience in the former
10 position in determining the step in the new
11 grade.

- 12 Temporary employees, other than secretaries to
13 senators or clerks to representatives, who are
14 employed during the interim, may, for the purposes
15 of mobility within pay steps through step 6, be
16 given credit at the conclusion of an interim period
17 for a session's experience if at least one hundred
18 days are actually worked during the interim. Days
19 worked during the interim may be cumulated from
20 interim to interim as long as such employee con-
21 tinues to work each intervening session.

- 22 *Be It Further Resolved*, That secretaries to
23 senators and clerks to representatives shall all
24 be placed in grade 12. That grade in the salary
25 schedule shall be the "1" step for the secretaries.
26 Step 2 and succeeding numbered steps shall be the
27 next and succeeding higher steps. Secretaries
28 shall be eligible for an unlimited number of steps
29 at the discretion of the chief clerk of the house
30 and the secretary of the senate and subject to
31 approval of the house committee on administration
32 or the senate committee on rules and administration,
33 as the case may be, based on the following:

- 34 1. One additional step for each of the first
35 and second legislative sessions completed.

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- 1 2. One additional step beyond those provided
2 for in subparagraph one, for each of the fourth,
3 sixth, eighth, and tenth legislative sessions
4 completed.
5 3. One additional step upon the passage of
6 an eighty (80) word-per-minute stenographic exami-
7 nation.

8 4. One additional step may be granted if em-
 9 ployed as a secretary or clerk to a committee
 10 ranking majority or minority member unless steps
 11 are granted as provided in subparagraph 5 or 6 of
 12 this paragraph.

13 5. Two additional steps if employed as a
 14 secretary or clerk to a committee, appropriations
 15 subcommittee, assistant floor leader, and one
 16 additional step for each such position held beyond
 17 the first position.

18 6. Three additional steps if employed as a
 19 secretary to a senator or clerk to a representa-
 20 tive who is a majority or minority floor leader,
 21 speaker pro tempore or president pro tempore.

22 *Be It Further Resolved, That employees who*
 23 *work on a part-time basis shall be compensated at*
 24 *the scheduled hourly rate for their pay grade and*
 25 *step. While assisting interim committees they*
 26 *shall be compensated at the scheduled hourly rate*
 27 *for grade 16 at whatever step they would otherwise*
 28 *be entitled to, unless the grade at which they are*
 29 *during the session is less than 16, in which case*
 30 *they shall be compensated at that lower grade and*
 31 *appropriate step.*

32 *Be It Further Resolved, That permanent offi-*
 33 *cers and employees of the general assembly shall*
 34 *be eligible for mobility within pay steps—at*
 35 *the discretion of the chief clerk of the house*
 36 *and the secretary of the senate, and subject to*

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1 the approval of the house committee on admini-
 2 stration or the senate committee on rules and
 3 administration, as the case may be—in accord
 4 with the following schedule:

- 5 1) Step 1 Starting step
- 6 2) Step 2 After six calendar months of actual
7 employment
- 8 3) Step 3 After one calendar year of actual
9 employment
- 10 4) Step 4 After two calendar years of actual
11 employment
- 12 5) Step 5 After three calendar years of actual
13 employment
- 14 6) Step 6 After four calendar years of actual
15 employment
- 16 7) Step 7 After six calendar years of actual
17 employment
- 18 8) Step 8 After eight calendar years of actual
19 employment

20 *Be It Further Resolved, That the entrance*
 21 *salary for permanent officers and employees of*
 22 *the general assembly shall be at step 1 in the*
 23 *grade of the position held. Such officer or*
 24 *employee may be hired above the entrance step if*

25 possessing outstanding and unusual experience
26 for the position, provided that the entrance is
27 not beyond step 3. Such officer or employee who
28 is hired above the entrance step shall be mobile
29 above that step in the same period of time as
30 other officers or employees in that same step.
31 An officer or employee who is moved to another
32 position from any permanent or
33 temporary position may be considered for partial
34 or full credit for their experience in the
35 former position in determining the step in

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1 the new grade.
2 *Be It Further Resolved, That a pay increase*
3 *for permanent officers and employees of one step*
4 *within the pay grade for the position may be*
5 *made for exceptionally meritorious service in*
6 *addition to step increases provided for in this*
7 *resolution, upon recommendation of the secretary*
8 *of the senate or chief clerk of the house and the*
9 *approval of the senate committee on rules and*
10 *administration or the house committee on admini-*
11 *stration. Exceptionally meritorious service pay*
12 *increases shall be governed by the following:*
13 a. The employee must have served in the
14 position for at least twelve months;
15 b. Written justification, setting forth in
16 detail the nature of the exceptionally meritorious
17 service rendered, must be submitted to the senate
18 rules and administration committee or house
19 administration committee and approved in advance
20 of granting the pay increase;
21 c. No more than one exceptionally meritorious
22 service pay increase may be granted in any twelve-
23 month period.
24 *Be It Further Resolved, That the senate rules*
25 *and administration committee and the house admini-*
26 *stration committee shall both hire officers and*
27 *employees for their respective bodies and fill*
28 *any vacancies which may occur, to be effective at*
29 *such time as they shall set. The committee*
30 *shall report the names of those it has hired for*
31 *the positions specified in this resolution or the*

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1 filling of any vacancies on the next legislative
2 day or, if such action is during the interim, on
3 the first day the senate or house shall convene.
4 Any action by the senate or house to amend or dis-
5 approve a report or a portion of a report shall be
6 effective the day after the action.
7 The chief clerk of the house shall submit
8 to the house committee on administration and
9 the secretary of the senate shall submit to

10 the senate committee on rules and administration
11 the list of the names, or amendments thereto, of
12 officers and employees designated permanent and
13 those designated temporary and recommended pay step
14 or compensation level for each officer and employee.
15 Such list shall include recommendations for the
16 pay step for those officers or employees hired
17 above the entrance step, or moved from one staff
18 position to another. Each respective committee
19 shall approve or amend the list of permanent and
20 temporary employees and their recommended pay
21 steps and publish said list in the journal.

22 The secretary of the senate and the chief
23 clerk of the house shall set the period of employ-
24 ment of temporary employees under such direction
25 as the senate rules and administration committee
26 and the house administration committee may provide.

27 *Be It Further Resolved, That permanent*
28 employees of the general assembly shall receive
29 vacation allowances, sick leave, health and acci-
30 dent insurance, life insurance, and disability
31 income insurance as are provided for full-time
32 permanent state employees. The computations
33 shall be maintained by the finance clerks in each
34 house and coordinated with the state comptroller.

35 *Be It Further Resolved, That the chairman of*
36 the rules and administration committee of the

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1 senate and the chairman of the administration
2 committee in the house each appoint three (3)
3 members to a joint subcommittee on administration
4 to study possible alternative methods of providing
5 secretarial assistance and alternate methods of
6 compensation of secretaries to senators and repre-
7 sentatives. This committee shall be instructed to
8 report its findings to the members of the legis-
9 lative council on or before November 1, 1976. The
10 joint subcommittee is authorized to meet three
11 times in the interim and such additional times as
12 may be authorized by the legislative council.

13 *Be It Further Resolved, That the compensation*
14 of chaplains officiating at the opening of the
15 daily sessions of the house of representatives and
16 the senate of the sixty-sixth general assembly
17 be fixed at ten (10) dollars for each house of
18 the general assembly, and that mileage for chap-
19 lains be fixed at the rate of fifteen (15) cents
20 per mile to and from the state capitol.

21 *Be It Further Resolved, That House Concurrent*
22 Resolution Five (5) is superseded by this resolution,
23 provided that no officers or employees employed
24 under its provisions at the time this resolution
25 is adopted shall be compensated less under this

26 resolution than under House Concurrent Resolution
27 Five (5).

Read first time and placed on calendar.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard F. Rabe, D.D.S., of Des Moines, Polk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH D. SCOTT, Chairperson
ROBERT M. CARR
PHILIP B. HILL
LOWELL L. JUNKINS
WILLIAM P. WINKELMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. Soorholtz of Melbourne, Marshall County, Iowa, for appointment as a member of the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFTON C. LAMBORN, Chairperson
MILO MERRITT
ELIZABETH R. MILLER
CLOYD E. ROBINSON
KENNETH D. SCOTT

COMMUNICATION FROM THE CHIEF JUSTICE OF THE SUPREME COURT

The following reports were filed by the Honorable C. Edwin Moore, Chief Justice of the Supreme Court of Iowa:

IN THE MATTER OF	)	REPORT OF THE
THE)	
RULES OF CIVIL PROCEDURE	)	SUPREME COURT

To the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa:

Pursant to sections 684.18 and 684.19, Code 1975, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the existing Rules of Civil Procedure as follows:

Rule 33. CROSS-PETITIONS.

That Rule 33 be stricken and the following substituted:

"33. CROSS-CLAIM AGAINST CO-PARTY. A pleading may state as a cross-claim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or a counter-claim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant."

Rule 65. GENERAL APPEARANCE.

That Rule 65 be stricken and the following substituted:

"65. APPEARANCES. An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of a firm only."

Rule 66. SPECIAL APPEARANCE.

That Rule 66 be stricken and the following substituted:

"66. SPECIAL APPEARANCE. A defendant may appear specially for the sole purpose of attacking the jurisdiction of the court, but only before taking any part in a hearing or trial of the case, personally or by attorney, or filing a motion, written appearance, or pleading. The special appearance shall be in writing, filed with the clerk and shall state the grounds thereof. If the special appearance is erroneously overruled, defendant may plead to the merits or proceed to trial without waiving such error."

Rule 69. PLEADINGS DEFINED.

That Rule 69 be stricken and the following substituted:

"69. GENERAL RULES OF PLEADING.

(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim or third party claim, shall contain (1) a short and plain statement of any matter needed to justify venue or jurisdiction, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

(b) Pleading to be Concise and Direct; Consistency. (1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required. (2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or equitable grounds. 'Pleadings' as used in these rules do not include motions."

Rule 70. PETITION.

That Rule 70 be stricken and the following substituted:

"70. PETITION. The petition shall state whether it is at law or in equity."

Rule 74. CROSS-PETITION—JUDGMENT.

That Rule 74 be stricken and the following substituted:

"74. CROSS-CLAIM, CROSS-PETITION—JUDGMENT. Any cross-

claim under Rule 33 or cross-petition under Rule 34, and the answer and reply to it, shall be governed by these rules. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition, cross-claim or counterclaim, it shall not be delayed thereby."

Rule 79. NUMBERED DIVISIONS AND PARAGRAPHS.

That Rule 79 be stricken and the following substituted:

"79. PARAGRAPHS; SEPARATE STATEMENTS. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth."

Rule 85(a). MOTIONS.

That Rule 85(a) be stricken and the following substituted:

"85(a). MOTIONS. Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required by these rules, upon motion made by a party within 20 days after the service of the pleading on such party."

Rule 85(b). PLEADING.

That Rule 85(b) be stricken and the following substituted:

"85(b). PLEADING. Answer to a petition must be served on or before the appearance date prescribed in accordance with Rule 53. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within 20 days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs."

Rule 85(c). REPLY.

That Rule 85(c) be stricken and the following substituted:

"85(c). TIME AFTER FILING MOTIONS. The service of a motion permitted under these rules alters these periods of time as follows, unless a different time is fixed by order of the court:

(1) If the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten days after notice of the court's action;

(2) If the court grants a motion for a more specific statement, the responsive pleading shall be served within ten days after the service of the more specific statement; provided, however, unless the parties stipulate in writing otherwise, the filing of a motion for additional time shall delay the responsive pleading for a period of ten days after the service of the motion unless within such time the court orders otherwise."

Rule 85(d). ANSWER OR REPLY TO AMENDMENTS.

That Rule 85(d) be stricken and the following substituted:

"85(d). RESPONSE TO AMENDMENTS. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders."

Rule 88. AMENDMENTS.

That Rule 88 be stricken and the following substituted:

"88. AMENDMENTS. A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires."

Rule 89. MAKING AND CONSTRUING AMENDMENTS.

That the second sentence of Rule 89 be stricken and the following substituted:

"Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him."

Rule 90. SUPPLEMENTAL PLEADING.

That Rule 90 be stricken and the following substituted:

"90. SUPPLEMENTAL PLEADINGS. By leave of court, upon reasonable notice and upon such terms as are just, or by written consent of the adverse party, a party may serve and file a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Leave may be granted even though the original pleading is defective in its statement of a claim for relief or defense. No responsive pleading to the supplemental pleading is required unless the court, upon its own motion or the motion of a party, so orders, specifying the time therefor."

Rule 124.1. STIPULATIONS REGARDING DISCOVERY PROCEDURE.

That the phrase "may be made only with the approval of the court" be stricken from the last portion of Rule 124.1 and the following substituted:

"must be filed with the court and may be superseded by court order, in which event the time shall be extended to 20 days after notice of the court's action".

Rule 126. INTERROGATORIES TO PARTIES.

That the second paragraph of Rule 126(a) be stricken.

Rule 336. HOW TAKEN.

That the following words be stricken from Rule 336(c):

"; but no delay in so doing shall affect the validity of the appeal if the copy is filed before the abstract on such appeal is filed under rule 340(a)".

Rule 381. FORMS.

That the following Rule 381 be adopted:

"381. FORMS. The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure, excluding the rules appearing in division XVI. The Supreme Court shall have the power to prescribe forms for use under the rules appearing in division XVI."

APPENDIX OF FORMS

1. FORM OF ORIGINAL NOTICE FOR PERSONAL SERVICE.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

)		
Plaintiff(s),	)	_____	No. _____
	)	(Insert "LAW"	
vs.	)	or "EQUITY.")	
)		
Defendant(s).	)		ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the county courthouse in _____, Iowa, within 20 days after the service of this original notice upon you, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

CLERK OF THE ABOVE COURT

County Courthouse

_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

**2. FORM OF ORIGINAL NOTICE AGAINST A NONRESIDENT
MOTOR VEHICLE OWNER OR OPERATOR UNDER § 321.500,
THE CODE.**

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

)		
Plaintiff(s),	)	_____	No. _____
	)	(Insert "LAW"	
vs.	)	or "EQUITY.")	
)		
Defendant(s).	)		ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, default will be entered and judgment rendered against you by the court.

(SEAL)

CLERK OF THE ABOVE COURT

_____ County Courthouse

_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

3. FORM OF ORIGINAL NOTICE AGAINST FOREIGN CORPORATION OR NONRESIDENT UNDER §617.3, THE CODE.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

)		
Plaintiff(s),	)	_____	No. _____
	)	(Insert "LAW"	
vs.	)	or "EQUITY.")	
)		
Defendant(s).	)		ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, within 60 days following the filing of this notice with the secretary of state of the state of Iowa, default will be entered and judgment rendered against you by the court.

(SEAL)

CLERK OF THE ABOVE COURT

_____ County Courthouse

_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

)		
Plaintiff(s),	)	_____	No. _____
	)	(Insert "LAW"	
vs.	)	or "EQUITY.")	
)		
Defendant(s).	)		ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, which petition prays ⁽¹⁾ _____. The plaintiff's attorney is _____, whose address is _____, Iowa _____.

You are further notified that unless you appear thereto and defend in the Iowa District Court for _____ County, at the courthouse in _____, Iowa, on or before the ⁽²⁾ _____ day of _____, 19____, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

CLERK OF THE ABOVE COURT_____
County Courthouse

_____, Iowa _____.

NOTE: Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

[⁽¹⁾ Here make a general statement of the cause or causes of action and the relief demanded, and, if for money, the amount thereof (Rule 50).]

[⁽²⁾ Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Rule 53).]

5. DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

COMPLETE ONE OF THESE DIRECTIONS FOR EACH INDIVIDUAL, COMPANY, CORPORATION, ETC. TO BE SERVED.

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Sheriff _____ County OR, TO: _____
_____ Court House _____
_____, Iowa _____

Serve: _____

At: _____

ON COMPLETION OF SERVICE NOTIFY: _____

Special Instructions or Information Relating to Service: _____

NAME AND SIGNATURE OF ATTORNEY
OR OTHER ORIGINATOR: _____

BY: _____

DATE: _____ TELEPHONE No. _____

DEPOSIT FOR COST OF SERVICE

☐ Deposit Waived

☐ Deposit for \$ _____ required and receipt thereof acknowledged.

Clerk of Court

Respectfully submitted,
THE SUPREME COURT OF IOWA
C. EDWIN MOORE, Chief Justice

Des Moines, Iowa
January 30, 1976

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 30th day of January, 1976 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

STEVEN C. CROSS
Secretary of the Senate,
1976 Regular Session of the
Sixty-Sixth General Assembly of the
State of Iowa

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

SUPERINTENDENT OF BANKING

A Report on Electronic Facilities and Electronic Transfer of Funds submitted to the 1976 Regular Session of the Sixty-sixth General Assembly before February 1, 1976, in accordance with Chapter 240, section 2, subsection 3, Acts of the Sixty-sixth General Assembly, 1975 Regular Session.

SUBCOMMITTEE ASSIGNMENTS

Senate File 1008	Senate File 1037	Senate File 1042
Commerce	Labor and Industrial	Ways and Means
Curtis, Chairperson	Relations	Culver, Chairperson
Rodgers	Robinson, Chairperson	Nolting
Bergman	Nolting	Taylor
Senate File 1013	Andersen	Senate File 1043
Transportation	Senate File 1038	State Government
Doderer, Chairperson	Commerce	Coleman, Chairperson
Miller of Marshall	Curtis, Chairperson	Glenn
Coleman	Rodgers	Schwengels
Senate File 1018	Junkins	Senate File 1046
Commerce	Senate File 1039	Judiciary
Priebe, Chairperson	Ways and Means	Kelly, Chairperson
Briles	Culver, Chairperson	Willits
Rodgers	Van Gilst	Ramsey
Senate File 1019	Taylor	Senate File 1047
Commerce	Senate File 1040	Judiciary
Carr, Chairperson	Ways and Means	Shaw, Chairperson
Rabedeaux	Curtis, Chairperson	Kelly
Glenn	Nolting	Coleman
Senate File 1025	Junkins	Senate File 1048
Commerce	Senate File 1041	Labor and Industrial
Bergman, Chairperson	State Government	Relations
Curtis	Glenn, Chairperson	Robinson, Chairperson
Rodgers	Kinley	Nolting
	Winkelman	Andersen

Senate File 1049

Natural Resources
Culver, Chairperson
Miller of Marshall
Priebe

Senate File 1050

Judiciary
DeKoster, Chairperson
Miller of Des Moines
Redmond

Senate File 1056

Human Resources
Orr, Chairperson
Hill of Polk
Sovern

Senate File 1057

Education
Carr, Chairperson
Sovern
Griffin

Senate File 1059

Ways and Means
Lamborn, Chairperson
Gluba
Hill of Jasper

Senate File 1065

Education,
Norpel, Chairperson
Shaw
Carr

House File 1010

State Government
Doderer, Chairperson
Redmond
Nystrom

House File 1044

Education
Norpel, Chairperson
Shaw
Carr

REPORT OF COMMITTEE

Senator Nolin submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred **Senate File 368**, a bill for an act relating to the marketing of livestock and providing penalties, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5044

1 Amend Senate File 368, by striking everything after
2 the enacting clause, and inserting in lieu thereof
3 the following:

4 Section 1. Section two hundred eleven point one
5 (211.1), Code 1975, is amended by striking the sec-
6 tion and inserting in lieu thereof the following:

7 211.1 DEFINITIONS. As used in this chapter,
8 unless the context otherwise requires:

9 1. "Broker" means a compensated agent employed
10 to negotiate sales of livestock.

11 2. "Consignment" means the transfer of possession
12 of livestock to the care and custody of a livestock
13 agency for the purpose of sale.

14 3. "Livestock" means cattle, horses, swine, sheep
15 and poultry. "Livestock" does not include any other
16 type of animal or fowl.

17 4. "Livestock history" means the document described
18 in section two hundred eleven point three (211.3)
19 of the Code.

20 5. "Livestock agency" means a person regularly
21 engaged in livestock transactions and includes sales-
22 yards, sales barns, auction markets, stockyards, order
23 buyers, commission agents, and livestock dealers.
24 A livestock agency is a merchant.

25 6. "Slaughter livestock" means livestock bound
26 for slaughter.

27 7. "Merchant" means merchant as defined in sec-
28 tion five hundred fifty-four point two thousand one

29 hundred four (554.2104) of the Code.

30 8. "Owner" means a person having title to live-
31 stock subject of a transaction.

32 9. For the purpose of this Act, the definition
33 of "person" set forth in section four point one (4.1)
34 of the Code shall apply, rather than the definition
35 set forth in section one hundred eighty-nine point
36 one (189.1) of the Code.

37 10. "Qualified livestock transaction" means as
38 provided in section two hundred eleven point two
39 (211.2) of the Code.

40 11. "Transaction" means either the sale of live-
41 stock, the brokering of livestock, or the consignment
42 of livestock.

43 Sec. 2. Section two hundred eleven point two
44 (211.2), Code 1975, is amended by striking the section
45 and inserting in lieu thereof the following:

46 211.2 EXEMPTION OF TRANSACTIONS FROM IMPLIED
WAR-

47 WARRANTIES. A transaction which complies with section
48 two hundred eleven point four (211.4) of the Code,
49 as appropriate, is a qualified livestock transaction.
50 Livestock, subject of a qualified livestock transac-

Page 2

1 tion, shall be exempt from the implied warranties
2 of section five hundred fifty-four point two thousand
3 three hundred fourteen (554.2314) and five hundred
4 fifty-four point two thousand three hundred fifteen
5 (554.2315) of the Code, with respect to that trans-
6 action notwithstanding section five hundred fifty-
7 four point two thousand three hundred sixteen
8 (554.2316) of the Code. However, the exemption created
9 by this section shall not be deemed to impair or modi-
10 fy any actual exclusion or modification of warranties
11 as permitted by section five hundred fifty-four point
12 two thousand three hundred sixteen (554.2316) of the
13 Code.

14 Sec. 3. Section two hundred eleven point three
15 (211.3), Code 1975, is amended by striking the sec-
16 tion and inserting in lieu thereof the following:

17 211.3 LIVESTOCK HISTORY.

18 1. When a written livestock history is to be used
19 in a transaction, it shall be prepared on forms
20 prescribed and furnished by the department. The form
21 shall be signed by the owner of the livestock or his
22 agent, and shall state the name, mailing address,
23 and residence or business location of the present
24 owner and all previous owners of the livestock within
25 the past thirty days of the date of the transaction.

26 2. If the identities of all previous owners with-
27 in the past thirty days cannot be determined due to
28 transactions which occurred outside the state of Iowa,
29 the person preparing the livestock history shall so

30 indicate and provide full information concerning the
31 out-of-state transaction resulting in the transportation
32 of the livestock into Iowa.

33 3. If the livestock history is not available to
34 a livestock agency due to the refusal of the owner
35 to provide it, the livestock agency may prepare a
36 livestock history which shall so indicate and provide
37 full information concerning its receipt of the livestock
38 subject of the transaction.

39 4. Except as provided in subsections two (2) and
40 three (3) of this section, if the identities of all
41 previous owners within the past thirty days are not
42 determined or cannot be determined for any other reason
43 the livestock shall not be able to qualify for
44 exemption under this Act.

45 5. The form shall require a description of the
46 livestock including their number, breed and sex, and
47 brands, tags, or other markings, if any.

48 6. The livestock history shall constitute an express
49 warranty by the owner, or, livestock agency
50 acting under the provisions of subsection three (3)

Page 3

1 of this section, as to the livestock involved in the
2 transaction.

3 7. If the livestock history is not the same for
4 all livestock included in the transaction, a livestock
5 history must be separately prepared and disclosed
6 for all livestock included in the transaction.

7 8. Owners and livestock agencies acting under
8 the provisions of subsection three (3) of this section
9 shall retain one copy of each livestock history they
10 prepare for at least two years after the date of
11 the transactions to which they refer.

12 Sec. 4. Chapter two hundred eleven (211), Code
13 1975, is amended by adding the following new sections:

14 NEW SECTION. 211.4 COMPLIANCE.

15 1. When selling livestock, an owner not a livestock
16 agency, is deemed to have participated in a
17 qualified livestock transaction if, prior to making
18 the contract of sale, he either,

19 a. Delivers to the buyer a copy of the livestock
20 history subscribed by him, or

21 b. Otherwise discloses the information required
22 by the livestock history form.

23 2. A livestock agency participating in a transaction
24 as the owner of the livestock which prepares
25 a written livestock history as owner in accordance
26 with section three (3) of this Act, and which discloses
27 the history as provided for in subsection three (3)
28 of this section is deemed to have participated in
29 a qualified livestock transaction.

30 3. A livestock agency selling livestock on consignment
31 or brokering the sale of livestock, is deemed
32 to have participated in a qualified livestock trans-

33 action by having the livestock history form available
34 at the place of business of the livestock agency for
35 prospective buyers to see upon request, prior to the
36 making of a sale and verbally announcing immediately
37 prior to the taking of bids or receiving of other
38 offers, the name of the owner of the livestock and
39 the number of owners previous thereto as reflected
40 in the livestock history. The liability of the
41 livestock agency in complying with this subsection
42 shall be limited to the accuracy of its disclosure
43 of the information stated in the livestock history.
44 The fact that a buyer did not hear the announcement
45 shall not defeat the exemption claimed with respect
46 to that buyer.

47 **NEW SECTION. 211.5 EXEMPTION IS A DEFENSE.**

48 In any action or proceeding, the implied warranty
49 exemption which is created by section two hundred
50 eleven point two (211.2) of the Code shall be a

Page 4

1 defense, and the burden of pleading the defense and
2 of proving compliance with section two hundred eleven
3 point four (211.4) of the Code shall be on the owner
4 or marketing agency claiming the defense. Proof of
5 a material error in or material omission from
6 information supplied shall defeat a claim of exemption.

7 **NEW SECTION. 211.6 FALSE STATEMENT—PENALTY.**

8 Any person falsely furnishing, completing or stating
9 a livestock history shall be guilty of a misdemeanor
10 punishable by a fine not exceeding one hundred dollars
11 or by imprisonment in the county jail for not more
12 than thirty days or both.

13 **NEW SECTION. 211.7 VETERINARY INSPECTION.**

14 1. **INSPECTIONS.** A marketing agency operating
15 under a permit issued by the department of agriculture
16 shall provide for veterinary inspections by a qualified
17 veterinary inspector who has been approved by the
18 secretary. The veterinary inspector shall inspect
19 all animals marketed and shall issue certificates
20 as to the health of livestock inspected. The vet-
21 erinary inspector shall have other duties as deter-
22 mined by the secretary.

23 2. **CERTIFICATES.** A marketing agency required
24 by subsection one (1) of this section to provide for
25 veterinary inspections shall deliver with all live-
26 stock sold a verified veterinarian's certificate,
27 on a form prescribed by the secretary, which cer-
28 tifies that a health inspection of each animal sold
29 was made during the twenty-four hour period immediately
30 preceding the sale.

31 3. **PENALTIES.** A marketing agency which fails
32 to comply with a duty imposed by this section com-
33 mits a misdemeanor, and upon conviction may be
34 sentenced to a fine not to exceed five hundred dol-
35 lars, or to imprisonment in the county jail for a

36 term not to exceed one year, or to both the fine and
37 imprisonment.

38 **NEW SECTION. 211.8 BONDING CERTAIN LIVESTOCK**
39 **AGENCIES.** The secretary may require reasonable bonds
40 from every livestock agency operating in Iowa which
41 is not presently bonded under the provisions of the
42 United States Packers and Stockyards Act of 1921,
43 as amended, under such rules as he may prescribe to
44 secure the performance of their obligations and
45 whenever the secretary after hearing under the Iowa
46 Administrative Procedure Act finds any such agency
47 is insolvent or has violated any provisions of this
48 chapter he may suspend operations by the agency
49 forthwith for a reasonable, specified period.

50 Sec. 5. Section five hundred fifty-four point

Page 5

1 two thousand three hundred fourteen (554.2314), Code
2 1975, is amended by adding the following new subsec-
3 tion:

4 **NEW SUBSECTION.** This section does not apply to
5 a qualified livestock transaction as provided in
6 section two hundred eleven point two (211.2) of the
7 Code.

8 Sec. 6. Section five hundred fifty-four point
9 two thousand three hundred fifteen (554.2315), Code
10 1975, is amended by adding the following new unnumbered
11 paragraph:

12 **NEW UNNUMBERED PARAGRAPH.** This section does not
13 apply to a qualified livestock transaction as pro-
14 vided in section two hundred eleven point two (211.2)
15 of the Code.

16 Sec. 7. Not later than September 30, 1976, the
17 secretary shall prescribe and distribute the forms
18 to be used pursuant to this chapter. The forms
19 initially may be restricted to marketing agencies,
20 veterinarians, and other outlets which in the
21 discretion of the secretary will provide the widest
22 practical dissemination and availability.

KARL NOLIN, Chairperson

Ordered passed on file.

AMENDMENT FILED

S-5045

1 Amend Senate File 1055 as follows:

2 1. Page 3, line 8, by inserting after the figure
3 "1975" the words " , shall, according to the provisions
4 of the Acts of the Sixty-sixth General Assembly,
5 1975 Session, chapter one hundred ninety-one (191),
6 become effective".

GENE W. GLENN

On motion of Senator Kinley, the Senate adjourned at 11:00
a.m., until 10:00 a.m., Monday, February 2, 1976.

JOURNAL OF THE SENATE

TWENTY-SECOND DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, FEBRUARY 2, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Clyde King, pastor of the First United Methodist Church, Toledo, Iowa.

The Journal of Friday, January 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Walter Dean, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rodgers for the day on request of Senator Kinley; Senator Ramsey for the day on request of Senator Lamborn.

PETITIONS

The following petitions favoring Senate File 67 which would regulate the practice of massage have been presented and placed on file:

By Senator Plymat from thirty-five residents of Polk County.

By Senator Kinley from eight residents of Polk County.

By Senator Kinley from sixteen residents of Polk County.

INTRODUCTION OF BILL

Senate File 1073, by Senator Orr, a bill for an act relating to equalization of levels of assessments on property.

Read first time and passed on file.

HOUSE AMENDMENT CONSIDERED

Senate File 240

Senator Redmond called up for consideration Senate File 240, a bill for an act relating to undesirable fish, amended by the House, and moved that the Senate concur in the following amendment:

S—5029

- 1 Amend Senate File 240 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 13, by inserting after the words
- 4 "*hand fishing*," the words "*by snagging*,".

The motion prevailed and the Senate concurred in the House amendment.

Senator Redmond moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 240) the vote was:

Ayes, 39:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Carr	Hultman	Nolin	Shaff
Coleman	Junkins	Norpel	Sovern
Culver	Kelly	Nystrom	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Winkelman
Gallagher	Miller of	Redmond	
Glenn	Des Moines		

Nays, none.

Absent or not voting, 11:

Burroughs	Hill of Polk	Rabedaux	Shaw
Gluba	Nolting	Ramsey	Willits
Hill of Jasper	Orr	Rodgers	

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

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 519 be deferred temporarily.

CONSIDERATION OF BILLS

Senate File 1055

On motion of Senator DeKoster, Senate File 1055, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney, as full-time Jasper County Attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from \$12,500.00 to \$22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of \$22,500.00 to said Jasper County Attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper County Attorney and the \$22,500.00 salary commensurate with said change in status of the Jasper County Attorney shall constitute a valid and binding obligation upon Jasper County, Iowa, was taken up for consideration.

Senator Glenn offered amendment S—5045 filed by him and moved its adoption:

S—5045

- 1 Amend Senate File 1055 as follows:
- 2 1. Page 3, line 8, by inserting after the figure
- 3 "1975" the words " , shall, according to the provisions
- 4 of the Acts of the Sixty-sixth General Assembly,
- 5 1975 Session, chapter one hundred ninety-one (191),
- 6 become effective".

Amendment S—5045 was adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1055) the vote was:

Ayes, 37:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Gallagher

Glenn
Gluba
Griffin
Hansen
Hultman
Junkins
Kelly
Kinley
Merritt

Miller of
Des Moines
Miller of
Marshall
Murray
Nolin
Nolting
Nystrom
Orr
Palmer

Plymat
Redmond
Robinson
Schwengels
Scott
Shaff
Sovern
Taylor
Van Gilst
Willits

Nays, 6:

Heying	Norpel	Tieden	Winkelman
Lamborn	Priebe		

Absent or not voting, 7:

Doderer	Hill of Polk	Ramsey	Shaw
Hill of Jasper	Rabedeaux	Rodgers	

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

Senate File 1063

On motion of Senator Heying, Senate File 1063, a bill for an act relating to the certification of deputy assessors, was taken up for consideration.

Senator Heying moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1063) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Burroughs	Heying	Murray	Schwengels
Carr	Hultman	Nolin	Scott
Coleman	Junkins	Nolting	Shaff
Culver	Kelly	Norpel	Sovern
Curtis	Kinley	Nystrom	Taylor
DeKoster	Lamborn	Orr	Tieden
Doderer	Merritt	Palmer	Van Gilst
Gallagher	Miller of	Plymat	Willits
Glenn	Des Moines	Priebe	Winkelman
Gluba			

Nays, none.**Absent or not voting, 7:**

Briles	Hill of Polk	Ramsey	Shaw
Hill of Jasper	Rabedeaux	Rodgers	

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

Senate File 1064

On motion of Senator Glenn, Senate File 1064, a bill for an act to abolish certain boards, committees and councils, was taken up for consideration.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1064) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Burroughs	Heying	Murray	Schwengels
Carr	Hultman	Nolin	Scott
Coleman	Junkins	Nolting	Shaff
Culver	Kelly	Norpel	Sovern
Curtis	Kinley	Nystrom	Taylor
DeKoster	Lamborn	Orr	Tieden
Doderer	Merritt	Palmer	Van Gilst
Gallagher	Miller of	Plymat	Willits
Glenn	Des Moines	Priebe	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Briles	Hill of Polk	Ramsey	Shaw
Hill of Jasper	Rabedaux	Rodgers	

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1064 passed the Senate on February 2, 1976.

CLOYD ROBINSON

CONSIDERATION OF BILLS**Senate File 1067**

On motion of Senator Scott, Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, was taken up for consideration.

Action on Senate File 1067 was temporarily deferred.

House File 576

On motion of Senator Miller of Marshall, House File 576, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

(House File 576 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 30, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations.

Also: That the House has on January 29, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

Also: That the House has on January 29, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1080, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1074, by Senator Robinson, a bill for an act relating to elections conducted for certification of an employee organization.

Read first time and passed on file.

Senate File 1075, by Senator Murray, a bill for an act to define death of a human being.

Read first time and passed on file.

Senate File 1076, by Senator Heying, a bill for an act relating to deferred patronage dividends paid by cooperatives.

Read first time and passed on file.

Senate File 1077, by Senators Hill of Polk and Hansen, a bill for an act to commemorate the birthday of Dr. Martin Luther King, Jr.

Read first time and passed on file.

Senate File 1078, by Senator Griffin, a bill for an act to make an appropriation for transportation reimbursement to the parents or guardians of pupils in the school for the deaf and the Iowa braille and sight-saving school.

Read first time and passed on file.

Senate File 1079, by Senator Miller of Marshall, a bill for an act making an appropriation for the construction of an additional nursing care facility and for renovation of certain facilities at the Iowa veterans home.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations.

Read first time and passed on file.

House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River Parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

Read first time and passed on file.

House File 1080, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process.

Read first time and passed on file.

SPECIAL GUEST

President Neu presented to the Senate Miss Jane Stemmerman of Cedar Falls, Iowa, who was chosen as Iowa's Junior Miss for 1976 at the Junior Miss Pageant in Ottumwa on January 31, 1976.

BUSINESS PENDING

House File 576

The Senate resumed consideration of House File 576.

Senator DeKoster offered amendment S—5051 and moved its adoption:

S—5051

- 1 Amend House File 576 as passed by the House,
- 2 page 1, line 4, by adding after the word "car,"
- 3 the word "motorcycle,".

Amendment S—5051 was adopted.

Senator Miller of Marshall moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 576) the vote was:

Ayes, 43:

Andersen	Gluba	Murray	Robinson
Bergman	Hansen	Nolin	Schwengels
Briles	Hill of Jasper	Nolting	Scott
Burroughs	Hultman	Norpel	Shaw
Carr	Junkins	Nystrom	Sovern
Coleman	Kinley	Orr	Taylor
Culver	Lamborn	Palmer	Tieden
Curtis	Merritt	Plymat	Van Gilst
DeKoster	Miller of	Priebe	Willits
Doderer	Des Moines	Rabedeaux	Winkelman
Gallagher	Miller of	Redmond	
Glenn	Marshall		

Nays, 5:

Griffin	Kelly	Ramsey	Shaff
Hill of Polk			

Absent or not voting, 2:

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

UNFINISHED BUSINESS

Senate File 204

The Senate resumed consideration of Senate File 204, a bill for an act relating to registration of motor vehicles, and the Willits, et al., amendment S—5039, offered and pending on January 30, 1976.

Senator Miller of Des Moines withdrew amendment S—5047 to amendment S—5039 by Senators Miller of Des Moines and Willits:

S—5047

- 1 1. Amend S—5039 to Senate File 204 as follows:
- 2 Page 1, line 36, by adding after the word
- 3 "outstanding." the words "A person's name shall be

4 removed from such list when he or she has satisfied
5 the requirements imposed by local authorities pursuant
6 to Section three hundred twenty-one point two hundred
7 thirty-six (321.236), subsection one (1) of this
8 chapter. For each person on such list the local
9 authorities alleging violation of the provisions of
10 Section three hundred twenty-one point two hundred
11 thirty-six (321.236), subsection one (1) of this chapter
12 shall pay to the county general fund an amount, not to
13 exceed one dollar, agreed upon by the county supervisors
14 and the local authorities. Notwithstanding any other
15 provisions of the Code, the local authorities may assess
16 this amount against a person whose name has been placed
17 on a list submitted to the county treasurer pursuant to
18 this Section and who has been convicted of a violation
19 of the provisions of Section three hundred twenty-one
20 point two hundred thirty-six (321.236), subsection one
21 (1) of this chapter."

Senator Miller of Des Moines offered amendment S—5050 to amendment S—5039 by Senators Miller of Des Moines, et al., and moved its adoption:

S—5050

1 Amend S—5039 to Senate File 204 as follows:
2 1. Page 1, line 36 by adding after the word
3 "outstanding." the words "A person's name shall be
4 removed from such list when he or she has satisfied
5 the requirements imposed by local authorities pursuant
6 to Section three hundred twenty-one point two hundred
7 thirty-six (321.236), subsection one (1) of this
8 chapter. For each person on such list the local
9 authorities alleging violation of the provisions of
10 Section three hundred twenty-one point two hundred
11 thirty-six (321.236), subsection one (1) of this
12 chapter shall pay to the county general fund an
13 amount agreed upon by the county supervisors and
14 the local authorities. Notwithstanding any other
15 provisions of the Code, the local authorities may
16 assess this amount against a person whose name has
17 been placed on a list submitted to the county
18 treasurer pursuant to this Section and who has been
19 convicted of a violation of the provisions of Section
20 three hundred twenty-one point two hundred thirty-
21 six (321.236), subsection one (1) of this chapter."

Amendment S—5050 to amendment S—5039 was adopted.

On motion of Senator Willits, amendment S—5039 as amended was adopted.

Senator Palmer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 204) the vote was:

Ayes, 33:

Andersen	Gluba	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Briles	Hill of Polk	Nolting	Shaw
Burroughs	Junkins	Nystrom	Sovern
Carr	Kinley	Orr	Taylor
Curtis	Merritt	Palmer	Tieden
DeKoster	Miller of	Plymat	Van Gilst
Doderer	Des Moines	Ramsey	Willits
Glenn		Redmond	Winkelman

Nays, 16:

Coleman	Hansen	Lamborn	Priebe
Culver	Heying	Murray	Rabedaux
Gallagher	Hultman	Nolin	Robinson
Griffin	Kelly	Norpel	Shaff

Absent or not voting, 1:

Rodgers

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

WITHDRAWN

Senator Miller of Marshall asked and received unanimous consent that **Senate File 72** be **withdrawn** from further consideration of the Senate.

Senator Willits asked and received unanimous consent that **Senate File 519** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

Senate File 1067

The Senate resumed consideration of Senate File 1067.

Senator Griffin offered amendment S—5049 and moved its adoption:

S—5049

- 1 Amend Senate File 1067 as follows:
- 2 1. Page 1, line 23, by striking the word
- 3 "shall" and inserting in lieu thereof the word
- 4 "may".

A record roll call was requested.

On the question "Shall amendment S—5049 be adopted?" (S.F. 1067) the vote was:

Ayes, 27:

Andersen	Hansen	Miller of	Nystrom
Bergman	Heying	Des Moines	Rabedaux
Burroughs	Hill of Jasper	Miller of	Ramsey
Curtis	Hill of Polk	Marshall	Shaw
DeKoster	Hultman	Murray	Taylor
Gallagher	Kelly	Nolin	Tieden
Glenn	Lamborn	Norpel	Winkelman
Griffin			

Nays, 22:

Briles	Junkins	Plymat	Scott
Carr	Kinley	Priebe	Shaff
Coleman	Merritt	Redmond	Sovern
Culver	Nolting	Robinson	Van Gilst
Doderer	Orr	Schwengels	Willits
Gluba	Palmer		

Absent or not voting, 1:

Rodgers

Amendment S—5049 was adopted.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1067) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, 1:

Nolin

Absent or not voting, 1:

Rodgers

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

ADOPTION OF RESOLUTION**House Concurrent Resolution 26**

On motion of Senator Norpel, the following resolution, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted:

HOUSE CONCURRENT RESOLUTION 26

By Krause, Doyle, Drake, Harper, Gilloon and Rinas

- 1 *Whereas*, the Congress has declared the inspection and
2 replacement of bridges over waterways or other topographical
3 barriers are "in the vital interest of the nation", and
4 *Whereas*, the total appropriation of federal funds to assist
5 in replacement of bridges for the years 1972 and 1973 for all
6 national assistance represents less than twenty-five percent of
7 the 1.028 billion dollars estimated by the Iowa county engineers
8 association to be the cost to inspect and replace defective
9 bridges in Iowa, and
10 *Whereas*, the detailed inspection of all bridges will require
11 a substantial investment of engineering time and cost; *Now*
12 *Therefore*,
13 *Be It Resolved by the House of Representatives, the Senate*
14 *Concurring*, That the Iowa general assembly urges that the Congress
15 of the United States appropriate funds consistent with this
16 priority of national interest in the undertaking of the inspection
17 and replacement of bridges.
18 *Be It Further Resolved*, That the chief clerk of the house
19 forward copies of this resolution to the President of the United
20 States, the Vice President of the United States, the members of
21 the Iowa congressional delegation and to the United States
22 secretary of transportation.

Senator Norpel moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

Senate File 1080, by Senator Gluba, a bill for an act providing for legislative review of administrative rules by certain members of standing committees of the general assembly.

Read first time and passed on file.

Senate File 1081, by Senators Schwengels and Junkins, a bill for an act relating to the labeling of prescription drugs.

Read first time and passed on file.

Senate File 1082, by Senator Glenn, a bill for an act to repeal the required wearing of eye-protective devices by motorcyclists.

Read first time and passed on file.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on

Friday, January 30, 1976, when the vote was taken on House Files 798 and 1121. Had I been present, I would have voted "aye" on both of these bills.

FRED W. NOLTING

AMENDMENTS FILED

S—5046

1 Amend Senate File 1062 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 Section 1. *NEW SECTION. DEFINITIONS.*

5 1. "Base year" means the preceding fiscal year.

6 2. "Political subdivision" means any city or
7 county.

8 3. "Limited budget" means the budget including
9 amendments for all funds of a political subdivision
10 of this state excluding the amount of anticipated
11 receipts to and expenditures from these funds from
12 federal moneys, the amount of any moneys collected
13 or received from property taxes and other sources
14 for the paying of interest and principal on any
15 indebtedness authorized by law, the amount of any
16 moneys collected or received from property taxes and
17 other sources to pay the obligations of the political
18 subdivision for public officers' or employees' pension
19 or retirement systems and the United States Social
20 Security Act, and the amount of money for a fund or
21 program collected from a property tax levy authorized
22 by a vote of the electorate after the effective date
23 of this Act.

24 4. "Allowable growth" means a maximum dollar
25 increase in the proposed expenditures in the limited
26 budget of a political subdivision for a fiscal year
27 equal to a dollar amount determined by multiplying
28 the proposed expenditures in the certified limited
29 budget of such political subdivision for the base
30 year times the percentage equivalent of any increase
31 in the Iowa consumer price index or, if the Iowa
32 consumer price index is not available, the consumer
33 price index published by the bureau of labor
34 statistics, United States department of labor, as
35 computed by the state comptroller for the calendar
36 year preceding the fiscal year of the proposed limited
37 budget.

38 Sec. 2. *NEW SECTION. ALLOWABLE GROWTH—
REFERENDUM.*

39 1. The county commissioner of elections shall
40 publish notice of and place on the ballot at each
41 regular city election in the case of a city and on
42 the ballot at each general election in the case of
43 a county the following proposition: "Shall the annual
44 increase of the city (county) limited budget for each
45 of the two succeeding fiscal years be limited to an

46 allowable growth equivalent to the percentage increase
47 in the consumer price index as computed by the state
48 comptroller?" If a majority of the electors of the
49 respective political subdivisions, voting for or
50 against the proposition, favor the proposition, the

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1 allowable growth for the certified limited budget
2 for such political subdivision for each of the two
3 succeeding fiscal years shall be limited as provided
4 in section three (3) of this Act, which limit shall
5 be in lieu of any property tax levy limitation
6 otherwise provided by law.

7 2. The city council and the board of supervisors
8 shall publish notice of and conduct a public hearing
9 on the preliminary budget estimates for the following
10 two fiscal years not later than ten days before the
11 respective regular city election or the general
12 election. Notice of the time, date and location of
13 the hearing and a summary of the preliminary budget
14 shall be published at least seven days before such
15 hearing.

16 3. Sec. 3. **NEW SECTION. ALLOWABLE GROWTH**
17 **LIMITATION.**

18 1. The proposed expenditures in the certified
19 limited budget of a political subdivision for each
20 fiscal year during which such political subdivision
21 is subject to the provisions of this Act, shall not
22 exceed the proposed expenditures in the certified
23 limited budget of that political subdivision for the
24 base year, plus the allowable growth for that political
25 subdivision.

26 2. If the governing body of a political subdivision
27 which is subject to the provisions of this Act
28 certifies a limited budget to the county auditor,
29 in excess of the limitation provided for in this Act,
30 the county auditor shall reduce the amount of the
31 proposed expenditures in such budget to the maximum
32 amount allowed under this Act and give written notice
33 to the political subdivision, certifying the amount
34 allowed.

35 Sec. 4. **NEW SECTION. MUNICIPAL UTILITIES.** The
36 allowable growth provided in this Act for a political
37 subdivision shall be applicable to the amount of funds
38 transferred by a municipal utility to the city in
39 which it is located.

40 For the purposes of this section, "municipal
41 utility" means all or part of a waterworks, gasworks,
42 electric light and power plant and system, or heating
43 plant any of which are owned by a city, including
44 all land, easements, rights-of-way, **fixtures,**
45 equipment, accessories, improvements, appurtenances,
46 and other property necessary or useful for the
47 operation of the utility.

48 Sec. 5. **NEW SECTION. SPECIAL CHARTERED CITIES.**

49 It is the intention of the general assembly that the
50 provisions of this Act shall apply to special chartered

Page 3

1 cities. The state appeal board may adopt rules,
2 consistent with the provisions of this Act,
3 establishing procedures and forms applicable to special
4 chartered cities as deemed necessary by the board.

5 Sec. 6. Section twenty-four point three (24.3),
6 subsection four (4), Code 1975, is amended to read
7 as follows:

8 4. A comparison of [such amounts so proposed to
9 be expended with the amounts expended for like purposes
10 for the two preceding years] *of the estimated revenue*
11 *and proposed expenditure with estimated revenue and*
12 *expenditure of the current budget and with the actual*
13 *revenue and expenditure for the most recently completed*
14 *fiscal year.*

15 Sec. 7. Section three hundred eighty-four point
16 sixteen (384.16), subsection three (3), Code 1975,
17 as amended by Acts of the Sixty-sixth General Assembly,
18 1975 Session, chapter two hundred three (203), section
19 thirty (30), is amended to read as follows:

20 3. The council shall set a time and place for
21 public hearing on the budget before the final
22 certification date and shall publish notice before
23 the hearing as provided in section 362.3. A summary
24 of the proposed budget shall be included in the notice.
25 *The summary shall include a comparison of estimated*
26 *revenues and proposed expenditures with estimated*
27 *revenues and expenditures of the current budget and*
28 *with actual revenues and expenditures for the most*
29 *recently completed fiscal year.* Proof of publication
30 must be filed with the county auditor.

31 Sec. 8. TEMPORARY BUDGET LIMITATIONS.

32 1. The proposed expenditures in the certified
33 limited budget of a county for the fiscal year
34 beginning July 1, 1976 shall not exceed the proposed
35 expenditures in the certified limited budget of that
36 county for the base year, plus the allowable growth
37 for that political subdivision.

38 2. The proposed expenditures in the certified
39 limited budget of a city for the fiscal years beginning
40 July 1, 1976 and July 1, 1977 shall not exceed the
41 proposed expenditures in the certified limited budget
42 of that city for the base year, plus the allowable
43 growth for that city.

44 Sec. 9. This Act, being deemed of immediate
45 importance, shall take effect and be in force from
46 and after its publication in

47 _____, a newspaper
48 published in _____, Iowa, and in
49 _____, a newspaper published
50 in _____, Iowa.

WILLARD R. HANSEN

S—5053

1 Amend Senate File 1062 as follows:

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

4 "Section 1. The maximum amount in dollars which
5 may be levied by a city with a population of more
6 than five hundred for the fiscal years beginning July
7 1, 1976 and July 1, 1977 over the amount in dollars
8 levied for the previous fiscal year shall be limited
9 to an increase of seven percent for each of the
10 following designated property tax levies:

11 1. The general fund levy authorized pursuant to
12 section three hundred eighty-four point one (384.1)
13 of the Code.

14 2. The tax levy for the support of a municipal
15 band authorized pursuant to section three hundred
16 eighty-four point twelve (384.12), subsection one
17 (1), of the Code.

18 3. The tax levy for development, operation, and
19 maintenance of a memorial building or monument
20 authorized pursuant to section three hundred eighty-
21 four point twelve (384.12), subsection two (2), of
22 the Code.

23 4. The tax levy for the support of a symphony
24 orchestra authorized pursuant to section three hundred
25 eighty-four point twelve (384.12), subsection three
26 (3), of the Code.

27 5. The tax levy for the operation of cultural
28 and scientific facilities authorized pursuant to
29 section three hundred eighty-four point twelve
30 (384.12), section four (4), of the Code.

31 6. The tax levy to aid in the construction of
32 a county bridge authorized pursuant to section three
33 hundred eighty-four point twelve (384.12), subsection
34 five (5), of the Code.

35 7. The tax levy to aid a company incorporated
36 under the laws of this state in the construction of
37 a highway or combination bridge across any navigable
38 river of this state, commencing or terminating in
39 the city and suitable for use as highway, or for both
40 highway and railway purposes authorized pursuant to
41 section three hundred eighty-four point twelve
42 (384.12), subsection six (6), of the Code.

43 8. The tax levy for the purpose of purchasing
44 a bridge authorized pursuant to section three hundred
45 eighty-four point twelve (384.12), subsection seven
46 (7), of the Code.

47 9. The tax levy for aid to a public transportation
48 company authorized pursuant to section three hundred
49 eighty-four point twelve (384.12), subsection nine
50 (9), of the Code.

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1 10. The tax levy for the operation and maintenance
2 of a municipal transit system and for the creation

3 of a reserve fund for the system authorized pursuant
4 to section three hundred eighty-four point twelve
5 (384.12), subsection ten (10), of the Code.

6 11. The tax levy for the lease of a building or
7 complex of buildings to be operated as a civic center
8 authorized pursuant to section three hundred eighty-
9 four point twelve (384.12), subsection eleven (11),
10 of the Code.

11 12. The tax levy for operating and maintaining
12 a civic center owned by a city authorized pursuant
13 to section three hundred eighty-four point twelve
14 (384.12), subsection twelve (12), of the Code.

15 13. The tax levy for planning a sanitary disposal
16 system authorized pursuant to section three hundred
17 eighty-four point twelve (384.12), subsection thirteen
18 (13), of the Code.

19 14. The tax levy for an aviation authority
20 authorized pursuant to section three hundred eighty-
21 four point twelve (384.12), subsection fourteen (14),
22 of the Code.

23 15. The tax levy for an authority for a joint
24 city-county building authorized pursuant to section
25 three hundred eighty-four point twelve (384.12),
26 subsection fifteen (15), of the Code.

27 16. The tax levy for a levee improvement fund
28 authorized pursuant to section three hundred eighty-
29 four point twelve (384.12), subsection sixteen (16),
30 of the Code.

31 17. The tax levy to aid a railway authorized
32 pursuant to section three hundred eighty-four point
33 twelve (384.12), subsection seventeen (17), of the
34 Code.

35 18. The tax levy to maintain an institution
36 received by gift or devise authorized pursuant to
37 section three hundred eighty-four point twelve
38 (384.12), subsection eighteen (18), of the Code.

39 19. The tax levy to pay the premium costs on tort
40 liability insurance authorized pursuant to section
41 three hundred eighty-four point twelve (384.12),
42 subsection nineteen (19), of the Code.

43 20. The tax levy authorized pursuant to section
44 three hundred forty-six point twenty-six (346.26)
45 of the Code.

46 21. The tax levy for the emergency fund authorized
47 pursuant to section three hundred eighty-four point
48 eight (384.8) of the Code.

49 22. The tax levy for the purpose of paying the
50 costs of operating, maintaining, and managing a zoo

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1 or zoological garden authorized pursuant to section
2 three hundred ninety-four point three (394.3) of the
3 Code.

4 23. The tax levy for the use of a zoo or zoological
5 garden authorized pursuant to section three hundred

- 6 ninety-four point four (394.4) of the Code.
7 Sec. 2. The maximum amount in dollars which may
8 be levied by a county for the fiscal years beginning
9 July 1, 1976 and July 1, 1977 over the amount in
10 dollars levied for the previous fiscal year shall
11 be limited to an increase of seven percent for each
12 of the following designated property tax levies:
13 1. The tax levy for the emergency fund authorized
14 pursuant to section twenty-four point six (24.6) of
15 the Code.
16 2. The tax levy for the development, operation,
17 and maintenance of a memorial building or monument
18 authorized pursuant to section thirty-seven point
19 eight (37.8) of the Code.
20 3. The tax levy for the purchase of voting machines
21 authorized pursuant to section fifty-two point three
22 (52.3) of the Code.
23 4. The tax levy for the county conservation board
24 authorized pursuant to section one hundred eleven
25 A point six (111A.6) of the Code.
26 5. The tax levy for indemnity payments and the
27 inspection and testing program relating to bovine
28 brucellosis eradication authorized pursuant to section
29 one hundred sixty-four point twenty-three (164.23)
30 of the Code.
31 6. The tax levy for the bovine tuberculosis
32 eradication fund authorized pursuant to section one
33 hundred sixty-five point fourteen (165.14) of the
34 Code.
35 7. The tax levy for the fairground fund authorized
36 pursuant to sections one hundred seventy-four point
37 thirteen (174.13) and one hundred seventy-four point
38 seventeen (174.17) of the Code.
39 8. The tax levy for the purpose of maintaining
40 a county or multicounty juvenile home authorized
41 pursuant to section two hundred thirty-two point
42 twenty-two (232.22) of the Code.
43 9. The tax levy for the veteran affairs fund
44 authorized pursuant to section two hundred fifty point
45 one (250.1) of the Code.
46 10. The tax levy for the poor fund authorized
47 pursuant to sections two hundred fifty-two point
48 forty-three (252.43) through two hundred fifty-two
49 point forty-five (252.45) of the Code.
50 11. The tax levy for secondary road construction

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- 1 and maintenance authorized pursuant to section three
2 hundred nine point seven (309.7) of the Code.
3 12. The tax levy for the road clearing fund
4 authorized pursuant to section three hundred seventeen
5 point nineteen (317.19) of the Code.
6 13. The tax levy for the purchase of weed
7 eradicating equipment and materials authorized pursuant
8 to section three hundred seventeen point twenty

- 9 (317.20) of the Code.
- 10 14. The tax levy for an aviation authority
11 authorized pursuant to section three hundred thirty
12 A point fifteen (330A.15) of the Code.
- 13 15. The tax levy for the maintenance and
14 improvement of cemeteries in the county authorized
15 pursuant to section three hundred thirty-two point
16 three (332.3) of the Code.
- 17 16. The tax levy for public disposal grounds
18 authorized pursuant to section three hundred thirty-
19 two point thirty-two (332.32) of the Code.
- 20 17. The tax levy for the county indemnification
21 fund authorized pursuant to section three hundred
22 thirty-two point thirty-eight (332.38) of the Code.
- 23 18. The tax levy for the operation, control,
24 maintenance, and management of health centers
25 authorized pursuant to section three hundred forty-
26 six A point two (346A.2) of the Code.
- 27 19. The tax levy for the payment of claims for
28 bounties on wild animals authorized pursuant to section
29 three hundred fifty point eight (350.8) of the Code.
- 30 20. The tax levy for the maintenance of a county
31 library authorized pursuant to section three hundred
32 fifty-eight B point thirteen (358B.13) of the Code.
- 33 21. The tax levy for the entering of contracts
34 for the use of city libraries authorized pursuant
35 to section three hundred fifty-eight A point eighteen
36 (358A.18) of the Code.
- 37 22. The tax levy for ordinary county revenue and
38 the election expense fund authorized pursuant to
39 section four hundred forty-four point nine (444.9)
40 of the Code.
- 41 23. The tax levy for the court expense fund
42 authorized pursuant to section four hundred forty-
43 four point ten (444.10) of the Code.
- 44 24. The tax levy for the county orphan fund
45 authorized pursuant to section four hundred forty-
46 four point eleven (444.11) of the Code.
- 47 25. The tax levy for the purpose of planning a
48 sanitary disposal project or of paying interest and
49 principal on bonds issued pursuant to section three
50 hundred forty-six point twenty-three (346.23) of the

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- 1 Code which levy is authorized pursuant to section
2 four hundred fifty-five B point eighty-one (455B.81)
3 of the Code.
- 4 26. The tax levy for flood and erosion control
5 projects authorized pursuant to section four hundred
6 sixty-seven B point nine (467B.9) of the Code.
- 7 27. The tax levy for the maintenance of property
8 received by a county by gift or devise authorized
9 pursuant to section five hundred sixty-five point
10 eight (565.8) of the Code.
- 11 Sec. 3. The maximum amount in dollars which may

12 be levied by a special purpose district for the fiscal
13 years beginning July 1, 1976 and July 1, 1977 over
14 the amount in dollars levied for the previous fiscal
15 year shall be limited to an increase of seven percent
16 for each of the following designated property tax
17 levies:

18 1. The tax levy by a benefited water district
19 for the maintenance of the water system authorized
20 pursuant to section three hundred fifty-seven point
21 twenty-five (327.25) of the Code.

22 2. The tax levy by a benefited fire district to
23 provide fire protection within the district authorized
24 pursuant to section three hundred fifty-seven B point
25 three (35B.3) of the Code and the levy authorized
26 pursuant to section three hundred fifty-seven B point
27 five (357B.5) of the Code which permits the county
28 board of supervisors to continue the levy upon
29 dissolution of the district until all debts and obliga-
30 tions of the dissolved district are paid.

31 3. The tax levy by a benefited street lighting
32 district authorized pursuant to section three hundred
33 fifty-seven C point seven (357C.7) and three hundred
34 fifty-seven C point eleven (357C.11) of the Code.

35 4. The tax levy authorized pursuant to section
36 four hundred sixty-six point four (466.4) of the Code
37 permitting a levy sufficient to raise the amount
38 necessary for maintenance of a system to provide
39 internal drainage necessary by the construction of
40 a levee along a navigable stream forming a part of
41 the boundary of the state.

42 5. The tax levy for a soil conservation district
43 authorized pursuant to section four hundred sixty-
44 seven A point twenty (467A.20) of the Code.

45 6. The tax levy authorized pursuant to section
46 four hundred eighty-three point one (483.1) of the
47 Code to provide aid to railroads.

48 Sec. 4. The maximum amount in dollars which may
49 be levied by a public hospital for the fiscal years
50 beginning July 1, 1976 and July 1, 1977 over the

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1 amount in dollars levied for the previous fiscal year
2 shall be limited to an increase of seven percent for
3 each of the following designated property tax levies:

4 1. The emergency tax levy authorized pursuant
5 to section twenty-four point six (24.6) of the Code.

6 2. The tax levy for the operation, equipping,
7 maintenance, improvement, and replacement of a county
8 public hospital authorized pursuant to sections three
9 hundred forty-seven point seven (347.7) and three
10 hundred forty-seven point twenty-seven (347.27) of
11 the Code.

12 3. The tax levy for the operation and maintenance
13 of a county hospital authorized pursuant to section
14 three hundred forty-seven A point three (347A.3) of

15 the Code.

16 Sec. 5. The maximum amount in dollars which may
17 be levied for the county agricultural extension
18 education program authorized pursuant to section one
19 hundred seventy-six A point ten (176A.10) of the Code
20 for the fiscal years beginning July 1, 1976 and July
21 1, 1977 over the amount in dollars levied for the
22 previous fiscal year shall be limited to an increase
23 of seven percent.

24 Sec. 6. The maximum amount in dollars which may
25 be levied by a merged area school for general
26 operations authorized pursuant to section two hundred
27 eighty A point seventeen (280A.17) of the Code for
28 the fiscal years beginning July 1, 1976 and July 1,
29 1977 over the amount in dollars levied for the pre-
30 vious fiscal year shall be limited to an increase
31 of seven percent.

32 Sec. 7. A political subdivision of the state
33 subject to the provisions of this Act may initiate
34 an appeal with the appropriate budget review committee
35 as designated in section nine (9) of this Act, based
36 upon a natural disaster or any unusual circumstances,
37 which creates the need for additional funds. The
38 appropriate budget review committee may waive the
39 maximum amount of dollars which may be levied under
40 the provisions of this Act or the levy limitations
41 provided by law or grant supplemental assistance to
42 the political subdivision of the state from any funds
43 appropriated for this purpose.

44 Sec. 8. There is created a county budget review
45 committee consisting of the following five members:

46 1. The state comptroller or his designee who shall
47 serve as chairperson.

48 2. Three county officers appointed by the governor,
49 one member selected from a county having an assessed
50 valuation of:

Page 7

1 a. Less than ninety-six million three hundred
2 thousand dollars.

3 b. Ninety-six million three hundred thousand
4 dollars or more but less than one hundred eighteen
5 million five hundred twenty thousand dollars.

6 c. One hundred eighteen million five hundred
7 twenty thousand dollars or more.

8 3. The certified public accountant appointed to
9 the city finance committee under section three hundred
10 eighty-four point thirteen (384.13) of the Code.

11 In addition to the circumstances creating a vacancy
12 under section sixty-nine point two (69.2) of the Code,
13 a vacancy shall exist when a county officer appointed
14 under subsection two (2) of this section no longer
15 holds a county office which qualifies such officer
16 for appointment to this committee.

17 The county budget review committee shall meet at
18 the call of the chairperson and adopt its own rules
19 of procedure. The committee may hold public hearings.
20 Actions taken or rules promulgated by the committee
21 shall be subject to the provisions of chapter seventeen
22 A (17A) of the Code.

23 The committee members, except the state comptroller
24 and county officers who are full-time public officers,
25 are entitled to a per diem of forty dollars for each
26 day spent in the performance of committee duties and
27 each member is entitled to reimbursement for his
28 actual and necessary expenses incurred in performance
29 of committee duties. The per diem and expenses shall
30 be paid from funds appropriated to the state
31 comptroller.

32 Sec. 9. The appropriate budget review committee
33 to which a political subdivision may appeal is as
34 follows:

35 1. The city finance committee created under section
36 three hundred eighty-four point thirteen (384.13)
37 of the Code for any city subject to the provisions
38 of this Act.

39 2. The school budget review committee created
40 under section four hundred forty-two point twelve
41 (442.12) of the Code for a merged area school created
42 under chapter two hundred eighty A (280A) of the Code.

43 3. The county budget review committee for any
44 other political subdivision of the state subject to
45 provisions of this Act.

46 Sec. 10. Nothing in this Act shall be construed
47 to prevent an appeal of a decision made by a budget
48 review committee designated in section nine (9) of
49 this Act to the state appeal board.

50 Sec. 11. There is appropriated from the general

Page 8

1 fund of the state to the county budget review committee
2 established in this Act for the fiscal year beginning
3 July 1, 1976 and ending June 30, 1977, the sum of
4 one million (1,000,000) dollars, or so much thereof
5 as may be necessary, to be used to provide financial
6 assistance to counties who in the judgment of the
7 county budget review committee have meritorious and
8 unusual needs beyond their reasonable capacity to
9 fund.

10 Sec. 12. There is appropriated from the general
11 fund of the state to the city finance committee
12 established in chapter three hundred eighty-four point
13 thirteen (384.13) of the Code for the fiscal year
14 beginning July 1, 1976 and ending June 30, 1977, the
15 sum of one million (1,000,000) dollars, or so much
16 thereof as may be necessary, to be used to provide
17 financial assistance to cities who in the judgment
18 of the city finance committee have meritorious and

19 unusual needs beyond their reasonable capacity to
20 fund.
21 Sec. 13. This Act, being deemed of immediate
22 importance, shall take effect and be in force from
23 and after its publication in The Council Bluffs Nonpareil,
24 a newspaper published in Council Bluffs, Iowa, and
25 in S-R Advocate News, a newspaper published
26 in Wilton, Iowa."
27 2. Amend the title, line 2, by inserting after
28 the word "state" the words "and making an
29 appropriation".

JAMES W. GRIFFIN, SR.

S—5048

1 Amend Senate File 1062 as follows:
2 1. Page 1, line 26, by striking the word "six"
3 and inserting in lieu thereof the word "seven".

LEONARD C. ANDERSEN

S—5052

1 Amend Senate File 1062 as follows:
2 1. Page 4, by inserting after line 21, the
3 following:
4 Sec. 6. REFERENDUM.
5 1. For the fiscal year beginning July 1, 1977,
6 if the governing body of a political subdivision which
7 certifies or levies a property tax on a citywide or
8 countywide basis as applicable, wishes to spend more
9 than the amount authorized under the allowable growth
10 limitations provided in section two (2) of this Act,
11 the governing body shall direct the county commissioner
12 of elections to publish notice of and conduct a special
13 election on the question not later than February
14 fifteenth of the base year. In addition to any other
15 requirements of law for a city or county election,
16 the notice of election shall contain a comparison
17 of estimated revenues and expenditures for the
18 certified limited budget of the base year and the
19 proposed limited budget, the dollar amount and
20 percentage increase of the proposed budget over the
21 base year's budget, the amount of dollars needed above
22 the allowable growth limitation, and an explanation
23 of the major reasons for the need to exceed the
24 allowable growth limitation. If a majority of the
25 qualified electors voting on the question favor
26 expenditures in excess of the allowable growth
27 limitation, the amount so approved may be included
28 in the certified budget of the political subdivision
29 for the fiscal year beginning July 1, 1977.
30 2. The amount approved in excess of the amount
31 of allowable growth authorized under section two (2)
32 of this Act shall be raised by a combination of one-
33 half from a property tax levy and one-half from an
34 income surtax within such city or county if other

35 revenues are not available to meet such proposed
36 expenditures.

37 3. A political subdivision subject to this section
38 shall be exempt from the provisions of sections three
39 (3), four (4), and five (5) of this Act for its limited
40 budget for the fiscal year beginning July 1, 1977.

41 Sec. 7. COMPUTATION OF EXCESS AMOUNT. If a
42 majority of those voting in an election approves the
43 additional amount under section six (6) of this Act,
44 the governing body shall certify to the state
45 comptroller that the required procedures have been
46 carried out, and the state comptroller shall establish
47 the amount of additional property tax to be levied
48 and the amount of income surtax to be imposed for
49 fiscal year for which the additional amount is
50 authorized. The state comptroller shall determine

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1 these amounts based upon the most recent figures
2 available for the political subdivision's valuation
3 of taxable property, individual state income tax paid
4 and shall certify to the political subdivision's
5 county auditor the amount of property tax, and to
6 the director of revenue the amount of income surtax
7 to be imposed.

8 The income surtax shall be imposed on the state
9 individual income tax for the calendar year during
10 which the budget year begins, or for a taxpayer's
11 fiscal year ending during the second half of that
12 calendar year or the first half of the succeeding
13 calendar year, and shall be imposed on all individuals
14 residing in the political subdivision on the last
15 day of the applicable tax year. As used in this
16 section, "state individual income tax" means the tax
17 computed under section four hundred twenty-two point
18 five (422.5) of the Code, less the deductions allowed
19 in section four hundred twenty-two point twelve
20 (422.12) of the Code.

21 Sec. 8. INCOME SURTAX PROCEDURES.

22 1. The director of revenue shall administer any
23 political subdivision income surtax imposed under
24 this Act, and all the provisions of sections four
25 hundred twenty-two point twenty (422.20), four hundred
26 twenty-two point twenty-two (422.22) to four hundred
27 twenty-two point thirty-one (422.31), four hundred
28 twenty-two point sixty-eight (422.68), and four hundred
29 twenty-two point seventy-two (422.72) to four hundred
30 twenty-two point seventy-five (422.75), of the Code,
31 shall apply in respect to administration of such
32 income surtax.

33 2. The political subdivision income surtax shall
34 be made a part of the Iowa individual income tax
35 return subject to the conditions and restrictions
36 set forth in section four hundred twenty-two point
37 twenty-one (422.21) of the Code.

38 3. The director of revenue shall deposit all
39 moneys received as income surtax under this Act to
40 the credit of each political subdivision from which
41 the moneys are received, in a "political subdivision
42 income surtax fund" which is established in the office
43 of the treasurer of state.

44 4. On or before October twentieth, the director
45 of revenue shall make an accounting of such income
46 surtax collected under this Act applicable to tax
47 returns for the last preceding calendar year, or for
48 fiscal year taxpayers, on the last day of their tax
49 year ending during that calendar year and after the
50 date of the election approving the surtax, from

Page 3

1 taxpayers in each political subdivision in the state
2 which has imposed a surtax, and shall certify to the
3 state comptroller the amount of total political
4 subdivision income surtax credited from the taxpayers
5 of each political subdivision. Additional returns
6 in process, if any, at the time of certification shall
7 be completed and the additional amount of income
8 surtax reported to the state comptroller for
9 distribution back to the political subdivision when
10 such processing is completed.

11 5. The state comptroller shall draw warrants in
12 payment of the amount of surtax payable to each of
13 the political subdivisions in two installments to
14 be paid on approximately the first day of December
15 and the first day of February, and shall cause the
16 warrants to be delivered to the respective political
17 subdivisions.

18 2. By renumbering sections to conform to this
19 amendment.

20 3. Amend the title, line 2, by inserting after
21 the word "state" the words "and to impose an income
22 surtax by referendum for certain budget expenditures".

RAY TAYLOR
ROGER J. SHAFF
JOHN N. NYSTROM

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:55
p.m., until 9:30 a.m., Tuesday, February 3, 1976.

JOURNAL OF THE SENATE

TWENTY-THIRD DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, FEBRUARY 3, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Tom Allen, pastor of the First Federated Church, Des Moines, Iowa.

The Journal of Monday, February 2, 1976, was approved.

PETITION

The following petition was presented and placed on file:

By Senator Hill of Polk from thirty-five residents of Polk and Dallas Counties favoring Senate File 67 which would regulate the practice of massage.

CONSIDERATION OF BILLS

Senate File 1072

On motion of Senator Willits, Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1072) the vote was:

Ayes, 50:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver

Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba
Griffin

Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly

Kinley
Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall

Murray	Palmer	Robinson	Sovern
Nolin	Plymat	Rodgers	Taylor
Nolting	Priebe	Schwengels	Tieden
Norpel	Rabedaux	Scott	Van Gilst
Nystrom	Ramsey	Shaff	Willits
Orr	Redmond	Shaw	Winkelman

Nays, none.

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

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 30, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1060, a bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

Also: That the House has on January 30, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1081, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations.

Also: That the House has on January 30, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1082, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

Also: That the House has on January 30, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1094, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1083, by Senators Priebe and Tieden, a bill for an act relating to the state inheritance tax.

Read first time and **passed on file**.

Senate File 1084, by Senator Priebe, a bill for an act providing an exemption from taxation for property purchased and used to convert solar energy, wind or water into mechanical, electrical or heat energy.

Read first time and **passed on file**.

Senate File 1085, by Senators Priebe, Norpel, Tieden, Scott and Merritt, a bill for an act providing a reward to persons materially aiding in enforcing a duty of child support.

Read first time and **passed on file**.

Senate File 1086, by Senator Doderer, a bill for an act to require that local civil service commissions determine the physical requirements for police and fire personnel.

Read first time and **passed on file**.

Senate File 1087, by committee on county government, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

Read first time and **referred** to the committee on **appropriations** under Senate Rule 38.

Senate File 1088, by Senator Nystrom, a bill for an act to alter the provisions for sick leave allowable to state employees.

Read first time and **passed on file**.

SENATE CONCURRENT RESOLUTION 103

By Norpel

- 1 *Whereas*, there exists the need for a detailed study
- 2 of all modes of state and local transportation; and
- 3 *Whereas*, such study should include the consideration
- 4 of funding on the local level of various facets of
- 5 transportation including local mass transit systems,
- 6 water transportation, rail transportation, and high-
- 7 way transportation and the manner in which such local
- 8 transportation efforts and policies are coordinated
- 9 with state transportation plans and policies; and
- 10 *Whereas*, because the department of transportation
- 11 has issued a transportation plan it is necessary to
- 12 review past state and local efforts and plans to de-

13 termine if such plan can be coordinated with past
14 and future efforts of planning; *Now Therefore,*
15 *Be It Resolved by the Senate, the House Concurring,*
16 That the legislative council is requested to appoint
17 a study committee consisting of legislators from the
18 appropriate standing committees representing both
19 houses of the general assembly and both major political
20 parties, as well as knowledgeable citizens of this
21 state, to undertake an in-depth study of local and
22 state transportation efforts and plans including past,
23 present, and future plans; and
24 *Be It Further Resolved,* That the study committee
25 shall make a report of its findings to the legislative
26 council and to the general assembly meeting in the
27 year 1977 and such report shall be accompanied by
28 such bill drafts as may be required to carry out the
29 recommendations of the study committee.

Read first time and **passed on file.**

HOUSE MESSAGES CONSIDERED

House File 1081, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations.

Read first time and **passed on file.**

House File 1082, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture and real estate.

Read first time and **passed on file.**

House File 1094, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1089, by committee on appropriations, a bill for an act making an appropriation to the moneys and credits replacement fund.

Read first time and **placed on calendar.**

Senate File 1090, by committee on appropriations, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1073 Ways and means
- S. F. 1074 Labor and industrial relations
- S. F. 1075 Human resources
- S. F. 1076 Agriculture
- S. F. 1077 State government
- S. F. 1078 Appropriations
- S. F. 1079 Appropriations
- S. F. 1080 State government
- S. F. 1081 Commerce
- S. F. 1082 Transportation
- H. F. 1003 Agriculture
- H. F. 1038 Appropriations
- H. F. 1080 Appropriations

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gene E. Geissinger of West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairperson
WILLIAM E. GLUBA
PHILIP B. HILL
GENE W. GLENN
NORMAN RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nellie Osterlund, R.N., of Des Moines, Polk County,

Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFF BURROUGHS, Chairperson
C. JOSEPH COLEMAN
WILLARD R. HANSEN
WILLIAM D. PALMER
JAMES M. REDMOND

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Helen Reichart, Monticello, Jones County, Iowa, for appointment to the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH SCOTT, Chairperson
RICHARD J. NORPEL, SR.
WILLIAM N. PLYMAT
STEVE SOVERN
RAY TAYLOR

SUPPLEMENTAL REPORT OF COMMITTEE ON SENATE SECRETARIES

MR. PRESIDENT: Your committee appointed to determine the standing and qualifications of the candidates for Senate secretaries begs leave to report it has made investigation and finds the following person competent as a stenographer for the position to which she has been appointed:

Senator Minnette F. Doderer.....Sharon Helfrich

MINNETTE F. DODERER, Chairperson
WILLIAM E. GLUBA
CLIFF BURROUGHS
DALE L. TIEDEN

COMMUNICATION FROM THE SECRETARY OF STATE

February 2, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1033 was published in The Sioux City Journal, Sioux City, Iowa, January 25, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, January 24, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, January 20, 1976, because of illness when the vote was taken on House File 1033. Had I been present, I would have voted "aye."

LOWELL JUNKINS

Also:

MR. PRESIDENT: Because of icy roads, I was necessarily absent from the Senate chamber on Monday, January 26, 1976. Had I been present, I would have voted "nay" on final passage of Senate File 336; "aye" on amendment S—3917 to Senate File 542; and "aye" on final passage of Senate File 542.

LOWELL JUNKINS

AMENDMENTS FILED

S—5054

1 Amend Senate File 1062 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "other" the word "local".

4 2. Page 1, by striking lines 24 through 30, inclu-
5 sive, and inserting in lieu thereof the following:

6 "4. 'Allowable growth guideline' means an increase
7 in the proposed expenditures in the budget of a
8 political subdivision for a fiscal year equal to seven
9 percent of the proposed expenditures in the certified
10 budget of such political subdivision for the base
11 year.

12 5. 'Person' means eligible elector as defined
13 in section thirty-nine point three (39.3) of the
14 Code."

15 3. By striking page 1, line 31 through page 4,
16 line 21, and inserting in lieu thereof the following:

17 "Sec. 2. BUDGET PROCESS—NOTICE AND PUBLIC
HEARING.

18 In addition to the requirements of chapters twenty-
19 four (24) and three hundred eighty-four (384), division
20 two (II), of the Code relating to the publication
21 of notice and public hearing on a budget of a political
22 subdivision, the public notice of a hearing on a
23 budget shall include the following information:

24 1. The percentage and the dollar amount increase
25 or decrease for the total budget of the political
26 subdivision.

27 2. The percentage and the dollar amount increase
28 or decrease of each fund included in the proposed
29 budget.

30 3. A statement showing the allowable growth
31 guideline established by the general assembly and
32 the dollar amount of increase represented by such
33 guideline for the proposed budget of the political
34 subdivision.

35 4. A statement of the major reasons for the
36 proposed increases in the budget.

37 5. A comparison of the percentages and dollar
38 amounts proposed to be expended with the percentages
39 and dollar amounts expended during the preceding
40 fiscal year.

41 The provisions of this section shall not apply
42 to publication of notice for a hearing on a budget
43 for the fiscal year beginning July 1, 1976 required
44 under section twenty-four point nine (24.9) or three
45 hundred eighty-four point sixteen (384.16) of the
46 Code if the notice of hearing has been published
47 before the effective date of this Act, but this sec-
48 tion shall apply to any other notice for a hearing
49 on a budget or amendment to a budget required by this
50 Act or other provision of law for the fiscal years

Page 2

1 beginning July 1, 1976 and July 1, 1977.

2 Sec. 3. ALLOWABLE GROWTH GUIDELINE EXCEEDED—
3 ADDITIONAL PUBLIC HEARING. If a political subdivision
4 approves a budget which exceeds the allowable growth
5 guideline following the public hearing required under
6 chapter twenty-four (24) or three hundred eighty-four
7 (384), division two (II), of the Code, the governing
8 body of such political subdivision shall withhold
9 certification of such budget to the county auditor
10 for at least seven days following such approval.
11 If, during the seven days following approval of the
12 budget, a valid petition signed by at least five
13 persons who are affected by the budget of a political
14 subdivision having a population of one hundred persons
15 or less, at least ten persons who are affected by
16 the budget of a political subdivision having a
17 population of more than one hundred but not more than
18 five hundred persons, or at least twenty-five persons
19 who are affected by the budget of a political
20 subdivision having a population of more than five
21 hundred persons, is filed with the governing body
22 of a political subdivision requesting another public
23 hearing, the governing body shall publish notice of
24 and conduct such public hearing not later than April
25 fifth. The date, time and location of the public
26 hearing and the information required to be published
27 under section two (2) of the Act, shall be published
28 in a newspaper having general circulation throughout
29 the political subdivision not less than five days
30 before the date specified for such hearing.
31 Thereafter, the budget shall be approved and certified,
32 with or without changes that may be made after the
33 hearings, to the county auditor not later than April
34 fifth.

35 Sec. 4. EXCEPTION TO DATES FOR BUDGET APPEAL.
36 Notwithstanding sections twenty-four point twenty-

37 seven (24.27) through twenty-four point thirty-two
38 (24.32), inclusive, and three hundred eighty-four
39 point nineteen (384.19) of the Code, persons affected
40 by a certified budget of a political subdivision
41 which has exceeded the allowable growth guideline,
42 shall have ten days following certification of such
43 budget to file a petition to appeal to the state
44 appeal board. All other time limitations or dates
45 specified in sections twenty-four point twenty-seven
46 (24.27) through twenty-four point thirty-two (24.32),
47 inclusive, and three hundred eighty-four point nineteen
48 (384.19) of the Code shall be correspondingly changed
49 or extended to allow the same amount of time for the
50 protest hearing and the decision of the state board

Page 3

1 that would exist had the appeal to the state appeal
2 board been filed as provided in section twenty-four
3 point twenty-seven (24.27) or three hundred eighty-
4 four point nineteen (384.19) of the Code.

5 Sec. 6. BUDGET APPEAL NOT AFFECTED. The provisions
6 of this Act shall not be construed to prohibit or
7 affect a protest filed with the state appeal board
8 against a budget which has not equaled or exceeded
9 the allowable growth guideline provided for in this
10 Act."

11 4. Page 5, by inserting after line 17 the
12 following:

13 "Sec. BUDGETS AFFECTED. The provisions of
14 this Act shall apply to the budgets of a political
15 subdivision for the fiscal years beginning July 1,
16 1976 and July 1, 1977."

17 5. By renumbering sections to conform to this
18 amendment.

19 6. Amend the title, line 1, by striking the words
20 "limitations" and inserting in lieu thereof the words
21 "hearing procedures and budget expenditure guide-
22 lines".

LOWELL L. JUNKINS
FORREST V. SCHWENGELS
W. R. RABEDEAUX
FRED W. NOLTING
JAMES M. REDMOND
JAMES E. BRILES
EARL M. WILLITS
JAMES W. GRIFFIN, SR.
IRVIN L. BERGMAN
MILO MERRITT
CALVIN O. HULTMAN
CHARLES P. MILLER
LEONARD C. ANDERSEN
WILLIAM D. PALMER
LOUIS P. CULVER
BERL E. PRIEBE

JAMES V. GALLAGHER
JOHN S. MURRAY
E. KEVIN KELLY
C. JOSEPH COLEMAN
JOAN ORR
RICHARD J. NORPEL, SR.
MINNETTE DODERER
ROBERT M. CARR
CLOYD E. ROBINSON
KARL NOLIN

S—5056

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 5, by inserting after line 17 the
- 3 following:
- 4 "Sec. FUNDING OF ADDITIONAL DUTIES OR
- 5 FUNCTIONS. If an Act or resolution of the general
- 6 assembly or an administrative rule promulgated by
- 7 a state agency imposes a duty or function which has
- 8 a fiscal impact on a local budget requiring additional
- 9 expenditures upon the governing body or any officer
- 10 or employee of a city, county, or any other local
- 11 public body or corporation that has the power to levy
- 12 or certify a property tax or sum of money to be
- 13 collected by property taxation, the governing body
- 14 or any officer or employee of such local governmental
- 15 entity shall not be required to carry out such duty
- 16 or function unless the general assembly appropriates
- 17 moneys or the state agency provides a grant of moneys
- 18 to such local governmental entity specifically to
- 19 pay the cost of carrying out such duty or function."
- 20 2. By renumbering sections to conform to this
- 21 amendment.

RAY TAYLOR

S—5055

- 1 Amend the amendment, S—5046, to Senate File 1062
- 2 as follows:
- 3 1. Page 1, by striking lines 6 and 7, and inserting
- 4 in lieu thereof the following:
- 5 "2. 'Political subdivision' means any city, county,
- 6 or other local public body or corporation that has
- 7 the power to levy or certify a property tax or sum
- 8 of money to be collected by property taxation."
- 9 2. Page 1, line 20, by striking the word "and".
- 10 3. Page 1, line 23, by inserting after the word
- 11 "Act" the words "and that part of the budget of a
- 12 school corporation subject to limitation under chapter
- 13 four hundred forty-two (442) of the Code, but including
- 14 the budget of an area education agency established
- 15 under chapter two hundred seventy-three (273) of the
- 16 Code".
- 17 4. Page 1, line 43, by striking the words "a
- 18 county" and inserting in lieu thereof the words "any

19 other political subdivision".

20 5. Page 1, line 44, by striking the word "(county)"
21 and inserting in lieu thereof the words "(name of
22 other political subdivision)".

23 6. Page 2, line 7, by striking the words "board
24 of supervisors" and inserting in lieu thereof the
25 words "governing body of any other political
26 subdivision".

27 7. Page 3, line 33, by striking the words "a
28 county" and inserting in lieu thereof the words "any
29 political subdivision except a city".

CALVIN O. HULTMAN

On motion of Senator Kinley, the Senate adjourned at 4:20 p.m., until 9:30 a.m., Wednesday, February 4, 1976.

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 4, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Doctor Lloyd Gustafson, interim pastor of the United Church of Christ, Garner, Iowa.

The Journal of Tuesday, February 3, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PETITION

The following petition was presented and placed on file:

By Senator Hill of Jasper from thirty-five residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

SPECIAL ORDER OF BUSINESS

The hour having arrived, the Chair announced the special order of business for the consideration of Senate File 1062.

Senate File 1062

On motion of Senator Rodgers, Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, with report of committee recommending amend-

ment and without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Rabedeaux withdrew amendment S—5060:

S—5060

- 1 Amend Senate File 1062 as follows:
- 2 1. Title page by striking line 3.

Senator Hansen asked and received unanimous consent to withdraw amendment S—5046 filed by him on February 2, 1976, and found on pages 218–220, inclusive, of the Senate Journal.

Amendment S—5055 to amendment S—5046 filed by Senator Hultman on February 3, 1976, and found on pages 240 and 241 of the Senate Journal was out of order.

Senator Griffin offered amendment S—5053 filed by him on February 2, 1976, and found on pages 221–228, inclusive, of the Senate Journal.

Senator Griffin offered amendment S—5058 to amendment S—5053 and moved its adoption:

S—5058

- 1 Amend the Griffin amendment, S—5053, to Senate
- 2 File 1062 as follows:
- 3 1. Page 1, lines 16 and 17, by striking the
- 4 word and figure “one (1)” and inserting in lieu
- 5 thereof the word and figure “eight (8)”.
- 6 2. Page 3, line 33, by striking the word and
- 7 figure “fourteen (165.14)” and inserting in lieu
- 8 thereof the word and figure “eighteen (165.18)”.
- 9 3. Page 4, lines 35 and 36, by striking the
- 10 words and figure “three hundred fifty-eight A
- 11 point eighteen (358A.18)” and inserting in lieu
- 12 thereof the words and figure “three hundred fifty-
- 13 eight B point eighteen (358B.18)”.

Amendment S—5058 to amendment S—5053 was adopted.

Senator Hansen offered amendment S—5066 to amendment S—5053, moved its adoption and requested a record roll call:

S—5066

- 1 Amend the amendment, S—5053, to Senate File 1062
- 2 as follows:
- 3 1. Page 1, after line 3, by inserting the
- 4 following:
- 5 “Section 1. **NEW SECTION. ALLOWABLE GROWTH**
- 6 **REFERENDUM.**
- 7 1. The county commissioner of elections shall
- 8 publish notice of and place on the ballot at each

9 regular city election in the case of a city and on
10 the ballot at each general election in the case of
11 a county the following proposition: 'Shall the annual
12 increase of the city (county) limited budget for each
13 of the two succeeding fiscal years be limited to an
14 allowable growth equivalent to the percentage increase
15 in the consumer price index as computed by the state
16 comptroller?' If a majority of the electors of the
17 respective political subdivisions, voting for or
18 against the proposition, favor the proposition, the
19 allowable growth for the certified limited budget
20 for such political subdivision for each of the two
21 succeeding fiscal years shall be limited as provided
22 in section two (2) of this Act, which limit shall
23 be in lieu of any property tax levy limitation
24 otherwise provided by law.

25 2. The city council and the board of supervisors
26 shall publish notice of and conduct a public hearing
27 on the preliminary budget estimates for the following
28 two fiscal years not later than ten days before the
29 respective regular city election or the general
30 election. Notice of the time, date and location of
31 the hearing and a summary of the preliminary budget
32 shall be published at least seven days before such
33 hearing.

34 Sec. 2. **NEW SECTION. ALLOWABLE GROWTH LIMITATION.**

35 1. The proposed expenditures in the certified
36 limited budget of a political subdivision for each
37 fiscal year during which such political subdivision
38 is subject to the provisions of this Act, shall not
39 exceed the proposed expenditures in the certified
40 limited budget of that political subdivision for the
41 base year, plus the allowable growth for that political
42 subdivision.

43 2. If the governing body of a political subdivision
44 which is subject to the provisions of this Act
45 certifies a limited budget to the county auditor,
46 in excess of the limitation provided for in this Act,
47 the county auditor shall reduce the amount of the
48 proposed expenditures in such budget to the maximum
49 amount allowed under this Act and give written notice
50 to the political subdivision, certifying the amount

Page 2

1 allowed.

2 Sec. 3. **NEW SECTION. SPECIAL CHARTERED CITIES.**

3 It is the intention of the general assembly that the
4 provisions of this Act shall apply to special chartered
5 cities. The state appeal board may adopt rules,
6 consistent with the provisions of this Act,
7 establishing procedures and forms applicable to special
8 chartered cities as deemed necessary by the board.

9 Sec. 4. Section twenty-four point three (24.3),
10 subsection four (4), Code 1975, is amended to read
11 as follows:

12 4. A comparison of [such amounts so proposed to
13 be expended with the amounts expended for like purposes
14 for the two preceding years] *of the estimated revenue*
15 *and proposed expenditure with estimated revenue and*
16 *expenditure of the current budget and with the actual*
17 *revenue and expenditure for the most recently completed*
18 *fiscal year.*

19 Sec. 5. Section three hundred eighty-four point
20 sixteen (384.16), subsection three (3), Code 1975,
21 as amended by Acts of the Sixty-sixth General Assembly,
22 1975 Session, chapter two hundred three (203), section
23 thirty (30), is amended to read as follows:

24 3. The council shall set a time and place for
25 public hearing on the budget before the final
26 certification date and shall publish notice before
27 the hearing as provided in section 362.3. A summary
28 of the proposed budget shall be included in the notice.
29 *The summary shall include a comparison of estimated*
30 *revenues and proposed expenditures with estimated*
31 *revenues and expenditures of the current budget and*
32 *with actual revenues and expenditures for the most*
33 *recently completed fiscal year.* Proof of publication
34 must be filed with the county auditor."

35 2. Page 1, by striking line 4 and inserting in
36 lieu thereof the following:

37 "Sec. 6. TEMPORARY BUDGET LIMITATION FOR CITIES.
38 The maximum amount in dollars which".

39 3. Page 3, by striking line 7 and inserting in
40 lieu thereof the following:

41 "Sec. 7. TEMPORARY BUDGET LIMITATIONS FOR COUN-
TIES.

42 The maximum amount in dollars which may".

43 4. Page 5, by striking line 11 and inserting in
44 lieu thereof the following:

45 "Sec. 8. TEMPORARY BUDGET LIMITATIONS FOR SPE-
CIAL

46 PURPOSE DISTRICTS. The maximum amount in dollars
47 which may".

48 5. Page 5, by striking line 48 and inserting in
49 lieu thereof the following:

50 "Sec. 9. TEMPORARY BUDGET LIMITATIONS FOR PUBLIC

Page 3

1 HOSPITALS. The maximum amount in dollars which may".

2 6. Page 6, by striking line 16 and inserting in
3 lieu thereof the following:

4 "Sec. 10. TEMPORARY BUDGET LIMITATIONS FOR
COUNTY
5 AGRICULTURAL EDUCATION EXTENSION. The maximum
amount

6 in dollars which may".

7 7. Page 6, by striking line 24 and inserting in
8 lieu thereof the following:

9 "Sec. 11. TEMPORARY BUDGET LIMITATIONS FOR
MERGED

10 AREA SCHOOLS. The maximum amount in dollars which
11 may".

12 8. Page 6, line 33, by striking the words "subject
13 to the provisions of" and inserting in lieu thereof
14 the words "with a budget limited by an allowable
15 growth rate established in accordance with".
16 9. By renumbering sections and internal references
17 to sections to conform to this amendment.

On the question "Shall amendment S—5066 to amendment
S—5053 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 24:

Bergman	Hansen	Murray	Shaw
Briles	Hill of Polk	Nystrom	Sovern
Burroughs	Hultman	Plymat	Taylor
Coleman	Kelly	Ramsey	Tieden
Curtis	Lamborn	Schwengels	Winkelman
DeKoster	Miller of	Shaff	
Griffin	Marshall		

Nays, 25:

Andersen	Heying	Nolting	Redmond
Carr	Hill of Jasper	Norpel	Robinson
Culver	Junkins	Orr	Rodgers
Doderer	Kinley	Palmer	Scott
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines		

Absent or not voting, 1:

Nolin

Amendment S—5066 to amendment S—5053 lost.

Senator Lamborn offered amendment S—5062 to amendment
S—5053, and moved its adoption:

S—5062

1 Amend the amendment, S—5053, to Senate File 1062
2 as follows:

3 1. Page 6, line 37, by inserting after the word
4 "funds." the following: "In the case of unusual pop-
5 ulation increases the appropriate budget review com-
6 mittee shall provide an additional allowable growth
7 percentage as follows:

8	1. Zero to 2.9% Increase	—0—
9	2. 3.0% to 5.9% Increase	1.0%
10	3. 6.0% to 8.9% Increase	2.0%
11	4. 9.0% to 11.9% Increase	3.0%
12	5. 12.0% to 15.0% Increase	4.0%
13	6. Over 15.0% Increase	5.0%"

A non-record roll call was requested.

The ayes were 36, nays 12.

Amendment S—5062 to amendment S—5053 was adopted.

Senator Griffin moved the adoption of amendment S—5053 as amended and requested a record roll call.

On the question "Shall amendment S—5053 as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 23:

Andersen	Glenn	Miller of	Schwengels
Bergman	Griffin	Marshall	Scott
Briles	Hansen	Murray	Shaff
Burroughs	Hill of Polk	Nystrom	Taylor
Curtis	Hultman	Plymat	Tieden
DeKoster	Lamborn	Ramsey	Winkelman

Nays, 26:

Carr	Hill of Jasper	Nolting	Robinson
Coleman	Junkins	Norpel	Rodgers
Culver	Kelly	Orr	Shaw
Doderer	Kinley	Palmer	Sovern
Gallagher	Merritt	Priebe	Van Gilst
Gluba	Miller of	Rabedaux	Willits
Heying	Des Moines	Redmond	

Absent or not voting, 1:

Nolin

Amendment S—5053 as amended lost.

(Senate File 1062 pending on adjournment.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 74, a bill for an act relating to the use of tax money for purchase and improvement of schoolhouse sites.

Also: That the House has on February 2, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 476, a bill for an act to provide for the licensing of speech pathologists and audiologists and to establish an examining board.

Also: That the House has on February 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 694, a bill for an act authorizing a periodic independent audit of counties.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 74

S—5070

1 Amend Senate File 74, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 5, by striking the words "at
4 their" and inserting in lieu thereof the words "[at
5 their]".

6 2. Page 1, by striking lines 6, 7, and 8, and
7 inserting in lieu thereof the words "[regular meeting
8 in July, or at a special meeting called for that
9 purpose between the time designated for such regular
10 meeting and the third Monday in August,] *by February*
11 *first of each year* certify an amount".

12 3. Page 1, line 13, by inserting after the word
13 "district" the words "*as specified by the directors*".

14 4. Page 1, line 15, by striking the words "*but*
15 *is not limited to*".

16 5. Page 1, line 20, by striking the words "*fixed*
17 *playground apparatus*".

18 6. Page 1, by inserting after line 24 the following
19 paragraph:

20 "*For the purpose of this section, 'purchase of*
21 *sites' includes legal costs relating to the site*
22 *acquisition, costs of surveys of the sites, costs*
23 *of relocation assistance under state and federal law,*
24 *and other costs incidental to the site acquisition.*"

25 7. Page 1, by inserting after line 24 the follow-
26 ing section:

27 "Sec. Notwithstanding the provisions of
28 section two hundred ninety-one point thirteen (291.13)
29 of the Code, unencumbered funds collected from the
30 levy authorized in section two hundred ninety-seven
31 point five (297.5) of the Code prior to July 1, 1976
32 may be expended for the purposes listed in section
33 one (1) of this Act."

HOUSE AMENDMENT TO SENATE FILE 476

S—5071

1 Amend Senate File 476 as follows:

2 1. Page 2, line 6, by inserting after the word
3 "dealer" the words "or holder of a temporary permit".

4 2. Page 2, line 15, by striking the words "in
5 hospitals, clinics, offices,".

6 3. Page 2, line 16, by striking the words "and
7 other health facilities".

8 4. Page 2, by adding the following new subsection
9 after line 21:

10 "**NEW SUBSECTION.** Audiometric tests administered
11 pursuant to the United States Occupational Safety
12 and Health Act of 1970 or chapter eighty-eight (88)
13 of the Code, and in accordance with regulations issued
14 thereunder, by employees of a person engaged in

15 business, including the state of Iowa, its various
16 departments, agencies, and political subdivisions,
17 solely to employees of such employer, while acting
18 within the scope of their employment."

19 5. Page 2, line 25, by striking the words "However,
20 a".

21 6. Page 2, by striking lines 26 through 30 and
22 inserting in lieu thereof the following:

23 **"NEW UNNUMBERED PARAGRAPH.** A person exempted from
24 the provisions of this Act by this section shall not
25 use the title speech pathologist or audiologist or
26 any title or device indicating or representing in
27 any manner that the person is a speech pathologist
28 or is an audiologist; provided, a hearing aid dealer
29 licensed under chapter one hundred fifty-four A (154A)
30 **of the Code may use the title 'certified hearing aid**
31 **audiologist' when granted by the national hearing**
32 **aid society; and provided, persons who meet the**
33 **requirements of subsection one (1) of section three**
34 **(3) of this Act who are certified by the department**
35 **of public instruction as speech clinicians may use**
36 **the title speech pathologist and persons who meet**
37 **the requirements of subsection two (2) of section**
38 **three (3) of this Act who are certified by the**
39 **department of public instruction as hearing clinicians**
40 **may use the title audiologist, while acting within**
41 **the scope of their employment."**

42 7. Page 8, line 7, by striking the numerals "1976"
43 and inserting in lieu thereof the numerals "1977".

44 8. By renumbering subsection as necessary.

HOUSE MESSAGE CONSIDERED

House File 694, a bill for an act authorizing a periodic independent audit of counties.

Read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1083 Ways and means

S. F. 1084 Energy

S. F. 1085 Human resources

S. F. 1086 Cities

S. F. 1088 State government

S.C.R. 103 Rules and administration

H. F. 1081 Appropriations

H. F. 1082 Appropriations

H. F. 1094 Appropriations

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harrison Kane of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MINNETTE F. DODERER
EUGENE M. HILL
JOHN N. NYSTROM
NORMAN RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James Gannon, M.D., of Laurens, Pocahontas County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for the initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH SHAW, Chairperson
WARREN E. CURTIS
KENNETH D. SCOTT
STEVE SOVERN
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bertha J. Kirkwood of Ankeny, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFF BURROUGHS, Chairperson
C. JOSEPH COLEMAN
LOUIS P. CULVER
WARREN E. CURTIS
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Noel W. Willis of Iowa City, Johnson County, Iowa,

for appointment as a member of the State Board of Nursing pursuant to Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL, Chairperson
LUCAS J. DEKOSTER
MINNETTE F. DODERER
E. KEVIN KELLY
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas Huston, Columbus Junction, Louisa County, Iowa, for appointment as Superintendent of Banking for the State of Iowa pursuant to Section 524.203, Code 1975, for an unexpired term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
HILARIUS L. HEYING
WILLIAM D. PALMER
W. R. RABEDEAUX
CLOYD E. ROBINSON

REPORTS OF COMMITTEES

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on energy to which was referred **House File 736**, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES V. GALLAGHER, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on state government to which was referred **House File 812**, a bill for an act to allow the governor to appoint the directors of certain commissions, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5075

- 1 Amend House File 812 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and
- 4 inserting in lieu thereof the words "officer of the
- 5 commission. *The executive director shall serve at*
- 6 *the pleasure of the governor.* [Notwithstanding the
- 7 provisions of section 19A.3, the executive director
- 8 shall be subject to the state merit system in matters

- 9 related to salary and benefits.]”
10 2. Page 1, line 14, by inserting after the word
11 “commission.” the words “The director shall serve
12 at the pleasure of the governor.”

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1010**, a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 1013**, a bill for an act to prohibit the department of transportation from requiring listing of the applicant's social security number on applications for certificate of title of a motor vehicle, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5068

- 1 Amend Senate File 1062 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 “Section 1. Section four hundred twenty-two point
5 sixty-nine (422.69), Code 1975, is amended by adding
6 the following new subsection:
7 **NEW SUBSECTION.** During the last quarter of each
8 fiscal year the amounts specified in this subsection
9 from the gross receipts from the sales tax collected
10 under division four (IV) of this chapter for the
11 fiscal year shall be transferred to the local tax
12 fund hereby created in the office of the treasurer
13 of state. The remainder of the net receipts from
14 the sales tax shall be credited to the general fund
15 of the state.

- 16 a. For the fiscal year beginning July 1, 1975,
17 an amount equal to twenty percent of the net receipts
18 from one-third of the sales tax.
- 19 b. For the fiscal year beginning July 1, 1976,
20 an amount equal to forty percent of the net receipts
21 from one-third of the sales tax.
- 22 c. For the fiscal year beginning July 1, 1977,
23 an amount equal to sixty percent of the net receipts
24 from one-third of the sales tax.
- 25 d. For the fiscal year beginning July 1, 1978,
26 an amount equal to eighty percent of the net receipts
27 from one-third of the sales tax.
- 28 e. For the fiscal year beginning July 1, 1979
29 and each succeeding fiscal year, an amount equal to
30 one-third of the sales tax.
- 31 Annually, the treasurer of state shall transfer
32 three-fourths of the funds in the local tax fund to
33 the municipal assistance fund created by section four
34 hundred five point one (405.1) of the Code. The
35 remainder of the funds in the local tax fund shall
36 be transferred to the county government assistance
37 fund.
- 38 Sec. 2. *NEW SECTION.* There is created a 'county
39 government assistance fund' in the office of the
40 treasurer of state. The moneys appropriated to such
41 fund shall be used to provide financial assistance
42 to counties.
- 43 On or before December fifteenth of each year, the
44 state comptroller shall distribute the funds in the
45 county government assistance fund to each county in
46 the state in the proportion that the population
47 residing in the unincorporated area of each county
48 is to the total population residing in unincorporated
49 areas of all of the counties.
- 50 For purposes of this section 'population' shall

Page 2

- 1 be based on the most recent federal census.
- 2 Sec. 3. *NEW SECTION.* It is the intent of the
3 general assembly that cities and counties use funds
4 received under this Act to replace property tax dollars
5 to provide property tax relief for persons residing
6 within the city or county."
- 7 2. Amend the title, line 1, by striking the words
8 "budget limitations" and inserting in lieu thereof
9 the words "financial assistance".

WILLIAM E. GLUBA

S—5073

- 1 Amend Senate File 1062 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section four hundred twenty-two point
5 sixty-nine (422.69), Code 1975, is amended by adding
6 the following new subsection:

7 **NEW SUBSECTION.** During the last quarter of each
8 fiscal year the amounts specified in this subsection
9 from the gross receipts from the sales tax collected
10 under division four (IV) of this chapter for the
11 **fiscal years shall be transferred to the local tax**
12 **fund hereby created in the office of the treasurer**
13 **of state. The remainder of the net receipts from**
14 **the sales tax shall be credited to the general fund**
15 **of the state.**

16 a. For the fiscal year beginning July 1, 1975,
17 an amount equal to twenty percent of the net receipts
18 from one-third of the sales tax.

19 b. For the fiscal year beginning July 1, 1976,
20 an amount equal to forty percent of the net receipts
21 from one-third of the sales tax.

22 c. For the fiscal year beginning July 1, 1977,
23 an amount equal to sixty percent of the net receipts
24 from one-third of the sales tax.

25 d. For the fiscal year beginning July 1, 1978,
26 an amount equal to eighty percent of the net receipts
27 from one-third of the sales tax.

28 e. For the fiscal year beginning July 1, 1979
29 and each succeeding fiscal year, an amount equal to
30 one-third of the sales tax.

31 Annually, the treasurer of state shall transfer
32 three-fourths of the funds in the local tax fund to
33 the municipal assistance fund created by section four
34 hundred five point one (405.1) of the Code. The
35 remainder of the funds in the local tax fund shall
36 be transferred to the county government assistance
37 fund.

38 **Sec. 2. NEW SECTION.** There is created a 'county
39 government assistance fund' in the office of the
40 treasurer of state. The moneys appropriated to such
41 fund shall be used to provide financial assistance
42 to counties.

43 On or before December fifteenth of each year, the
44 state comptroller shall distribute the funds in the
45 county government assistance fund to each county in
46 the state in the proportion that the population
47 **residing in the unincorporated area of each county**
48 **is to the total population residing in unincorporated**
49 **areas of all of the counties.**

50 For purposes of this section 'population' shall

Page 2

1 be based on the most recent federal census.

2 **Sec. 3. NEW SECTION.** It is the intent of the
3 general assembly that cities and counties use funds
4 received under this Act to replace property tax dollars
5 to provide property tax relief for persons residing
6 within the city or county.

7 **Sec. 4. NEW SECTION.** This Act shall apply when
8 the proposed budget of any city or county exceeds
9 one (1) per cent of the preceding fiscal year's budget

- 10 of any city or county subject to the provisions of
11 this Act.”
12 2. Amend the title, line 1, by striking the words
13 “budget limitations” and inserting in lieu thereof
14 the words “financial assistance”.

WILLIAM E. GLUBA

S—5063

- 1 Amend Senate File 1062 as follows:
2 1. Page 2, by striking lines 14 and 15, and in-
3 serting in lieu thereof the following: “a. In the
4 case of unusual population increases the appropriate
5 budget review committee shall provide an additional
6 allowable growth percentage as follows:
7 1. Zero to 2.9% Increase —0—
8 2. 3.0% to 5.9% Increase 1.0%
9 3. 6.0% to 8.9% Increase 2.0%
10 4. 9.0% to 11.9% Increase 3.0%
11 5. 12.0% to 15.0% Increase 4.0%
12 6. Over 15.0% Increase 5.0%”

CLIFTON C. LAMBORN

S—5064

- 1 Amend Senate File 1062 as follows:
2 1. Page 4, by striking lines 22 through 35 and
3 inserting in lieu thereof the following:
4 “Sec. MUNICIPAL ENTERPRISES. The provisions
5 of this Act shall not apply to expenditures of a city
6 utility, a city enterprise, a public agency, or a
7 county public hospital, except with respect to
8 transfers of surplus funds of a city utility or city
9 enterprise pursuant to section three hundred eighty-
10 four point eighty-nine (384.89) of the Code to any
11 fund of the city included in the limited budget as
12 defined in section one (1), subsection three (3),
13 of this Act and such transfers shall be subject to
14 the allowable growth provided in section two (2) of
15 this Act.
16 For purposes of this section, ‘city utility’ means
17 a city utility as defined in section three hundred
18 sixty-two point two (362.2), subsection twenty-two
19 (22), of the Code, ‘city enterprise’ means a city
20 enterprise as defined in section three hundred eighty-
21 four point twenty-four (384.24) of the Code and
22 includes combined utility systems and combined city
23 enterprises as defined in section three hundred eighty-
24 four point eighty (384.80) of the Code, and ‘public
25 agency’ means a public agency as defined in sections
26 twenty-eight E point two (28E.2) and twenty-eight
27 F point two (28F.2) of the Code.”
28 2. Page 5, by striking lines 1 through 11.

COMMITTEE ON WAYS AND MEANS
NORMAN RODGERS, Chairperson

S—5057

1 Amend Senate File 1062 as follows:

2 1. Page 5, by inserting after line 11 the fol-
3 lowing:

4 "Sec. Section four hundred twenty-two point
5 forty-three (422.43), unnumbered paragraphs one (1),
6 two (2), seven (7), and eight (8), Code 1975, are
7 amended to read as follows:

8 There is hereby imposed a tax of [three] *four* per-
9 cent upon the gross receipts from all sales of tangible
10 personal property, consisting of goods, wares, or
11 merchandise, except as otherwise provided in this
12 division, sold at retail in the state to consumers
13 or users; a like rate of tax upon the gross receipts
14 from the sales, furnishing or service of gas, elec-
15 tricity, water, heat, and communication service, in-
16 cluding the gross receipts from such sales by any
17 municipal corporation furnishing gas, electricity,
18 water, heat, and communication service to the public
19 in its proprietary capacity, except as otherwise pro-
20 vided in this division, when sold at retail in the
21 state to consumers or users; and a like rate of tax
22 upon the gross receipts from all sales of tickets
23 or admissions to places of amusement, athletic events
24 including those of educational institutions, fairs;
25 and a like rate of tax upon that part of private club
26 membership fees or charges paid for the privilege
27 of participating in any athletic sports provided club
28 members.

29 There is hereby imposed a tax of [three] *four* per-
30 cent upon the gross receipts derived from the operation
31 of all forms of amusement devices and games of skill,
32 **games of chance, raffles and bingo games as defined**
33 **in chapter 99B, and commercial amusement enterprises**
34 **operated or conducted within the state of Iowa, such**
35 **tax to be collected from the operator in the same**
36 **manner as is provided for the collection of taxes**
37 **upon the gross receipts of tickets or admission as**
38 **provided in this section.**

39 The tax herein levied shall be computed and
40 collected as hereinafter provided. The tax herein
41 imposed shall be at the rate of [three] *four* percent.

42 There is hereby imposed, a tax of [three] *four* per-
43 cent upon the gross receipts from the rendering, fur-
44 nishing, or performing of services as defined in sec-
45 tion 422.42.

46 Sec. Section four hundred twenty-two point
47 sixty-nine (422.69), Code 1975, is amended by adding
48 the following new subsection:

49 **NEW SUBSECTION.** During the last quarter of the
50 fiscal year beginning July 1, 1976, and for each

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1 **succeeding fiscal year, an amount equal to one-fourth**
2 **of the net receipts from the sales tax collected under**

3 division four (IV) of this chapter and the use tax
4 collected under chapter four hundred twenty-three
5 (423) of the Code for the fiscal year shall be
6 transferred to the 'local tax fund' hereby created
7 in the office of the treasurer of state. The remainder
8 of the net receipts from the sales tax shall be
9 credited to the general fund of the state.

10 Sec. Section four hundred twenty-three point
11 two (423.2), Code 1975, is amended to read as follows:

12 423.2 IMPOSITION OF TAX. An excise tax is hereby
13 imposed on the use in this state of tangible personal
14 property purchased for use in this state, at the rate
15 of [three] *four* percent of the purchase price of such
16 property. Said tax is hereby imposed upon every per-
17 son using such property within this state until such
18 tax has been paid directly to the county treasurer
19 or department of public safety to a retailer, or to
20 the department as hereinafter provided. An excise
21 tax is hereby imposed on the use in this state of
22 services enumerated in section 422.43 at the rate
23 of [three] *four* percent. Said tax shall be applicable
24 where services are rendered, furnished, or performed
25 in this state or where the product or result of such
26 service is used in this state. Such tax is imposed
27 on every person using such services or the product
28 of such services in this state until such user has
29 paid such tax either to an Iowa use tax permit holder
30 or has paid such tax to the department of revenue.

31 Sec. *NEW SECTION.* The treasurer of state shall
32 allocate to the municipal assistance fund that portion
33 of the moneys in the local tax fund which is in the
34 same proportion that the population of all of the
35 cities in the state is to the total population of
36 the state. The remaining funds in the local tax fund
37 shall be allocated to the county government assistance
38 fund.

39 Sec. *NEW SECTION.* On or before December 15,
40 1976, and December fifteenth of each succeeding year
41 the state comptroller shall distribute the funds in
42 the county government assistance fund to each county
43 in the state in the proportion that the population
44 residing in the unincorporated area of each county
45 is to the total population residing in unincorporated
46 areas of all of the counties except as otherwise
47 provided in section eight (8) of this Act.

48 For purposes of this section 'population' shall
49 be based on the most recent federal census.

50 Sec. *NEW SECTION.* Moneys allocated to the

Page 3

1 municipal assistance fund under section four (4) of
2 this Act shall be apportioned in the manner provided
3 in chapter four hundred five (405) of the Code except
4 as otherwise provided in section seven (7) of this
5 Act.

6 Sec. *NEW SECTION. CITY PROPERTY TAX RELIEF.*

7 All moneys received by a city under the provisions
8 of this Act shall be deposited in the general fund
9 of the city and may be expended for any lawful city
10 purpose. However, the city treasurer, or another
11 city official designated by the council, shall credit
12 one-half of the moneys received to a special account
13 for property tax relief. Before the levies authorized
14 under section three hundred eighty-four point one
15 (384.1) of the Code are certified to the county
16 auditor, the certifying official shall subtract from
17 the total amount computed in dollars, as provided
18 in section four hundred forty-four point two (444.2)
19 of the Code, an amount equal to the amount credited
20 to the special account for property tax relief during
21 the last preceding twelve-month period, and shall
22 certify only the net amount to the county auditor
23 and board of supervisors. The limit on a city's tax
24 levy for the general fund, as stated in section three
25 hundred eighty-four point one (384.1) of the Code,
26 shall be reduced each year by the levy which would
27 be necessary to replace the amount credited to the
28 special account for property tax relief during the
29 last preceding twelve-month period. The county auditor
30 shall base the levies authorized under section four
31 hundred forty-four point three (444.3) of the Code
32 upon the net amount so computed. In order for a city
33 to be qualified to receive remittances in succeeding
34 fiscal years from the treasurer of state under this
35 Act, the city clerk, before July 15, 1977, and July
36 fifteenth of each succeeding year, shall certify to
37 the treasurer of state that the required reduction
38 in the amount certified to the county auditor and
39 board of supervisors for city taxes has been made.

40 Moneys which become available in any succeeding
41 fiscal year because a city has failed to comply with
42 the provisions of this Act shall be apportioned among
43 the other cities in the manner provided in this Act.

44 Sec. *NEW SECTION. COUNTY PROPERTY TAX RE-*

45 *LIEF.* All moneys received by a county under the
46 provisions of this Act may be expended for any law-
47 ful county government purpose applicable to the un-
48 incorporated area of the county. However, the county
49 treasurer shall credit one-half of the moneys received
50 to a special account for property tax relief. Before

Page 4

1 the levies authorized under section four hundred
2 forty-four point nine (444.9) of the Code are made,
3 the board of supervisors shall subtract from the total
4 amount computed in dollars, as provided in section
5 four hundred forty-four point two (444.2) of the Code,
6 an amount equal to the amount credited to the special
7 account for property tax relief during the last
8 preceding twelve-month period, and shall base the

9 levies authorized under section four hundred forty-
10 four point nine (444.9) of the Code upon the net
11 amount so computed. In order for a county to be
12 qualified to receive remittances in succeeding fiscal
13 years from the treasurer of state under this Act,
14 the board of supervisors, before July fifteenth of
15 each year, shall certify to the treasurer of state
16 that the required reduction has been made.

17 Moneys which become available in any succeeding
18 fiscal year because a county has failed to comply
19 with the provisions of this Act shall be apportioned
20 among the remaining counties in the manner provided
21 in this Act."

22 2. Amend the title, lines 1 and 2, by inserting
23 after the word "limitations" the words "and increasing
24 the sales and use tax rate to provide property tax
25 replacement funds".

JAMES W. GRIFFIN, SR.

S—5069

1 Amend the amendment, S—5054, to Senate File 1062
2 as follows:

3 1. Page 1, by striking lines 24 through 29 and
4 inserting in lieu thereof the following:

5 "1. The percentage and the dollar amount of increase
6 or decrease over the current total budget
7 appropriations as amended to the date of the hearing
8 or proposed to be amended by that date resulting from
9 the total proposed budget of the political subdivision.

10 2. The percentage and the dollar amount of increase
11 or decrease for each fund included in the proposed
12 budget, over current year appropriations to each fund,
13 as amended to date or proposed to be amended by that
14 date."

15 2. Page 1, line 36, after the word "increases"
16 by inserting the words "or decreases".

17 3. Page 1, by inserting after line 40 the
18 following:

19 "6. A comparison of the percentage and dollar
20 amounts proposed to be raised by property taxes with
21 the percentages and dollar amounts raised during
22 the preceding fiscal year."

23 4. Page 2, line 13, by striking the words "affected
24 by the budget" and inserting in lieu thereof the word
25 "residents".

26 5. Page 2, lines 15 and 16, by striking the words
27 "affected by the budget" and inserting in lieu thereof
28 the word "residents".

29 6. Page 2, line 19, by striking the words "affected
30 by the budget" and inserting in lieu thereof the word
31 "residents".

32 7. Page 3, line 5, by striking the number "6"
33 and inserting in lieu thereof the number "5".

34 8. Page 3, by inserting after line 16 the
35 following:

36 "Sec. The state comptroller shall provide
37 within one week of the effective date of this Act
38 instructions and the applicable standard form of
39 notice to be used for compliance with this Act to
40 each clerk, secretary, or auditor of each political
41 subdivision.

42 5. Page 5, by striking lines 12 through 17 and
43 inserting in lieu thereof the following:

44 Sec. SPECIAL CHARTERED CITIES. It is the
45 intention of the general assembly that the provisions
46 of this Act shall apply to special chartered cities.
47 The state appeal board may adopt such rules relating
48 to budget forms and procedures as the state appeal
49 board deems necessary to carry out the provisions
50 of this Act regarding special chartered cities."

Page 2

- 1 9. By renumbering sections to comply with this
- 2 amendment.

NORMAN RODGERS
LOWELL L. JUNKINS

S—5061

- 1 Amend the Junkins, et al., amendment, S—5054,
- 2 to Senate File 1062 as follows:
- 3 1. Page 1, line 11, by adding after the word
- 4 "year." the following: "In no event shall the
- 5 allowable growth guideline permit an increase
- 6 in proposed expenditures in excess of the expend-
- 7 itures authorized under the property tax limitations
- 8 otherwise provided by law."

NORMAN RODGERS

S—5072

- 1 Amend the amendment, S—5054, to Senate File 1062
- 2 as follows:
- 3 1. Page 3, by inserting after line 16 the
- 4 following:
- 5 "Sec. STATE BUDGET LIMITATIONS.
- 6 1. It is the intention of the general assembly
- 7 that the provisions of this Act shall apply to state
- 8 administrative costs paid from the general fund of
- 9 the state. To determine the total administrative
- 10 costs of the state to which the allowable growth
- 11 guideline shall apply, there shall be subtracted
- 12 from the total state budget the direct and indirect
- 13 state grants or aids made to local governments of
- 14 the state and payments made directly to individuals.
- 15 The state comptroller shall prepare the necessary
- 16 working papers, defining the state administrative
- 17 costs subject to limitation, and such working papers
- 18 shall be filed with the legislative fiscal director
- 19 by October 1, 1976.
- 20 2. If the state administrative costs subject to
- 21 limitation exceed the allowable growth guideline as

22 provided in this Act, the budget of any political
23 subdivision may exceed the allowable growth guideline
24 by the same percentage and such political subdivision
25 shall be exempt from the provisions of section three
26 (3) of this Act if its budget's percentage growth
27 does not exceed the percentage growth of the state
28 administrative costs.

29 3. The provisions of this section shall apply
30 to the budgets prepared for the fiscal year beginning
31 July 1, 1977."

32 2. Page 3, by striking lines 19 through 22, and
33 inserting in lieu thereof the following:

34 "6. Amend the title, line 1, by inserting after
35 the word 'for' the words 'the state and'."

36 3. By renumbering sections to conform to this
37 amendment.

RICHARD R. RAMSEY

S—5074

1 Amend the Junkins, et al., amendment S—5054,
2 to Senate File 1062 as follows:

3 1. Page 3, by adding after line 16 the following:

4 "5. Page 4, by adding after line 21 the following:

5 'Section It is hereby designated to be the
6 intent of this Act that the public interest demands that
7 the governor research and analyze matters pertaining to
8 local government services and funding sources and to
9 report the findings and recommendations to the general
10 assembly by September 15, 1977.

11 Sec. The suggested matters that follow are
12 for reference and are not in order of priority and does
13 not necessarily include all matters that can be pro-
14 perly included in the research and analysis helpful in
15 fulfilling the intent of this Act. The reference
16 matters are:

- 17 —the nature of local government services.
- 18 —which level of government should provide what
- 19 services.
- 20 —who should pay for these services.
- 21 —how should different types and kinds of pro-
- 22 perty be valued and equalized for assessment
- 23 purposes.
- 24 —what, if any, budget limitations should be
- 25 posed.
- 26 —which, if any, local services should be financed
- 27 by state aid.
- 28 —the economics and effectiveness of the delivery
- 29 of services to people.
- 30 —the merits of local option taxation.
- 31 —the budgeting procedures and mechanisms of local
- 32 governments.

33 Sec. The governor shall transmit the recom-
34 mendations of the task force accompanied by proposed
35 legislation necessary to carry out the recommendations
36 of the Sixty-seventh General Assembly no later than

37 September 15, 1977. Copies of the recommendations and
38 of the recommended legislation shall be transmitted to
39 the president of the senate and speaker of the house of
40 representatives whereupon the respective presiding
41 officer shall within ten (10) legislative days after the
42 date of receipts, assign the proposed legislation to the
43 appropriate standing committee for committee consider-
44 ation.

45 Sec. The governor is hereby authorized to
46 employ such professional, technical, and administrative
47 assistance as shall be necessary to accomplish the
48 purpose of this Act.

49 Sec. There is hereby created a task force

Page 2

1 composed of twelve members, who are interested and
2 knowledgeable in affairs of local government. All
3 members shall be appointed by the governor to serve
4 at his pleasure. No member shall hold any other
5 state position. Any vacancy in the membership of
6 the task force shall be filled by appointment in the
7 same manner and ratio as the original appointments.

8 The members of the task force shall receive their
9 actual and necessary expenses to be audited by the
10 comptroller.' "

11 2. Page 3, line 17, by striking the figure "5.",
12 and inserting in lieu thereof the figure "6."

13 3. Page 3, line 19, by striking the figure "6.",
14 and inserting in lieu thereof the figure "7."

CLOYD E. ROBINSON
NORMAN RODGERS
FORREST V. SCHWENGELS

S—5065

1 Amend the Junkins, et al., amendment, S—5054, to
2 Senate File 1062 as follows:

3 1. Page 3, after line 16 by inserting the
4 following new paragraph:

5 "5. Page 5, by inserting before line 18 the
6 following:

7 'Sec. LOCAL REFERENDUM. If a local sub-
8 division decides to exceed the budget guideline
9 established by this Act, after a second hearing, a
10 petition may be filed calling for a referendum on
11 the issue.

12 Such a petition must be filed within ten days
13 after a second hearing. A number of eligible elect-
14 ors equal to one percent of the number of votes cast
15 for the governor in the last general election must
16 be secured.

17 The referendum must be held within ten days
18 after the filing of the petition.

19 The question shall be stated as follows:

20 Shall the certified budget of (name of political

21 subdivision) be limited to not more than allowable
22 growth guideline established by the General Assembly?
23 If a majority of votes cast for and against the
24 proposition favors the allowable growth guideline
25 limitation the county auditor shall adjust the
26 certified budget of such political subdivision
27 accordingly and certify such changes to the govern-
28 ing body of the political subdivision.'"

ROGER J. SHAFF

S—5067

1 Amend the Junkins, et al., amendment, S—5054, to
2 Senate File 1062 as follows:
3 1. Page 3, after line 16 by inserting the
4 following new paragraph:
5 "5. Page 5, by inserting before line 18 the
6 following:
7 'Sec. DECREASED LEVY. If a political
8 subdivision decides after a second hearing to
9 exceed the allowable growth guidelines established
10 by this Act, the maximum levy allowed for each fund
11 in the proposed budget of the political subdivision
12 as provided by law shall be decreased by twenty
13 percent.'"

ROGER J. SHAFF

S—5059

1 Amend Senate File 1064 as follows:
2 1. Page 1, by striking lines 1 through 5.

CLOYD ROBINSON

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:20
p.m., until 9:30 a.m., Thursday, February 5, 1976.

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, FEBRUARY 5, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Kenneth Gehling, pastor of the St. John's Catholic Church, Independence, Iowa.

The Journal of Wednesday, February 4, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from Clarinda High School, Clarinda, Iowa, accompanied by their instructor, Ken Stites. Senator Hultman.

Thirty-three students from Warren Harding Junior High School, Des Moines, Iowa. Senator Palmer.

PETITIONS

The following petitions have been presented and placed on file:

By Senator Hill of Jasper from thirty-five residents of Polk County, favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Jasper from twenty-seven residents of Dallas County favoring Senate File 67 which would regulate the practice of massage.

By Senator Coleman from one hundred forty-four residents

of Humboldt County favoring legislation to raise the drinking age to nineteen.

By Senator Bergman from twenty-four residents of Dickinson County favoring legislation to raise the drinking age to nineteen.

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

February 3, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Louise Moon, Des Moines, Polk County, Iowa, for appointment as a member of the State Soil Conservation Committee pursuant to Section 467A.4, 1975 Code of Iowa, for an unexpired term ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

SPECIAL ORDER CONTINUED

Senate File 1062

The Senate resumed consideration of Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Senator Gluba asked and received unanimous consent to withdraw amendment S—5068 filed by him on February 4, 1976, and found on pages 252 and 253 of the Senate Journal.

Senator Hill of Jasper offered amendment S—5036 by the committee on state government and moved its adoption:

S—5036

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 3, line 10, by inserting after the word
- 3 “governor” the words “, subject to confirmation by the
- 4 senate”.

Amendment S—5036 was adopted.

Senator Junkins offered amendment S—5054 filed by Senators Junkins, et al.:

S—5054

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 “other” the word “local”.
- 4 2. Page 1, by striking lines 24 through 30, inclu-
- 5 sive, and inserting in lieu thereof the following:
- 6 “4. ‘Allowable growth guideline’ means an increase
- 7 in the proposed expenditures in the budget of a
- 8 political subdivision for a fiscal year equal to seven
- 9 percent of the proposed expenditures in the certified
- 10 budget of such political subdivision for the base
- 11 year.
- 12 5. ‘Person’ means eligible elector as defined
- 13 in section thirty-nine point three (39.3) of the
- 14 Code.”
- 15 3. By striking page 1, line 31 through page 4,
- 16 line 21, and inserting in lieu thereof the following:
- 17 “Sec. 2. BUDGET PROCESS—NOTICE AND PUBLIC
HEARING.
- 18 In addition to the requirements of chapters twenty-
- 19 four (24) and three hundred eighty-four (384), division
- 20 two (II), of the Code relating to the publication
- 21 of notice and public hearing on a budget of a political
- 22 subdivision, the public notice of a hearing on a
- 23 budget shall include the following information:
- 24 1. The percentage and the dollar amount increase
- 25 or decrease for the total budget of the political
- 26 subdivision.
- 27 2. The percentage and the dollar amount increase
- 28 or decrease of each fund included in the proposed
- 29 budget.
- 30 3. A statement showing the allowable growth
- 31 guideline established by the general assembly and
- 32 the dollar amount of increase represented by such
- 33 guideline for the proposed budget of the political
- 35 subdivision.
- 35 4. A statement of the major reasons for the
- 36 proposed increases in the budget.
- 37 5. A comparison of the percentages and dollar

38 amounts proposed to be expended with the percentages
39 and dollar amounts expended during the preceding
40 fiscal year.

41 The provisions of this section shall not apply
42 to publication of notice for a hearing on a budget
43 for the fiscal year beginning July 1, 1976 required
44 under section twenty-four point nine (24.9) or three
45 hundred eighty-four point sixteen (384.16) of the
46 Code if the notice of hearing has been published
47 before the effective date of this Act, but this sec-
48 tion shall apply to any other notice for a hearing
49 on a budget or amendment to a budget required by this
50 Act or other provision of law for the fiscal years

Page 2

1 beginning July 1, 1976 and July 1, 1977.

2 **Sec. 3. ALLOWABLE GROWTH GUIDELINE EXCEEDED—**

3 **ADDITIONAL PUBLIC HEARING.** If a political subdivision

4 approves a budget which exceeds the allowable growth
5 guideline following the public hearing required under
6 chapter twenty-four (24) or three hundred eighty-four
7 (384), division two (II), of the Code the governing
8 body of such political subdivision shall withhold
9 certification of such budget to the county auditor
10 for at least seven days following such approval.

11 If, during the seven days following approval of the
12 budget, a valid petition signed by at least five
13 persons who are affected by the budget of a political
14 subdivision having a population of one hundred persons
15 or less, at least ten persons who are affected by
16 the budget of a political subdivision having a
17 population of more than one hundred but not more than
18 five hundred persons, or at least twenty-five persons
19 who are affected by the budget of a political
20 subdivision having a population of more than five
21 hundred persons, is filed with the governing body
22 of a political subdivision requesting another public
23 hearing, the governing body shall publish notice of
24 and conduct such public hearing not later than April
25 fifth. The date, time and location of the public
26 hearing and the information required to be published
27 under section two (2) of the Act, shall be published
28 in a newspaper having general circulation throughout
29 the political subdivision not less than five days
30 before the date specified for such hearing.

31 Thereafter, the budget shall be approved and certified,
32 with or without changes that may be made after the
33 hearings, to the county auditor not later than April
34 fifth.

35 **Sec. 4. EXCEPTION TO DATES FOR BUDGET APPEAL**

36 Notwithstanding sections twenty-four point twenty-
37 seven (24.27) through twenty-four point thirty-two
38 (24.32), inclusive, and three hundred eighty-four
39 point nineteen (384.19) of the Code, persons affected

40 by a certified budget of a political subdivision
41 which has exceeded the allowable growth guideline,
42 shall have ten days following certification of such
43 budget to file a petition to appeal to the state
44 appeal board. All other time limitations or dates
45 specified in sections twenty-four point twenty-seven
46 (24.27) through twenty-four point thirty-two (24.32),
47 inclusive, and three hundred eighty-four point nineteen
48 (384.19) of the Code shall be correspondingly changed
49 or extended to allow the same amount of time for the
50 protest hearing and the decision of the state board

Page 3

1 that would exist had the appeal to the state appeal
2 board been filed as provided in section twenty-four
3 point twenty-seven (24.27) or three hundred eighty-
4 four point nineteen (384.19) of the Code.
5 Sec. 6. BUDGET APPEAL NOT AFFECTED. The provisions
6 of this Act shall not be construed to prohibit or
7 affect a protest filed with the state appeal board
8 against a budget which has not equalled or exceeded
9 the allowable growth guideline provided for in this
10 Act.”
11 4. Page 5, by inserting after line 17 the
12 following:
13 “Sec. BUDGETS AFFECTED. The provisions of
14 this Act shall apply to the budgets of a political
15 subdivision for the fiscal years beginning July 1,
16 1976 and July 1, 1977.”
17 5. By renumbering sections to conform to this
18 amendment.
19 6. Amend the title, line 1, by striking the words
20 “limitations” and inserting in lieu thereof the words
21 “hearing procedures and budget expenditure guide-
22 lines”.

Senator Rodgers offered amendment S—5061 to amendment
S—5054 filed by him and moved its adoption:

S—5061

1 Amend the Junkins, et al., amendment, S—5054,
2 to Senate File 1062 as follows:
3 1. Page 1, line 11, by adding after the word
4 “year.” the following: “In no event shall the
5 allowable growth guideline permit an increase
6 in proposed expenditures in excess of the expend-
7 itures authorized under the property tax limitations
8 otherwise provided by law.”

Amendment S—5061 to amendment S—5054 was adopted.

Senator Rodgers offered amendment S—5069 to amendment
S—5054 filed by Senators Rodgers and Junkins and moved its
adoption:

S—5069

1 Amend the amendment, S—5054, to Senate File 1062
2 as follows:

3 1. Page 1, by striking lines 24 through 29 and
4 inserting in lieu thereof the following:

5 "1. The percentage and the dollar amount of increase
6 or decrease over the current total budget
7 appropriations as amended to the date of the hearing
8 or proposed to be amended by that date resulting from
9 the total proposed budget of the political subdivision.

10 2. The percentage and the dollar amount of increase
11 or decrease for each fund included in the proposed
12 budget, over current year appropriations to each fund,
13 as amended to date or proposed to be amended by that
14 date."

15 2. Page 1, line 36, after the word "increases"
16 by inserting the words "or decreases".

17 3. Page 1, by inserting after line 40 the
18 following:

19 "6. A comparison of the percentage and dollar
20 amounts proposed to be raised by property taxes with
21 the percentages and dollar amounts raised during
22 the preceding fiscal year."

23 4. Page 2, line 13, by striking the words "affected
24 by the budget" and inserting in lieu thereof the word
25 "residents".

26 5. Page 2, lines 15 and 16, by striking the words
27 "affected by the budget" and inserting in lieu thereof
28 the word "residents".

29 6. Page 2, line 19, by striking the words "affected
30 by the budget" and inserting in lieu thereof the word
31 "residents".

32 7. Page 3, line 5, by striking the number "6"
33 and inserting in lieu thereof the number "5".

34 8. Page 3, by inserting after line 16 the
35 following:

36 "Sec. The state comptroller shall provide
37 within one week of the effective date of this Act
38 instructions and the applicable standard form of
39 notice to be used for compliance with this Act to
40 each clerk, secretary, or auditor of each political
41 subdivision.

42 5. Page 5, by striking lines 12 through 17 and
43 inserting in lieu thereof the following:

44 Sec. SPECIAL CHARTERED CITIES. It is the
45 intention of the general assembly that the provisions
46 of this Act shall apply to special chartered cities.
47 The state appeal board may adopt such rules relating
48 to budget forms and procedures as the state appeal
49 board deems necessary to carry out the provisions
50 of this Act regarding special chartered cities."

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1 9. By renumbering sections to comply with this
2 amendment.

Amendment S—5069 to amendment S—5054 was adopted.

Senator Curtis withdrew the following amendment S—5077:

S—5077

1 Amend the amendment, S—5054, to Senate File 1062
2 as follows:

3 1. By striking page 2, line 35 through page 3,
4 line 10, and inserting in lieu thereof the following:

5 "Sec. 4. LOCAL BUDGET REVIEW BOARD. There is
6 created in each county a local budget review board
7 which shall be composed of five members who are
8 residents of the county. The members of the board
9 shall be selected as follows:

10 1. One member shall be a mayor of an incorporated
11 city located within the county selected by a con-
12 vention of the mayors of all incorporated cities
13 located within the county.

14 2. One member shall be a member of a board of
15 directors of a school district located within the
16 county selected by a convention of the members of
17 the boards of directors of all school districts located
18 within the county.

19 3. One member shall be an elector of the county
20 representing the general public selected by the members
21 of the board of supervisors.

22 4. One member shall be a person representing the
23 general public selected by a convention of the members
24 of the boards of directors of all school districts
25 located within the county.

26 5. One member shall be a person representing the
27 general public selected by a convention of the mayors
28 of all incorporated cities located within the county.

29 A member of the county compensation board selected
30 to represent the general public pursuant to subsections
31 three (3), four (4) and five (5) of this section shall
32 not be an employee or officer of a state government,
33 or a political subdivision of a state, or related
34 within the third degree of consanguinity to any such
35 governmental employee or officer.

36 Sec. 5. CONVENTIONS CALLED. The county auditor
37 shall convene the conventions of the mayors and the
38 boards of directors of the school districts as soon
39 as possible after the effective date of this Act,
40 by written notice stating the date, time and location
41 of each convention meeting to each person eligible
42 to attend the convention. When a vacancy exists which
43 must be filled by a convention, the county auditor
44 shall convene a special meeting of such convention
45 within ten days after the county auditor becomes aware
46 of the vacancy.

47 If the boundaries of a school district or a city
48 extend into more than one county, a member of the
49 board of directors of such school district or the
50 mayor of such city shall be a member of the convention

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1 of the boards of directors or the mayors in the county
2 of the director's or mayor's residence only.

3 Sec. 6. CONVENTION ORGANIZED. Each convention
4 of the boards of directors or mayors shall organize
5 by electing a chairperson and such other officers
6 as deemed necessary from among its membership. Each
7 member of the local budget review board to be selected
8 by the convention shall be elected by a majority vote
9 of the members of such convention.

10 Sec. 7. BOARD ORGANIZATION—EXPENSES. The local
11 budget review board shall elect a chairperson and
12 vice chairperson annually from among its membership.
13 The board shall meet at the call of the chairperson
14 or upon written request of a majority of its
15 membership. The concurrence of a majority of the
16 members of the board shall determine any matter
17 relating to its duties.

18 The board of supervisors shall provide the necessary
19 office facilities and the technical and clerical
20 assistance requested by the board to accomplish the
21 purposes of this Act.

22 In addition to any circumstance which constitutes
23 a vacancy under section sixty-nine point two (69.2)
24 of the Code, a vacancy shall exist on the board if
25 any member who is also an elective public officer
26 ceases to hold the elective office under which such
27 officer originally qualified for membership or if
28 any member of such board who is selected under
29 subsections three (3), four (4) and five (5) of section
30 four (4) of this Act becomes an employee or officer
31 of a state government or a political subdivision of
32 a state or is related within the third degree of
33 consanguinity of any such governmental employee or
34 officer.

35 The members of the board shall receive no
36 compensation but they shall be reimbursed for their
37 actual and necessary expenses incurred in the
38 performance of their official duties.

39 Sec. 8. EXPENSE OF BOARD. The expenses of the
40 local budget review board members, the salaries and
41 expenses of any technical and clerical assistance,
42 and the cost of providing any facilities shall be
43 paid from the general fund of the county.

44 Sec. 9. DUTIES OF BOARD. If the certified budget
45 of a political subdivision exceeds the allowable
46 growth guideline, a number of persons in any political
47 subdivision equal to one-fourth of one percent of
48 those voting for the office of president of the United
49 States or governor, as the case may be, at the last
50 general election in such political subdivision, but

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1 in no event less than ten, who are affected by the
2 budget, may appeal from any decision of the governing

3 board of the political subdivision by filing with
4 the county auditor of the county in which the political
5 subdivision is located, a written protest setting
6 forth their objections to such budget and the grounds
7 for such objections within ten days after the budget
8 is certified. Upon the filing of such protest, the
9 county auditor shall immediately prepare a true and
10 complete copy of the written protest and transmit
11 such copy and a copy of the budget to the local budget
12 review board. The local budget review board shall
13 fix a date for a hearing on the protest and notify
14 the governing body of the political subdivision and
15 the first ten persons whose names appear on the
16 protest. At such hearing, the burden shall be upon
17 the protestors with reference to any proposed item
18 in the budget which was included in the budget of
19 the preceding year and which such protestors propose
20 to reduce or exclude, but the burden shall be upon
21 the governing body of the political subdivision to
22 show that any new item in the budget or any increase
23 in any item of the budget is necessary, reasonable,
24 and in the interest of the public welfare. The appeal
25 shall be decided by the board within two weeks after
26 the date of hearing. The decision on the appeal shall
27 be certified to the county auditor or auditors in
28 which the political subdivision is located and the
29 decision shall be final.

30 The appeal to the budget of a political subdivision
31 which is located in more than one county shall be
32 taken to the local budget review board of the county
33 in which the largest portion of the territory of such
34 political subdivision is located.

35 Sec. 10. APPEAL TO STATE APPEAL BOARD NOT
36 APPLICABLE. The provisions of sections twenty-four
37 point twenty-seven (24.27) through twenty-four point
38 thirty-two (24.32) of the Code shall not apply to
39 budgets of political subdivisions of this state for
40 the fiscal years beginning July 1, 1976 and July 1,
41 1977."

42 2. By renumbering sections and internal references
43 to sections to conform to this amendment.

Senator Shaff offered amendment S—5065 to amendment
S—5054 filed by Senator Shaff, moved its adoption and requested
a record roll call:

S—5065

1 Amend the Junkins, et al., amendment, S—5054, to
2 Senate File 1062 as follows:

3 1. Page 3, after line 16 by inserting the
4 following new paragraph:

5 "5. Page 5, by inserting before line 18 the
6 following:

7 "Sec. LOCAL REFERENDUM. If a local sub-

8 division decides to exceed the budget guideline
 9 established by this Act, after a second hearing, a
 10 petition may be filed calling for a referendum on
 11 the issue.

12 Such a petition must be filed within ten days
 13 after a second hearing. A number of eligible elect-
 14 ors equal to one percent of the number of votes cast
 15 for the governor in the last general election must
 16 be secured.

17 The referendum must be held within ten days
 18 after the filing of the petition.

19 The question shall be stated as follows:

20 Shall the certified budget of (name of political
 21 subdivision) be limited to not more than allowable
 22 growth guideline established by the General Assembly?

23 If a majority of votes cast for and against the
 24 proposition favors the allowable growth guideline
 25 limitation the county auditor shall adjust the
 26 certified budget of such political subdivision
 27 accordingly and certify such changes to the govern-
 28 ing body of the political subdivision."

On the question "Shall amendment S—5065 to amendment
 S—5054 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 24:

Andersen	Heying	Nystrom	Scott
Bergman	Hultman	Plymat	Shaff
Burroughs	Lamborn	Ramsey	Sovern
Coleman	Miller of	Robinson	Taylor
Curtis	Marshall	Rodgers	Tieden
Griffin	Murray	Schwengels	Winkelman
Hansen			

Nays, 23:

Carr	Gluba	Merritt	Palmer
Culver	Hill of Jasper	Miller of	Priebe
DeKoster	Hill of Polk	Des Moines	Rabedeaux
Doderer	Junkins	Nolting	Redmond
Gallagher	Kelly	Norpel	Shaw
Glenn	Kinley	Orr	Willits

Absent or not voting, 3:

Briles	Nolin	Van Gilst
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Amendment S—5065 to amendment S—5054 was adopted.

Senator Junkins asked unanimous consent that further action
 on amendment S—5054 as amended be temporarily deferred.

Objection was raised.

Senator Junkins moved that further action on amendment
 S—5054 as amended be temporarily deferred.

A record roll call was requested.

On the question "Shall further action on amendment S—5054 as amended be temporarily deferred?" (S.F. 1062) the vote was:

Ayes, 31:

Andersen	Gluba	Miller of	Redmond
Carr	Heying	Des Moines	Robinson
Coleman	Hill of Jasper	Nolting	Rodgers
Culver	Hultman	Norpel	Schwengels
Curtis	Junkins	Orr	Scott
Doderer	Kelly	Palmer	Sovern
Gallagher	Kinley	Priebe	Tieden
Glenn	Merritt	Rabedeaux	Willits

Nays, 16:

Bergman	Hill of Polk	Murray	Shaff
Burroughs	Lamborn	Nystrom	Shaw
DeKoster	Miller of	Plymat	Taylor
Griffin	Marshall	Ramsey	Winkelman
Hansen			

Absent or not voting, 3:

Briles	Nolin	Van Gilst
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The motion prevailed.

Senator Rabedeaux withdrew amendment S—5079:

S—5079

- 1 Amend Senate File 1062 as follows:
- 2 1. Title page by striking line 3.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

The Senate resumed consideration of Senate File 1062 and the Junkins, et al., amendment as amended.

Senator Shaff withdrew amendment S—5067 to amendment S—5054 filed by him:

S—5067

- 1 Amend the Junkins, et al., amendment, S—5054, to
- 2 Senate File 1062 as follows:
- 3 1. Page 3, after line 16 by inserting the
- 4 following new paragraph:
- 5 "5. Page 5, by inserting before line 18 the
- 6 following:
- 7 'Sec. DECREASED LEVY. If a political
- 8 subdivision decides after a second hearing to
- 9 exceed the allowable growth guidelines established
- 10 by this Act, the maximum levy allowed for each fund

11 in the proposed budget of the political subdivision
12 as provided by law shall be decreased by twenty
13 percent.'"

Senator Ramsey offered amendment S—5072 to amendment S—5054 filed by him:

S—5072

1 Amend the amendment, S—5054, to Senate File 1062

2 as follows:

3 1. Page 3, by inserting after line 16 the
4 following:

5 "Sec. STATE BUDGET LIMITATIONS.

6 1. It is the intention of the general assembly
7 that the provisions of this Act shall apply to state
8 administrative costs paid from the general fund of
9 the state. To determine the total administrative
10 costs of the state to which the allowable growth
11 guideline shall apply, there shall be subtracted
12 from the total state budget the direct and indirect
13 state grants or aids made to local governments of
14 the state and payments made directly to individuals.
15 The state comptroller shall prepare the necessary
16 working papers, defining the state administrative
17 costs subject to limitation, and such working papers
18 shall be filed with the legislative fiscal director
19 by October 1, 1976.

20 2. If the state administrative costs subject to
21 limitation exceed the allowable growth guideline as
22 provided in this Act, the budget of any political
23 subdivision may exceed the allowable growth guideline
24 by the same percentage and such political subdivision
25 shall be exempt from the provisions of section three
26 (3) of this Act if its budget's percentage growth
27 does not exceed the percentage growth of the state
28 administrative costs.

29 3. The provisions of this section shall apply
30 to the budgets prepared for the fiscal year beginning
31 July 1, 1977."

32 2. Page 3, by striking lines 19 through 22, and
33 inserting in lieu thereof the following:

34 "6. Amend the title, line 1, by inserting after
35 the word 'for' the words 'the state and'."

36 3. By renumbering sections to conform to this
37 amendment.

Senator Junkins raised the point of order that amendment S—5072 to amendment S—5054 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5072 to amendment S—5054 in order.

Senator Ramsey moved the adoption of amendment S—5072 to amendment S—5054 and requested a record roll call.

On the question "Shall amendment S—5072 to amendment S—5054 be adopted?" (S.F. 1062) the vote was:

Ayes, 34:

Bergman	Griffin	Murray	Scott
Briles	Hansen	Norpel	Shaff
Burroughs	Hill of Polk	Nystrom	Shaw
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Plymat	Taylor
Curtis	Kelly	Priebe	Tieden
DeKoster	Lamborn	Ramsey	Van Gilst
Doderer	Miller of	Robinson	Winkelman
Gallagher	Marshall	Schwengels	

Nays, 14:

Andersen	Heying	Miller of	Redmond
Culver	Hill of Jasper	Des Moines	Rodgers
Glenn	Kinley	Nolting	Willits
Gluba	Merritt	Palmer	

Absent or not voting, 2:

Nolin	Rabedeaux
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Amendment S—5072 to amendment S—5054 was adopted.

Senator Robinson offered amendment S—5074 to amendment S—5054 filed by Senators Robinson, Rodgers and Schwengels and moved its adoption:

S—5074

- 1 Amend the Junkins, et al., amendment S—5054,
- 2 to Senate File 1062 as follows:
- 3 1. Page 3, by adding after line 16 the following:
- 4 "5. Page 4, by adding after line 21 the following:
- 5 'Section It is hereby designated to be the
- 6 intent of this Act that the public interest demands that
- 7 the governor research and analyze matters pertaining to
- 8 local government services and funding sources and to
- 9 report the findings and recommendations to the general
- 10 assembly by September 15, 1977.
- 11 Sec. The suggested matters that follow are
- 12 for reference and are not in order of priority and does
- 13 not necessarily include all matters that can be pro-
- 14 perly included in the research and analysis helpful in
- 15 fulfilling the intent of this Act. The reference
- 16 matters are:
- 17 —the nature of local government services.
- 18 —which level of government should provide what
- 19 services.
- 20 —who should pay for these services.
- 21 —how should different types and kinds of pro-
- 22 perty be valued and equalized for assessment
- 23 purposes.
- 24 —what, if any, budget limitations should be
- 25 posed.
- 26 —which, if any, local services should be financed

- 27 by state aid.
 28 —the economics and effectiveness of the delivery
 29 of services to people.
 30 —the merits of local option taxation.
 31 —the budgeting procedures and mechanisms of local
 32 governments.
 33 Sec. The governor shall transmit the recom-
 34 mendations of the task force accompanied by proposed
 35 legislation necessary to carry out the recommendations
 36 of the Sixty-seventh General Assembly no later than
 37 September 15, 1977. Copies of the recommendations and
 38 of the recommended legislation shall be transmitted to
 39 the president of the senate and speaker of the house of
 40 representatives whereupon the respective presiding
 41 officer shall within ten (10) legislative days after the
 42 date of receipts, assign the proposed legislation to the
 43 appropriate standing committee for committee consider-
 44 ation.
 45 Sec. The governor is hereby authorized to
 46 employ such professional, technical, and administrative
 47 assistance as shall be necessary to accomplish the
 48 purpose of this Act.
 49 Sec. There is hereby created a task force

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- 1 composed of twelve members, who are interested and
 2 knowledgeable in affairs of local government. All
 3 members shall be appointed by the governor to serve
 4 at his pleasure. No member shall hold any other
 5 state position. Any vacancy in the membership of
 6 the task force shall be filled by appointment in the
 7 same manner and ratio as the original appointments.
 8 The members of the task force shall receive their
 9 actual and necessary expenses to be audited by the
 10 comptroller.'"
 11 2. Page 3, line 17, by striking the figure "5.",
 12 and inserting in lieu thereof the figure "6."
 13 3. Page 3, line 19, by striking the figure "6.",
 14 and inserting in lieu thereof the figure "7."

A record roll call was requested.

On the question "Shall amendment S—5074 to amendment S—5054 be adopted?" (S.F. 1062) the vote was:

Ayes, 45:

Andersen	Gallagher	Kelly	Norpel
Bergman	Glenn	Kinley	Nystrom
Briles	Gluba	Lamborn	Orr
Burroughs	Griffin	Merritt	Palmer
Carr	Hansen	Miller of	Plymat
Coleman	Heying	Des Moines	Priebe
Culver	Hill of Polk	Miller of	Rabedeaux
Curtis	Hultman	Marshall	Ramsey
DeKoster	Junkins	Murray	Robinson

Rodgers
Schwengels
Scott

Shaff
Shaw
Sovern

Taylor
Tieden
Van Gilst

Willits
Winkelman

Nays, 3:

Doderer

Hill of Jasper

Redmond

Absent or not voting, 2:

Nolin

Nolting

Amendment S—5074 to amendment S—5054 was adopted.

Senator Ramsey withdrew the following amendment S—5080 to amendment S—5054:

S—5080

- 1 Amend the amendment, S—5054, to Senate File 1062,
- 2 by striking page 2, line 2 through page 3, line 4.

Senator Priebe offered amendment S—5081 to amendment S—5054 by Senators Priebe and Scott:

S—5081

- 1 Amend the amendment, S—5054, to Senate File 1062,
- 2 page 3, by inserting after line 4 the following:
- 3 "Sec. TAX LEVY APPORTIONED. Notwithstand-
- 4 ing the provisions of chapters four hundred forty-
- 5 three (443) and four hundred forty-four (444) of the
- 6 Code, a class of property subject to taxation within
- 7 a county shall not pay a dollar amount of property
- 8 tax for the fiscal years beginning July 1, 1976 and
- 9 July 1, 1977, which is less than the dollar amount
- 10 of property tax paid in the base year plus a dollar
- 11 amount of property tax equivalent to percentage of
- 12 growth in the budgets of the political subdivisions
- 13 to be derived from property taxation. The county
- 14 auditor shall apportion the amount of property tax
- 15 dollars to be collected among the classes of taxable
- 16 property in the manner provided for in this section
- 17 and the consolidated tax rate for each class of
- 18 property so determined shall be levied and collected."

Senator Hill of Polk raised the point of order that amendment S—5081 to amendment S—5054 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5081 to amendment S—5054 out of order.

Senator Redmond withdrew amendment S—5083 to amendment S—5054:

S—5083

- 1 Amend the Junkins, et al., amendment, S—5054, to
- 2 Senate File 1062 as follows:
- 3 1. Page 3, by inserting after line 5 the

4 following:

5 "Sec. 5. PROPERTY TAX CARRYOVER. Political
6 subdivisions adopting a budget for the base fis-
7 cal year July 1, 1976 and ending June 30, 1977
8 which does not cause the property tax levy com-
9 puted in dollars to exceed the allowable growth
10 guidelines established by this Act may levy pro-
11 perty taxes for the succeeding fiscal year in ex-
12 cess of the allowable growth guideline and be exempt
13 from the provisions of section three (3), of this
14 Act. This exemption shall be applicable only if
15 the additional property tax levy does not raise
16 in dollars an amount that exceeds the allowable
17 growth guideline for the succeeding fiscal year
18 and the difference between the amount in dollars
19 which the political subdivision levied during the
20 base fiscal year and the amount in dollars which
21 the political subdivision could have levied and
22 not exceed the allowable growth guideline."

Senator Gluba offered amendment S—5088 to amendment
S—5054 by Senators Gluba, Griffin and Junkins:

S—5088

1 Amend the Junkins, et al., amendment S—5054 to
2 Senate File 1062 as follows:

3 1. Page 3, by inserting after line 16 the follow-
4 ing:

5 "Section Section four hundred twenty-two point
6 sixty-nine (422.69), Code 1975, is amended by adding
7 the following new subsection:

8 **NEW SUBSECTION.** During the last quarter of each
9 fiscal year the amounts specified in this subsection
10 from the gross receipts from the sales tax collected
11 under division four (IV) of this chapter for the
12 fiscal year shall be transferred to the local tax
13 fund hereby created in the office of the treasurer
14 of state. The remainder of the net receipts from
15 the sales tax shall be credited to the general fund
16 of the state.

17 a. For the fiscal year beginning July 1, 1975,
18 an amount equal to twenty percent of the net receipts
19 from one-third of the sales tax.

20 b. For the fiscal year beginning July 1, 1976,
21 an amount equal to forty percent of the net receipts
22 from one-third of the sales tax.

23 c. For the fiscal year beginning July 1, 1977,
24 an amount equal to sixty percent of the net receipts
25 from one-third of the sales tax.

26 d. For the fiscal year beginning July 1, 1978,
27 an amount equal to eighty percent of the net receipts
28 from one-third of the sales tax.

29 e. For the fiscal year beginning July 1, 1979
30 and each succeeding fiscal year, an amount equal to
31 one-third of the sales tax.

32 Annually, the treasurer of state shall transfer
33 **three-fourths of the funds in the local tax fund to**
34 **the municipal assistance fund created by section four**
35 **hundred five point one (405.1) of the Code. The**
36 **remainder of the funds in the local tax fund shall**
37 **be transferred to the county government assistance**
38 **fund.**

39 **Sec. NEW SECTION. There is created a 'county**
40 **government assistance fund' in the office of the**
41 **treasurer of state. The moneys appropriated to such**
42 **fund shall be used to provide financial assistance**
43 **to counties.**

44 On or before December fifteenth of each year, the
45 state comptroller shall distribute the funds in the
46 county government assistance fund to each county in
47 the state in the proportion that the population
48 residing in the unincorporated area of each county
49 is to the total population residing in unincorporated

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1 areas of all of the counties.

2 For purposes of this section 'population' shall
3 be based on the most recent federal census.

4 **Sec. NEW SECTION. CITY PROPERTY TAX RELIEF.**

5 All moneys received by a city under the provisions of
6 this Act shall be deposited in the general fund of the
7 city and may be expended for any lawful city purpose.
8 However, the city treasurer, or another city official
9 designated by the council, shall credit one-fourth of
10 the moneys received to a special account for property
11 tax relief. Before the levies authorized under
12 section three hundred eighty-four point one (384.1) of
13 the Code are certified to the county auditor, the
14 certifying official shall subtract from the total
15 amount computed in dollars, as provided in section
16 four hundred forty-four point two (444.2) of the Code,
17 an amount equal to the amount credited to the special
18 account for property tax relief during the last pre-
19 ceding twelve-month period, and shall certify only the
20 net amount to the county auditor and board of super-
21 visors. The limit on a city's tax levy for the
22 general fund, as stated in section three hundred eighty-
23 four point one (384.1) of the Code, shall be reduced
24 each year by the levy which would be necessary to
25 replace the amount credited to the special account for
26 property tax relief during the last preceding twelve-
27 month period. The county auditor shall base the levies
28 authorized under section four hundred forty-four point
29 three (444.3) of the Code upon the net amount so
30 computed. In order for a city to be qualified to
31 receive remittances in succeeding fiscal years from
32 the treasurer of state under this Act, the city clerk,
33 before July 15, 1977, and July fifteenth of each
34 succeeding year, shall certify to the treasurer of
35 state that the required reduction in the amount certi-

36 fied to the county auditor and board of supervisors
37 for city taxes has been made.

38 Moneys which become available in any succeeding
39 fiscal year because a city has failed to comply with
40 the provisions of this Act shall be apportioned among
41 the other cities in the manner provided in this Act.

42 Sec. **NEW SECTION. COUNTY PROPERTY TAX RE-**
43 **LIEF.** All moneys received by a county under the
44 provisions of this Act may be expended for any law-
45 ful county government purpose. However, the county
46 treasurer shall credit one-fourth of the moneys
47 received to a special account for property tax relief.
48 Before the levies authorized under section four
49 hundred forty-four point nine (444.9) of the Code are
50 made, the board of supervisors shall subtract from

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1 the total amount computed in dollars, as provided in
2 section four hundred forty-four point two (444.2) of
3 the Code, an amount equal to the amount credited to
4 the special account for property tax relief during
5 the last preceding twelve-month period, and shall
6 base the levies authorized under section four
7 hundred forty-four point nine (444.9) of the Code
8 upon the net amount so computed. In order for a
9 county to be qualified to receive remittances in
10 succeeding fiscal years from the treasurer of state
11 under this Act, the board of supervisors, before
12 July fifteenth of each year, shall certify to the
13 treasurer of state that the required reduction has
14 been made.

15 Moneys which become available in any succeeding
16 fiscal year because a county has failed to comply
17 with the provisions of this Act shall be apportioned
18 among the remaining counties in the manner provided
19 in this Act.

20 Sec. **NEW SECTION.** This Act shall apply when
21 the proposed budget of any city or county exceeds
22 one (1) per cent of the preceding fiscal year's budget
23 of any city or county subject to the provisions of
24 this Act."

25 2. Page 3, by striking line 22 and inserting
26 in lieu thereof the words "lines and financial assist-
27 ance".

Senator Rodgers raised the point of order that amendment S—5088 to amendment S—5054 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5088 to amendment S—5054 in order.

Senator Glenn took the chair at 4:45 p.m.

Senator Gluba moved the adoption of amendment S—5088 to amendment S—5054, and requested a record roll call.

On the question "Shall amendment S—5088 to amendment S—5054 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 13:

Andersen	Kelly	Orr	Robinson
Carr	Kinley	Palmer	Willits
Gluba	Miller of	Redmond	
Griffin	Des Moines		
Junkins			

Nays, 36:

Bergman	Hansen	Murray	Schwengels
Briles	Heying	Nolting	Scott
Burroughs	Hill of Jasper	Norpel	Shaff
Coleman	Hill of Polk	Nystrom	Shaw
Culver	Hultman	Plymat	Sovern
Curtis	Lamborn	Priebe	Taylor
DeKoster	Merritt	Rabedaux	Tieden
Doderer	Miller of	Ramsey	Van Gilst
Gallagher	Marshall	Rodgers	Winkelman
Glenn			

Absent or not voting, 1:

Nolin

Amendment S—5088 to amendment S—5054 lost.

President pro tempore Doderer took the chair at 5:23 p.m.

Senator Junkins moved the adoption of amendment S—5054 as amended, and requested a record roll call.

On the question "Shall amendment S—5054 as amended be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	Gallagher	Merritt	Redmond
Bergman	Gluba	Murray	Robinson
Briles	Griffin	Orr	Schwengels
Carr	Junkins	Palmer	Sovern
Coleman	Kelly	Priebe	Willits
Culver	Kinley	Rabedaux	

Nays, 26:

Burroughs	Hill of Polk	Nolting	Shaff
Curtis	Hultman	Norpel	Shaw
DeKoster	Lamborn	Nystrom	Taylor
Doderer	Miller of	Plymat	Tieden
Glenn	Des Moines	Ramsey	Van Gilst
Hansen	Miller of	Rodgers	Winkelman
Heying	Marshall	Scott	
Hill of Jasper			

Absent or not voting, 1:

Nolin

Amendment S—5054 as amended lost.

(Senate File 1062 pending on adjournment.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5054 to Senate File 1062 failed to be adopted by the Senate on February 5, 1976.

CHARLES P. MILLER

INTRODUCTION OF BILL

Senate File 1091, by Senators Plymat, Shaff, Hill of Jasper, Miller of Marshall, Van Gilst, Andersen, Bergman, Rodgers, Priebe, Heying, Robinson, Nystrom, Scott, Taylor, Willits, Schwengels, Gluba and Curtis, a bill for an act relating to the offense of operating a motor vehicle while under the influence of alcohol.

Read first time and passed on file.

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

H. F. 694 County government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Vernon Spilker of Missouri Valley, Harrison County, Iowa, for appointment as a member of the Board of Certification of the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
LOUIS P. CULVER
ELIZABETH R. MILLER
KENNETH D. SCOTT
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Helen Mefferd of Laurens, Pocahontas County, Iowa, for appointment as a member of the State Board of Cosmetology Examiners

under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
WARREN E. CURTIS
GENE W. GLENN
WILLIAM D. PALMER
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ruth M. Turnis, R.N., of Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
ROBERT M. CARR
GENE W. GLENN
CALVIN O. HULTMAN
HILARIUS L. HEYING

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of February, 1976: Senate File 240.

Also:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of February, 1976: Senate File 1060.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 292**, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities, begs leave to report it has had the same under consideration and recommends the same be amended in accordance with amendment S—3536 by the committee on human

resources filed April 15, 1975, and found on pages 947-951, inclusive, of the 1975 Senate Journal, and when so amended the bill do pass.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5089

- 1 Amend the committee on agriculture amendment, S—
- 2 5044, to Senate File 368, as follows:
- 3 1. Page 3, by striking lines 36 through 40 and
- 4 inserting in lieu thereof the words "making of a sale.
- 5 The liability of the".
- 6 2. Page 4, by inserting after line 49 the
- 7 following:
- 8 **"NEW SECTION. 211.9 NONCOMPLIANCE NOT EVIDENCE.**
- 9 The election by any owner or by any livestock agency
- 10 not to provide livestock history or not to make any
- 11 verbal declaration of the history of livestock owner-
- 12 ship in a transaction shall not be admissible as
- 13 evidence in any action brought by the buyer in that
- 14 transaction, if offered by that buyer as proof of,
- 15 or as fact tending to prove any allegation or claim,
- 16 other than fraud or misrepresentation, asserted by
- 17 the buyer in that action. The prohibition contained
- 18 in this section shall apply, whether or not the
- 19 exemption created by section two (2) of this Act is
- 20 an issue in the action."

JAMES E. BRILES

S—5090

- 1 Amend Senate File 1062 as follows:
- 2 1. Title page by striking line 3.

W. R. RABEDEAUX

S—5092

- 1 Amend Senate File 1062 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 **"Section 1. NEW SECTION. AUTHORIZATION—ELECTION—**
- 5 **—IMPOSITION.**
- 6 1. A city or a county may impose local taxes
- 7 authorized by this Act, subject to this section.
- 8 2. A local tax may be imposed originally or after
- 9 a period of discontinuance, only after an election
- 10 at which a majority of those voting on the question
- 11 favors imposition, and shall then be imposed for a
- 12 minimum period of two years.
- 13 3. Subject to subsection four (4) of this section,
- 14 a city council may direct the county commissioner
- 15 of elections to submit at the next general election
- 16 the question of imposition of an authorized local
- 17 tax to the qualified electors of the city on its own

18 motion, and shall do so within sixty days from the
19 date of receipt of a petition signed by qualified
20 electors of the city equal in number to ten percent
21 or more of the persons who voted at the last preceding
22 regular city election, which requests imposition of
23 a specified type and rate of authorized local tax.
24 However, a city council which submits the question
25 on its own motion must do so not later than ninety
26 days before the date of a general election, and a
27 petition must be filed with the council not later
28 than one hundred twenty days before the date of a
29 general election.

30 4. Before a city council submits the question
31 of imposition of a local tax, it shall send written
32 notice by regular mail to the board of supervisors
33 of the county in which the city is located, or the
34 county in which the largest portion of its population
35 resides, describing the type and rate of tax proposed.
36 Within thirty days of the date of mailing the notice,
37 the board of supervisors may supersede city action
38 by directing the county commissioner of elections
39 to submit at the next general election the question
40 of imposition of the same type and rate of tax
41 countywide.

42 5. A county board of supervisors may direct the
43 county commissioner of elections to submit at the
44 next general election the question of imposition of
45 an authorized local tax to the qualified electors
46 of the county on its own motion, and shall do so
47 within thirty days from the date of receipt of a
48 petition signed by qualified electors of the county
49 equal in number to ten percent or more of the persons
50 who voted in the county at the last preceding general

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1 election, which requests countywide imposition of
2 a specified type and rate of authorized local tax.
3 However, a county board which submits the question
4 on its own motion must do so not later than sixty
5 days before the date of a general election, and a
6 petition must be filed with the board not later than
7 ninety days before the date of a general election.

8 6. Subsequent to a period during which a local
9 tax has been imposed following an election:

10 a. A city council or board of supervisors which
11 has imposed a local tax may continue to impose the
12 same type and rate of tax for two-year periods, may
13 discontinue the tax, or may direct the county com-
14 missioner of elections to resubmit the question to
15 the qualified electors of the city or county, as
16 applicable.

17 b. A city council or board of supervisors which
18 has imposed a local tax shall direct the county
19 commissioner of elections to resubmit the question
20 upon receipt of a petition which meets the requirements

21 of subsections four (4) or five (5) of this section,
22 as applicable.

23 c. If a local tax has been imposed by one or more
24 cities within a county and not by the county, the
25 county may proceed to submit the question of the same
26 type of local tax on a countywide basis, or shall
27 proceed upon petition, as provided in subsection five
28 (5) of this section, at a subsequent general election,
29 and the countywide tax, if it receives a favorable
30 vote, supersedes the same type of local tax which
31 has been imposed in one or more cities within the
32 county.

33 7. The county commissioner of elections shall
34 submit the question of imposition of a local tax only
35 at a general election.

36 8. In a city election, if a majority of those
37 voting in the city favors imposition of a local tax,
38 the council of that city shall impose the tax.

39 9. In a countywide election:

40 a. If a majority of those voting in the entire
41 county favors imposition of a local tax, the board
42 of supervisors shall impose the tax in the entire
43 county, including all cities in the county.

44 b. If a majority of those voting in the entire
45 county does not favor imposition of the tax, but a
46 majority of those voting in the unincorporated area
47 of the county favors imposition, the board of
48 supervisors shall impose the tax only in the
49 unincorporated area of the county.

50 c. If a majority of those voting in the entire

Page 3

1 county does not favor imposition of the tax, but a
2 majority of those voting in any city in the county
3 favors imposition, the council of that city shall
4 impose the tax in that city.

5 d. If a city is located in more than one county,
6 it shall be deemed to be in the county in which the
7 largest portion of its population resides, for purposes
8 of a countywide election and imposition of a countywide
9 tax.

10 10. A local tax shall be imposed or discontinued
11 only by ordinance of a city council or by resolution
12 of a board of supervisors.

13 11. If a majority of those voting in a city
14 election does not favor imposition of a local tax,
15 the city council shall not direct submission of the
16 question of imposition of the same type of local tax
17 before the next general election, and if a majority
18 of those voting in a countywide election does not
19 favor the imposition of a local tax, the board of
20 supervisors shall not submit the question of imposition
21 of the same type of local tax countywide before the
22 next general election. If a countywide election
23 fails, the city council of any city in which a majority

24 of those voting did not favor the tax shall not direct
25 submission of the question of the same type of local
26 tax before the next general election.

27 12. Not more than one of the authorized local
28 taxes may be submitted at a single election.

29 13. Except when a tax is imposed countywide, if
30 a majority of those voting in a city or in the
31 unincorporated area of a county votes against a local
32 tax that city or unincorporated area is not entitled
33 to any property tax reduction or other benefit which
34 may otherwise be extended to a city or unincorporated
35 area in which a majority of those voting favors the
36 imposition of that local tax.

37 Sec. 2. *NEW SECTION.* LOCAL INCOME TAX. An annual
38 local income tax may be imposed on every individual
39 resident taxpayer at a rate not to exceed ten percent
40 of the taxpayer's computed state individual income
41 tax for the tax year.

42 Sec. 3. *NEW SECTION.* LOCAL SALES, SERVICES AND
43 USE TAX. A local sales, services and use tax at a
44 rate of one percent may be imposed by a city or county
45 on the gross receipts taxed by the state under chapter
46 four hundred twenty-two (422), division four (IV),
47 of the Code, and the uses taxed under chapter four
48 hundred twenty-three (423) of the Code. A local
49 sales, services and use tax shall be imposed on the
50 same basis as the state sales, services and use tax

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1 and may not be imposed on the sale or use of any
2 property or on any service not taxed by the state.
3 A local sales, services and use tax is applicable
4 only to transactions within the territorial limits
5 of the city, unincorporated area of the county, or
6 county imposing it, and shall be collected by all
7 persons required to collect state gross receipts or
8 use taxes.

9 The amount of the sale, for purposes of determining
10 the amount of the local sales, services and use tax,
11 does not include the amount of any state gross receipts
12 or use taxes.

13 No tax permit other than the state tax permit
14 required under section four hundred twenty-two point
15 fifty-three (422.53) of the Code may be required by
16 local authorities.

17 Sec. 4. *NEW SECTION.* ADMINISTRATION. A local
18 sales, services and use tax shall be imposed either
19 January first or July first following a favorable
20 election and a local income tax shall be imposed
21 January first following a favorable election.

22 The director of revenue shall administer the
23 provisions of a local income tax, or sales, services
24 and use tax as nearly as possible in conjunction
25 with the administration of state income tax laws,
26 or state gross receipts and use tax laws. He shall

27 provide appropriate forms, or provide on the regular
28 state tax forms, for reporting local income tax, or
29 sales, services and use tax liability.

30 An ordinance of a city council or resolution of
31 a county board of supervisors imposing a local income
32 tax, or sales, services and use tax shall adopt by
33 reference the applicable provisions of the appropriate
34 sections of chapter four hundred twenty-two (422),
35 divisions one (I) and two (II) of the Code for a local
36 income tax, or chapter four hundred twenty-two (422),
37 division four (IV) and chapter four hundred twenty-
38 three (423) of the Code for a local sales, services
39 and use tax, and all powers of the director and
40 requirements of the director in administering the
41 state income tax law, or the state gross receipts
42 and use tax law are applicable to his administration
43 of a local income tax, or sales, services and use
44 tax law, as applicable, including but not limited
45 to powers to impose interest and penalties, and
46 requirements for hearing and appeal. Local officials
47 shall confer with the director of revenue and obtain
48 his assistance in drafting the ordinance or resolution
49 imposing a local income tax, or sales, services and
50 use tax. A certified copy of the ordinance or

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1 resolution imposing a local income tax, or sales,
2 services and use tax shall be filed with the director
3 as soon as possible after passage.

4 The director, in consultation with local officials,
5 shall collect and account for a local income tax,
6 or sales, services and use tax. The director shall
7 retain for the use of the department of revenue one
8 percent of all local income tax, or sales, services
9 and use tax receipts, to cover administrative expense,
10 and shall credit remaining local income tax, or sales,
11 services and use tax receipts to a 'local tax fund'
12 hereby established in the office of the treasurer
13 of state.

14 **Sec. 5. NEW SECTION. PAYMENT TO LOCAL GOVERN-
MENTS.**

15 The treasurer of state shall remit quarterly to the
16 cities and counties which have imposed a local income
17 tax, or sales, services and use tax, and which have
18 qualified under sections six (6) or seven (7) of this
19 Act, their share of the balance in the local tax fund.
20 The local tax fund is appropriated for this purpose.

21 **Sec. 6. NEW SECTION. CITY PROPERTY TAX RELIEF.**

22 All local income tax, or sales, services and use tax
23 moneys received by a city shall be deposited in the
24 general fund of the city and may be expended for any
25 lawful city purpose. However, the city treasurer,
26 or another city official designated by the council,
27 shall credit one-half of all local income tax, or
28 sales, services and use tax moneys received to a

29 special account for property tax relief. Before the
30 levies authorized under section three hundred eighty-
31 four point one (384.1) of the Code are certified
32 to the county auditor, the certifying official shall
33 subtract from the total amount computed in dollars,
34 as provided in section four hundred forty-four point
35 two (444.2) of the Code, an amount equal to the amount
36 credited to the special account for property tax
37 relief during the last preceding twelve-month period,
38 and shall certify only the net amount to the county
39 auditor and board of supervisors. The limit on a
40 city's tax levy for the general fund, as stated in
41 section three hundred eighty-four point one (384.1)
42 of the Code, shall be reduced each year by the levy
43 which would be necessary to replace the amount credited
44 to the special account for property tax relief during
45 the last preceding twelve-month period. The county
46 auditor shall base the levies authorized under section
47 four hundred forty-four point three (444.3) of the
48 Code upon the net amount so computed. In order for
49 a city to be qualified to receive remittances from
50 the treasurer of state under this Act, the city clerk,

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1 before July fifteenth of each year, shall certify
2 to the treasurer of state that the required reduction
3 in the amount certified to the county auditor and
4 board of supervisors for city taxes has been made.

Sec. 7. NEW SECTION. COUNTY PROPERTY TAX RELIEF.

6 All local income tax, or sales, services and use tax
7 moneys received by a county may be expended for any
8 lawful county government purpose applicable to the
9 unincorporated area of the county. However, the
10 county treasurer shall credit one-half of all local
11 income tax, or sales, services and use tax moneys
12 received to a special account for property tax relief.
13 Before the levies authorized under section four hundred
14 forty-four point nine (444.9) of the Code are made,
15 the board of supervisors shall subtract from the total
16 amount computed in dollars, as provided in section
17 four hundred forty-four point two (444.2) of the Code,
18 an amount equal to the amount credited to the special
19 account for property tax relief during the last
20 preceding twelve-month period, and shall base the
21 levies authorized under section four hundred forty-
22 four point nine (444.9) of the Code upon the net
23 amount so computed. In order for a county to be
24 qualified to receive remittances from the treasurer
25 of state under this Act, the board of supervisors,
26 before July fifteenth of each year, shall certify
27 to the treasurer of state that the required reduction
28 has been made.

29 **Sec. 8. NEW SECTION. COUNTYWIDE SHARES. If an**
30 authorized local tax is imposed countywide, the

31 treasurer of state shall credit the receipts to a
32 joint account in the local tax fund, and shall remit
33 to each qualified city in the county a pro rata share
34 of the joint account, based upon the percentage of
35 its population residing in the county to the total
36 population of the county, and to the board of
37 supervisors, when the county is qualified, a pro rata
38 share of the joint account based upon the percentage
39 of population in the county outside of cities, all
40 according to the population determined by the last
41 preceding certified federal census.

42 Sec. 9. Section four hundred twenty-two point
43 seventy-two (422.72), subsection one (1), Code 1975,
44 is amended to read as follows:

45 1. It shall be unlawful for the director, or any
46 person having an administrative duty under this
47 chapter, to divulge or to make known in any manner
48 whatever, the business affairs, operations, or
49 information obtained by an investigation of records
50 and equipment of any person or corporation visited

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1 or examined in the discharge of official duty, or
2 the amount or source of income, profits, losses,
3 expenditures or any particular thereof, set forth
4 or disclosed in any return, or to permit any return
5 or copy thereof or any book containing any abstract
6 or particulars thereof to be seen or examined by any
7 person except as provided by law; provided, however,
8 that the director may authorize examination of such
9 returns by other state officers, *by Iowa city or*
10 *county officials if the city or county has imposed*
11 *a local tax*, or, if a reciprocal arrangement exists,
12 by tax officers of another state, or the federal
13 government. This subsection shall prevail over the
14 provisions of any general law of this state relating
15 to public records.

16 *This Act shall apply only to a city or*
17 *county whose budget exceeds six (6) per cent of the*
18 *preceding fiscal year's budget for that political*
19 *subdivision."*

20 2. Amending the title by striking everything after
21 the word "Act" in line 1 and inserting in lieu thereof
22 the words "authorizing cities and counties to impose
23 local income taxes, and sales, services and use taxes,
24 appropriating the proceeds, providing property tax
25 relief, and making the taxes subject to applicable
26 provisions of the Code, including penalties."

E. KEVIN KELLY

S—5084

1 Amend Senate File 1062 as follows:

2 1. Page 1, by striking from lines 8 and 9 the
3 words "including amendments" and inserting in lieu

- 4 thereof the words "as originally certified or as
5 amended by January 1, 1976".

ROGER J. SHAFF

S—5087

- 1 Amend Senate File 1062, as follows:
2 1. Page 2, by striking lines 14 and 15, and
3 inserting in lieu thereof the following: "a. In
4 the case of unusual population increases the appro-
5 priate budget review committee shall provide an ad-
6 ditional allowable growth percentage as follows:
7 1. Zero to 2.9% Increase —0—
8 2. 3.0% to 5.9% Increase 1.0%
9 3. 6.0% to 8.9% Increase 2.0%
10 4. 9.0% to 11.9% Increase 3.0%
11 5. 12.0% to 15.0% Increase 4.0%
12 6. Over 15.0% Increase 5.0%
13 The foregoing shall be regarded as guide-
14 lines and not absolute limitations. The appropriate
15 budget review committee may in its discretion allow
16 additional budget increases if by reason of popula-
17 tion growth or other factors such increases are just-
18 ified."

CLIFTON C. LAMBORN

S—5082

- 1 Amend Senate File 1062, as follows:
2 1. Page 3, line 7, by striking the word "five"
3 and inserting in lieu thereof the word "seven".
4 2. Page 3, by inserting after line 22 the
5 following new subsection:
6 "4. Two members appointed by the governor to
7 represent the public."

EUGENE M. HILL
RAY TAYLOR

S—5085

- 1 Amend Senate File 1062 as follows:
2 1. Page 5, after line 11, by inserting the
3 following new paragraph.
4 "Sec. FEE SCHEDULES."

ROGER J. SHAFF

S—5086

- 1 Amend Senate File 1062 as follows:
2 1. Page 5, by inserting after line 11 the
3 following:
4 "Sec. Section four hundred twenty-two point
5 sixty-nine (422.69), Code 1975, is amended by adding
6 the following new subsection:
7 **NEW SUBSECTION.** During the last quarter of each
8 fiscal year the amounts specified in this subsection
9 from the gross receipts from the sales tax collected
10 under division four (IV) of this chapter for the
11 fiscal year shall be transferred to the local tax
12 fund hereby created in the office of the treasurer
13 of state. The remainder of the net receipts from

14 the sales tax shall be credited to the general fund
15 of the state.

16 a. For the fiscal year beginning July 1, 1975,
17 an amount equal to twenty percent of the net receipts
18 from one-third of the sales tax.

19 b. For the fiscal year beginning July 1, 1976,
20 an amount equal to forty percent of the net receipts
21 from one-third of the sales tax.

22 c. For the fiscal year beginning July 1, 1977,
23 an amount equal to sixty percent of the net receipts
24 from one-third of the sales tax.

25 d. For the fiscal year beginning July 1, 1978,
26 an amount equal to eighty percent of the next receipts
27 from one-third of the sales tax.

28 e. For the fiscal year beginning July 1, 1979
29 and each succeeding fiscal year, an amount equal to
30 one-third of the sales tax.

31 Annually, the treasurer of state shall transfer
32 three-fourths of the funds in the local tax fund to
33 the municipal assistance fund created by section four
34 hundred five point one (405.1) of the Code. The
35 remainder of the funds in the local tax fund shall
36 be transferred to the county government assistance
37 fund.

38 Sec. *NEW SECTION.* There is created a 'county
39 government assistance fund' in the office of the
40 treasurer of state. The moneys appropriated to such
41 fund shall be used to provide financial assistance
42 to counties.

43 On or before December fifteenth of each year, the
44 state comptroller shall distribute the funds in the
45 county government assistance fund to each county in
46 the state in the proportion that the population
47 residing in the unincorporated area of each county
48 is to the total population residing in unincorporated
49 areas of all of the counties.

50 For purposes of this section 'population' shall

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1 be based on the most recent federal census.

2 Sec. *NEW SECTION.* It is the intent of the
3 general assembly that cities and counties use funds
4 received under this Act to replace property tax dollars
5 to provide property tax relief for persons residing
6 within the city or county."

7 2. Amend the title, line 1, by inserting after
8 the word "limitations" the words "and financial
9 assistance".

CLIFTON C. LAMBORN
ROGER J. SHAFF
RAY TAYLOR

S—5076

1 Amend the committee on ways and means
2 amendment, S—5064, to Senate File 1062 as follows:
3 1. Page 1, line 26, by inserting after the

- 4 figure "(28E.2)" the words "of the Code for provid-
5 ing joint services and facilities under chapter
6 twenty-eight E (28E) of the Code".
7 2. Page 1, line 27, by inserting after the
8 word "Code" the words "for the joint financing of
9 works and facilities authorized under chapter
10 twenty-eight F (28F) of the Code".

NORMAN RODGERS

S—5078

- 1 Amend S—5073, by Gluba, to Senate File 1062 as
2 follows:
3 1. Page 2, by striking lines 2 through 6, and
4 inserting in lieu thereof the following:
5 "Sec. *NEW SECTION. CITY PROPERTY TAX RELIEF.*
6 All moneys received by a city under the provisions of
7 this Act shall be deposited in the general fund of the
8 city and may be expended for any lawful city purpose.
9 However, the city treasurer, or another city official
10 designated by the council, shall credit one-fourth of
11 the moneys received to a special account for property
12 tax relief. Before the levies authorized under
13 section three hundred eighty-four point one (384.1) of
14 the Code are certified to the county auditor, the
15 certifying official shall subtract from the total
16 amount computed in dollars, as provided in section
17 four hundred forty-four point two (444.2) of the Code,
18 an amount equal to the amount credited to the special
19 account for property tax relief during the last pre-
20 ceding twelve-month period, and shall certify only the
21 net amount to the county auditor and board of super-
22 visors. The limit on a city's tax levy for the
23 general fund, as stated in section three hundred eighty-
24 four point one (384.1) of the Code, shall be reduced
25 each year by the levy which would be necessary to
26 replace the amount credited to the special account for
27 property tax relief during the last preceding twelve-
28 month period. The county auditor shall base the levies
29 authorized under section four hundred forty-four point
30 three (444.3) of the Code upon the net amount so
31 computed. In order for a city to be qualified to
32 receive remittances in succeeding fiscal years from
33 the treasurer of state under this Act, the city clerk,
34 before July 15, 1977, and July fifteenth of each
35 succeeding year, shall certify to the treasurer of
36 state that the required reduction in the amount certi-
37 fied to the county auditor and board of supervisors
38 for city taxes has been made.
39 Moneys which become available in any succeeding
40 fiscal year because a city has failed to comply with
41 the provisions of this Act shall be apportioned among
42 the other cities in the manner provided in this Act.
43 Sec. *NEW SECTION. COUNTY PROPERTY TAX RE-*
44 *LIEF.* All moneys received by a county under the

45 provisions of this Act may be expended for any law-
46 ful county government purpose. However, the county
47 treasurer shall credit one-fourth of the moneys
48 received to a special account for property tax relief.
49 Before the levies authorized under section four

Page 2

1 hundred forty-four point nine (444.9) of the Code are
2 made, the board of supervisors shall subtract from
3 the total amount computed in dollars, as provided in
4 section four hundred forty-four point two (444.2) of
5 the Code, an amount equal to the amount credited to
6 the special account for property tax relief during
7 the last preceding twelve-month period, and shall
8 base the levies authorized under section four
9 hundred forty-four point nine (444.9) of the Code
10 upon the net amount so computed. In order for a
11 county to be qualified to receive remittances in
12 succeeding fiscal years from the treasurer of state
13 under this Act, the board of supervisors, before
14 July fifteenth of each year, shall certify to the
15 treasurer of state that the required reduction has
16 been made.

17 Moneys which become available in any succeeding
18 fiscal year because a county has failed to comply
19 with the provisions of this Act shall be apportioned
20 among the remaining counties in the manner provided
21 in this Act."

JAMES W. GRIFFIN, SR.
WILLIAM E. GLUBA

S—5091

1 Amend the Taylor amendment, S—5052, to Senate File
2 1062 as follows:

3 1. Page 1, by striking line 10 and inserting in
4 lieu thereof the following: "guideline after a second
5 public hearing as provided in section three (3) of
6 this Act,".

7 2. Page 1, line 22, by striking the word "limita-
8 tion" and inserting in lieu thereof the word "guide-
9 line".

10 3. Page 1, line 27, by striking the word "limita-
11 tion" and inserting in lieu thereof the word "guide-
12 line".

13 4. Page 1, by striking line 31 and inserting in
14 lieu thereof the words "of allowable growth guideline
15 authorized by section three (3)".

16 5. Page 1, by striking lines 37 through 40.

RAY TAYLOR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at
5:45 p.m., until 9:30 a.m., Friday, February 6, 1976.

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, FEBRUARY 6, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Donald Babbit, pastor of the Congregational Church, Sibley, Iowa, and Chaplain of the Iowa Department of the American Legion.

The Journal of Thursday, February 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Verne L. Schlaser, Des Moines, Iowa.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students, members of the Linn County 4-H Club. Senator Robinson.

Eighty students, members of the Linn County 4-H Club, accompanied by Keith Westercamp and Tom McCormack. Senator Sovern.

Forty students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Huggins and Mrs. Liggett. Senator Hill of Polk.

CONSIDERATION OF BILLS

Senate File 1089

On motion of Senator Willits, Senate File 1089, a bill for an act making an appropriation to the moneys and credits replacement fund, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1089) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Redmond	Winkelmann
Gluba		Robinson	

Nays, none.

Absent or not voting, 6:

Gallagher	Junkins	Plymat	Ramsey
Hansen	Nolin		

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

Senate File 1090

On motion of Senator Norpel, Senate File 1090, a bill for an act relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1090) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelmann
Gluba		Redmond	

Nays, none.

Absent or not voting, 6:

Gallagher	Junkins	Plymat	Shaw
Hansen	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1013.

Senate File 1013

On motion of Senator Hill of Polk, Senate File 1013, a bill for an act to prohibit the department of transportation from requiring listing of the applicant's social security number on applications for certificate of title of a motor vehicle, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1013) the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Rodgers
Briles	Heying	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Carr	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	

Nays, 3:

Griffin	Norpel	Rabedeaux
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Absent or not voting, 2:

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

Senator Kinley asked and received unanimous consent to take up out of order House File 736.

House File 736

On motion of Senator Hultman, House File 736, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 736) the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Redmond
Briles	Heying	Marshall	Robinson
Burroughs	Hill of Jasper	Murray	Rodgers
Carr	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Rabedaux	Winkelman
Gluba	Des Moines	Ramsey	
Griffin			

Nays, none.

Absent or not voting, 4:

Bergman	Nolin	Shaff	Tieden
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 1010

On motion of Senator Doderer, House File 1010, a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Action on House File 1010 was temporarily deferred for the preparation of an amendment.

MOTION TO RECONSIDER ADOPTED

Senate File 1064

Senator Robinson called up the following motion to reconsider filed by him on February 2, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1064 passed the Senate on February 2, 1976.

On the question "Shall the motion to reconsider be adopted?" (S.F. 1064) the vote was:

Ayes, 43:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Heying	Norpel	Scott
Burroughs	Hill of Jasper	Nystrom	Shaff
Carr	Junkins	Orr	Shaw
Coleman	Kinley	Palmer	Sovern
Culver	Lamborn	Plymat	Taylor
Curtis	Merritt	Priebe	Van Gilst
DeKoster	Miller of	Rabedeaux	Willits
Doderer	Des Moines	Ramsey	Winkelman
Glenn	Miller of	Robinson	
Gluba	Marshall		

Nays, 4:

Hill of Polk	Kelly	Redmond	Tieden
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Absent or not voting, 3:

Gallagher	Hultman	Nolin
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The motion prevailed.

Senator Robinson moved to reconsider the vote by which Senate File 1064 went to its last reading, which motion prevailed.

On motion of Senator Robinson, Senate File 1064, a bill for an act to abolish certain boards, committees and councils, was taken up for reconsideration.

Senator Robinson offered amendment S—5059 filed by him and moved its adoption:

S—5059

- 1 Amend Senate File 1064 as follows:
- 2 1. Page 1, by striking lines 1 through 5.

Amendment S—5059 was adopted.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1064) the vote was:

Ayes, 44:

Andersen	Coleman	Glenn	Hill of Polk
Bergman	Culver	Gluba	Junkins
Briles	Curtis	Griffin	Kelly
Burroughs	DeKoster	Heying	Kinley
Carr	Gallagher	Hill of Jasper	Lamborn

Merritt	Norpel	Redmond	Sovern
Miller of	Nystrom	Robinson	Taylor
Des Moines	Orr	Rodgers	Tieden
Miller of	Palmer	Scott	Van Gilst
Marshall	Priebe	Shaff	Willits
Murray	Rabedaux	Shaw	Winkelman
Nolting	Ramsey		

Nays, none.

Absent or not voting, 6:

Doderer	Hultman	Plymat	Schwengels
Hansen	Nolin		

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

WITHDRAWN

Senator Gluba asked and received unanimous consent that Senate File 508 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

House File 1010

The Senate resumed consideration of House File 1010.

Senator Schwengels offered amendment S—5094 by Senators Schwengels and Plymat, moved its adoption and requested a record roll call:

S—5094

- 1 Amend House File 1010 as amended and passed
- 2 by the House, as follows:
- 3 1. Page 2, line 6, by adding after the word
- 4 "law." the following: "The statement shall carry
- 5 the signature of a witness of legal age who resides
- 6 in the registrant's precinct and who shall be ident-
- 7 ified by his or her home address."

On the question "Shall amendment S—5094 be adopted?" (H.F. 1010) the vote was:

Ayes, 21:

Bergman	Hansen	Nystrom	Shaff
Briles	Hill of Polk	Plymat	Shaw
Burroughs	Kelly	Rabedaux	Taylor
Curtis	Lamborn	Ramsey	Tieden
DeKoster	Miller of	Schwengels	Winkelman
Griffin	Marshall		

Nays, 27:

Andersen	Coleman	Doderer	Glenn
Carr	Culver	Gallagher	Gluba

Heying	Miller of	Orr	Rodgers
Hill of Jasper	Des Moines	Palmer	Scott
Junkins	Murray	Priebe	Sovern
Kinley	Nolting	Redmond	Van Gilst
Merritt	Norpel	Robinson	Willits

Absent or not voting, 2:

Hultman	Nolin
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Amendment S—5094 lost.

Senator Rabedaux moved that House File 1010 be referred to the committee on county government.

A record roll call was requested.

On the question "Shall the motion to refer the bill to the committee on county government be adopted?" (H.F. 1010) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen	Hansen	Plymat	Shaw
Bergman	Hill of Polk	Rabedaux	Taylor
Briles	Kelly	Ramsey	Tieden
Burroughs	Lamborn	Schwengels	Winkelman
Curtis	Miller of	Shaff	
DeKoster	Marshall		
Griffin			

Nays, 26:

Carr	Heying	Nolting	Robinson
Coleman	Hill of Jasper	Norpel	Rodgers
Culver	Junkins	Nystrom	Scott
Doderer	Kinley	Orr	Sovern
Gallagher	Merritt	Palmer	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Redmond	

Absent or not voting, 3:

Hultman	Murray	Nolin
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The motion lost.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on **House File 1010** be deferred and that the bill be placed on the calendar under **unfinished business**.

HOUSE AMENDMENTS CONSIDERED

Senate File 74

Senator Briles called up for consideration Senate File 74, a bill for an act relating to the use of tax money for the purchase and improvement of schoolhouse sites, amended by the House, and moved that the Senate concur in the following amendment:

S—5070

- 1 Amend Senate File 74, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words "at
- 4 their" and inserting in lieu thereof the words "[at
- 5 their]".
- 6 2. Page 1, by striking lines 6, 7, and 8, and
- 7 inserting in lieu thereof the words "[regular meeting
- 8 in July, or at a special meeting called for that
- 9 purpose between the time designated for such regular
- 10 meeting and the third Monday in August,] by February
- 11 first of each year certify an amount".
- 12 3. Page 1, line 13, by inserting after the word
- 13 "district" the words "*as specified by the directors*".
- 14 4. Page 1, line 15, by striking the words "*but*
- 15 *is not limited to*".
- 16 5. Page 1, line 20, by striking the words "*fixed*
- 17 *playground apparatus*".
- 18 6. Page 1, by inserting after line 24 the following
- 19 paragraph:
- 20 "*For the purpose of this section, 'purchase of*
- 21 *sites' includes legal costs relating to the site*
- 22 *acquisition, costs of surveys of the sites, costs*
- 23 *of relocation assistance under state and federal law,*
- 24 *and other costs incidental to the site acquisition.*"
- 25 7. Page 1, by inserting after line 24 the follow-
- 26 ing section:
- 27 "Sec. Notwithstanding the provisions of
- 28 section two hundred ninety-one point thirteen (291.13)
- 29 of the Code, unencumbered funds collected from the
- 30 levy authorized in section two hundred ninety-seven
- 31 point five (297.5) of the Code prior to July 1, 1976
- 32 may be expended for the purposes listed in section
- 33 one (1) of this Act."

The motion prevailed and the Senate concurred in House amendment S—5070.

Senator Briles moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 74) the vote was:

Ayes, 39:

Andersen	Gluba	Murray	Redmond
Bergman	Hansen	Nolting	Rodgers
Briles	Hill of Polk	Norpel	Scott
Burroughs	Kinley	Nystrom	Shaff
Carr	Lamborn	Orr	Shaw
Coleman	Merritt	Palmer	Sovern
Culver	Miller of	Plymat	Taylor
Curtis	Des Moines	Priebe	Tieden
DeKoster	Miller of	Rabedeaux	Van Gilst
Doderer	Marshall	Ramsey	Willits
Glenn			

Nays, 3:

Griffin	Junkins	Winkelman
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Absent or not voting, 8:

Gallagher	Hill of Jasper	Kelly	Robinson
Heying	Hultman	Nolin	Schwengels

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

Senate File 476

Senator Coleman called up for consideration Senate File 476, a bill for an act to provide for the licensing of speech pathologists and audiologists and to establish an examining board, amended by the House, and moved that the Senate concur in the following amendment:

S—5071

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 6, by inserting after the word
- 3 "dealer" the words "or holder of a temporary permit".
- 4 2. Page 2, line 15, by striking the words "in
- 5 hospitals, clinics, offices,".
- 6 3. Page 2, line 16, by striking the words "and
- 7 other health facilities".
- 8 4. Page 2, by adding the following new subsection
- 9 after line 21:
- 10 **"NEW SUBSECTION.** Audiometric tests administered
- 11 pursuant to the United States Occupational Safety
- 12 and Health Act of 1970 or chapter eighty-eight (88)
- 13 of the Code, and in accordance with regulations issued
- 14 thereunder, by employees of a person engaged in
- 15 business, including the state of Iowa, its various
- 16 departments, agencies, and political subdivisions,
- 17 solely to employees of such employer, while acting
- 18 within the scope of their employment."
- 19 5. Page 2, line 25, by striking the words "However,
- 20 a".
- 21 6. Page 2, by striking lines 26 through 30 and
- 22 inserting in lieu thereof the following:

23 "NEW UNNUMBERED PARAGRAPH. A person exempted from
 24 the provisions of this Act by this section shall not
 25 use the title speech pathologist or audiologist or
 26 any title or device indicating or representing in
 27 any manner that the person is a speech pathologist
 28 or is an audiologist; provided, a hearing aid dealer
 29 licensed under chapter one hundred fifty-four A (154A)
 30 of the Code may use the title 'certified hearing aid
 31 audiologist' when granted by the national hearing
 32 aid society; and provided, persons who meet the
 33 requirements of subsection one (1) of section three
 34 (3) of this Act who are certified by the department
 35 of public instruction as speech clinicians may use
 36 the title speech pathologist and persons who meet
 37 the requirements of subsection two (2) of section
 38 three (3) of this Act who are certified by the
 39 department of public instruction as hearing clinicians
 40 may use the title audiologist, while acting within
 41 the scope of their employment."
 42 7. Page 8, line 7, by striking the numerals "1976"
 43 and inserting in lieu thereof the numerals "1977".
 44 8. By renumbering subsection as necessary.

The motion prevailed and the Senate concurred in the House amendment S—5071.

Senator Coleman moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 476) the vote was:

Ayes, 40:

Andersen	Hansen	Norpel	Schwengels
Bergman	Hill of Jasper	Nystrom	Scott
Briles	Junkins	Orr	Shaff
Carr	Kinley	Palmer	Shaw
Coleman	Merritt	Plymat	Sovern
Culver	Miller of	Priebe	Taylor
Curtis	Des Moines	Rabedaux	Tieden
DeKoster	Miller of	Ramsey	Van Gilst
Glenn	Marshall	Redmond	Willits
Gluba	Murray	Rodgers	Winkelman
Griffin	Nolting		

Nays, none.

Absent or not voting, 10:

Burroughs	Heying	Kelly	Nolin
Doderer	Hill of Polk	Lamborn	Robinson
Gallagher	Hultman		

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 4, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1030, a bill for an act appropriating funds to the governor, lieutenant governor, and the council of state governments.

Also: That the House has on February 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund.

Also: That the House has on February 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1098, a bill for an act relating to the authority of the board of regents to administer trusts.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1005, by Senators Taylor, Nystrom, Miller of Marshall, Burroughs, Bergman, Hultman and Ramsey, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to biennial sessions of the general assembly.

Read first time and passed on file.

Senate File 1092, by committee on judiciary, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.

Read first time and referred to the committee on appropriations under Senate Rule 38.

Senate File 1093, by Senator Redmond, a bill for an act to provide limited tax incentives for the improvement of certain property by allowing a four-year tax moratorium for improvements to buildings and to provide a one-year state income tax deduction for the actual amount paid for an improvement made in 1976 to a building up to a maximum of two thousand dollars retroactive to January 1, 1976.

Read first time and passed on file.

Senate File 1094, by Senator Redmond, a bill for an act relating to the accreditation of reinsurance companies.

Read first time and passed on file.

Senate File 1095, by Senators DeKoster and Shaw, a bill for an

act to remove participation of nonaccredited private institutions of higher education from the state tuition grant program.

Read first time and **passed on file.**

Senate File 1096, by Senator Culver, a bill for an act relating to the license fees for special trucks for farm use.

Read first time and **passed on file.**

Senate File 1097, by Senators Norpel and Andersen, a bill for an act to allow a tax credit to individuals for the portion of corporate dividends upon which a tax has been paid by the corporation.

Read first time and **passed on file.**

Senate File 1098, by Senator Priebe, a bill for an act relating to required participation in an alternative employment program as a condition of receiving public assistance.

Read first time and **passed on file.**

Senate File 1099, by Senators Schwengels and Junkins, a bill for an act relating to the portion of the cost of treatment of patients at state mental health institutes which counties are required to pay.

Read first time and **passed on file.**

HOUSE MESSAGES CONSIDERED

House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund.

Read first time and **passed on file.**

House File 1098, a bill for an act relating to the authority of the board of regents to administer trusts.

Read first time and **passed on file.**

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

S. F. 1091 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Carolyn Tufty, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Dental Examiners for an initial term under the provisions of Section 147.12, 1975 Code of Iowa, beginning July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
WILLARD R. HANSEN
JOAN ORR
JAMES M. REDMOND
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Maurice J. Tierney of Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for an initial two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH SHAW, Chairperson
ROBERT M. CARR
WILLIAM E. GLUBA
HILARIUS L. HEYING
WILLIAM P. WINKELMAN

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on February 6, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 240—Relating to undesirable fish.
- S. F. 1060—Relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.
- H. F. 59—Exempting certain military personnel from obtaining a hunting or fishing license.
- H. F. 1121—Making a supplemental appropriation to the department of social services for medical assistance.

REPORT OF COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: Your committee on memorial resolutions begs leave to report that committees should be appointed to prepare suitable memorial resolutions for the following deceased members of the Senate:

A. E. Augustine, Oskaloosa
Andrew Bell, Denison

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS
WILLIAM E. GLUBA
ELIZABETH SHAW

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1003 State Government Glenn, Chairperson Doderer Nystrom	Senate File 1054 Appropriations Hill of Jasper, Chairperson Junkins Andersen	Senate File 1074 Labor and Industrial Relations Robinson, Chairperson Nolting Andersen
Senate File 1017 Transportation Miller of Marshall, Chairperson Gallagher Doderer	Senate File 1058 Appropriations Natural Resources	Senate File 1075 Human Resources Palmer, Chairperson Kelly Gluba
Senate File 1044 Appropriations Hill of Jasper, Chairperson Van Gilst Plymat	Senate File 1066 Judiciary Miller of Des Moines, Chairperson Redmond Ramsey	House File 443 Agriculture Burroughs, Chairperson Taylor Van Gilst
Senate File 1051 Transportation Norpel, Chairperson Nolin Gallagher	Senate File 1068 Human Resources Murray, Chairperson Scott Gluba	House File 807 Agriculture Priebe, Chairperson Merritt Tieden
Senate File 1052 Transportation Miller of Marshall, Chairperson Orr Rabedeaux	Senate File 1069 Ways and Means Van Gilst, Chairperson Shaff Nolting Gluba Lamborn	House File 1011 State Government Hill of Jasper, Chairperson Coleman Nystrom
Senate File 1053 Appropriations Van Gilst, Chairperson Priebe Bergman	Senate File 1071 Judiciary Shaw, Chairperson Kelly Willits	House File 1037 Appropriations State Departments

REPORTS OF COMMITTEE

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 1050**, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 774**, a bill for an act relating to the contents of a certificate of marriage, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5096

1 Amend House File 292 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 7, by inserting after the word
4 "his" the words "or her".

5 2. Page 1, line 9, by inserting after the word
6 "his" the words "or her".

7 3. Page 1, line 10, by inserting after the word
8 "are" the word "presently".

9 4. Page 1, line 10, by striking the word "they"
10 and inserting in lieu thereof the word "it".

11 5. Page 1, by striking line 11 and inserting in
12 lieu thereof the following: "the auditor not to index
13 the name of that person, as would otherwise be required
14 by section one hundred twenty-five point thirty-three
15 (125.33) of the Code. However the board may review
16 its finding with respect to any person at any
17 subsequent time at which another similar list is
18 certified upon which that person's name appears.
19 If the board finds upon review that that person or
20 those legally liable for his or her support are
21 presently able to pay for the treatment, that finding
22 shall apply only to charges stated upon the list then
23 before the board and any subsequent charges similarly
24 certified, unless and until the board again changes
25 its finding."

26 6. Page 1, by inserting after line 11 the following
27 new sections:

28 "Sec. Section one hundred twenty-five point
29 thirty-two (125.32), Code 1975, is amended to read
30 as follows:

31 125.32 TRANSFER FROM INSTITUTIONAL FUND. **The**
32 county auditor upon receipt of [such] certification
33 by the facility *as required by section one hundred*
34 *twenty-five point twenty-eight (125.28) of the Code*
35 shall enter the same to the credit of the facility
36 and issue a notice [to] *authorizing* the county treasurer [,
37 authorizing him] to transfer the amount from the **county**
38 mental health and institutions fund to the [state
39 general fund] *credit of the facility*, which notice
40 shall be filed by the treasurer as [his] authority for
41 making such transfer, and [shall include] the amount
42 transferred [in his] *shall be included in the auditor's*
43 next remittance to the facility.

44 Sec. Section one hundred twenty-five point
45 thirty-three (125.33), Code 1975, is amended to read
46 as follows:

47 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. **The**
48 auditor of each county shall keep an accurate account
49 of the total cost *to the county* of the care,
50 maintenance, and treatment of any alcoholic and keep

Page 2

1 an index of the names of the alcoholics admitted from
2 such county.
3 Sec. Section one hundred twenty-five point
4 thirty-four (125.34), Code 1975, is amended to read
5 as follows:
6 125.34 COLLECTION OF CLAIMS BY BOARD OF
7 SUPERVISORS. The board of supervisors shall collect
8 the total amount of all such [claims and] *liabilities*
9 *as they become due, from those persons whom the board*
10 *has found, under section one (1) of this Act, are*
11 *able to pay. The board shall direct the county*
12 *attorney to proceed with the collection of such [claims]*
13 *liabilities as a part of the duties of [his] that office.*
14 The county shall be entitled to keep the total amount
15 of all such [claims] *liabilities* collected. The county
16 attorney, with the consent of the board of supervisors,
17 may execute an agreement providing for the acceptance
18 of a lesser amount owed by an alcoholic, his or her
19 spouse, or estate to the county. The execution of
20 such agreement may provide that the same is in
21 satisfaction of all moneys owed the county."
22 7. Page 1, line 17, by inserting after the word
23 "[treatment]" the words "*and whom the board has*
24 *previously found, under section one (1) of this Act,*
25 *is able to pay*".
26 8. Page 1, by striking lines 21 and 22 and
27 inserting in lieu thereof the words "*and treatment*
28 *which exceeds the total amount of all claims of the*
29 *first through the*".
30 9. Page 1, line 25, by striking the words "*estate;*
31 *and*" and inserting in lieu thereof the word "*estate.*"
32 10. Page 1, by striking lines 26 and 27.
33 11. Page 1, line 35, by inserting after the word
34 "his" the words "or her".
35 12. Page 1a, line 5, by inserting after the word
36 "him" the words "or her".
37 13. Page 1a, line 5, by inserting after the word
38 "are" the word "presently".
39 14. Page 1a, by inserting after line 6 the follow-
40 ing: "The board may review its finding at any
41 subsequent time while the person remains at the
42 hospital-school, or is otherwise receiving care or
43 treatment for which this chapter obligates the county
44 to pay. If the board finds upon review that that
45 person or those legally responsible for him or her
46 are presently able to pay such expenses, that finding
47 shall apply only to the charges so incurred during
48 the period beginning on the date of the review and
49 continuing thereafter, unless and until the board
50 again changes its finding."

Page 3

1 15. Page 2, line 14, by inserting after the word
2 "his" the words "or her".

- 3 16. Page 2, line 15, by inserting after the word
4 "are" the word "presently".
- 5 17. Page 2, line 16, by striking the word "his"
6 and inserting in lieu thereof the words "the person's".
- 7 18. Page 2, line 17, by striking the word "he".
- 8 19. Page 2, line 19, by striking the words "If
9 the report shows" and inserting in lieu thereof the
10 words "The court may, upon request of the board of
11 supervisors, review its finding at any subsequent
12 time while the person remains at the hospital-school,
13 or is otherwise receiving care or treatment for which
14 this chapter obligates the county to pay. If the
15 court finds upon review that the person or those
16 legally responsible for him or her are presently able
17 to pay such expenses, that finding shall apply only
18 to the charges incurred during the period beginning
19 on the date of the board's request for the review
20 and continuing thereafter, unless and until the court
21 again changes its finding. When the court finds".
- 22 20. Page 2, line 20, by inserting after the word
23 "his" the words "or her".
- 24 21. By striking page 2, line 24 through page 2a,
25 line 6.
- 26 22. Page 2a, by inserting after line 6 the follow-
27 ing new section:
- 28 "Sec. Section two hundred twenty-two point
29 eighty-two (222.82), Code 1975, is amended to read
30 as follows:
- 31 222.82 COLLECTION OF CLAIMS. The board of
32 supervisors of each county may direct the county
33 attorney to proceed with the collection of said
34 liabilities and claims as a part of the duties of
35 his office when the board of supervisors deems such
36 action advisable. The board of supervisors may and
37 is hereby empowered to compromise any and all
38 liabilities to the county arising under this chapter
39 when such compromise is deemed to be in the best
40 interests of the county. Any collections and liens
41 shall be limited in conformance to section 614.1,
42 subsection 4."
- 43 23. Page 2a, line 11, by inserting after the word
44 "his" the words "or her".
- 45 24. Page 2a, by striking line 14 and inserting
46 in lieu thereof the words "issue a notice [to his]
47 authorizing the county treasurer[, authorizing him]
48 to".
- 49 25. Page 2a, line 17, by striking the word "his"
50 and inserting in lieu thereof the word "[his]".

Page 4

- 1 26. Page 2a, line 18, by striking the words "shall
2 include" and inserting in lieu thereof the words
3 "[shall include]".
- 4 27. Page 2a, by striking line 1 and inserting

5 in lieu thereof the words "[in his next remittance
6 of state taxes] *shall be remitted* to the treasurer
7 of".

8 28. Page 3, by striking lines 14, 15 and 16 and
9 inserting in lieu thereof the words "of that person's
10 hospitalization. If the board finds that neither
11 the".

12 29. Page 3, line 17, by inserting after the word
13 "his" the words "or her".

14 30. Page 3, line 19, by striking the words "make
15 any charges against" and inserting in lieu thereof
16 the words "index the names of".

17 31. Page 3, line 20, by striking the words
18 "pursuant to" and inserting in lieu thereof the words
19 "as would otherwise be required by".

20 32. Page 3, line 21, by inserting after the period
21 the following: "However the board may review its
22 finding with respect to any person at any subsequent
23 time at which another list is furnished by the auditor
24 upon which that person's name appears. If the board
25 finds upon review that that person or those legally
26 liable for his or her support are presently able to
27 pay the expenses of that person's hospitalization,
28 that finding shall apply only to charges stated upon
29 the certificate from which the list was drawn up and
30 any subsequent charges similarly certified, unless
31 and until the board again changes its finding."

32 33. Page 4, line 7, by inserting after the word
33 "[care]" the words "*and whom the board has previously*
34 *found, under section eight (8) of this Act, is able*
35 *to pay*".

36 34. Page 4, by striking lines 10 and 11 and
37 inserting in lieu thereof the words "*person's care*
38 *which exceeds the total amount of all claims of the*
39 *first through the*".

40 35. Page 4, line 14, by striking the word "estate;"
41 and inserting in lieu thereof the word "estate."

42 36. Page 4, by striking lines 15 through 18,
43 inclusive.

44 37. Page 4, line 24, by striking the word "his"
45 and inserting in lieu thereof the words "[his] *that*
46 *person's*".

47 38. Page 4, line 25, by inserting after the word
48 "he" the words "*or she*".

49 39. Page 4, line 25, by inserting after the word
50 "his" the words "*or her*".

Page 5

1 40. Page 4, by striking lines 32 and 33 and
2 inserting in lieu thereof the words "*county which*
3 *exceeds the total amount of all claims of the first*
4 *through the*".

5 41. Page 5, line 1, by striking the words "estate;
6 and" and inserting in lieu thereof the word "estate."

- 7 42. Page 5, by striking lines 2, 3 and 4.
- 8 43. Page 5, by striking lines 5 through 8 and
- 9 inserting in lieu thereof the following new section:
- 10 "Sec. All liens created under section two
- 11 hundred thirty point twenty-five (230.25), as that
- 12 section appeared in the Code of 1975 and prior editions
- 13 of the Code, are abolished effective January 1, 1977,
- 14 except as otherwise provided by this Act. The board
- 15 of supervisors of each county shall, as soon as
- 16 practicable after July 1, 1976, review all liens
- 17 resulting from the operation of said section two
- 18 hundred thirty point twenty-five (230.25) and make
- 19 a determination as to the ability of the person against
- 20 whom the lien exists to pay the charges represented
- 21 by the lien, and if they find that the person is able
- 22 to pay those charges they shall direct the county
- 23 attorney of that county to take immediate action to
- 24 enforce the lien. If action is commenced under this
- 25 section on any lien prior to the effective date of
- 26 the abolition thereof, that lien shall not be abolished
- 27 but shall continue until the action is completed."
- 28 44. By renumbering sections and internal references
- 29 in this Act and this amendment as necessary.

COMMITTEE ON HUMAN RESOURCES
WILLIAM E. GLUBA, Chairperson

S—5095

- 1 Amend House File 505, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 22, by striking the word "five"
- 4 and inserting in lieu thereof the word "voting".
- 5 2. Page 5, lines 23 and 24, by striking the words
- 6 "appointed under paragraphs d, e, f, and g of this
- 7 subsection" and inserting in lieu thereof the words
- 8 "of the state commission".
- 9 3. Page 5, line 25, by striking the words "govern-
- 10 ment or the state government" and inserting in lieu
- 11 thereof the words "or state government".
- 12 4. Page 6, line 35, by inserting after the word
- 13 "Act" the words "and recommendations received from
- 14 public hearings held by the county commissions as
- 15 provided in section sixteen (16) of the Act".
- 16 5. Page 7, line 8, by inserting before the word
- 17 "revision" the word "substantive".
- 18 6. Page 9, line 8, by inserting after the word
- 19 "Recommend" the word "criteria".
- 20 7. Page 9, line 8, by inserting after the word
- 21 "assembly," the word "for".
- 22 8. Page 9, by striking lines 9 through 14, inclu-
- 23 sive, and inserting in lieu thereof the following:
- 24 "designation of state critical areas by the state
- 25 commission. Each administrative order issued by the
- 26 state commission designating a state critical area

27 shall include a statement specifying the reasons for
28 the designation, the physical boundaries of the design-
29 ated area, the damages that would result from uncon-
30 trolled development within the area, and the state
31 regulations to be applied to the area. The total
32 area of all designated state critical areas shall
33 not exceed five percent of the area of this state."

34 9. Page 9, line 15, by striking the word
35 "Establish" and inserting in lieu thereof the word
36 "Recommend".

37 10. Page 9, line 18, by striking the word
38 "Establish" and inserting in lieu thereof the word
39 "Recommend".

40 11. Page 9, line 27, by striking the word
41 "Establish" and inserting in lieu thereof the word
42 "Recommend".

43 12. Page 20, by inserting after line 23, the
44 following:

45 "Sec. 16. INITIAL RECOMMENDATIONS TO STATE COM-
46 MISSION.

47 1. It is the intent of the general assembly that,
48 under the provisions of subsection two (2) of this
49 section, interested citizens of this state be given
50 an opportunity to recommend provisions to be included

Page 2

1 in the initial state land use policy and state land
2 use policy guidelines.

3 2. Each county commission shall, within one hundred
4 twenty days after the effective date of this Act,
5 conduct a public hearing, receive testimony from any
6 interested person relating to what provisions should
7 be included in the initial recommendations of the
8 state commission for a state land use policy and state
9 land use policy guidelines, and transmit such testimony
10 to the state commission. The county commission shall
11 give public notice of the date, time and location
12 of the public hearing in a newspaper having general
13 circulation within the county not later than two weeks
14 before the date of such hearing."

15 13. Page 25, line 20, by striking the word "until"
16 and inserting in lieu thereof the word "unless".

17 14. By renumbering sections and internal references
18 to sections to conform to this amendment.

STEVE SOVERN
HILARIUS L. HEYING
ROGER J. SHAFF

S—5093

1 Amend House File 812 as passed by the House
2 as follows:

3 1. Page 1, by inserting after line 20, the
4 following:

5 "Sec. 4. Section seven A point one (7A.1),

6 Code 1975, is amended to read as follows:

7 7A.1 OFFICE CREATED. There is hereby creat-
8 ed the office for planning and programming which
9 will be directly attached to and a part of the
10 office of the governor. [The] *During each term the*
11 governor [may] *shall* appoint a director of planning
12 and programming [and] *confirmed by a two-thirds vote*
13 *of the senate. The director shall appoint other*
14 necessary personnel. [Employees] *The director and*
15 *employees* of the office shall serve at the pleasure
16 of the governor. Where required by federal statutes,
17 employees shall be covered under the provisions of
18 chapter 19A.

19 Sec. 2. The term of the incumbent director of
20 the office for planning and programming shall expire
21 at the effective date of this Act. However, the in-
22 cumbent shall hold over until his successor is ap-
23 pointed and confirmed, in accordance with this Act,
24 and qualified. The governor shall submit an appoint-
25 ment of the successor within two weeks after the
26 effective date of this Act. Nothing in this Act
27 shall prevent the governor from appointing the in-
28 cumbent to succeed himself.

29 Sec. 3. Sections one (1) and two (2) of this
30 Act, being deemed of immediate importance, shall
31 take effect and be in force from and after its
32 publication in The Union, a newspaper published in
33 West Union, Iowa, and The Dunlap Reporter, a news-
34 paper published in Dunlap, Iowa."

LOUIS P. CULVER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:15
p.m., until 10:00 a.m., Monday, February 9, 1976

JOURNAL OF THE SENATE

TWENTY-NINTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, FEBRUARY 9, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Henry I. Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Journal of Friday, February 6, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patrick Kain, New Hampton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Lamborn; Senator Shaw for the day because of the death of her father on request of Senator Lamborn.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 387, a bill for an act relating to liability for the performance of or refusal to perform abortions.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 387

S—5097

1 Amend Senate File 387, as passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 15B through 15D
4 and inserting in lieu thereof the following:
5 "the treatment of a serious physical condition
6 requiring emergency medical treatment necessary to
7 save the life of a mother."

INTRODUCTION OF BILL

Senate File 1100, by Senator Andersen, a bill for an act appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Read first time and passed on file.

POINT OF PERSONAL PRIVILEGE

Senator Schwengels rose on a point of personal privilege to announce that the Luther College Choir of Decorah, Iowa, would perform in the rotunda at 12:00 noon, under the direction of Dr. Weston Nobel.

The Luther College Choir was selected as the Iowa musical group to perform at the Kennedy Center in Washington, D.C., for the Bicentennial on Iowa State Day, May 31, 1976.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 812.

House File 812

On motion of Senator Coleman, House File 812, a bill for an act to allow the governor to appoint the directors of certain commissions, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper offered amendment S—5075 by the committee on state government and moved its adoption:

S—5075

- 1 Amend House File 812 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and
- 4 inserting in lieu thereof the words "officer of the
- 5 commission. *The executive director shall serve at*
- 6 *the pleasure of the governor.* [Notwithstanding the
- 7 provisions of section 19A.3, the executive director
- 8 shall be subject to the state merit system in matters
- 9 related to salary and benefits.]"
- 10 2. Page 1, line 14, by inserting after the word
- 11 "commission." the words "The director shall serve
- 12 at the pleasure of the governor."

Amendment S—5075 was adopted.

Senator Culver withdrew amendment S—5093 filed by him

on February 6, 1976, and found on pages 315 and 316 of the Senate Journal.

President pro tempore Doderer took the chair at 10:40 a.m.

Senator Van Gilst asked and received unanimous consent that action on House File 812 be temporarily deferred for the preparation of an amendment.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 9, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 24, a bill for an act relating to public pay toilets and providing a penalty.

Also: That the House has on February 9, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 243, a bill for an act relating to absences of public employees for medically-related disability.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1101, by Senators Schwengels and Junkins, a bill for an act to allow the harvesting of grass and hay on the right-of-way of state highways.

Read first time and passed on file.

Senate File 1102, by committee on judiciary, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

Read first time and placed on calendar.

UNFINISHED BUSINESS

House File 1010

On motion of Senator Doderer, House File 1010, a bill for an

act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication, was taken up for further consideration.

Senator Schwengels offered amendment S—5099 by Senators Schwengels, et al.:

S—5099

- 1 Amend House File 1010 as amended and passed
- 2 by the House as follows:
- 3 1. Page 2, line 6, by adding after the word
- 4 "law." the following: "At the time the registra-
- 5 tion is signed by the eligible elector it shall
- 6 also be signed by a mobile registrar, employee
- 7 the commissioner's office, or other eligible elec-
- 8 tor."

Senator Schwengels offered amendment S—5100 to amendment S—5099 and moved its adoption:

S—5100

- 1 Amend the amendment S—5099, by Schwengels, et al., to House File
- 2 1010, as amended and passed by the House as follows:
- 3 1. Page 1, line 3 by striking the figure "6"
- 4 and inserting in lieu thereof the figure "11".

Amendment S—5100 to amendment S—5099 was adopted.

On motion of Senator Schwengels, amendment S—5099 as amended was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1010) the vote was:

Ayes, 39:

Andersen	Doderer	Junkins	Miller of
Bergman	Gallagher	Kelly	Marshall
Burroughs	Glenn	Kinley	Murray
Carr	Gluba	Lamborn	Nolting
Coleman	Hansen	Merritt	Norpel
Culver	Heying	Miller of	Orr
Curtis	Hill of Jasper	Des Moines	Palmer
DeKoster	Hill of Polk		Plymat

Priebe
Redmond
Robinson

Rodgers
Schwengels
Scott

Sovern
Taylor

Van Gilst
Willits

Nays, 7:

Briles
Griffin

Hultman
Rabedeaux

Ramsey
Tieden

Winkelman

Absent or not voting, 4:

Nolin

Nystrom

Shaff

Shaw

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1010 passed the Senate on February 9, 1976.

JOHN S. MURRAY

BUSINESS PENDING

House File 812

The Senate resumed consideration of House File 812.

Senator Van Gilst offered amendment S—5098 by Senators Van Gilst and Briles and moved its adoption:

S—5098

- 1 Amend House File 812, as follows:
- 2 1. Page 1, by striking lines 1 through 9.
- 3 2. Page 1, line 10, by striking the word and
- 4 figure "Sec. 2." and inserting in lieu thereof the
- 5 word and figure "Section 1."
- 6 3. Page 1, line 15, by striking the figure
- 7 "3." and inserting in lieu thereof the figure "2."

A non-record roll call was requested.

The ayes were 32, nays 15.

Amendment S—5098 was adopted.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 812) the vote was:

Ayes, 30:

Andersen
Bergman
Burroughs
Carr
Coleman

DeKoster
Doderer
Gluba
Griffin
Hansen

Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins

Kinley
Lamborn
Miller of
Des Moines

Miller of
Marshall
Murray
Norpel

Orr
Palmer
Plymat

Ramsey
Robinson
Schwengels

Sovern
Taylor
Willits

Nays, 17:

Briles
Culver
Curtis
Gallagher
Glenn

Kelly
Merritt
Nolting
Priebe

Rabedaux
Redmond
Rodgers
Scott

Shaff
Tieden
Van Gilst
Winke/man

Absent or not voting, 3:

Nolin

Nystrom

Shaw

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

INTRODUCTION OF BILLS

Senate File 1103, by Senator Rabedaux, a bill for an act relating to gambling and lawful gambling as an exception thereto, and providing a tax and penalties, and providing for licensing, suspensions and revocations, and relating to reporting, profits and injunctions in connection with gambling.

Read first time and **passed on file**.

Senate File 1104, by Senators Hultman and Hansen, a bill for an act making an appropriation to the railroad assistance fund.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R. 1005 Rules and administration

S. F. 1093 Ways and means

S. F. 1094 Commerce

S. F. 1095 Education

S. F. 1096 Transportation

S. F. 1097 Ways and means

S. F. 1098 Human resources

S. F. 1099 County government

H. F. 1059 Ways and means

H. F. 1098 Education

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9th day of February, 1976: Senate File 1030.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Pearl Forbes, L.P.N., of Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
HILARIUS L. HEYING
ELIZABETH MILLER
RICHARD J. NORPEL, SR.
STEVE SOVERN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:25 p.m., until 9:30 a.m., Tuesday, February 10, 1976.

JOURNAL OF THE SENATE

THIRTIETH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, FEBRUARY 10, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Delbert H. Dawes, pastor of the Methodist Church, Maquoketa, Iowa.

The Journal of Monday, February 9, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Boeke, Osage, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Robinson for the day, Senator Nolin for the day and Senator Shaw for the day on request of Senator Kinley.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Andersen called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas A. Barton of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

LEONARD C. ANDERSEN, Chairperson
LOWELL L. JUNKINS
JOHN S. MURRAY
BERL PRIEBE
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Andersen moved the appointment of Thomas A. Barton

as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Coleman	Hill of Polk	Norpel	Sovern
Culver	Hultman	Nystrom	Taylor
Curtis	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Gallagher	Merritt	Plymat	Willits
Glenn	Miller of	Rabedeaux	Winkelman
Gluba	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 9:

Carr	Kelly	Priebe	Shaff
Doderer	Nolin	Robinson	Shaw
Junkins			

President Neu declared the appointment of Thomas A. Barton as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1976.

Senator Lamborn called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. Soorholtz of Melbourne, Marshall County, Iowa, for appointment as a member of the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFTON C. LAMBORN, Chairperson
MILO MERRITT
ELIZABETH R. MILLER
CLOYD E. ROBINSON
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Lamborn moved the appointment of John E. Soorholtz as a member of the State Board of Veterinary Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Sovern
Culver	Junkins	Nystrom	Taylor
Curtis	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Gallagher	Merritt	Plymat	Willits
Glenn	Miller of	Rabedaux	Winkelman
Gluba	Des Moines	Ramsey	

Nays, none.**Absent or not voting, 9:**

Carr	Kelly	Priebe	Shaff
Doderer	Nolin	Robinson	Shaw
Hill of Jasper			

President Neu declared the appointment of John E. Soorholtz as a member of the State Board of Veterinary Medical Examiners confirmed for an initial term ending June 30, 1978.

Senator Griffin called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gene E. Geissinger of West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairperson
WILLIAM E. GLUBA
PHILIP B. HILL
GENE W. GLENN
NORMAN RODGERS

The motion prevailed and the report was adopted.

Senator Griffin moved the appointment of Gene E. Geissinger as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Culver	Glenn	Hill of Jasper
Bergman	Curtis	Gluba	Hill of Polk
Briles	DeKoster	Griffin	Hultman
Burroughs	Doderer	Hansen	Junkins
Coleman	Gallagher	Heying	Kelly

Kinley	Murray	Priebe	Sovern
Lamborn	Nolting	Rabedeaux	Taylor
Merritt	Norpel	Ramsey	Tieden
Miller of	Nystrom	Redmond	Van Gilst
Des Moines	Orr	Rodgers	Willits
Miller of	Palmer	Schwengels	Winkelman
Marshall	Plymat	Scott	

Nays, none.

Absent or not voting, 5:

Carr	Robinson	Shaff	Shaw
Nolin			

President Neu declared the appointment of Gene E. Geissinger as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1979.

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harrison Kane of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MINNETTE F. DODERER
EUGENE M. HILL
JOHN N. NYSTROM
NORMAN RODGERS

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Harrison Kane as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Ramsey
Bergman	Hansen	Marshall	Redmond
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Rabedeaux	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Carr	Nolin	Shaff	Shaw
Hill of Jasper	Robinson		

President Neu declared the appointment of Harrison Kane as a member of the State Board of Engineering Examiners confirmed for an initial term ending June 30, 1976.

Senator Burroughs called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bertha J. Kirkwood of Ankeny, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFF BURROUGHS, Chairperson
C. JOSEPH COLEMAN
LOUIS P. CULVER
WARREN E. CURTIS
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Burroughs moved the appointment of Bertha J. Kirkwood as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Hansen	Miller of	Ramsey
Bergman	Heying	Marshall	Redmond
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Gallagher	Lamborn	Plymat	Van Gilst
Glenn	Merritt	Priebe	Willits
Gluba	Miller of	Rabedeaux	Winkelman
Griffin	Des Moines		

Nays, none.

Absent or not voting, 6:

Carr	Nolin	Shaff	Shaw
Doderer	Robinson		

President Neu declared the appointment of Bertha J. Kirkwood as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1977.

Senator Burroughs called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nellie Osterlund, R.N., of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLIFF BURROUGHS, Chairperson
C. JOSEPH COLEMAN
WILLARD R. HANSEN
WILLIAM D. PALMER
JAMES M. REDMOND

The motion prevailed and the report was adopted.

Senator Burroughs moved the appointment of Nellie Osterlund, R.N., as a member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Rabedeaux
Bergman	Hansen	Des Moines	Ramsey
Briles	Heying	Miller of	Redmond
Burroughs	Hill of Jasper	Marshall	Rodgers
Coleman	Hill of Polk	Murray	Schwengels
Culver	Hultman	Nolting	Scott
Curtis	Junkins	Norpel	Sovern
DeKoster	Kelly	Nystrom	Taylor
Doderer	Kinley	Orr	Tieden
Gallagher	Lamborn	Palmer	Van Gilst
Glenn	Merritt	Plymat	Willits
Gluba		Priebe	Winkelman

Nays, none.

Absent or not voting, 5:

Carr	Robinson	Shaff	Shaw
Nolin			

President Neu declared the appointment of Nellie Osterlund, R.N., as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1977.

Senator Miller of Marshall called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Connie Price of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for the initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH MILLER, Chairperson
 KARL NOLIN
 WILLIAM N. PLYMAT
 KENNETH D. SCOTT
 STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Miller of Marshall moved the appointment of Connie Price as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Rabedeaux
Bergman	Hansen	Des Moines	Ramsey
Briles	Heying	Miller of	Redmond
Burroughs	Hill of Jasper	Marshall	Rodgers
Coleman	Hill of Polk	Murray	Schwengels
Culver	Hultman	Nolting	Scott
Curtis	Junkins	Norpel	Sovern
DeKoster	Kelly	Nystrom	Taylor
Doderer	Kinley	Orr	Tieden
Gallagher	Lamborn	Palmer	Van Gilet
Glenn	Merritt	Plymat	Willits
Gluba		Priebe	Winkelman

Nays, none.

Absent or not voting, 5:

Carr	Robinson	Shaff	Shaw
Nolin			

President Neu declared the appointment of Connie Price as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1978.

Senator Scott called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard F. Rabe, D.D.S., of Des Moines, Polk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an

initial term commencing July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH D. SCOTT, Chairperson
ROBERT M. CARR
PHILIP B. HILL
LOWELL L. JUNKINS
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Scott moved the appointment of Richard F. Rabe, D.D.S., as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Ramsey
Bergman	Hansen	Marshall	Redmond
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Coleman	Hill of Polk	Norpel	Scott
Culver	Hultman	Nystrom	Sovern
Curtis	Junkins	Orr	Taylor
DeKoster	Kelly	Palmer	Tieden
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedeaux	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Carr	Merritt	Robinson	Shaw
Lamborn	Nolin	Shaff	

President Neu declared the appointment of Richard F. Rabe, D.D.S., as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1978.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Norpel for the afternoon session and Senator Culver for the afternoon session on request of Senator Gallagher; Senator Miller of Marshall for the afternoon session on request of Senator Heying.

PRESENTATION OF VISITOR

President Neu welcomed the Honorable Joe N. Wilson, former member of the Senate from Appanoose County, who was present in the Senate chamber.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1029, a bill for an act making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1032, a bill for an act appropriating funds to the Iowa state arts council and the academy of science.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1033, a bill for an act appropriating funds from the Iowa public employees' retirement system fund to the employment security commission.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1034, a bill for an act making an appropriation to the employment security commission for Iowa public employees' retirement system administration.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1035, a bill for an act providing a salary range for the director of the Iowa real estate commission.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1141, a bill for an act appropriating funds to the state conservation commission.

Also: That the House has on February 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1142, a bill for an act making appropriations to the state department of health.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1105, by Senator Gluba, a bill for an act relating to the distribution of monthly aid to dependent children payments.

Read first time and passed on file.

Senate File 1106, by Senator Murray, a bill for an act relating to the purchase of life insurance for a minor by a custodian.

Read first time and passed on file.

Senate File 1107, by Senators DeKoster, Hultman, Curtis, Bergman, Winkelman, Taylor, Rabedaux, Schwengels and Plymat, a bill for an act relating to the minimum wage qualifications for eligibility for unemployment compensation.

Read first time and passed on file.

Senate File 1108, by Senators DeKoster, Hultman, Ramsey, Miller of Marshall, Bergman, Curtis, Winkelman, Taylor, Schwengels, Rabedaux, Plymat and Shaw, a bill for an act relating to qualifications to receive, and determination of, unemployment compensation benefits.

Read first time and passed on file.

Senate File 1109, by Senator Schwengels, a bill for an act amending the state building code by correcting procedures and changing the penalty.

Read first time and passed on file.

Senate File 1110, by Senators Griffin and Schwengels, a bill for an act relating to the deduction of federal corporate income tax payments for computing taxable income for state corporate income tax purposes and making the Act retroactive.

Read first time and passed on file.

Senate File 1111, by Senators Hultman and Ramsey, a bill for an act relating to who may form a professional corporation.

Read first time and passed on file.

Senate File 1112, by Senator Orr, a bill for an act relating to assessment of industrial property.

Read first time and passed on file.

Senate File 1113, by Senators Doderer and Orr, a bill for an act relating to the immunization of persons attending elementary

or secondary schools or institutions of higher education and to the authority of the state department of health to modify immunization requirements for admission to school.

Read first time and **passed on file.**

Senate File 1114, by Senator Doderer, a bill for an act relating to ownership of materials developed in a relationship with a professional and providing a penalty.

Read first time and **passed on file.**

Senate File 1115, by Senators Doderer, Palmer, Schwengels, Griffin, Hansen, Nolting, Robinson, Gluba, Rabedaux, Murray, Hultman, Kelly, Gallagher, Sovern, Redmond and Carr, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

Read first time and **passed on file.**

Senate File 1116, by Senator Nystrom, a bill for an act relating to the composition of the board of parole and providing that a majority of the members of the board of parole shall constitute a quorum.

Read first time and **passed on file.**

Senate File 1117, by Senator Norpel, a bill for an act to define computers and related types of equipment as personal property for purposes of property taxation.

Read first time and **passed on file.**

Senate File 1118, by Senator Willits, a bill for an act providing retirement benefits for certain judicial magistrates under the judicial retirement system.

Read first time and **passed on file.**

Senate File 1119, by Senator Willits, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

Read first time and **passed on file.**

Senate File 1120, by Senators Palmer, Hansen, Nolting, Miller of Des Moines and Curtis, a bill for an act relating to judgments in medical malpractice actions.

Read first time and **passed on file.**

Senate File 1121, by Senator Nystrom, a bill for an act relat-

ing to service under the Iowa public employees' retirement system after age sixty-five.

Read first time and **passed on file.**

Senate File 1122, by committee on county government, a bill for an act relating to the employment rights of second deputy sheriffs.

Read first time and **placed on calendar.**

HOUSE MESSAGES CONSIDERED

House File 1141, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission.

Read first time and **passed on file.**

House File 1142, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department.

Read first time and **passed on file.**

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

ADOPTION OF REPORT OF COMMITTEE ON MEMORIAL RESOLUTIONS

Senator Curtis called up the following report and moved its adoption:

REPORT OF COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: Your committee on memorial resolutions begs leave to report that committees should be appointed to prepare suitable memorial resolutions for the following deceased members of the Senate:

A. E. Augustine, Oskaloosa
Andrew Bell, Denison

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS
WILLIAM E. GLUBA
ELIZABETH SHAW

The motion prevailed and the report was adopted.

APPOINTMENT OF COMMITTEES

The following memorial resolution committees were appointed:

On A. E. Augustine:

Senator Van Gilst, Chairperson
Senator Hill of Jasper
Senator Schwengels

On Andrew Bell:

Senator Culver, Chairperson
Senator Coleman
Senator Winkelman

ADOPTION OF SUPPLEMENTAL REPORT

Senator Doderer called up the Supplemental Report of Committee on Senate Secretaries found on page 236 of the Senate Journal, and moved its adoption.

The motion prevailed and the report was adopted.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1123, by committee on state government, a bill for an act to establish a department of employment security, prescribe its duties, and to abolish the employment security commission.

Read first time and placed on calendar.

Senate File 1124, by committee on appropriations, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act.

Read first time and placed on calendar.

Senate File 1125, by committee on appropriations, a bill for an act repealing the statutory appropriation for the state employees' disability plan.

Read first time and placed on calendar.

Senate File 1126, by committee on appropriations, a bill for an act appropriating funds to the Iowa state historical department.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1100 Appropriations
- S. F. 1101 Transportation
- S. F. 1103 Judiciary
- S. F. 1104 Appropriations

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Madalene Roberts Townsend of Davenport, Scott County, Iowa, for appointment as a member of the Council on Social Services under the provisions of Section 217.2, Code 1975, for an unexpired term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MINNETTE F. DODERER
GENE W. GLENN
WILLIAM E. GLUBA
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald A. Graham of Sergeant Bluff, Woodbury County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
LEONARD C. ANDERSEN
EUGENE M. HILL
LOWELL L. JUNKINS
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ray V. Bailey of Milford, Dickinson County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
IRVIN L. BERGMAN
E. KEVIN KELLY
MILO MERRITT
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William G. Murray of Ames, Story County, Iowa, for appointment as a member of the State Board of Tax Review under the provisions of Section 421.1, 1975 Code of Iowa, for a regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
ROBERT M. CARR
MINNETTE DODERER
JOHN N. NYSTROM
BASS VAN GILST

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **Senate File 1092**, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 188**, a bill for an act authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 918**, a bill for an act making an appropriation to pay attorney fees and expenses for counsel for the parties in the election contest of Spradling v. Stephens, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1037**, a bill for an act appropriating funds to the capitol planning

commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1080**, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1082**, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Junkins submitted the following reports:

MR. PRESIDENT: Your committee on commerce to which was referred **Senate File 194**, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code", begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5104

- 1 Amend Senate File 194 as follows:
- 2 1. Page 1, by striking lines 4 through 8 and
- 3 inserting in lieu thereof the following:
- 4 "NEW PARAGRAPH. Sales of property or items
- 5 by the licensee which are not for the profit of
- 6 the licensee and which are sold for a price not
- 7 exceeding fifteen dollars."

LOWELL JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **Senate File 442**, a bill for an act relating to permissible investments by a

state bank acting in a fiduciary capacity, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 362**, a bill for an act relating to the exclusion of banks from membership sales licensing requirements of the Code, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **Senate File 106**, a bill for an act prohibiting smoking in certain public areas, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5105

- 1 Amend Senate File 106 by striking everything after
- 2 the enacting clause and inserting in lieu thereof
- 3 the following:
- 4 "Section 1. **NEW SECTION. SMOKING DEFINED.** As
- 5 used in this Act, the word 'smoking' means inhaling
- 6 or exhaling the smoke of, or the possession or control
- 7 of, a lighted cigarette, pipe, cigar, or little cigar
- 8 as defined in section ninety-eight point forty-two
- 9 (98.42), subsection sixteen (16) of the Code.
- 10 Sec. 2. **NEW SECTION. SMOKING PROHIBITED IN CERTAIN**
- 11 **AREAS.** Smoking is prohibited in:
- 12 1. Any elevator, indoor theater, library, art
- 13 museum, concert hall, auditorium, or other similar
- 14 facility which is open to the public. However, those
- 15 in custody of buildings or facilities housing indoor
- 16 theaters, libraries, art museums, concert halls, and
- 17 other similar facilities open to the public may permit
- 18 smoking by persons seated at any table provided for
- 19 the purpose of consuming food or beverages served
- 20 or provided on the premises and may make available
- 21 smoking areas adjacent to such facilities within the
- 22 same structure where smoking is not prohibited by
- 23 any statute, ordinance, or lawful rule of this state
- 24 or any of its political subdivisions and where the
- 25 words 'smoking permitted' are posted.
- 26 2. Any railroad passenger coach, passenger bus,
- 27 passenger airplane, or other common carrier which
- 28 provides departures originating in this state, except
- 29 in those areas, not exceeding fifty percent of the
- 30 passenger seating capacity, where smoking is not

31 prohibited by any other statute, ordinance, or lawful
32 rule of the United States, this state, or any of its
33 political subdivisions and where the words 'smoking
34 permitted' are posted.

35 3. Any waiting room, rest room, lobby, or hallway
36 of any hospital, clinic, medical laboratory, or other
37 similar facility, except in areas designated by the
38 person in custody or control of the facility as smoking
39 areas.

40 4. Any room of a health care facility as defined
41 in section one hundred thirty-five C point one (135C.1)
42 of the Code, hospital, clinic, or other medical
43 facility used for the recuperation or care of patients,
44 except in rooms designated by the person in custody
45 or control of the facility as smoking rooms. The
46 person in custody or control of the facility shall
47 provide a sufficient number of rooms in which smoking
48 is not permitted to accommodate those persons who
49 desire such rooms.

50 5. Any public building owned by or under the

Page 2

1 control of this state or any of its political
2 subdivisions, except in areas designated by the
3 controlling governmental body, officer, or agency
4 as smoking areas.

5 6. Any waiting room of the office of any physician
6 and surgeon, osteopath, osteopathic physician and
7 surgeon, nurse, dentist, dental hygienist,
8 psychologist, physical therapist, podiatrist,
9 chiropractor, optometrist, or optician if the
10 practitioner or group of practitioners in custody
11 or control of the waiting room elect to be covered
12 by the prohibition and penalties prescribed by this
13 Act.

14 7. Any building or portion of a building occupied
15 by any business engaged in the retail sale of tangible
16 personal property or taxable services if the person
17 in custody or control of that building or portion
18 of a building elects to have applied to it the
19 prohibition and penalties prescribed by this Act.

20 Sec. 3. **NEW SECTION. NO SMOKING AREAS POSTED.**

21 The person or persons having custody or control of
22 any of the facilities in which smoking is prohibited
23 under section two (2) of this Act shall cause to be
24 posted within the facility, or within the area or
25 areas of the facility where the prohibition against
26 smoking is in effect, one or more conspicuous signs
27 bearing the words 'smoking prohibited by law' or words
28 or any symbol of similar effect.

29 Sec. 4. **NEW SECTION. ENFORCEMENT OF SMOKING**
30 **PROHIBITION.** The person in custody or control of
31 any of the facilities in which smoking is prohibited
32 under section two (2) of this Act, or any employee
33 of any such facility who is on duty therein, who

34 observes any person smoking in that facility in
35 violation of this Act shall inform that person that
36 smoking is prohibited by law in that facility or that
37 area of the facility, as the case may be.

38 Sec. 5. *NEW SECTION. PENALTY FOR VIOLATION.*

39 Any person who violates section two (2), three (3),
40 or four (4) of this Act is guilty of a misdemeanor
41 and, upon conviction, shall be fined not less than
42 ten nor more than one hundred dollars."

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5102

1 Amend Senate File 1062 as follows:

2 1. Page 1, line 26, by striking the word "six"
3 and inserting in lieu thereof the word "seven".

4 2. By striking page 2, line 7, through page 4,
5 line 21, and inserting in lieu thereof the following:

6 "Sec. LOCAL REFERENDUM ON ALLOWABLE GROWTH.

7 1. If the governing body of a political sub-
8 division wishes to exceed the allowable growth es-
9 tablished by this Act, the governing body shall
10 direct the county commissioner of elections to
11 publish notice of and conduct a special election
12 within ten days after the date of publication.
13 The notice shall be published as provided in
14 section forty-nine point fifty-three (49.53) of the
15 Code and shall include a comparison of the dollar
16 amount and percentage of allowable growth estab-
17 lished by this Act and the dollar amount and percen-
18 tage of allowable growth requested for the proposed
19 limited budget of the political subdivision. The
20 question to be voted on by the qualified electors
21 of the political subdivision shall be stated as
22 follows: 'Shall the certified limited budget of
23 (name of political subdivision) for the fiscal
24 year beginning July 1, 19.... and ending June 30,
25 19.... be limited to not more than the allowable
26 growth established by the general assembly?' If a
27 majority of the votes cast for and against the
28 proposition favors the allowable growth limitation
29 established by the general assembly, the proposed
30 limited budget of the political subdivision shall be
31 so limited. If a majority of such votes cast does
32 not favor the allowable growth established by the
33 general assembly, the political subdivision may
34 increase its proposed limited budget by the amount
35 of allowable growth requested and printed in the
36 notice of election. Thereafter, the proposed limited
37 budget shall be certified to the county auditor.

38 2. If an allowable growth in excess of the

39 provisions of section two (2) of this Act is approved
40 by the electorate, property tax limitations otherwise
41 provided by law shall not apply to such proposed
42 limited budget and such proposed limited budget shall
43 not be subject to appeal to the state appeal board."
44 3. By renumbering the sections.

RICHARD J. NORPEL, SR.

S—5103

1 Amend Senate File 1062 as follows:

2 1. Page 2, lines 4 and 5, by striking the words
3 "modified by the appropriate budget review committee"
4 and inserting in lieu thereof the word "increased".

5 2. By striking page 2, line 7 through page 4,
6 line 21, inclusive, and inserting in lieu thereof
7 the following:

8 "Sec. 3. ALLOWABLE GROWTH EXCEEDED—ADDITIONAL
9 PUBLIC HEARING. If a political subdivision wishes
10 to adopt a limited budget which exceeds the allowable
11 growth provided in section two (2) of this Act fol-
12 lowing the public hearing required under chapter
13 twenty-four (24) or three hundred eighty-four (384),
14 division two (II), of the Code, the governing body
15 shall withhold certification of such budget to the
16 county auditor and publish notice of and conduct an
17 additional public hearing not later than April fifth.
18 The date, time and location of the public hearing
19 and the information required to be published by law
20 shall be published in a newspaper having general
21 circulation throughout the political subdivision not
22 less than five days before the date specified for
23 such hearing.

24 Sec. 4. LOCAL REFERENDUM ON ALLOWABLE GROWTH.

25 1. If, after the second public hearing, the
26 governing body of a political subdivision wishes to
27 exceed the allowable growth established by this Act,
28 the governing body shall direct the county commissioner
29 of elections to publish notice of and conduct a special
30 election within ten days after the date of publication.
31 The notice shall be published as provided in section
32 forty-nine point fifty-three (49.53) of the Code and
33 shall include a comparison of the dollar amount and
34 percentage of allowable growth established by this
35 Act and the dollar amount and percentage of allowable
36 growth requested for the proposed limited budget of
37 the political subdivision. The question to be voted
38 on by the qualified electors of the political
39 subdivision shall be stated as follows: 'Shall the
40 certified limited budget of (name of the political
41 subdivision) for the fiscal year beginning July 1,
42 19.... and ending June 30, 19.... be limited to not more
43 than the allowable growth established by the general
44 assembly?' If a majority of the votes cast for and
45 against the proposition favors the allowable growth

46 limitation established by the general assembly, the
47 proposed limited budget of the political subdivision
48 shall be so limited. If a majority of such votes
49 cast does not favor the allowable growth established
50 by the general assembly, the political subdivision

Page 2

1 may increase its proposed limited budget by the amount
2 of allowable growth requested and printed in the
3 notice of election. Thereafter, the proposed limited
4 budget shall be certified to the county auditor.

5 2. If an allowable growth in excess of the pro-
6 visions of section two (2) of this Act is approved
7 by the electorate, property tax limitations other-
8 wise provided by law shall not apply to such proposed
9 limited budget and such proposed limited budget shall
10 not be subject to appeal to the state appeal board.

11 **Sec. 5. ADJUSTMENT OF PROPERTY VALUATION. Notwith-**
12 **standing the provisions of section four hundred forty-**
13 **one point twenty-one (441.21) of the Code, all**
14 **residential and agricultural property subject to**
15 **taxation shall be valued at its actual value and shall**
16 **be assessed at seventy-eight percent of the actual**
17 **value and the value so assessed shall be taken and**
18 **considered as the assessed value and taxable value**
19 **of such property upon which the levy shall be made.**
20 **The assessed value provided by this section shall**
21 **be applicable for the 1975 assessment year and each**
22 **assessment year thereafter until the industrial**
23 **property has been revalued in each assessing**
24 **jurisdiction in the state. For the assessment year**
25 **following the assessment year in which all industrial**
26 **property is revalued, and each succeeding assessment**
27 **year, the provisions of section four hundred forty-**
28 **one point twenty-one (441.21) of the Code shall apply**
29 **in determining the assessed value of all property."**

30 3. Page 5, by inserting after line 17 the follow-
31 ing new sections:

32 "Sec. The provisions of section five (5)
33 of this Act shall be retroactive to January 1, 1975,
34 and to this extent the provisions of this Act are
35 retroactive.

36 Sec. **APPLICABILITY OF ACT.** This Act shall
37 apply when the proposed limited budget of any political
38 subdivision exceeds one percent of the base year's
39 budget of such political subdivision.

40 Sec. There is appropriated from the gen-
41 eral fund of the state to the state comptroller for
42 the fiscal year beginning July 1, 1976 and ending
43 June 30, 1977, the sum of two million (2,000,000)
44 dollars, or so much thereof as may be necessary, to
45 be used to provide financial assistance to those
46 political subdivisions which, as a result of the
47 provisions of section five (5) of this Act, will
48 receive less property tax dollars for their budgets

49 for the fiscal year beginning July 1, 1976. Each
50 political subdivision affected shall receive from

Page 3

1 the state comptroller an amount equal to the difference
2 between the amount of property tax dollars collected
3 for the fiscal year beginning July 1, 1975 plus six
4 percent and the amount of property tax dollars levied
5 and to be collected for the fiscal year beginning
6 July 1, 1976. The state comptroller shall prepare
7 and supply such forms as necessary to facilitate
8 application for such financial assistance. If the
9 funds appropriated by this Act are not sufficient
10 to pay the entire property tax deficiency determined
11 under this section, the state comptroller shall
12 distribute a pro rata share of the funds among the
13 eligible political subdivisions. For the purpose
14 of this section, political subdivision means any local
15 public body or corporation that has the power to levy
16 or certify a property tax or sum of money to be col-
17 lected by property taxation."

18 4. Renumber sections and correct internal
19 references as necessary in accordance with this
20 amendment.

21 5. Amend the title, line 2, by inserting after
22 the word "state" the words "and adjusting property
23 valuations, making certain provisions of the Act
24 retroactive, and making an appropriation".

BERL E. PRIEBE
KENNETH D. SCOTT

S—5107

1 Amend Senate File 1062 as follows:

2 1. Page 5, by inserting after line 17 the following
3 new sections:

4 "Sec. 8. *NEW SECTION*. In every county that has
5 established a unified law enforcement district pursuant
6 to chapter twenty-eight E (28E) of the Code, the board
7 of supervisors may submit a proposition to the county
8 electorate at any countywide election providing for
9 the creation of a public safety fund and the levy
10 of a property tax at a rate not exceeding the rate
11 specified in section nine (9) of this Act for the
12 purpose of providing necessary moneys for the operation
13 of a unified law enforcement district.

14 If a majority of the voters voting on the
15 proposition approve the proposition, the board of
16 supervisors may levy the tax as provided in section
17 nine (9) of this Act.

18 Sec. 9. *NEW SECTION*. The board of supervisors
19 and the council of each city composing the unified
20 law enforcement district shall review the proposed
21 budget and certify the tax levy to the county auditor,
22 but the tax levy shall not exceed eighty-one cents

23 per thousand dollars of assessed value of the taxable
24 property in the district.

25 The auditor of each county shall in conjunction
26 with the county sheriff on or before January tenth
27 of each year make an estimate of the amount of funds
28 deemed necessary for the operation of a unified law
29 enforcement district. The auditor of each county
30 shall then transmit the estimate in dollars to the
31 county board of supervisors and to the city councils
32 within the district participating in a unified law
33 enforcement district."

34 2. By renumbering sections and correcting internal
35 references to conform to this amendment.

36 3. Amend the title, line 1, by inserting after
37 the word "to" the words "authorize the imposition
38 of a tax levy and".

RICHARD R. RAMSEY

S—5106

1 Amend Senate File 1062 as follows:

2 1. Page 5, by inserting after line 17 the
3 following:

4 "Sec. STATE BUDGET LIMITATIONS.

5 1. It is the intention of the general assembly
6 that the provisions of this Act shall apply to state
7 administrative costs paid from the general fund of
8 the state. To determine the total administrative
9 costs of the state to which the allowable growth
10 guideline shall apply, there shall be subtracted
11 from the total state budget the direct and indirect
12 state grants or aids made to local governments of
13 the state and payments made directly to individuals.
14 The state comptroller shall prepare the necessary
15 working papers, defining the state administrative
16 costs subject to limitation, and such working papers
17 shall be filed with the legislative fiscal director
18 by October 1, 1976.

19 2. If the state administrative costs subject to
20 limitation exceed the allowable growth guideline as
21 provided in this Act, the budget of any political
22 subdivision may exceed the allowable growth guideline
23 by the same percentage and such political subdivision
24 shall be exempt from the provisions of section three
25 (3) of this Act if its budget's percentage growth
26 does not exceed the percentage growth of the state
27 administrative costs.

28 3. The provisions of this section shall apply
29 to the budgets prepared for the fiscal year beginning
30 July 1, 1977."

31 2. Amend the title, line 1, by inserting after
32 the word "for" the words "the state and".

RICHARD R. RAMSEY

S—5101

- 1 Amend the committee on human resources amendment
- 2 S—5096, to House File 292 as amended, passed and
- 3 reprinted by the House, by striking from page 4, line
- 4 4, the figure and letter "2a" and inserting in lieu
- 5 thereof the figure "3".

WILLIAM E. GLUBA

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:10 p.m., until 9:30 a.m., Wednesday, February 11, 1976.

JOURNAL OF THE SENATE

THIRTY-FIRST DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 11, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Roland Going, pastor of the Concordia Lutheran Church, Lake Park, Iowa.

The Journal of Tuesday, February 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. E. Jongewaard, Wesley, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Shaw for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students, members of the 4-H Club, Saylor Township, Polk County, accompanied by Lara Kramme, Joyce Goforth and Vi Skow. Senator Willits.

PETITIONS

The following petitions were presented and placed on file:

By Senator Rabedaux from one hundred fifty-two residents of Muscatine County opposing payment of unemployment benefits to noncertified school employees during the time regular school is not in session.

By Senator Plymat from two hundred six residents of Polk County favoring legislation to raise the legal drinking age to nineteen.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Scott called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Helen Reichart, Monticello, Jones County, Iowa, for appointment to the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH SCOTT, Chairperson
 RICHARD J. NORPEL, SR.
 WILLIAM N. PLYMAT
 STEVE SOVERN
 RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Scott moved the appointment of Helen Reichart as a member of the State Board of Physical Therapy Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Scott
Coleman	Hultman	Nystrom	Shaff
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedeaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 2:

Nolin Shaw

President Neu declared the appointment of Helen Reichart as a member of the State Board of Physical Therapy Examiners confirmed for an initial term ending June 30, 1977.

Senator Schwengels called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas Huston, Columbus Junction, Louisa County, Iowa, for appointment as Superintendent of Banking for the State of Iowa pursuant to Section 524.203, Code 1975, for an unexpired term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
HILARIUS L. HEYING
WILLIAM D. PALMER
W. R. RABEDEAUX
CLOYD E. ROBINSON

The motion prevailed and the report was adopted.

Senator Schwengels moved the appointment of Thomas Huston as Superintendent of Banking be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Scott
Coleman	Hultman	Nystrom	Shaff
Culver	Junkins	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Voting present, 1:

Kelly

Absent or not voting, 2:

Nolin

Shaw

President Neu declared the appointment of Thomas Huston as Superintendent of Banking confirmed for the unexpired portion of the term ending June 30, 1977.

Senator Carr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Ray V. Bailey of Milford, Dickinson County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
 IRVIN L. BERGMAN
 E. KEVIN KELLY
 MILO MERRITT
 EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Carr moved the appointment of Ray V. Bailey as a member of the State Board of Regents be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Scott
Coleman	Hultman	Nystrom	Shaff
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Lamborn	Nolin	Shaw
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President Neu declared the appointment of Ray V. Bailey as a member of the State Board of Regents confirmed for the regular six-year term ending June 30, 1981.

Senator DeKoster submitted the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mary Louise Petersen of Harlan, Shelby County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, Code 1975, for the regular six-year term

beginning July 1, 1975 and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DEKOSTER, Chairperson
 LOUIS P. CULVER
 WARREN E. CURTIS
 JOAN ORR
 EUGENE M. HILL

The motion prevailed and the report was adopted.

Senator DeKoster moved the appointment of Mary Louise Petersen as a member of the State Board of Regents be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Redmond
Briles	Hansen	Des Moines	Ramsey
Burroughs	Heying	Miller of	Rodgers
Carr	Hill of Jasper	Marshall	Schwengels
Coleman	Hill of Polk	Murray	Scott
Culver	Hultman	Nolting	Shaff
Curtis	Junkins	Nystrom	Sovern
DeKoster	Kelly	Orr	Taylor
Doderer	Kinley	Palmer	Tieden
Gallagher	Lamborn	Plymat	Van Gilst
Glenn	Merritt	Priebe	Willits
Gluba		Rabedaux	Winkelman

Nays, 1:

Norpel

Absent or not voting, 4:

Bergman	Nolin	Robinson	Shaw
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President Neu declared the appointment of Mary Louise Petersen as a member of the State Board of Regents confirmed for the regular six-year term ending June 30, 1981.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on February 11, 1976, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 106 relating to Lincoln Day Observance.

DAVID L. WRAY, Chief Clerk

ADOPTION OF RESOLUTION

House Concurrent Resolution 106

Senator Kinley asked and received unanimous consent to take up for immediate consideration the following resolution, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 106

By Fitzgerald

- 1 *Be It Resolved by the House, the Senate Concurring, That*
- 2 *a joint convention of the two houses of the Sixty-sixth*
- 3 *General Assembly be held in the House chamber on*
- 4 *Thursday, February 12, 1976, at 10:00 a.m.*
- 5 *Be It Further Resolved, That Senator Gene W. Glenn,*
- 6 *a student on the life and works of Abraham Lincoln, be*
- 7 *invited to deliver an address in observance of Lincoln's*
- 8 *birthday.*

The motion prevailed and the resolution was adopted.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 9, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 836, a bill for an act relating to the Civil Rights Commission.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1127, by Senator Murray, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story county, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.

Read first time and passed on file.

Senate File 1128, by Senator Gluba, a bill for an act requiring an annual report of financial condition and disclosure of interest

in the physical facilities or the operation of each health care facility licensed in this state, and providing a penalty.

Read first time and **passed on file.**

Senate File 1129, by Senators Ramsey and Hultman, a bill for an act relating to employment security benefit payments.

Read first time and **passed on file.**

Senate File 1130, by committee on education, a bill for an act relating to tuition grants to students.

Read first time and **referred to the committee on appropriations**, under Senate Rule 38.

Senate File 1131, by Senator Miller of Des Moines, a bill for an act to clarify provisions designating who may draw blood samples as provided in the implied consent law.

Read first time and **passed on file.**

HOUSE MESSAGE CONSIDERED

House File 836, a bill for an act relating to the civil rights commission.

Read first time and **passed on file.**

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

Senate File 1062

The Senate resumed consideration of Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, pending on February 5, 1976.

Senator Rabedaux withdrew amendment S—5090 filed by him on February 5, 1976, and found on page 285 of the Senate Journal.

Senator Gluba withdrew amendment S—5073 filed by him on February 4, 1976, and found on pages 253-255, inclusive, of the Senate Journal.

Amendment S—5078 filed by Senators Griffin and Gluba to amendment S—5073 ruled out of order.

Senator Kelly offered amendment S—5092 filed by him on February 5, 1976, and found on pages 285-291, inclusive, of the Senate Journal.

Senator Kelly moved the adoption of amendment S—5092.

A record roll call was requested.

On the question "Shall amendment S—5092 be adopted?" (S.F. 1062) the vote was:

Ayes, 9:

Andersen	Griffin	Kelly	Willits
Bergman	Hansen	Miller of	
Doderer	Junkins	Des Moines	

Nays, 39:

Briles	Heying	Nolting	Robinson
Burroughs	Hill of Jasper	Norpel	Rodgers
Carr	Hill of Polk	Nystrom	Schwengels
Coleman	Hultman	Orr	Scott
Culver	Kinley	Palmer	Shaff
Curtis	Lamborn	Plymat	Sovern
DeKoster	Merritt	Priebe	Taylor
Gallagher	Miller of	Rabedaux	Tieden
Glenn	Marshall	Ramsey	Van Gilst
Gluba	Murray	Redmond	Winkelman

Absent or not voting, 2:

Nolin	Shaw
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Amendment S—5092 lost.

Senator Shaff offered amendment S—5064 by the committee on ways and means:

S—5064

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 4, by striking lines 22 through 35 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. MUNICIPAL ENTERPRISES. The provisions
- 5 of this Act shall not apply to expenditures of a city
- 6 utility, a city enterprise, a public agency, or a
- 7 county public hospital, except with respect to
- 8 transfers of surplus funds of a city utility or city
- 9 enterprise pursuant to section three hundred eighty-
- 10 four point eighty-nine (384.89) of the Code to any
- 11 fund of the city included in the limited budget as
- 12 defined in section one (1), subsection three (3),
- 13 of this Act and such transfers shall be subject to
- 14 the allowable growth provided in section two (2) of
- 15 this Act.
- 16 For purposes of this section, 'city utility' means
- 17 a city utility as defined in section three hundred
- 18 sixty-two point two (362.2), subsection twenty-two
- 19 (22), of the Code, 'city enterprise' means a city
- 20 enterprise as defined in section three hundred eighty-
- 21 four point twenty-four (384.24) of the Code and
- 22 includes combined utility systems and combined city

23 enterprises as defined in section three hundred eighty-
24 four point eighty (384.80) of the Code, and 'public
25 agency' means a public agency as defined in sections
26 twenty-eight E point two (28E.2) and twenty-eight
27 F point two (28F.2) of the Code."
28 2. Page 5, by striking lines 1 through 11.

Senator Rodgers offered amendment S—5076 to amendment S—5064 filed by him and moved its adoption:

S—5076

1 Amend the committee on ways and means
2 amendment, S—5064, to Senate File 1062 as follows:
3 1. Page 1, line 26, by inserting after the
4 figure "(28E.2)" the words "of the Code for provid-
5 ing joint services and facilities under chapter
6 twenty-eight E (28E) of the Code".
7 2. Page 1, line 27, by inserting after the
8 word "Code" the words "for the joint financing of
9 works and facilities authorized under chapter
10 twenty-eight F (28F) of the Code".

Amendment S—5076 to amendment S—5064 was adopted.

Senator Kinley asked and received unanimous consent that further action on amendment S—5064 as amended be temporarily deferred.

Senator Shaff offered amendment S—5084 filed by him and moved its adoption:

S—5084

1 Amend Senate File 1062 as follows:
2 1. Page 1, by striking from lines 8 and 9 the
3 words "including amendments" and inserting in lieu
4 thereof the words "as originally certified or as
5 amended by January 1, 1976".

Amendment S—5084 was adopted.

Senator Willits offered amendment S—5113 by Senators Willits and Junkins and moved its adoption:

S—5113

1 Amend Senate File 1062 as follows:
2 1. Page 1, line 11, by inserting after the
3 word, "federal" the words, "and state".

A record roll call was requested.

On the question "Shall amendment S—5113 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	Griffin	Miller of	Ramsey
Carr	Hansen	Des Moines	Redmond
DeKoster	Hill of Polk	Murray	Schwengels
Doderer	Hultman	Orr	Shaw
Glenn	Junkins	Palmer	Sovern
Gluba	Kelly	Rabedeaux	Willits

Nays, 25:

Bergman	Heying	Nolting	Rodgers
Briles	Hill of Jasper	Norpel	Scott
Burroughs	Kinley	Nystrom	Taylor
Coleman	Lamborn	Plymat	Tieden
Culver	Merritt	Priebe	Van Gilst
Curtis	Miller of	Robinson	Winkelman
Gallagher	Marshall		

Absent or not voting, 2:

Nolin	Shaff
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Amendment S—5113 lost.

Senator Hultman offered amendment S—5119, moved its adoption and requested a record roll call:

S—5119

1 Amend Senate File 1062, page 1, line 18, by
 2 inserting after the word "Act," the words "the
 3 amount of money collected or received from pro-
 4 perty taxes and other sources to pay expenses
 5 pertaining to the mental health and institutional
 6 fund as provided in section four hundred forty-
 7 four point twelve (444.12) of the Code and the
 8 expenses pertaining to voter registration and the
 9 cost of elections as provided in section four
 10 hundred forty-four point nine (444.9), subsection
 11 three (3), of the Code."

President pro tempore Doderer took the chair at 4:58 p.m.

On the question "Shall amendment S—5119 be adopted?"
 (S.F. 1062) the vote was:

Ayes, 25:

Bergman	Gluba	Miller of	Robinson
Briles	Griffin	Des Moines	Schwengels
Burroughs	Hansen	Murray	Shaw
Carr	Hill of Polk	Orr	Sovern
DeKoster	Hultman	Rabedeaux	Taylor
Doderer	Junkins	Redmond	Willits
Glenn	Kelly		

Nays, 24:

Andersen	Kinley	Norpel	Rodgers
Coleman	Lamborn	Nystrom	Scott
Culver	Merritt	Palmer	Shaff
Curtis	Miller of	Plymat	Tieden
Gallagher	Marshall	Priebe	Van Gilst
Heying	Nolting	Ramsey	Winkelman
Hill of Jasper			

Absent or not voting, 1:
Nolin

Amendment S—5119 was adopted.

Senator Andersen offered amendment S—5048 filed by him, moved its adoption and requested a record roll call:

S—5048

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 1, line 26, by striking the word "six"
- 3 and inserting in lieu thereof the word "seven".

On the question "Shall amendment S—5048 be adopted?" (S.F. 1062) the vote was:

Ayes, 27:

Andersen	Gallagher	Kelly	Rabedaux
Bergman	Glenn	Miller of	Redmond
Briles	Gluba	Des Moines	Robinson
Carr	Griffin	Murray	Schwengels
Coleman	Hansen	Norpel	Shaw
DeKoster	Hill of Polk	Orr	Sovern
Doderer	Junkins	Plymat	Willits

Nays, 22:

Burroughs	Kinley	Nystrom	Shaff
Culver	Lamborn	Palmer	Taylor
Curtis	Merritt	Priebe	Tieden
Heying	Miller of	Ramsey	Van Gilst
Hill of Jasper	Marshall	Rodgers	Winkelman
Hultman	Nolting	Scott	

Absent or not voting, 1:
Nolin

Amendment S—5048 was adopted.

(Senate File 1062 pending on adjournment.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5084 to Senate File 1062 was adopted by the Senate on February 11, 1976.

WILLIAM E. GLUBA

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1218, a bill for an act making an appropriation to the state board of regents for a seeds laboratory.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1132, by committee on state government, a bill for an act relating to the computation of benefit increases for certain persons retired under the Iowa public employees' retirement system.

Read first time and **placed on calendar**.

Senate File 1133, by committee on county government, a bill for an act allowing inspection stations to issue temporary permits for highway use on restricted title vehicles.

Read first time and **placed on calendar**.

Senate File 1134, by committee on transportation, a bill for an act to permit either parent to consent to the application of a minor for an operator's license.

Read first time and **placed on calendar**.

HOUSE MESSAGE CONSIDERED

House File 1218, a bill for an act making an appropriation to the state board of regents for a seeds laboratory.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1105 Human resources
- S. F. 1106 Judiciary
- S. F. 1107 Labor and industrial relations
- S. F. 1108 Labor and industrial relations
- S. F. 1109 County government
- S. F. 1110 Ways and means
- S. F. 1111 Commerce
- S. F. 1112 Ways and means
- S. F. 1113 Human resources
- S. F. 1114 Commerce
- S. F. 1115 Human resources

- S. F. 1116 Judiciary
- S. F. 1117 Ways and means
- S. F. 1118 State government
- S. F. 1119 Judiciary
- S. F. 1120 Judiciary
- S. F. 1121 State government
- H. F. 1141 Appropriations
- H. F. 1142 Appropriations

ANNOUNCEMENT OF APPOINTMENT

President Neu, pursuant to Section 18A.1, 1975 Code of Iowa, announced the appointment of Senator Hilarius L. Heying as a member of the Capitol Planning Commission to fill the unexpired portion of a term ending April 30, 1979.

COMMUNICATION

The following communication was received and placed on file in the office of the Secretary of the Senate from:

OFFICE OF THE CITIZENS' AIDE

A report for the period of January 1, 1975, to December 31, 1975, submitted to the members of the Sixty-sixth General Assembly, 1976 session, in accordance with Section 601G.18, Code 1975.

ANNOUNCEMENT OF INVESTIGATING COMMITTEE FOR GOVERNOR'S APPOINTMENT

President Neu, in accordance with section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to an investigating committee:

As a member of the State Soil Conservation Committee.

Louise Moon, Des Moines, Polk County, Iowa, for a six-year term commencing July 1, 1975 and ending June 30, 1981.

Senator Willits, Chairperson
Senator Doderer
Senator Hill of Polk
Senator Shaff
Senator Sovern

PROOF OF PUBLICATION

Published copy of Senate File 1127 and verified proof of publication of said bill in the Ames Daily Tribune, a newspaper published in Ames, Iowa, on January 27, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Domenic P. Morrow of Des Moines, Polk County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
LOUIS P. CULVER
GEORGE R. KINLEY
NORMAN RODGERS
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Harold W. Godbersen, Ida Grove, Ida County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
PHILIP B. HILL
STEVE SOVERN
EARL M. WILLITS
WILLIAM P. WINKELMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph L. Strasser of Des Moines, Polk County, Iowa, as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
PHILIP B. HILL
RICHARD J. NORPEL, SR.
JOAN ORR
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Francis E. Holland of Mason City, Cerro Gordo County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for the initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
WILLARD R. HANSEN
ELIZABETH MILLER
CLOYD ROBINSON
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ezra W. Shenk of Wellman, Washington County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
GENE W. GLENN
FORREST V. SCHWENGELS
STEVE SOVERN
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Milford A. Fjare, Council Bluffs, Pottawattamie County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
JAMES W. GRIFFIN, SR.
WILLARD R. HANSEN
RICHARD J. NORPEL, SR.
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight Brooke of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson

EUGENE M. HILL
PHILIP B. HILL
KARL NOLIN
WILLIAM D. PALMER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Barbara Ann Steen of Jesup, Buchanan County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS
JAMES V. GALLAGHER
JAMES W. GRIFFIN, SR.
CLOYD E. ROBINSON

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James W. Peterson, of Washington, Washington County, Iowa, for appointment as a member of the State Board of Watch-making Examiners under the provisions of Section 120.3, 1975 Code of Iowa, for an initial term beginning July 1, 1976, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD J. NORPEL, SR., Chairperson
FRED W. NOLTING
BERL E. PRIEBE
FORREST V. SCHWENGELS
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gerald Norland of Cylinder, Palo Alto County, Iowa, for reappointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
BERL E. PRIEBE
CLOYD E. ROBINSON
KENNETH D. SCOTT
ELIZABETH SHAW

REPORTS OF COMMITTEES

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred

Senate File 443, a bill for an act relating to loans on residential real property by state banks, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5111

- 1 Amend Senate File 443 as follows:
- 2 1. Page 1, by striking from lines 21 and 22
- 3 the words "the period ending on the date of its
- 4 maturity" and inserting in lieu thereof the words
- 5 "[the period ending on the date of its maturity]".
- 6 2. Page 1, line 25, by inserting after the
- 7 word "[state]" the words "*a period of not more than*
- 8 *thirty years*".

LOWELL JUNKINS, Chairperson

Ordered passed on file.

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **Senate File 380**, a bill for an act relating to the effective date of certain Acts or resolutions of the general assembly, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5115

- 1 Amend Senate File 380 as follows:
- 2 1. Page 1, line 21, by striking the words "*two*
- 3 *hundred fifty thousand*" and inserting in lieu thereof
- 4 the words "*one million*".
- 5 2. Page 1, line 24, by striking the words "*two*
- 6 *hundred fifty thousand*" and inserting in lieu thereof
- 7 the words "*one million*".
- 8 3. Page 1, by inserting after line 27 the
- 9 following:
- 10 "Sec. The effective date of this Act shall
- 11 be January 1, 1977."

CHARLES P. MILLER, Chairperson

Ordered passed on file.

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 744**, a bill for an act relating to registration of travel trailers, begs leave to report it has had the same under consideration and recommends the same **do pass.**

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5117

- 1 Amend Senate File 356 as follows:

1. Page 2, by inserting after line 14 the following:

"9. 'Contiguous' means touching along a boundary or boundaries for a considerable distance; connected; in actual contact and not just near; meeting or joining along a border or borders beyond a mere touching of corners. It is intended that parcels of land composing a self-supported municipal improvement district shall together constitute one undivided body of land where the parcels are more than slightly or tenuously joined."

2. Page 2, line 26, by inserting after the word "city." the words "A self-supported municipal improvement district shall not be comprised of any property in districts which are zoned for any use other than commercial or industrial."

3. Page 3, line 6, by inserting after the word "district." the words "Only property which is or will be specially benefited shall be included in the district."

4. Page 3, lines 7 and 8, by striking the words "call a hearing on the establishment of" and inserting in lieu thereof the words "initiate proceedings for establishing".

5. Page 3, by inserting after line 31 the following subsection:

"3. The council shall notify the city planning commission upon the receipt of a petition. It shall be the duty of the city planning commission to make recommendations to the council in regard to the proposed district. The city planning commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon, publishing notice of a hearing as provided in section three hundred sixty-two point three (362.3) of the Code, before submitting its final report to the council. The council shall not hold its public hearings or take further action on the establishment of the district until it has received the final report of the city planning commission. In addition to its final report, the commission may, from time to time, recommend to the council amendments and changes relating to the district.

If no city planning commission exists, the council shall notify the metropolitan or regional planning commission upon receipt of a petition, and such commission shall have the same duties as the city planning commission set forth in this subsection. If no planning commission exists, the council shall notify

Page 2

1 the zoning commission upon receipt of a petition,
2 and such commission shall have the same duties as
3 the city planning commission set forth in this
4 subsection. If no planning or zoning commission

- 5 exists, the council shall call a hearing on the
6 establishment of a district upon receipt of a
7 petition.”
- 8 6. Page 3, line 32, by striking the words “a
9 petition” and inserting in lieu thereof the words
10 “the commission’s final report”.
- 11 7. Page 7, line 11, by inserting after the word
12 “adding” the words “any eligible property”.
- 13 8. Page 9, by striking lines 6 through 9 and in-
14 serting in lieu thereof the words “notify the city
15 planning commission, if one exists, the metropolitan
16 or regional planning commission, if one exists, or
17 the zoning commission, if one exists, in the order
18 set forth in subsection three (3) of section three
19 (3) of this Act. Upon notification by the council,
20 the commission shall prepare a preliminary report,
21 hold public hearings, submit a final report, and carry
22 out all other duties as set forth in subsection three
23 (3) of section three (3) of this Act.
- 24 3. Upon the receipt of the commission’s final
25 report the council shall set a time and place of
26 meeting at which the council proposes to take action
27 on the proposed improvement and shall publish and
28 mail notice as provided in section three (3) of this
29 Act.”
- 30 9. Page 10, by striking line 30 and inserting
31 in lieu thereof the words:
- 32 “1. Subsections one (1) through five (5)”.
- 33 10. Renumber the sections, subsections, and
34 internal references to conform to this amendment.

JAMES M. REDMOND
STEVE SOVERN

S—5121

- 1 Amend Senate File 356 as follows:
- 2 1. Page 2, line 33 by striking the word
3 “affected” and inserting in lieu thereof the
4 words “specially benefited”.
- 5 2. Page 2, line 34 by striking the words
6 “an affect” and inserting in lieu thereof the
7 words “a special benefit”.
- 8 3. Page 3, line 4 by striking the word
9 “interest” and inserting in lieu thereof the
10 words “special benefit from”.

JAMES M. REDMOND
STEVE SOVERN

S—5123

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 1, line 1, by inserting after the number
3 “1.” the words “*NEW SECTION.*”
- 4 2. Page 1, lines 3 and 4, by striking the words
5 “having a population of more than five hundred
6 persons”.

7 3. Page 1, by striking line 31 and inserting in
8 lieu thereof the words "Sec. 2. TEMPORARY BUDGET
9 LIMITATIONS."

10 4. Page 1, line 33, by striking the words
11 "political subdivision," and inserting in lieu thereof
12 the word "city".

13 5. Page 1, line 34, by inserting after the figures
14 "1977," the words "and of any other political
15 subdivision for the fiscal year beginning July 1,
16 1976,".

17 6. By striking page 4, line 22 through page 5,
18 line 11, and inserting in lieu thereof the following:

19 "Sec. 6. *NEW SECTION. ALLOWABLE GROWTH REFEREN-*
DUM.

20 1. The county commissioner of elections shall
21 publish notice of and place on the ballot at each
22 regular city election in the case of a city and on
23 the ballot at each general election in the case of
24 any other political subdivision the following
25 proposition: 'Shall the annual increase of the city
26 (name of other political subdivision) limited budget
27 for each of the two succeeding fiscal years be limited
28 to an allowable growth equivalent to the percentage
29 increase in the consumer price index as computed by
30 the state comptroller?' If a majority of the electors
31 of the respective political subdivisions, voting for
32 or against the proposition, favors the proposition,
33 the allowable growth for the certified limited budget
34 for such political subdivision for each of the two
35 succeeding fiscal years shall be limited as provided
36 in section seven (7) of this Act, which limit shall
37 be in lieu of any property tax levy limitation
38 otherwise provided by law. If a majority of such
39 voters does not favor such limitation, the budget
40 shall not be subject to the limitation provided in
41 section seven (7) of this Act for the two succeeding
42 fiscal years.

43 2. The governing body of a political subdivision
44 shall publish notice of and conduct a public hearing
45 on the preliminary budget estimates for the following
46 two fiscal years not later than ten days before the
47 respective regular city election or the general
48 election. Notice of the time, date and location of
49 the hearing and a summary of the preliminary budget
50 shall be published at least seven days before such

Page 2

1 hearing.

2 Sec. 7. *NEW SECTION. ALLOWABLE GROWTH LIMITA-*
TION.

3 1. The proposed expenditures in the certified
4 limited budget of a political subdivision for each
5 fiscal year during which such political subdivision
6 is subject to the provisions of this Act, shall not
7 exceed the proposed expenditures in the certified

8 limited budget of that political subdivision for the
9 base year, plus the allowable growth equivalent of
10 the consumer price index.

11 2. If the governing body of a political subdivision
12 which is subject to the provisions of this Act
13 certifies a limited budget to the county auditor,
14 in excess of the limitation provided for in this Act,
15 the county auditor shall reduce the amount of the
16 proposed expenditures in such budget to the maximum
17 amount allowed under this Act and give written notice
18 to the political subdivision, certifying the amount.

19 Sec. 8. **NEW SECTION. MUNICIPAL UTILITIES.** The
20 allowable growth provided in this Act for a political
21 subdivision shall be applicable to the amount of funds
22 transferred by a municipal utility to the city in
23 which it is located.

24 For the purposes of this section, 'municipal
25 utility' means all or part of a waterworks, gasworks,
26 electric light and power plant and system, or heating
27 plant any of which are owned by a city, including
28 all land, easements, rights-of-way, fixtures,
29 equipment, accessories, improvements, appurtenances,
30 and other property necessary or useful for the
31 operation of the utility.

32 Sec. 9. **NEW SECTION. STATE BUDGET LIMITATIONS.**

33 1. It is the intention of the general assembly
34 that the provisions of this Act shall apply to state
35 administrative costs paid from the general fund of
36 the state. To determine the total administrative
37 costs of the state to which the allowable growth
38 guideline shall apply, there shall be subtracted from
39 the total state budget the direct and indirect state
40 grants or aids made to local governments of the state
41 and payments made directly to individuals. The state
42 comptroller shall prepare the necessary working papers,
43 defining the state administrative costs subject to
44 limitation, and such working papers shall be filed
45 with the legislative fiscal director by October first
46 of each year.

47 2. If the state administrative costs subject to
48 limitation exceed the allowable growth as provided
49 in this Act, the budget of any political subdivision
50 may exceed the allowable growth by the same percentage.

Page 3

1 3. The provisions of this section shall apply
2 to the budgets prepared for the fiscal year beginning
3 July 1, 1977 and each fiscal year thereafter.

4 Sec. 10. Section twenty-four point three (24.3),
5 subsection four (4), Code 1975, is amended to read
6 as follows:

7 4. A comparison of [such amounts so proposed to
8 be expended with the amounts expended for like purposes
9 for the two preceding years] of the estimated revenue
10 and proposed expenditure with estimated revenue and

11 *expenditure of the current budget and with the actual*
12 *revenue and expenditure for the most recently completed*
13 *fiscal year.*

14 Sec. 11. Section three hundred eighty-four point
15 sixteen (384.16), subsection three (3), Code 1975,
16 as amended by Acts of the Sixty-sixth General Assembly,
17 1975 Session, chapter two hundred three (203), section
18 thirty (30), is amended to read as follows:

19 3. The council shall set a time and place for
20 public hearing on the budget before the final
21 certification date and shall publish notice before
22 the hearing as provided in section 362.3. A summary
23 of the proposed budget shall be included in the notice.
24 *The summary shall include a comparison of estimated*
25 *revenues and proposed expenditures with estimated*
26 *revenues and expenditures of the current budget and*
27 *with actual revenues and expenditures for the most*
28 *recently completed fiscal year. Proof of publication*
29 *must be filed with the county auditor."*

30 7. By renumbering sections and internal references
31 to sections to conform to this amendment.

32 8. Amend the title, line 1, by inserting after
33 the word "for" the words "the state and".

WILLARD R. HANSEN
RICHARD R. RAMSEY

S—5125

1 Amend Senate File 1062, page 1, line 18, by
2 inserting after the word "Act," the words "the amount
3 of money collected or received from property taxes
4 and other sources to pay expenses pertaining to the
5 operation and maintenance of the court as provided
6 in section four hundred forty-four point ten (444.10)
7 of the Code,".

EARL M. WILLITS
LUCAS J. DEKOSTER
PHILIP B. HILL

S—5112

1 Amend Senate File 1062 as follows:
2 1. Page 2, line 2, by inserting before the word
3 "unspent" the words "unencumbered and".

EARL M. WILLITS
LOWELL L. JUNKINS

S—5114

1 Amend Senate File 1062 as follows:
2 1. Page 2, by striking lines 33 through 35.
3 2. Page 3, by striking lines 1 through 4.

EARL M. WILLITS
E. KEVIN KELLY
CLOYD E. ROBINSON
LOWELL L. JUNKINS

S—5120

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 5, after line 11, by inserting the
- 3 following new paragraph.
- 4 "Sec. FEE SCHEDULES. Fee schedules shall
- 5 not be reduced by a governing body during the two
- 6 year period covered by this Act except by approval
- 7 of the appropriate budget review committee."

ROGER J. SHAFF

S—5122

- 1 Amend the Norpel amendment S—5102 to Senate
- 2 File 1062 as follows:
- 3 1. Page 1, by inserting after line 43 the
- 4 following:
- 5 3. The amount approved in excess of the amount
- 6 of allowable growth authorized under section two (2)
- 7 of this Act shall be raised by a combination of one-
- 8 half from a property tax levy and one-half from an
- 9 income surtax within such city or county if other
- 10 revenues are not available to meet such proposed
- 11 expenditures.
- 12 Sec. COMPUTATION OF EXCESS AMOUNT. If a
- 13 majority of those voting in an election approves the
- 14 additional amount under section of this Act,
- 15 the governing body shall certify to the state
- 16 comptroller that the required procedures have been
- 17 carried out, and the state comptroller shall establish
- 18 the amount of additional property tax to be levied
- 19 and the amount of income surtax to be imposed for
- 20 fiscal year for which the additional amount is
- 21 authorized. The state comptroller shall determine
- 22 these amounts based upon the most recent figures
- 23 available for the political subdivision's valuation
- 24 of taxable property, individual state income tax paid
- 25 and shall certify to the political subdivision's
- 26 county auditor the amount of property tax, and to
- 27 the director of revenue the amount of income surtax
- 28 to be imposed.
- 29 The income surtax shall be imposed on the state
- 30 individual income tax for the calendar year during
- 31 which the budget year begins, or for a taxpayer's
- 32 fiscal year ending during the second half of that
- 33 calendar year or the first half of the succeeding
- 34 calendar year, and shall be imposed on all individuals
- 35 residing in the political subdivision on the last
- 36 day of the applicable tax year. As used in this
- 37 section, "state individual income tax" means the tax
- 38 computed under section four hundred twenty-two point
- 39 five (422.5) of the Code, less the deductions allowed
- 40 in section four hundred twenty-two point twelve
- 41 (422.12) of the Code.
- 42 Sec. INCOME SURTAX PROCEDURES.

43 1. The director of revenue shall administer any
44 political subdivision income surtax imposed under
45 this Act, and all the provisions of sections four
46 hundred twenty-two point twenty (422.20), four hundred
47 twenty-two point twenty-two (422.22) to four hundred
48 twenty-two point thirty-one (422.31), four hundred
49 twenty-two point sixty-eight (422.68), and four hundred
50 twenty-two point seventy-two (422.72) to four hundred

Page 2

1 twenty-two point seventy-five (422.75) of the Code,
2 shall apply in respect to administration of such
3 income surtax.

4 2. The political subdivision income surtax shall
5 be made a part of the Iowa individual income tax
6 return subject to the conditions and restrictions
7 set forth in section four hundred twenty-two point
8 twenty-one (422.21) of the Code.

9 3. The director of revenue shall deposit all
10 moneys received as income surtax under this Act to
11 the credit of each political subdivision from which
12 the moneys are received, in a "political subdivision
13 income surtax fund" which is established in the office
14 of the treasurer of state.

15 4. On or before October twentieth, the director
16 of revenue shall make an accounting of such income
17 surtax collected under this Act applicable to tax
18 returns for the last preceding calendar year, or for
19 fiscal year taxpayers, on the last day of their tax
20 year ending during that calendar year and after the
21 date of the election approving the surtax, from
22 taxpayers in each political subdivision in the state
23 which has imposed a surtax, and shall certify to the
24 state comptroller the amount of total political
25 subdivision income surtax credited from the taxpayers
26 of each political subdivision. Additional returns
27 in process, if any, at the time of certification shall
28 be completed and the additional amount of income
29 surtax reported to the state comptroller for
30 distribution back to the political subdivision when
31 such processing is completed.

32 5. The state comptroller shall draw warrants in
33 payment of the amount of surtax payable to each of
34 the political subdivisions in two installments to
35 be paid on approximately the first day of December
36 and the first day of February, and shall cause the
37 warrants to be delivered to the respective political
38 subdivisions.

39 2. Amend the title, line 2, by inserting after
40 the word "state" the words "and to impose an income
41 surtax by referendum for certain budget expenditures".

RAY TAYLOR
JOHN N. NYSTROM
RICHARD J. NORPEL, SR.

S—5116

- 1 Amend the amendment, S—5103, to Senate File 1062
- 2 as follows:
- 3 1. Page 2, line 22, by striking the words “the
- 4 industrial” and inserting in lieu thereof the words
- 5 “all taxable”.
- 6 2. Page 2, line 25, by striking the word “in-
- 7 dustrial” and inserting in lieu thereof the word
- 8 “taxable”.

BERL E. PRIEBE

S—5124

- 1 Amend Senate File 1086 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing new section:
- 4 “Sec. Section four hundred point two (400.2),
- 5 Code 1975, is amended to read as follows:
- 6 400.2 QUALIFICATIONS. The commissioners must
- 7 be citizens of Iowa, *eligible electors as defined*
- 8 *in chapter thirty-nine (39) of the Code*, and residents
- 9 of the city for more than five years next preceding
- 10 their appointment, and shall serve without compensa-
- 11 tion. No person while on said commission, shall hold
- 12 or be a candidate for any office of public trust.
- 13 Provided, this section notwithstanding, when a human
- 14 rights commission has been established by any city,
- 15 the director thereof shall ex officio be a member,
- 16 without vote, of the civil service commission.”
- 17 2. Page 1, line 14, by striking the word “he”
- 18 and inserting in lieu thereof the words “[he] *the*
- 19 *applicant*”.
- 20 3. Renumber the sections and correct internal
- 21 references in conformance with this amendment.
- 22 4. Amend the title, line 1, by striking the words
- 23 “to require that” and inserting in lieu thereof the
- 24 words “relating to”.
- 25 5. Amend the title, line 1, by inserting after
- 26 the word “commissions” the words “providing for changes
- 27 in qualification requirements and requiring that the
- 28 commission”.

JAMES M. REDMOND
WILLARD R. HANSEN

S—5109

- 1 Amend Senate File 1092 as follows:
- 2 1. Page 9, by striking lines 13 through 19 and
- 3 inserting in lieu thereof the following:
- 4 “Sec. 32. Section seventeen point twenty-two
- 5 (17.22), Code 1975, as amended by Acts of the Sixty-
- 6 sixth General Assembly, 1975 Session, chapter twenty-
- 7 nine (29), section two (2), is amended by striking
- 8 the section and inserting in lieu thereof the
- 9 following:
- 10 17.22 PRICE. Said publications shall be sold
- 11 at a price to be established by dividing the total

12 cost only, of printing, binding, distribution and
13 paper stock by the total number printed of each
14 edition.

15 1. Code or supplements thereto and Iowa admin-
16 istrative code.

17 2. Session laws.

18 3. Daily journals and bills.

19 4. Book of annotations to the Code.

20 5. Supplements to the book of annotations.

21 6. Tables of corresponding sections to the Code.

22 7. Reports of the supreme court, and reports of
23 the court of appeals.

24 8. Rules of civil procedure, rules of appellate
25 procedure and supreme court rules.

26 The Iowa administrative code shall be distributed
27 with each order for purchase of the Code and the price
28 set for the Code and administrative code as provided
29 above shall include the cost of both the Code and
30 administrative code. However, the Iowa administrative
31 code or its supplements may be distributed separately.
32 There shall be established a price for the Iowa
33 administrative code and a separate price for its
34 supplements. The price charged for the Iowa
35 administrative code or its supplements shall represent
36 the cost of compiling and indexing plus the amount
37 charged for the printing and distributing of the Iowa
38 administrative code or its supplements.

39 When the Code is published in more than one volume
40 the superintendent of printing may distribute each
41 volume on order, after payment of the estimated
42 purchase price for the set, when said volume becomes
43 available."

GENE W. GLENN

S—5108

1 Amend Senate File 1092 as follows:

2 1. Page 25, by striking lines 31 through 35, and
3 page 26, by striking lines 1 through 3, and inserting
4 in lieu thereof the following:

5 "Sec. 71. Section six hundred twenty-five point
6 nineteen (625.19), Code 1975, as amended by Acts of
7 the Sixty-sixth General Assembly, 1975 Session, chapter
8 two hundred forty-nine (249), section one (1), is
9 amended to read as follows:

10 625.19 COSTS IN [SUPREME COURT] APPELLATE COURTS.

11 When the costs accrued in the [supreme court] *appellate*
12 *courts* and the trial court are paid to the clerk of
13 the trial court, [he] *the clerk* shall pay them to the
14 persons entitled thereto."

GENE W. GLENN

S—5118

1 Amend Senate File 1132 as follows:

2 1. Page 1, by striking lines 27 through 29.

3 2. Page 1, by inserting after line 26 the
4 following: "cation in The Sioux City Journal, a

- 5 newspaper published in Sioux City, Iowa, and in
6 the Fort Dodge Messenger, a newspaper published in
7 Fort Dodge, Iowa."

COMMITTEE ON STATE GOVERNMENT
EUGENE M. HILL, Chairperson

S—5110

- 1 Amend House File 787, as amended and passed by
2 the House, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "Code" the words ", and this section shall not apply
5 to any fertilizer designed to be applied and ordinarily
6 applied directly to growing plant foliage to stimulate
7 further growth".

KENNETH D. SCOTT
BERL E. PRIEBE

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:35
p.m., until 9:30 a.m., Thursday, February 12, 1976.

JOURNAL OF THE SENATE

THIRTY-SECOND DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, FEBRUARY 12, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend John D. Clinton, pastor of the First Church of Iowa, Des Moines, Iowa.

The Journal of Wednesday, February 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. B. Dressler, Ida Grove, Iowa

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-five students from Alden Community School, Alden, Iowa, accompanied by Mrs. Don Ziesman and Mrs. Dale Cox. Senator Taylor.

Fifteen students from Oelwein High School, Oelwein, Iowa, accompanied by their instructor, Paul Doughty. Senator Heying.

PETITIONS

The following petitions were presented and placed on file:

By Senator Junkins from twenty-three residents of Lee County opposing the transforming of the Mental Health Institute in Mount Pleasant into a prison facility.

By Senator Winkelman from sixteen residents of Pocahontas County opposing legalized abortion and legalized prostitution.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Curtis called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rodson L. Riggs of Ames, Story County, Iowa, for appointment as Director of Energy Policy under the provisions of Section 93.3, Code 1975, for the unexpired portion of the term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
JOHN S. MURRAY
KARL NOLIN
FRED W. NOLTING
BERL E. PRIEBE

The motion prevailed and the report was adopted.

Senator Curtis moved the appointment of Rodson L. Riggs as Director of Energy Policy be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Norpel	Schwengels
Briles	Hultman	Nystrom	Scott
Burroughs	Junkins	Orr	Shaff
Carr	Kelly	Palmer	Shaw
Coleman	Kinley	Plymat	Sovern
Culver	Lamborn	Priebe	Taylor
Curtis	Merritt	Rabedaux	Tieden
DeKoster	Miller of	Ramsey	Van Gilst
Gallagher	Des Moines	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Marshall		
Hansen			

Nays, none.

Absent or not voting, 5:

Doderer	Hill of Polk	Nolin	Nolting
Griffin			

President Neu declared the appointment of Rodson L. Riggs as Director of Energy Policy confirmed for the unexpired portion of the term ending June 30, 1977.

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dorcas W. Speer of Ames, Story County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
MINNETTE F. DODERER
GENE W. GLENN
JOHN S. MURRAY
FRED W. NOLTING

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Dorcas W. Speer as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Nolting	Schwengels
Briles	Hultman	Norpel	Scott
Burroughs	Junkins	Nystrom	Shaff
Carr	Kelly	Palmer	Shaw
Coleman	Kinley	Plymat	Sovern
Culver	Lamborn	Priebe	Taylor
Curtis	Merritt	Rabedeaux	Tieden
DeKoster	Miller of	Ramsey	Van Gilst
Gallagher	Des Moines	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Marshall		
Hansen			

Nays, none.

Absent or not voting, 5:

Doderer	Hill of Polk	Nolin	Orr
Griffin			

President Neu declared the appointment of Dorcas W. Speer as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1978.

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Nancy G. Thompson of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
C. JOSEPH COLEMAN
PHILIP B. HILL
LOWELL L. JUNKINS
GEORGE R. KINLEY

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Nancy G. Thompson as a member of the State Board of Physical Therapy Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Nystrom	Shaw
Coleman	Hultman	Palmer	Sovern
Culver	Junkins	Plymat	Taylor
Curtis	Kelly	Priebe	Tieden
DeKoster	Kinley	Rabedeaux	Van Gilst
Doderer	Lamborn	Ramsey	Willits
Gallagher	Merritt	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 3:

Nolin	Norpel	Orr
-------	--------	-----

President Neu declared the appointment of Nancy G. Thompson as a member of the State Board of Physical Therapy Examiners confirmed for a one-year term ending June 30, 1976.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 106, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with House Concurrent Resolution 106, duly adopted, the joint convention was called to order, President Neu presiding.

President Neu declared a quorum present and the joint convention duly organized.

Senator Andersen moved that a committee of six, consisting of three members from the Senate and three members from the House be appointed to escort the Honorable Gene W. Glenn to the Speaker's station to deliver an address in observance of Lincoln's birthday.

The motion prevailed and the President appointed as such committee Senators Andersen, Curtis and Redmond, on the part of the Senate, and Representatives Doyle, Husak and Drake on the part of the House.

The committee waited upon Senator Glenn and escorted him to the Speaker's station. President Neu then presented Senator Glenn who addressed the joint convention as follows:

MR. PRESIDENT, MR. SPEAKER, DISTINGUISHED MEMBERS OF THE GENERAL ASSEMBLY, LADIES AND GENTLEMEN:

How appropriate that we honor the legacy of Lincoln during our Bicentennial Year. Who, more than this revered American, gave the sustenance of lasting cohesion to a people and a Nation fragmented by conflicting practices and principles?

"A house divided against itself cannot stand.

I believe that this government cannot endure permanently half slave and half free."

Thus did Abraham Lincoln eloquently cut to the heart of the fledgling democracy's dilemma. The institution of slavery, which subordinated black men and women to the status of chattels, could not be reconciled with the Constitution's nobler standards; nor could conscience longer condone such callous debasement of the human condition.

In the week before his issuance of the Emancipation Proclamation, a troubled Lincoln shared his concerns with Congressman John Covode. "I have studied that matter well; my mind is made up. . . . It must be done. I am driven to it."

Longfellow wrote that New Year's Day of 1863: "A great day. The President's Proclamation for Emancipation of Slaves in the rebel states, goes into effect. A beautiful day, full of sunshine, ending in a tranquil moonlight night. May it be symbolical."

Less beautiful did the edict appear in the insurrection areas. Property valued on the tax books at nearly \$3 billion was confiscated by the stroke of Lincoln's pen. Could a more contentious consequence be conceived?

The moral issue merged with the political objective. In a letter dated August 22, 1862, Lincoln had set forth his paramount resolve:

"I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored; the nearer the Union will be 'the Union as it was'. If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery."

Lest misunderstanding arise as to apparent ambivalence on the abolitionist question, he closed the letter in this manner:

"I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free."

Destiny's selection could hardly have been more random and less calculating. Life on the frontier was hardy, existence spartan. When Thomas Lincoln bought his second farm of 348½ acres on the South Fork of Nolin Creek, 18 miles southeast of Elizabethtown in Kentucky—for which he paid Isaac Bush \$200 in cash and took on a small obligation due a former titleholder—creature comforts were scanty. In 1808 Tom Lincoln erected a cabin of logs on his land about two and a half miles from Hodgenville; the floor was dirt and a stick-clay chimney carried the fire smoke away.

With the aid of "the granny woman", Aunt Peggy Walters, a male child was born to Nancy Hanks and Thomas Lincoln, February 12, 1809. When asked what she was going to name him, Nancy responded: "Abraham, after his grandfather." She would die at the age of 34, leaving behind the nine-year-old Abe and twelve-year-old Sarah. Their lonesome days did not long endure; Thomas soon remarried, with his new wife bringing three children of her own into the one-room cabin. Modesty became sublimated to necessity, as eating, sleeping, washing and dressing took place in close proximity.

The young Lincoln's sparse education held no promise of future literary distinction; nor did the young gaunt giant glimpse his role in history. As he penned in his school sum book sheets:

"Abraham Lincoln is my name
And with my pen I wrote the same
I wrote in both hast and speed
And left it here for fools to read
Abraham Lincoln his hand and pen
He will be good but god knows when."

The theme of humility—near purposelessness—is recurrent through adolescence and young manhood. Paul Horgan captures it well in his "Citizen of New Salem". "(Lincoln) assured those with whom he came in contact that he was a piece of floating driftwood; that after a winter of deep snow, he had come down the river with the freshet; borne along by the swelling waters, and aimlessly floating about he had accidentally lodged at New Salem . . ." His self-description was that of "a strange, friendless, uneducated, penniless boy, working on a flat boat—at ten dollars a month."

Self-doubt notwithstanding, following a stint in the military service during the Black Hawk War of 1832, the youthful Lincoln stood as a candidate for the Illinois Legislature from New Salem. Tall, gawky and rough

looking, appearing much like the proverbial bumpkin, his competent speech-making gained him a surprising number of supporters and he fell but slightly short of success in a district where he had lived just over a year. Becoming a storekeeper to sustain himself, Lincoln commenced the study of law on the side. Mentor Graham, his schoolmaster, noted that "he was so studious he somewhat impaired his health and constitution"; other friends feared he "might bring on a mental derangement". But Lincoln persisted and his teacher proudly observed of the grown-up student: "I have taught in my life from four to six thousand pupils as a schoolmaster and no one has ever surpassed him in rapidly, quickly and well acquiring the rudiments and rules of English grammar."

The rude prairie frontier life demanded physical toughness; Lincoln's fame as a wrestler, jumper and runner rapidly grew. Rowan Herndon described him as "by fare the stoutest man that I ever took hold of," after he had seen him lift between 1,000 and 1,300 pounds of rock laid in a box. When he felled trees in the forest, observers thought his ax must be wielded by three men.

When his store failed, Lincoln secured appointment as postmaster and thereafter public surveyor. Again, Lincoln stood for the Legislature and on August 4, 1834, he was elected an Assemblyman of the Ninth General Assembly of the Illinois Legislature recording the highest vote cast for any candidate. Reelected in 1836, he debated and voted upon such familiar matters as the establishment of circuit courts, the powers of justices of the peace, questions of taxation, banking, incorporation of insurance companies, public roads, bridges, and education. During this term he acquired the reputation among his peers as "the smartest parliamentarian and cunningest 'log-roller'". In a joint statement with Assemblyman Dan Stone, his fellow townsman, Lincoln noted that "the institution of slavery is founded on both injustice and bad policy." His mind having been nurtured in the classics, his friendships broadened in the friendly environs of New Salem, his political skills and instincts honed in the Illinois Assembly; Lincoln now gained admittance to the practice of law and moved to Springfield where the Congress, the White House, and a rendezvous with history awaited him.

In his First Inaugural Address, delivered in 1861, Abraham Lincoln confronted the herculean task of maintaining the Union:

"The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally in 1787, one of the declared objects for ordaining and establishing the Constitution was 'to form a more perfect Union'. . . .

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all of the States."

Lincoln alluded to the necessity of majority rule in governing:

"From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must or the Government

must cease. There is no other alternative; for continuing the Government is acquiescence on one side or the other."

He extended the hand of friendship:

"We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

Lincoln's eloquent plea availed not and a bloodbath ensued between North and South that exacted the lives of some 620,000 Americans. With the end of the War in sight, Lincoln used the occasion of his Second Inaugural Address to heal the awful breach that had been opened:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

The assassin's bullet that snuffed out this titan's life failed to deflect a people from the reconciliation he espoused. In the one hundred and ten years since that tragic event, the Nation's wounds have long since been healed and the cause of equal justice for all—though at times halting, sometimes strident—advanced beyond frontiers scarcely dreamed in Lincoln's day.

He would have delighted in this internal uplifting of the human condition; he would have marvelled at the scientific and economic progress attained; he would have wept at the colossal struggles America has endured abroad to remain free.

In this our Bicentennial Year, when we acknowledge the immeasurable contribution rendered by this honored American, may we rededicate ourselves to his magnificent injunction: "To do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

On motion of Representative Fitzgerald, the joint convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, Senator Hill of Polk presiding.

On motion of Senator Coleman, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 10, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, relating to compensation of the officers and employees of the General Assembly.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1135, by Senator Griffin, a bill for an act relating to the functions of the area schools.

Read first time and **passed on file.**

HOUSE CONCURRENT RESOLUTION 104

By Administration Committee

1 *Whereas*, section two point eleven (2.11) of the
 2 Code provides that "The compensation of the chaplains,
 3 officers and employees of the general assembly shall
 4 be fixed by joint action of the house and senate by
 5 resolution at the opening of each session, or as soon
 6 thereafter as conveniently can be done.", *Now, Therefore,*
 7 *Be It Resolved by the House, the Senate Concurring,*
 8 That the compensation of the chief clerk of the house,
 9 David L. Wray, shall be twenty thousand (20,000) dollars
 10 for the period commencing on the date of adoption of
 11 this resolution by both houses, and ending January 9,
 12 1977; that the compensation of the secretary of the
 13 senate, Steven C. Cross, shall be nineteen thousand
 14 (19,000) dollars for the period commencing on the date
 15 of adoption of this resolution by both houses, and
 16 ending January 9, 1977; and that the compensation of
 17 the assistant secretary of the senate, David L. Charles,
 18 shall be seventeen thousand (17,000) dollars,
 19 for the period commencing on the date of adoption of
 20 this resolution by both houses, and ending January 9,
 21 1977.

22 *Be It Further Resolved*, That the compensation of the
 23 other officers and employees of the sixty-sixth general
 24 assembly is set, effective from January 12, 1976, until
 25 January 9, 1977, in accordance with the following salary
 26 schedule:

Page 2

IOWA GENERAL ASSEMBLY
SALARY SCHEDULE

	#5	#6	#7	#8	#9	#10
3						
4	4,524.00	4,732.00	4,966.00	5,174.00	5,408.00	5,668.00
5	174.00	182.00	191.00	199.00	208.00	218.00
6	2.18	2.28	2.39	2.49	2.60	2.73
7						
	#11	#12	#13	#14	#15	#16
8						
9	5,928.00	6,240.00	6,526.00	6,812.00	7,124.00	7,436.00
10	228.00	240.00	251.00	262.00	274.00	286.00
11	2.85	3.00	3.14	3.28	3.43	3.58
12						
	#17	#18	#19	#20	#21	#22
13						
14	7,722.00	8,060.00	8,450.00	8,840.00	9,256.00	9,698.00
15	297.00	310.00	325.00	340.00	356.00	373.00
16	3.71	3.88	4.06	4.25	4.45	4.66

17						
18	#23	#24	#25	#26	#27	#28
19	10,166.00	10,660.00	11,154.00	11,700.00	12,220.00	12,792.00
20	391.00	410.00	429.00	450.00	470.00	492.00
21	4.89	5.13	5.36	5.63	5.88	6.15
22						
23	#29	#30				
24	13,390.00	14,014.00	14,690.00	15,132.00	15,886.00	16,692.00
25	515.00	539.00	565.00	582.00	611.00	642.00
26	6.44	6.74	7.06	7.28	7.64	8.03
27						
28						
29	17,524.00	18,382.00	19,318.00			
30	674.00	707.00	743.00			
31	8.43	8.84	9.29			

32 In this schedule each numbered block shall be the yearly,
 33 bi-weekly and hourly compensation for the pay grade of the
 34 number heading the block. Except for secretaries to senators
 35 and clerks to representatives, within each grade there shall

Page 3

1 be eight steps numbered "1" through "8". In the above
 2 schedule the steps for all grades are determined in the
 3 following manner. Each numbered block is counted as the
 4 "1" step for that grade. The next higher block is counted
 5 as the "2" step; the next higher block is the "3" step;
 6 the next higher block is the "4" step; the next higher
 7 block is the "5" step; the next higher block is the "6"
 8 step; the next higher block is the "7" step; and the next
 9 higher block is the "8" step.

10 *Be It Further Resolved*, That in the event the salary
 11 schedule for employees of the State of Iowa as promulgated
 12 by the merit employment commission pursuant to section nineteen A
 13 point nine (19A.9), subsection two (2), Code 1975, is revised
 14 upward at any time during the sixty-sixth general assembly,
 15 such revised schedule shall simultaneously be adopted for the
 16 compensation of officers and employees of the sixty-sixth
 17 general assembly assigned a grade by this resolution.

18 *Be It Further Resolved*, That the officers and employees of
 19 the sixty-sixth general assembly be placed in the following
 20 pay grades:

OFFICERS AND EMPLOYEES OF THE HOUSE	
21 Assistant Chief Clerk and Reading Clerk	Grade 29
22 Legal Counsel	Grade 30
23 Executive Secretary to Speaker	Grade 22
24 Research Assistant to Speaker	Grade 24
25 Research Assistant to Majority Leader	Grade 24
26 Research Assistant to Minority Leader	Grade 24
27 Counsel or Admin. Assistant to Majority Caucus	Grade 25
28 Counsel or Admin. Assistant to Minority Caucus	Grade 25
29 Research Assistants	Grade 22
30 Executive Secretary to Chief Clerk	Grade 22
31 Clerk to Chief Clerk	Grade 14
32 Public Information Office Director	Grade 25

34	Clerk to Public Information Office Director	Grade 17
35	Supervisor of Clerks	Grade 20

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1	Journal Editor	Grade 22
2	Journal Clerk	Grade 16
3	Finance Clerk	Grade 20
4	Assistant Finance Clerk	Grade 12
5	Engrossing Clerk	Grade 17
6	Assistant to the Legal Counsel and Enrolling Clerk	Grade 18
7	Assistant to the Legal Counsel	Grade 18
8	Terminal Operator	Grade 17
9	Supply Clerk	Grade 12
10	Swing Clerk	Grade 13
11	Switchboard Operator	Grade 13
12	Clerk to Representative	Grade 13
13	Bill Clerk	Grade 12
14	Assistant Bill Clerk	Grade 11
15	File Clerk	Grade 8
16	Postmaster	Grade 10
17	Sergeant-at-Arms	Grade 15
18	Assistant Sergeant-at-Arms	Grade 13
19	Doorkeepers	Grade 9
20	Porter	Grade 8
21	Cloakroom Attendant	Grade 8
22	Pages	Grade 6
23	Aide to Public Information Office (2 maximum)	\$2.20/hr.

OFFICERS AND EMPLOYEES OF THE SENATE

25	Legal Counsel	Grade 30
26	Administrative Assistant to Majority Leader	Grade 25
27	Administrative Assistant to Minority Leader	Grade 25
28	Research Assistant to Majority Leader	Grade 24
29	Research Assistant to Minority Leader	Grade 24
30	Research Assistants	Grade 22
31	Executive Secretary to the Secretary	Grade 22
32	Secretary to the Secretary of the Senate	Grade 18
33	Journal Editor	Grade 22
34	Journal Clerk	Grade 16
35	Assistant to the Legal Counsel	Grade 17

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1	Finance Clerk	Grade 20
2	Engrossing Clerk	Grade 17
3	Enrolling Clerk and Terminal Operator	Grade 19
4	Records and Supply Clerk	Grade 17
5	Special Clerk	Grade 14
6	Switchboard Operator	Grade 13
7	Secretaries to Senators	Grade 13
8	Bill Clerk	Grade 12
9	Assistant Bill Clerk	Grade 11
10	Postmaster	Grade 10
11	Sergeant-at-Arms	Grade 15
12	Assistant Sergeant-at-Arms	Grade 13
13	Chief Doorkeeper	Grade 10
14	Control Board Operator	Grade 10

15	Doorkeeper	Grade 9
16	Porter	Grade 8
17	Cloakroom Attendant	Grade 8
18	Pages	Grade 6
19	LEGISLATIVE INDEXING EMPLOYEES	
20	Supervisor of Legislative Indexing	Grade 18
21	Assistant Supervisor of Legislative Indexing	Grade 16
22	Index Clerk	Grade 13
23	Assistant Index Clerk	Grade 11
24	JOINT EMPLOYEES	
25	Mail Carrier	Grade 9
26	Law Library Clerk	Grade 9
27	Secretary to Human Resources Committee	
28	Staff under contract with Legis/50	Grade 15
29	BUILDING AND GROUNDS EMPLOYEES	
30	Matron	Grade 9
31	Elevator Operator	Grade 8
32	Parking Attendant	Grade 9
33	Night Watchman	Grade 7

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1	LEGISLATIVE SERVICE BUREAU EMPLOYEES	
2	Senior Bill Clerk	Grade 15
3	Bill Clerk	Grade 13
4	Proofreader	Grade 15
5	Assistant Bill Clerk	Grade 10
6		
7	<i>Be It Further Resolved, That temporary officers and employees</i>	
8	<i>of the general assembly, other than secretaries to senators and</i>	
9	<i>clerks to representatives shall be eligible for mobility within</i>	
10	<i>pay steps at the discretion of the chief clerk of the house and</i>	
11	<i>the secretary of the senate, and subject to the approval of the</i>	
12	<i>house committee on administration or the senate committee on</i>	
13	<i>rules and administration, as the case may be, in accord with</i>	
14	<i>the following schedule:</i>	
15	1) Step 1	During the first legislative session
16	2) Step 2	After one legislative session's experience
17	3) Step 3	After two legislative sessions' experience
18	4) Step 4	After four legislative sessions' experience
19	5) Step 5	After six legislative sessions' experience
20	6) Step 6	After eight legislative sessions' experience
21	7) Step 7	After ten legislative sessions' experience
22	<i>Be It Further Resolved, That the entrance salary for temporary</i>	
23	<i>officers and employees shall be at step 1 in the grade of the</i>	
24	<i>position held. Such officer or employee may be hired above the</i>	
25	<i>entrance step if possessing outstanding and unusual experience</i>	
26	<i>for the position, provided the entrance is not beyond Step 3.</i>	
27	<i>Such officer or employee who is hired above the entrance step</i>	
28	<i>shall be mobile above that step in the same period of time as</i>	
29	<i>other officers or employees in that same step. An officer or</i>	
30	<i>employee who is moved to then another position from any temporary</i>	
31	<i>or permanent position may be considered for partial or full</i>	
32	<i>credit for their experience in the former position in determining</i>	
33	<i>the step in the new grade.</i>	

34 Temporary employees, other than secretaries to senators or
35 clerks to representatives, who are employed during the interim,

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1 may, for the purposes of mobility within pay steps through
2 step 6, be given credit at the conclusion of an interim period
3 for a session's experience if at least one hundred days are
4 actually worked during the interim. Days worked during the
5 interim may be cumulated from interim to interim as long as
6 such employee continues to work each intervening session.

7 *Be It Further Resolved*, That secretaries to senators and
8 clerks to representatives shall all be placed in grade 13.

9 That grade in the salary schedule shall be the "1" step for
10 the secretaries. Step 2 and succeeding numbered steps shall
11 be the next and succeeding higher steps. The senate committee
12 on rules and administration or the house committee on
13 administration shall take into consideration the following
14 items in determining pay for secretaries:

15 1. One additional step for each of the first and second
16 legislative sessions completed.

17 2. One additional step beyond those provided for in
18 subparagraph one, for each of the fourth, sixth, eighth, and
19 tenth legislative sessions completed.

20 3. One additional step upon the passage of an eighty (80)
21 word-per-minute stenographic examination.

22 4. One additional step if a secretary or clerk to a
23 ranking majority or minority member of a committee, unless steps
24 are granted as provided in subparagraph five (5) or six (6)
25 of this paragraph.

26 5. One additional step if a secretary or clerk to an
27 assistant floor leader.

28 6. Two additional steps if a secretary or clerk to a
29 committee, or appropriations subcommittee and one additional
30 step for each such position held beyond the first position.

31 7. Three additional steps for a secretary to a senator or
32 clerk to a representative who is a majority or minority floor
33 leader, speaker pro tempore or president pro tempore.

34 *Be It Further Resolved*, That employees who work on a part-
35 time basis shall be compensated at the scheduled hourly rate

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1 for their pay grade and step. While assisting interim
2 committees they shall be compensated at the scheduled hourly
3 rate for grade 16.

4 *Be It Further Resolved*, That permanent officers and
5 employees of the general assembly shall be eligible for
6 mobility within pay steps—at the discretion of the chief
7 clerk of the house and the secretary of the senate, and
8 subject to the approval of the house committee on admin-
9 istration or the senate committee on rules and administration,
10 as the case may be—in accord with the following schedule:

- 11 1) Step 1.....Starting step
12 2) Step 2.....After six calendar months of actual employment
13 3) Step 3.....After one calendar year of actual employment
14 4) Step 4.....After two calendar years of actual employment

- 15 5) Step 5.....After three calendar years of actual employment
16 6) Step 6.....After four calendar years of actual employment
17 7) Step 7.....After six calendar years of actual employment
18 8) Step 8.....After eight calendar years of actual employment

19 *Be It Further Resolved*, That the entrance salary for
20 permanent officers and employees of the general assembly shall
21 be at step 1 in the grade of the position held. Such officer
22 or employee may be hired above the entrance step if possessing
23 outstanding and unusual experience for the position, provided
24 that the entrance is not beyond step 3. Such officer or employee
25 who is hired above the entrance step shall be mobile above
26 that step in the same period of time as other officers or
27 employees in that same step. An officer or employee who is moved
28 to another position from any permanent or temporary position may
29 be considered for partial or full credit for their experience
30 in the former position in determining the step in the new grade.

31 *Be It Further Resolved*, That a pay increase for permanent
32 officers and employees of one step within the pay grade for the
33 position may be made for exceptionally meritorious service in
34 addition to step increases provided for in this resolution, upon
35 recommendation of the secretary of the senate or chief clerk of

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1 the house and the approval of the senate committee on rules
2 and administration or the house committee on administration.
3 Exceptionally meritorious service pay increases shall be
4 governed by the following:

5 a. The employee must have served in the position for
6 at least twelve months;

7 b. Written justification, setting forth in detail the
8 nature of the exceptionally meritorious service rendered,
9 must be submitted to the senate rules and administration
10 committee or house administration committee and approved in
11 advance of granting the pay increase;

12 c. No more than one exceptionally meritorious service pay
13 increase may be granted in any twelve-month period.

14 *Be It Further Resolved*, That the senate rules and admin-
15 istration committee and the house administration committee
16 shall both hire officers and employees for their respective
17 bodies and fill any vacancies which may occur, to be effective
18 at such time as they shall set. The committee shall report
19 the names of those it has hired for the positions specified
20 in this resolution or the filling of any vacancies on the
21 next legislative day or, if such action is during the interim,
22 on the first day the senate or house shall convene. Any action
23 by the senate or house to amend or disapprove a report or a
24 portion of a report shall be effective the day after the action.

25 The chief clerk of the house shall submit to the house
26 committee on administration and the secretary of the senate
27 shall submit to the senate committee on rules and administration
28 the list of the names, or amendments thereto, of officers and
29 employees designated permanent and those designated temporary
30 and recommended pay step for each officer and employee. Such
31 list shall include recommendations for the pay step for those
32 officers or employees hired above the entrance step, or moved

33 from one staff position to another, or with prior experience as
34 a clerk or secretary. Each respective committee shall approve
35 or amend the list of permanent and temporary recommended pay

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1 steps and publish said list in the journal. The secretary
2 of the senate and the chief clerk of the house shall set the
3 period of employment of temporary employees under such
4 direction as the senate rules and administration committee
5 and the house administration committee may provide.

6 *Be It Further Resolved*, That permanent employees of the
7 general assembly shall receive vacation allowances, sick
8 leave, health and accident insurance, life insurance, and
9 disability income insurance as are provided for full-time
10 permanent state employees. The computations shall be
11 maintained by the finance clerks in each house and coordinated
12 with the state comptroller.

13 *Be It Further Resolved*, That the chairman of the rules and
14 administration committee of the senate and the chairman of the
15 administration committee in the house each appoint three (3)
16 members to a joint subcommittee on administration to study
17 possible alternative methods of providing compensation for
18 the officers and employees of the house and senate. This
19 committee shall be instructed to report its findings to
20 the members of the legislative council on or before November 1,
21 1976. The joint subcommittee is authorized to meet three times
22 in the interim and such additional times as may be authorized
23 by the legislative council.

24 *Be It Further Resolved*, That the compensation of chaplains
25 officiating at the opening of the daily sessions of the house
26 of representatives and the senate of the sixty-sixth general
27 assembly be fixed at ten (10) dollars for each house of the
28 general assembly, and that mileage for chaplains be fixed at
29 the rate of fifteen (15) cents per mile to and from the State
30 Capitol.

31 *Be It Further Resolved*, That the provisions of this Act, are
32 to be applied retroactively to January 12, 1976.

33 *Be It Further Resolved*, That House Concurrent Resolution Five
34 (5) and Senate Concurrent Resolution Sixty-three (63) is super-
35 seded by this Resolution, provided that no officers or employees

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1 employed under its provisions at the time this resolution
2 is adopted shall be compensated less under this resolution
3 than under House Concurrent Resolution Five (5).

4 *Be It Further Resolved*, That it is the intent of the
5 General Assembly, and it was the intent of the General
6 Assembly at the time of the passage, of Senate Concurrent
7 Resolution Sixty-three (63), that it have retroactive
8 effect only.

9 *Be It Further Resolved*, That the provisions of this
10 resolution shall be construed to effectuate the purposes
11 thereof. If any provision of this resolution or its
12 application is held to be invalid, such invalidity shall not
13 affect other provisions or applications of the resolution

- 14 which can be given effect without the invalid provisions
 15 or applications, and to this end the provisions of this
 16 resolution are declared to be severable.

Read first time and passed on file.

UNFINISHED BUSINESS
 SPECIAL ORDER CONTINUED

Senate File 1062

The Senate resumed consideration of Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, and amendment S—5064 by the committee on ways and means, amended and deferred on February 11, 1976.

Senator Shaff moved the adoption of amendment S—5064 as amended and requested a record roll call.

On the question "Shall amendment S—5064 as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 36:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Shaff
Briles	Heying	Murray	Shaw
Burroughs	Hultman	Nolting	Sovern
Carr	Junkins	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, 12:

Coleman	Hill of Jasper	Norpel	Robinson
Culver	Kinley	Palmer	Rodgers
Gallagher	Merritt	Priebe	Scott

Absent or not voting, 2:

Hill of Polk	Nolin
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Amendment S—5064 as amended was adopted.

Senator Hansen offered amendment S—5123 filed by Senators Hansen and Ramsey on February 11, 1976, and found on pages 366-369, inclusive, of the Senate Journal.

Senator Taylor offered amendment S—5128 to amendment S—5123 by Senators Taylor and Nystrom, moved its adoption, and requested a record roll call:

S—5128

- 1 Amend the Hansen-Ramsey amendment S—5123 to
- 2 Senate File 1062 as follows:

1. Page 2, by inserting after line 1 the following:

3. The amount approved in excess of the amount of allowable growth authorized under section two (2) of this Act shall be raised by a combination of one-half from a property tax levy and one-half from an income surtax within such city or county if other revenues are not available to meet such proposed expenditures.

Sec. COMPUTATION OF EXCESS AMOUNT. If a majority of those voting in an election approves the additional amount under section (....) of this Act, the governing body shall certify to the state comptroller that the required procedures have been carried out, and the state comptroller shall establish the amount of additional property tax to be levied and the amount of income surtax to be imposed for fiscal year for which the additional amount is authorized. The state comptroller shall determine these amounts based upon the most recent figures available for the political subdivision's valuation of taxable property, individual state income tax paid and shall certify to the political subdivision's county auditor the amount of property tax, and to the director of revenue the amount of income surtax to be imposed.

The income surtax shall be imposed on the state individual income tax for the calendar year during which the budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the political subdivision on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section four hundred twenty-two point five (422.5) of the Code, less the deductions allowed in section four hundred twenty-two point twelve (422.12) of the Code.

Sec. INCOME SURTAX PROCEDURES.

1. The director of revenue shall administer any political subdivision income surtax imposed under this Act, and all the provisions of sections four hundred twenty-two point twenty (422.20), four hundred twenty-two point twenty-two (422.22) to four hundred twenty-two point thirty-one (422.31), four hundred twenty-two point sixty-eight (422.68), and four hundred twenty-two point seventy-two (422.72) to four hundred

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twenty-two point seventy-five (422.75) of the Code, shall apply in respect to administration of such income surtax.

2. The political subdivision income surtax shall be made a part of the Iowa individual income tax

6 return subject to the conditions and restrictions
 7 set forth in section four hundred twenty-two point
 8 twenty-one (422.21) of the Code.

9 3. The director of revenue shall deposit all
 10 moneys received as income surtax under this Act to
 11 the credit of each political subdivision from which
 12 the moneys are received, in a "political subdivision
 13 income surtax fund" which is established in the office
 14 of the treasurer of state.

15 4. On or before October twentieth, the director
 16 of revenue shall make an accounting of such income
 17 surtax collected under this Act applicable to tax
 18 returns for the last preceding calendar year, or for
 19 fiscal year taxpayers, on the last day of their tax
 20 year ending during that calendar year and after the
 21 date of the election approving the surtax, from
 22 taxpayers in each political subdivision in the state
 23 which has imposed a surtax, and shall certify to the
 24 state comptroller the amount of total political
 25 subdivision income surtax credited from the taxpayers
 26 of each political subdivision. Additional returns
 27 in process, if any, at the time of certification shall
 28 be completed and the additional amount of income
 29 surtax reported to the state comptroller for
 30 distribution back to the political subdivision when
 31 such processing is completed.

32 5. The state comptroller shall draw warrants in
 33 payment of the amount of surtax payable to each of
 34 the political subdivisions in two installments to
 35 be paid on approximately the first day of December
 36 and the first day of February, and shall cause the
 37 warrants to be delivered to the respective political
 38 subdivisions.

39 2. Amend the title, line 2, by inserting after
 40 the word "state" the words "and to impose an income
 41 surtax by referendum for certain budget expenditures".

On the question "Shall amendment S—5128 to amendment
 S—5123 be adopted?" (S.F. 1062) the vote was:

Ayes, 11:

Briles
 DeKoster
 Hansen

Hultman
 Lamborn
 Nystrom

Orr
 Scott
 Shaff

Taylor
 Winkelman

Nays, 38:

Andersen
 Bergman
 Burroughs
 Carr
 Coleman
 Culver
 Curtis
 Doderer
 Gallagher
 Glenn
 Gluba

Griffin
 Heying
 Hill of Jasper
 Hill of Polk
 Junkins
 Kelly
 Kinley
 Merritt
 Miller of
 Des Moines

Miller of
 Marshall
 Murray
 Nolting
 Norpel
 Palmer
 Plymat
 Priebe
 Rabedaux
 Ramsey

Redmond
 Robinson
 Rodgers
 Schwengels
 Shaw
 Sovern
 Tieden
 Van Gilst
 Willits

Absent or not voting, 1:

Nolin

Amendment S—5128 to amendment S—5123 lost.

Senator Hansen offered amendment S—5129 to amendment S—5123 and moved its adoption:

S—5129

1 Amend the Hansen and Ramsey amendment S—5123 to Senate File
2 1062 as follows:

3 1. Page 3, by inserting after line 29 the
4 following:

5 "Section It is hereby designated to be the
6 intent of this Act that the public interest demands that
7 the governor research and analyze matters pertaining to
8 local government services and funding sources and to
9 report the findings and recommendations to the general
10 assembly by September 15, 1977.

11 Sec. The suggested matters that follow are
12 for reference and are not in order of priority and does
13 not necessarily include all matters that can be pro-
14 perly included in the research and analysis helpful in
15 fulfilling the intent of this Act. The reference
16 matters are:

17 —the nature of local government services.
18 —which level of government should provide what
19 services.
20 —who should pay for these services.
21 —how should different types and kinds of pro-
22 perty be valued and equalized for assessment
23 purposes.
24 —what, if any, budget limitations should be
25 posed.
26 —which, if any, local services should be financed
27 by state aid.
28 —the economics and effectiveness of the delivery
29 of services to people.
30 —the merits of local option taxation.
31 —the budgeting procedures and mechanisms of local
32 governments.

33 Sec. The governor shall transmit the recom-
34 mendations of the task force accompanied by proposed
35 legislation necessary to carry out the recommendations
36 of the Sixty-seventh General Assembly no later than
37 September 15, 1977. Copies of the recommendations and
38 of the recommended legislation shall be transmitted to
39 the president of the senate and speaker of the house of
40 representatives whereupon the respective presiding
41 officer shall within ten (10) legislative days after the
42 date of receipts, assign the proposed legislation to the
43 appropriate standing committee for committee consider-
44 ation.

45 Sec. The governor is hereby authorized to

46 employ such professional, technical, and administrative
 47 assistance as shall be necessary to accomplish the
 48 purpose of this Act.

49 Sec. There is hereby created a task force
 50 composed of twelve members, who are interested and

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1 knowledgeable in affairs of local government. All
 2 members shall be appointed by the governor to serve
 3 at his pleasure. No member shall hold any other
 4 state position. Any vacancy in the membership of
 5 the task force shall be filled by appointment in the
 6 same manner and ratio as the original appointments.
 7 The members of the task force shall receive their
 8 actual and necessary expenses to be audited by the
 9 comptroller."

Amendment S—5129 to amendment S—5123 was adopted.

Action on amendment S—5123 as amended was temporarily deferred.

Senator Willits offered amendment S—5125 filed by Senators Willits, DeKoster and Hill of Polk:

S—5125

1 Amend Senate File 1062, page 1, line 18, by
 2 inserting after the word "Act," the words "the amount
 3 of money collected or received from property taxes
 4 and other sources to pay expenses pertaining to the
 5 operation and maintenance of the court as provided
 6 in section four hundred forty-four point ten (444.10)
 7 of the Code,".

Senator Redmond took the chair at 3:30 p.m.

President Neu took the chair at 3:40 p.m.

Senator Willits moved the adoption of amendment S—5125.

A record roll call was requested.

On the question "Shall amendment S—5125 be adopted?"
 (S.F. 1062) the vote was:

Ayes, 21:

Bergman	Glenn	Miller of	Redmond
Briles	Gluba	Des Moines	Robinson
Carr	Hill of Polk	Murray	Shaw
Culver	Junkins	Orr	Sovern
DeKoster	Kelly	Plymat	Willits
Doderer		Ramsey	

Nays, 28:

Andersen	Hill of Jasper	Nolting	Schwengels
Burroughs	Hultman	Norpel	Scott
Coleman	Kinley	Nystrom	Shaff
Curtis	Lamborn	Palmer	Taylor
Gallagher	Merritt	Priebe	Tieden
Griffin	Miller of	Rabedeaux	Van Gilst
Hansen	Marshall	Rodgers	Winkelman
Heying			

Absent or not voting, 1:

Nolin

Amendment S—5125 lost.

The Senate resumed consideration of amendment S—5123 as amended.

Senator Hultman offered amendment S—5130 to amendment S—5123 by Senators Hultman, Hansen and Lamborn and moved its adoption:

S—5130

1 Amend the Hansen-Ramsey amendment S—5123
 2 to Senate File 1062 as follows:
 3 1. Page 2, by striking lines 19 through 31
 4 and by inserting in lieu thereof the following:
 5 "Sec. 8. MUNICIPAL ENTERPRISES. The provisions
 6 of this Act shall not apply to expenditures of a city
 7 utility, a city enterprise, a public agency, or a
 8 county public hospital, except with respect to
 9 transfers of surplus funds of a city utility or city
 10 enterprise pursuant to section three hundred eighty-
 11 four point eighty-nine (384.89) of the Code to any
 12 fund of the city included in the limited budget as
 13 defined in section one (1), subsection three (3),
 14 of this Act and such transfers shall be subject to
 15 the allowable growth provided in section two (2) of
 16 this Act.

17 For purposes of this section, 'city utility' means
 18 a city utility as defined in section three hundred
 19 sixty-two point two (362.2), subsection twenty-two
 20 (22), of the Code, 'city enterprise' means a city
 21 enterprise as defined in section three hundred eighty-
 22 four point twenty-four (384.24) of the Code and
 23 includes combined utility systems and combined city
 24 enterprises as defined in section three hundred eighty-
 25 four point eighty (384.80) of the Code, and 'public
 26 agency' means a public agency as defined in sections
 27 twenty-eight E point two (28E.2) of the Code for provid-
 28 ing joint services and facilities under chapter
 29 twenty-eight E (28E) of the Code and twenty-eight
 30 F point two (28F.2) of the Code for the joint financing of
 31 works and facilities authorized under chapter
 32 twenty-eight F (28F) of the Code".

Amendment S—5130 to amendment S—5123 was adopted.

Senator Rabedaux offered amendment S—5131 to amendment S—5123 and moved its adoption:

S—5131

- 1 Amend the Hansen-Ramsey amendment S—5123 to
- 2 Senate File 1062 as follows:
- 3 1. Page 2, lines 33 and 34 by striking the
- 4 words "It is the intention of the general assembly
- 5 that".
- 6 2. Page 2, line 34 by striking the word "the"
- 7 and inserting in lieu thereof the word "The".

A non-record roll call was requested.

The ayes were 19, nays 29.

Amendment S—5131 to amendment S—5123 lost.

Senator Taylor called for a division of amendment S—5123 as amended, section 2 to be considered as division S—5123A, and the remainder of the amendment to be considered as division S—5123B.

Senator Hansen moved the adoption of division S—5123A of the amendment.

A record roll call was requested.

On the question "Shall division S—5123A of the amendment be adopted?" (S.F. 1062) the vote was:

Ayes, 20:

Carr	Hansen	Nystrom	Robinson
Gallagher	Hill of Jasper	Orr	Shaff
Glenn	Hill of Polk	Plymat	Sovern
Gluba	Kelly	Ramsey	Tieden
Griffin	Lamborn	Redmond	Willits

Nays, 28:

Andersen	Heying	Miller of	Rodgers
Bergman	Hultman	Marshall	Schwengels
Briles	Junkins	Murray	Scott
Burroughs	Kinley	Nolting	Shaw
Coleman	Merritt	Norpel	Taylor
Culver	Miller of	Palmer	Van Gilst
Curtis	Des Moines	Priebe	Winkelman
DeKoster		Rabedaux	

Absent or not voting, 2:

Doderer	Nolin
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Division S—5123A of the amendment lost.

Senator Hansen moved the adoption of division S—5123B of the amendment as amended and requested a record roll call:

On the question "Shall division S—5123B of the amendment as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 21:

Andersen	Griffin	Murray	Shaw
Bergman	Hansen	Nystrom	Sovern
Burroughs	Hultman	Ramsey	Taylor
Curtis	Lamborn	Rodgers	Tieden
DeKoster	Miller of	Schwengels	Winkelman
Gallagher	Marshall		

Nays, 28:

Briles	Hill of Jasper	Nolting	Redmond
Carr	Hill of Polk	Norpel	Robinson
Coleman	Junkins	Orr	Scott
Culver	Kelly	Palmer	Shaff
Doderer	Kinley	Plymat	Van Gilst
Glenn	Merritt	Priebe	Willits
Gluba	Miller of	Rabedeaux	
Heying	Des Moines		

Absent or not voting, 1:

Nolin

Division S—5123B of the amendment as amended lost.

Senator Redmond offered amendment S—5127, moved its adoption and requested a non-record roll call:

S—5127

- 1 Amend Senate File 1062, page 1, line 21, by
- 2 inserting after the word "Act" the words ", the amount
- 3 of money collected or received from property taxes
- 4 and other sources to pay expenses pertaining to court-
- 5 appointed attorneys as provided in section four hundred
- 6 forty-four point ten (444.10) of the Code".

The ayes were 17, nays 31.

Amendment S—5127 lost.

Senator Junkins offered amendment S—5112 filed by Senators Willits and Junkins:

S—5112

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 2, line 2, by inserting before the word
- 3 "unspent" the words "unencumbered and".

On motion of Senator Curtis, amendment S—5112 was adopted.

Senator Priebe offered amendment S—5103 filed by Senators Priebe and Scott on February 10, 1976, and found on pages 343–345, inclusive, of the Senate Journal.

Senator Priebe offered amendment S—5116 to amendment S—5103 filed by him and moved its adoption:

S—5116

- 1 Amend the amendment, S—5103, to Senate File 1062
- 2 as follows:
- 3 1. Page 2, line 22, by striking the words "the
- 4 industrial" and inserting in lieu thereof the words
- 5 "all taxable".
- 6 2. Page 2, line 25, by striking the word "in-
- 7 dustrial" and inserting in lieu thereof the word
- 8 "taxable".

Amendment S—5116 to amendment S—5103 was adopted.

Senator Priebe offered amendment S—5126 to amendment S—5103 and moved its adoption:

S—5126

- 1 Amend the Priebe-Scott amendment, S—5103, to
- 2 Senate File 1062 as follows:
- 3 1. Page 2, line 43, by striking the words
- 4 "two million (2,000,000)" and inserting in lieu
- 5 thereof the words "three million (3,000,000)".

Amendment S—5126 to amendment S—5103 was adopted.

Senator Priebe moved the adoption of amendment S—5103 as amended.

A record roll call was requested.

On the question "Shall amendment S—5103 as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 17:

Andersen	Gallagher	Miller of	Scott
Bergman	Heying	Marshall	Taylor
Briles	Merritt	Nolting	Tieden
Coleman	Miller of	Norpel	Winkelman
Culver	Des Moines	Priebe	

Nays, 30:

Burroughs	Hansen	Nystrom	Rodgers
Carr	Hill of Jasper	Orr	Schwengels
Curtis	Hill of Polk	Palmer	Shaff
DeKoster	Hultman	Plymat	Shaw
Doderer	Junkins	Rabedaux	Sovern
Glenn	Kelly	Ramsey	Van Gilst
Gluba	Kinley	Robinson	Willits
Griffin	Lamborn		

Absent or not voting, 3:

Murray	Nolin	Redmond
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Amendment S—5103 as amended lost.

Senator Norpel offered amendment S—5102 filed by him and called for a division of the amendment, section 1 to be considered as division S—5102A; the remainder of the amendment to be considered as division S—5102B:

S—5102

1 Amend Senate File 1062 as follows:

Division S—5102A

- 2 1. Page 1, line 26, by striking the word "six"
3 and inserting in lieu thereof the word "seven".

Division S—5102B

- 4 2. By striking page 2, line 7, through page 4,
5 line 21, and inserting in lieu thereof the following:
6 "Sec. LOCAL REFERENDUM ON ALLOWABLE GROWTH.

- 7 1. If the governing body of a political sub-
8 division wishes to exceed the allowable growth es-
9 tablished by this Act, the governing body shall
10 direct the county commissioner of elections to
11 publish notice of and conduct a special election
12 within ten days after the date of publication.
13 The notice shall be published as provided in
14 section forty-nine point fifty-three (49.53) of the
15 Code and shall include a comparison of the dollar
16 amount and percentage of allowable growth estab-
17 lished by this Act and the dollar amount and percen-
18 tage of allowable growth requested for the proposed
19 limited budget of the political subdivision. The
20 question to be voted on by the qualified electors
21 of the political subdivision shall be stated as
22 follows: 'Shall the certified limited budget of
23 (name of political subdivision) for the fiscal
24 year beginning July 1, 19.... and ending June 30,
25 19.... be limited to not more than the allowable
26 growth established by the general assembly?' If a
27 majority of the votes cast for and against the
28 proposition favors the allowable growth limitation
29 established by the general assembly, the proposed
30 limited budget of the political subdivision shall be
31 so limited. If a majority of such votes cast does
32 not favor the allowable growth established by the
33 general assembly, the political subdivision may
34 increase its proposed limited budget by the amount
35 of allowable growth requested and printed in the
36 notice of election. Thereafter, the proposed limited
37 budget shall be certified to the county auditor.
38 2. If an allowable growth in excess of the
39 provisions of section two (2) of this Act is approved
40 by the electorate, property tax limitations otherwise
41 provided by law shall not apply to such proposed
42 limited budget and such proposed limited budget shall
43 not be subject to appeal to the state appeal board."
44 3. By renumbering the sections.

Senator Norpel withdrew division S—5102A of the amendment.

Senator Taylor offered amendment S—5122 to division S—5102B filed by Senators Taylor, Nystrom and Norpel on February 11, 1976, and found on pages 370 and 371 of the Senate Journal.

Senator Taylor moved the adoption of amendment S—5122 to division S—5102B of the amendment and requested a record roll call.

On the question "Shall amendment S—5122 to division S—5102B of the amendment be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 25:

Andersen	Heying	Nystrom	Sovern
Bergman	Hultman	Ramsey	Taylor
Briles	Lamborn	Schwengels	Tieden
Burroughs	Merritt	Scott	Van Gilst
Curtis	Miller of	Shaff	Willits
DeKoster	Marshall	Shaw	Winkelman
Griffin	Norpel		

Nays, 22:

Carr	Gluba	Kinley	Plymat
Coleman	Hansen	Miller of	Priebe
Culver	Hill of Jasper	Des Moines	Rabedaux
Doderer	Hill of Polk	Nolting	Robinson
Gallagher	Junkins	Orr	Rodgers
Glenn	Kelly	Palmer	

Absent or not voting, 3:

Murray	Nolin	Redmond
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Amendment S—5122 to division S—5102B of the amendment was adopted.

Senator Taylor offered amendment S—5136 to division S—5102B of the amendment and moved its adoption:

S—5136

- 1 Amend the Norpel amendment S—5102 to Senate File
- 2 1062 as follows:
- 3 1. Page 1, by inserting after line 43 the
- 4 following unnumbered paragraph:
- 5 "The budget growth permitted by this Act shall
- 6 not allow any political subdivision to levy a tax
- 7 exceeding any of the maximum tax levies set by the
- 8 Code for that political subdivision."

Amendment S—5136 to division S—5102B of the amendment was adopted.

Senator Hill of Polk raised the point of order that under Sec.

423 of Mason's Manual of Legislative Procedure relating to equivalent amendments, division S—5102B of the Norpel amendment as amended by amendment S—5136 was out of order.

The Chair ruled the point not well taken and division S—5102B of the amendment as amended in order.

Senator Norpel asked and received unanimous consent that further action on division S—5102B of the amendment as amended be deferred.

(Senate File 1062 pending on adjournment.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5119 to Senate File 1062 was adopted by the Senate on February 11, 1976.

JAMES W. GRIFFIN, SR.

INTRODUCTION OF BILLS

Senate File 1136, by Senator Redmond, a bill for an act relating to the collection of taxes during the extended fiscal year and thereafter.

Read first time and **passed on file**.

Senate File 1137, by Senator Redmond, a bill for an act relating to the payment of property taxes on a monthly basis.

Read first time and **passed on file**.

Senate File 1138, by Senator Redmond, a bill for an act to remove the limit on maximum interest rates allowable on public funds invested in bank time certificates of deposit.

Read first time and **passed on file**.

Senate File 1139, by committee on judiciary, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

Read first time and **placed on calendar**.

Senate File 1140, by Senator Miller of Marshall, a bill for an act to make an appropriation from the general fund of the state to the pediatric department of the college of medicine of the state university of Iowa to be used for research on diabetes mellitus.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1127 Cities
- S. F. 1128 Human resources
- S. F. 1129 Labor and industrial relations
- S. F. 1131 Judiciary
- H. F. 836 Judiciary
- H. F. 1218 Appropriations

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on February 12, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1030—Appropriating funds to the governor, lieutenant governor, and the council of state governments.
- H. F. 798—To provide for change of sex on birth certificates.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James B. Morris, Jr., of Des Moines, Polk County, Iowa, for reappointment as a member of the Merit Employment Commission under the provisions of Section 19A.6, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
JOAN ORR
WILLIAM N. PLYMAT
BERL E. PRIEBE
FORREST SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Blaine L. Donaldson of Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
WARREN E. CURTIS
JAMES V. GALLAGHER
MILO MERRITT
NORMAN G. RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herman W. Thompson of Cedar Rapids, Linn County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
EUGENE M. HILL
RICHARD J. NORPEL, SR.
JAMES M. REDMOND
DALE L. TIEDEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. van der Linden of Sibley, Osceola County, Iowa, for reappointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976, and ending January 2, 1982, begs leave to report it has made investigation and recommends the reappointment be confirmed.

CHARLES P. MILLER, Chairperson
IRVIN L. BERGMAN
GEORGE R. KINLEY
JOHN S. MURRAY
JAMES M. REDMOND

AMENDMENTS FILED

S—5134

- 1 Amend the Redmond amendment S—5117 to Senate File
- 2 356 as follows:
- 3 1. Page 1, line 33, by striking the words “a
- 4 preliminary”.
- 5 2. Page 1, by striking lines 34 through 37 and
- 6 inserting in lieu thereof the words “an evaluative
- 7 report for the council on the merit and feasibility
- 8 of the project.”
- 9 3. Page 1, line 40, by striking the word “final”.
- 10 4. Page 1, line 42, by striking the word “final”.
- 11 5. Page 1, line 44, by striking the word “district”
- 12 and inserting in lieu thereof the word “project”.
- 13 6. Page 2, line 10, by striking the word “final”.
- 14 7. Page 2, lines 20 and 21, by striking the words
- 15 “a preliminary report, hold public hearings, submit
- 16 a final report,” and inserting in lieu thereof the words
- 17 **“an evaluative report for the council on the merit**
- 18 **and feasibility of the improvement”.**
- 19 8. Page 2, line 24, by striking the word “final”.

ELIZABETH SHAW

S—5137

1 Amend Senate File 1062 as follows:

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

4 "Section 1. CITY LEVY LIMITS. The maximum amount
5 in dollars which may be levied by a city with a
6 population of more than five hundred for the fiscal
7 years beginning July 1, 1976 and July 1, 1977 over
8 the amount in dollars levied for the previous fiscal
9 year shall be limited to an increase of six percent
10 for each of the following designated property tax
11 levies except as otherwise provided by this Act:

12 1. The general fund levy authorized pursuant to
13 section three hundred eighty-four point one (384.1)
14 of the Code.

15 2. The tax levy for the support of a municipal
16 band authorized pursuant to section three hundred
17 eighty-four point twelve (384.12), subsection eight
18 (8), of the Code.

19 3. The tax levy for development, operation, and
20 maintenance of a memorial building or monument
21 authorized pursuant to section three hundred eighty-
22 four point twelve (384.12), subsection two (2), of
23 the Code.

24 4. The tax levy for the support of a symphony
25 orchestra authorized pursuant to section three hundred
26 eighty-four point twelve (384.12), subsection three
27 (3), of the Code.

28 5. The tax levy for the operation of cultural
29 and scientific facilities authorized pursuant to
30 section three hundred eighty-four point twelve
31 (384.12), subsection four (4), of the Code.

32 6. The tax levy to aid in the construction of
33 a county bridge authorized pursuant to section three
34 hundred eighty-four point twelve (384.12), subsection
35 five (5), of the Code.

36 7. The tax levy to aid a company incorporated
37 under the laws of this state in the construction of
38 a highway or combination bridge across any navigable
39 river of this state, commencing or terminating in
40 the city and suitable for use as highway, or for both
41 highway and railway purposes authorized pursuant to
42 section three hundred eighty-four point twelve
43 (384.12), subsection six (6), of the Code.

44 8. The tax levy for the purpose of purchasing
45 a bridge authorized pursuant to section three hundred
46 eighty-four point twelve (384.12), subsection seven
47 (7), of the Code.

48 9. The tax levy for aid to a public transportation
49 company authorized pursuant to section three hundred
50 eighty-four point twelve (384.12), subsection nine

Page 2

1 (9), of the Code.

2 10. The tax levy for the operation and maintenance

3 of a municipal transit system and for the creation
4 of a reserve fund for the system authorized pursuant
5 to section three hundred eighty-four point twelve
6 (384.12), subsection ten (10), of the Code.

7 11. The tax levy for the lease of a building or
8 complex of buildings to be operated as a civic center
9 authorized pursuant to section three hundred eighty-
10 four point twelve (384.12), subsection eleven (11),
11 of the Code.

12 12. The tax levy for operating and maintaining
13 a civic center owned by a city authorized pursuant
14 to section three hundred eighty-four point twelve
15 (384.12), subsection twelve (12), of the Code.

16 13. The tax levy for planning a sanitary disposal
17 system authorized pursuant to section three hundred
18 eighty-four point twelve (384.12), subsection thirteen
19 (13), of the Code.

20 14. The tax levy for an aviation authority
21 authorized pursuant to section three hundred eighty-
22 four point twelve (384.12), subsection fourteen (14),
23 of the Code.

24 15. The tax levy for an authority for a joint
25 city-county building authorized pursuant to section
26 three hundred eighty-four point twelve (384.12),
27 subsection fifteen (15), of the Code.

28 16. The tax levy for a levee improvement fund
29 authorized pursuant to section three hundred eighty-
30 four point twelve (384.12), subsection sixteen (16),
31 of the Code.

32 17. The tax levy to aid a railway authorized
33 pursuant to section three hundred eighty-four point
34 twelve (384.12), subsection seventeen (17), of the
35 Code.

36 18. The tax levy to maintain an institution
37 received by gift or devise authorized pursuant to
38 section three hundred eighty-four point twelve
39 (384.12), subsection eighteen (18), of the Code.

40 19. The tax levy to pay the premium costs on tort
41 liability insurance authorized pursuant to section
42 three hundred eighty-four point twelve (384.12),
43 subsection nineteen (19), of the Code.

44 20. The tax levy authorized pursuant to section
45 three hundred forty-six point twenty-six (346.26)
46 of the Code.

47 21. The tax levy for the emergency fund authorized
48 pursuant to section three hundred eighty-four point
49 eight (384.8) of the Code.

50 22. The tax levy for the purpose of paying the

Page 3

1 costs of operating, maintaining, and managing a zoo
2 or zoological garden authorized pursuant to section
3 three hundred ninety-four point three (394.3) of the
4 Code.

5 23. The tax levy for the use of a zoo or zoological

- 6 garden authorized pursuant to section three hundred
7 ninety-four point four (394.4) of the Code.
- 8 Sec. 2. COUNTY LEVY LIMITS. The maximum amount
9 in dollars which may be levied by a county for the
10 fiscal years beginning July 1, 1976 and July 1, 1977
11 over the amount in dollars levied for the previous
12 fiscal year shall be limited to an increase of six
13 percent for each of the following designated property
14 tax levies except as otherwise provided by this Act:
- 15 1. The tax levy for the emergency fund authorized
16 pursuant to section twenty-four point six (24.6) of
17 the Code.
- 18 2. The tax levy for the development, operation,
19 and maintenance of a memorial building or monument
20 authorized pursuant to section thirty-seven point
21 eight (37.8) of the Code.
- 22 3. The tax levy for the purchase of voting machines
23 authorized pursuant to section fifty-two point three
24 (52.3) of the Code.
- 25 4. The tax levy for the county conservation board
26 authorized pursuant to section one hundred eleven
27 A point six (111A.6) of the Code.
- 28 5. The tax levy for indemnity payments and the
29 inspection and testing program relating to bovine
30 brucellosis eradication authorized pursuant to section
31 one hundred sixty-four point twenty-three (164.23)
32 of the Code.
- 33 6. The tax levy for the bovine brucellosis
34 eradication fund authorized pursuant to section one
35 hundred sixty-five point eighteen (165.18) of the
36 Code.
- 37 7. The tax levy for the fairground fund authorized
38 pursuant to sections one hundred seventy-four point
39 thirteen (174.13) and one hundred seventy-four point
40 seventeen (174.17) of the Code.
- 41 8. The tax levy for the purpose of maintaining
42 a county or multicounty juvenile home authorized
43 pursuant to section two hundred thirty-two point
44 twenty-two (232.22) of the Code.
- 45 9. The tax levy for the veteran affairs fund
46 authorized pursuant to section two hundred fifty point
47 one (250.1) of the Code.
- 48 10. The tax levy for the poor fund authorized
49 pursuant to sections two hundred fifty-two point
50 forty-three (252.43) through two hundred fifty-two

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- 1 point forty-five (252.45) of the Code.
- 2 11. The tax levy for secondary road construction
3 and maintenance authorized pursuant to section three
4 hundred nine point seven (309.7) of the Code.
- 5 12. The tax levy for the road clearing fund
6 authorized pursuant to section three hundred seventeen
7 point nineteen (317.19) of the Code.
- 8 13. The tax levy for the purchase of weed

9 eradicating equipment and materials authorized pursuant
10 to section three hundred seventeen point twenty
11 (317.20) of the Code.

12 14. The tax levy for an aviation authority
13 authorized pursuant to section three hundred thirty
14 A point fifteen (330A.15) of the Code.

15 15. The tax levy for the maintenance and
16 improvement of cemeteries in the county authorized
17 pursuant to section three hundred thirty-two point
18 three (332.3) of the Code.

19 16. The tax levy for public disposal grounds
20 authorized pursuant to section three hundred thirty-
21 two point thirty-two (332.32) of the Code.

22 17. The tax levy for the county indemnification
23 fund authorized pursuant to section three hundred
24 thirty-two point thirty-eight (332.38) of the Code.

25 18. The tax levy for the operation, control,
26 maintenance, and management of health centers
27 authorized pursuant to section three hundred forty-
28 six A point two (346A.2) of the Code.

29 19. The tax levy for the payment of claims for
30 bounties on wild animals authorized pursuant to section
31 three hundred fifty point eight (350.8) of the Code.

32 20. The tax levy for the maintenance of a county
33 library authorized pursuant to section three hundred
34 fifty-eight B point thirteen (358B.13) of the Code.

35 21. The tax levy for the entering of contracts
36 for the use of city libraries authorized pursuant
37 to section three hundred fifty-eight B point eighteen
38 (358B.18) of the Code.

39 22. The tax levy for ordinary county revenue and
40 the election expense fund authorized pursuant to
41 section four hundred forty-four point nine (444.9)
42 of the Code.

43 23. The tax levy for the court expense fund
44 authorized pursuant to section four hundred forty-
45 four point ten (444.10) of the Code.

46 24. The tax levy for the county orphan fund
47 authorized pursuant to section four hundred forty-
48 four point eleven (444.11) of the Code.

49 25. The tax levy for the purpose of planning a
50 sanitary disposal project or of paying interest and

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1 principal on bonds issued pursuant to section three
2 hundred forty-six point twenty-three (346.23) of the
3 Code which levy is authorized pursuant to section
4 four hundred fifty-five B point eighty-one (455B.81)
5 of the Code.

6 26. The tax levy for flood and erosion control
7 projects authorized pursuant to section four hundred
8 sixty-seven B point nine (467B.9) of the Code.

9 27. The tax levy for the maintenance of property
10 received by a county by gift or devise authorized
11 pursuant to section five hundred sixty-five point

12 eight (565.8) of the Code.

13 Sec. 3. SPECIAL PURPOSE DISTRICTS LEVY LIMITS.

14 The maximum amount in dollars which may be levied
15 by a special purpose district for the fiscal years
16 beginning July 1, 1976 and July 1, 1977 over the
17 amount in dollars levied for the previous fiscal year
18 shall be limited to an increase of six percent for
19 each of the following designated property tax levies
20 except as otherwise provided by this Act:

21 1. The tax levy by a benefited water district
22 for the maintenance of the water system authorized
23 pursuant to section three hundred fifty-seven point
24 twenty-five (357.25) of the Code.

25 2. The tax levy by a benefited fire district to
26 provide fire protection within the district authorized
27 pursuant to section three hundred fifty-seven B point
28 three (357B.3) of the Code and the levy authorized
29 pursuant to section three hundred fifty-seven B point
30 five (357B.5) of the Code which permits the county
31 board of supervisors to continue the levy upon
32 dissolution of the district until all debts and obliga-
33 tions of the dissolved district are paid.

34 3. The tax levy by a benefited street lighting
35 district authorized pursuant to section three hundred
36 fifty-seven C point seven (357C.7) and three hundred
37 fifty-seven C point eleven (357C.11) of the Code.

38 4. The tax levy authorized pursuant to section
39 four hundred sixty-six point four (466.4) of the Code
40 permitting a levy sufficient to raise the amount
41 necessary for maintenance of a system to provide
42 internal drainage necessary by the construction of
43 a levee along a navigable stream forming a part of
44 the boundary of the state.

45 5. The tax levy for a soil conservation district
46 authorized pursuant to section four hundred sixty-
47 seven A point twenty (467A.20) of the Code.

48 6. The tax levy authorized pursuant to section
49 four hundred eighty-three point one (483.1) of the
50 Code to provide aid to railroads.

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1 Sec. 4. PUBLIC HOSPITAL LEVY LIMITS. The maximum
2 amount in dollars which may be levied by a public
3 hospital for the fiscal years beginning July 1, 1976
4 and July 1, 1977 over the amount in dollars levied
5 for the previous fiscal year shall be limited to an
6 increase of six percent for each of the following
7 designated property tax levies except as otherwise
8 provided by this Act:

9 1. The emergency tax levy authorized pursuant
10 to section twenty-four point six (24.6) of the Code.

11 2. The tax levy for the operation, equipping,
12 maintenance, improvement, and replacement of a county
13 public hospital authorized pursuant to sections three
14 hundred forty-seven point seven (347.7) and three

15 hundred forty-seven point twenty-seven (347.27) of
16 the Code.

17 3. The tax levy for the operation and maintenance
18 of a county hospital authorized pursuant to section
19 three hundred forty-seven A point three (347A.3) of
20 the Code.

21 Sec. 5. COUNTY AGRICULTURAL EXTENSION EDUCATION
22 LEVY LIMIT. The maximum amount in dollars which may
23 be levied for the county agricultural extension
24 education program authorized pursuant to section one
25 hundred seventy-six A point ten (176A.10) of the Code
26 for the fiscal years beginning July 1, 1976 and July
27 1, 1977 over the amount in dollars levied for the
28 previous fiscal year shall be limited to an increase
29 of six percent except as otherwise provided by this
30 Act.

31 Sec. 6. MERGED AREA SCHOOL LEVY LIMITS. The
32 maximum amount in dollars which may be levied by a
33 merged area school for general operations authorized
34 pursuant to section two hundred eighty A point
35 seventeen (280A.17) of the Code for the fiscal year
36 beginning July 1, 1976 and July 1, 1977 over the
37 amount in dollars levied for the previous fiscal year
38 shall be limited to an increase of six percent except
39 as otherwise provided by this Act.

40 Sec. 7. BUDGET PROCESS—NOTICE AND PUBLIC HEARING.

41 In addition to the requirements of chapters twenty-
42 four (24) and three hundred eighty-four (384), division
43 two (II), of the Code relating to the publication
44 of notice and public hearing on a budget of a political
45 subdivision, the public notice of a hearing on a
46 budget shall include the following information:

47 1. The percentage and the dollar amount increase
48 or decrease for the total budget of the political
49 subdivision.

50 2. The percentage and the dollar amount increase

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1 to or decrease of each fund included in the proposed
2 budget.

3 3. A statement showing the allowable growth
4 established by the general assembly and the dollar
5 amount of increase represented by such guideline for
6 the proposed budget of the political subdivision.

7 4. A statement of the major reasons for the
8 proposed increases in the budget.

9 5. A comparison of the percentages and dollar
10 amounts proposed to be expended with the percentages
11 and dollar amounts expended during the preceding
12 fiscal year.

13 The provisions of this section shall not apply
14 to publication of notice for a hearing on a budget
15 for the fiscal year beginning July 1, 1976 required
16 under section twenty-four point nine (24.9) or three
17 hundred eighty-four point sixteen (384.16) of the

18 Code if the notice of hearing has been published
19 before the effective date of this Act, but this sec-
20 tion shall apply to any other notice for a hearing
21 on a budget or amendment to a budget required by this
22 Act or other provision of law for the fiscal years
23 beginning July 1, 1976 and July 1, 1977.

24 Sec. 8. ALLOWABLE GROWTH EXCEEDED—ADDITIONAL
25 PUBLIC HEARING. If a political subdivision approves
26 a budget which exceeds the allowable growth allowed
27 under the provisions of sections one (1) through six
28 (6) of this Act but which does not exceed nine percent
29 following the public hearing required under chapter
30 twenty-four (24) or three hundred eighty-four (384),
31 division two (II), of the Code, the governing body
32 of such political subdivision shall withhold
33 certification of such budget to the county auditor
34 for at least seven days following such approval.
35 If, during the seven days following approval of the
36 budget, a valid petition signed by at least five
37 persons who are affected by the budget of a political
38 subdivision having a population of one hundred persons
39 or less, at least ten persons who are affected by
40 the budget of a political subdivision having a
41 population of more than one hundred but not more than
42 five hundred persons, or at least twenty-five persons
43 who are affected by the budget of a political
44 subdivision having a population of more than five
45 hundred persons, is filed with the governing body
46 of a political subdivision requesting another public
47 hearing, the governing body shall publish notice of
48 and conduct such public hearing not later than April
49 fifth. The date, time and location of the public
50 hearing and the information required to be published

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1 under section seven (7) of the Act, shall be published
2 in a newspaper having general circulation throughout
3 the political subdivision not less than five days
4 before the date specified for such hearing.
5 Thereafter, the budget shall be approved and certified,
6 with or without changes that may be made after the
7 hearings, to the county auditor not later than April
8 fifth.

9 Sec. 9. EXCEPTION TO DATES FOR BUDGET APPEAL.

10 Notwithstanding sections twenty-four point twenty-
11 seven (24.27) through twenty-four point thirty-two
12 (24.32), inclusive, and three hundred eighty-four
13 point nineteen (384.19) of the Code, persons affected
14 by a certified budget of a political subdivision
15 which has exceeded the allowable growth, shall have
16 ten days following certification of such budget to
17 file a petition to appeal to the state appeal board.
18 All other time limitations or dates specified in
19 sections twenty-four point twenty-seven (24.27) through
20 twenty-four point thirty-two (24.32), inclusive, and

21 three hundred eighty-four point nineteen (384.19)
22 of the Code shall be correspondingly changed or
23 extended to allow the same amount of time for the
24 protest hearing and the decision of the state board
25 that would exist had the appeal to the state appeal
26 board been filed as provided in section twenty-four
27 point twenty-seven (24.27) or three hundred eighty-
28 four point nineteen (384.19) of the Code.

29 **Sec. 10. APPEAL TO BUDGET REVIEW COMMITTEE. A**
30 political subdivision of the state subject to the
31 provisions of this Act which has approved a budget
32 which exceeds nine percent may initiate an appeal
33 with the appropriate budget review committee as
34 designated in section twelve (12) of this Act, based
35 upon a natural disaster or any unusual circumstances,
36 which creates the need for additional funds. The
37 appropriate budget review committee may waive the
38 maximum amount of dollars which may be levied under
39 the provisions of this Act or the levy limitations
40 provided by law or grant supplemental assistance to
41 the political subdivision of the state from any funds
42 appropriated for this purpose.

43 **Sec. 11. COUNTY BUDGET REVIEW COMMITTEE. There**
44 is created a county budget review committee consisting
45 of the following five members:

- 46 1. The state comptroller or his designee who shall
47 serve as chairperson.
- 48 2. Three county officers appointed by the governor,
49 one member selected from a county having an assessed
50 valuation of:

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- 1 a. Less than ninety-six million three hundred
2 thousand dollars.
- 3 b. Ninety-six million three hundred thousand
4 dollars or more but less than one hundred eighteen
5 million five hundred twenty thousand dollars.
- 6 c. One hundred eighteen million five hundred
7 twenty thousand dollars or more.
- 8 3. The certified public accountant appointed to
9 the city finance committee under section three hundred
10 eighty-four point thirteen (384.13) of the Code.
- 11 In addition to the circumstances creating a vacancy
12 under section sixty-nine point two (69.2) of the Code,
13 a vacancy shall exist when a county officer appointed
14 under subsection two (2) of this section no longer
15 holds a county office which qualifies such officer
16 for appointment to this committee.

17 The county budget review committee shall meet at
18 the call of the chairperson and adopt its own rules
19 of procedure. The committee may hold public hearings.
20 Actions taken or rules promulgated by the committee
21 shall be subject to the provisions of chapter seventeen
22 A (17A) of the Code.

23 The committee members, except the state comptroller

24 and county officers who are full-time public officers,
25 are entitled to a per diem of forty dollars for each
26 day spent in the performance of committee duties and
27 each member is entitled to reimbursement for his
28 actual and necessary expenses incurred in performance
29 of committee duties. The per diem and expenses shall
30 be paid from funds appropriated to the state
31 comptroller.

32 **Sec. 12. APPROPRIATE BUDGET REVIEW COMMITTEE.**

33 The appropriate budget review committee to which a
34 political subdivision may appeal is as follows:

35 1. The city finance committee created under section
36 three hundred eighty-four point thirteen (384.13)
37 of the Code for any city subject to the provisions
38 of this Act.

39 2. The school budget review committee created
40 under section four hundred forty-two point twelve
41 (442.12) of the Code for a merged area school created
42 under chapter two hundred eighty A (280A) of the Code.

43 3. The county budget review committee for any
44 other political subdivision of the state subject to
45 provisions of this Act.

46 **Sec. 13. REFERENDUM.**

47 1. For the fiscal year beginning July 1, 1977,
48 if the governing body of a political subdivision which
49 certifies or levies a property tax on a citywide or
50 countywide basis as applicable, wishes to levy more

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1 than the amount authorized under the tax levy
2 limitations provided in sections one (1) through six
3 (6) of this Act, the governing body may direct the
4 county commissioner of elections to publish notice
5 of and conduct a special election on the question
6 not later than February fifteenth of the base year.
7 In addition to any other requirements of law for a
8 city or county election, the notice of election shall
9 contain a comparison of estimated revenues and
10 expenditures for the certified budget of the preceding
11 fiscal year and the proposed budget, the dollar amount
12 and percentage increase of the proposed budget over
13 the preceding fiscal year's budget, the amount of
14 dollars needed above the limitations provided in
15 sections one (1) through six (6) of this Act, and
16 an explanation of the major reasons for the need to
17 exceed such limitations. If a majority of the
18 qualified electors voting on the question favor
19 expenditures in excess of the tax limitations under
20 sections one (1) through six (6) of this Act, the
21 amount so approved may be included in the certified
22 budget of the political subdivision for the fiscal
23 year beginning July 1, 1977.

24 2. The amount approved in excess of the amount
25 authorized under sections one (1) through six (6)
26 of this Act shall be raised by a combination of one-

27 half from a property tax levy and one-half from an
28 income surtax within such city or county if other
29 revenues are not available to meet such proposed
30 expenditures.

31 3. A political subdivision subject to this section
32 shall be exempt from the provisions of sections one
33 (1) through twelve (12) of this Act for its budget
34 for the fiscal year beginning July 1, 1977 except
35 that if the referendum is defeated, the political
36 subdivision may appeal to the appropriate review board
37 for authority to levy an amount in excess of the limi-
38 tations imposed under sections one (1) through six
39 (6) of this Act for expenditures necessitated by the
40 occurrence of a natural disaster or any other unusual
41 circumstances.

42 Sec. 14. COMPUTATION OF EXCESS AMOUNT. If a
43 majority of those voting in an election approves the
44 additional amount under section thirteen (13) of this
45 Act, the governing body shall certify to the state
46 comptroller that the required procedures have been
47 carried out, and the state comptroller shall establish
48 the amount of additional property tax to be levied
49 and the amount of income surtax to be imposed for
50 fiscal year for which the additional amount is

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1 authorized. The state comptroller shall determine
2 these amounts based upon the most recent figures
3 available for the political subdivision's valuation
4 of taxable property, individual state income tax paid
5 and shall certify to the political subdivision's
6 county auditor the amount of property tax, and to
7 the director of revenue the amount of income surtax
8 to be imposed.

9 The income surtax shall be imposed on the state
10 individual income tax for the calendar year during
11 which the budget year begins, or for a taxpayer's
12 fiscal year ending during the second half of that
13 calendar year or the first half of the succeeding
14 calendar year, and shall be imposed on all individuals
15 residing in the political subdivision on the last
16 day of the applicable tax year. As used in this
17 section, 'state individual income tax' means the tax
18 computed under section four hundred twenty-two point
19 five (422.5) of the Code, less the deductions allowed
20 in section four hundred twenty-two point twelve
21 (422.12) of the Code.

22 Sec. 15. INCOME SURTAX PROCEDURES.

23 1. The director of revenue shall administer any
24 political subdivision income surtax imposed under
25 this Act, and all the provisions of sections four
26 hundred twenty-two point twenty (422.20), four hundred
27 twenty-two point twenty-two (422.22) to four hundred
28 twenty-two point thirty-one (422.31), four hundred
29 twenty-two point sixty-eight (422.68), and four hundred

20 twenty-two point seventy-two (422.72) to four hundred
21 twenty-two point seventy-five (422.75) of the Code,
22 shall apply in respect to administration of such
23 **income surtax.**

24 2. The political subdivision income surtax shall
25 **be made a part of the Iowa individual income tax**
26 return subject to the conditions and restrictions
27 set forth in section four hundred twenty-two point
28 twenty-one (422.21) of the Code.

29 3. The director of revenue shall deposit all
30 moneys received as income surtax under this Act to
31 the credit of each political subdivision from which
32 the moneys are received, in a 'political subdivision
33 income surtax fund' which is established in the office
34 of the treasurer of state.

35 4. On or before October twentieth, the director
36 of revenue shall make an accounting of such income
37 surtax collected under this Act applicable to tax
38 returns for the last preceding calendar year, or for
39 fiscal year taxpayers, on the last day of their tax
40 year ending during that calendar year and after the

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1 date of the election approving the surtax, from
2 taxpayers in each political subdivision in the state
3 which has imposed a surtax, and shall certify to the
4 state comptroller the amount of total political
5 subdivision income surtax credited from the taxpayers
6 of each political subdivision. Additional returns
7 in process, if any, at the time of certification shall
8 be completed and the additional amount of income
9 surtax reported to the state comptroller for
10 distribution back to the political subdivision when
11 such processing is completed.

12 5. The state comptroller shall draw warrants in
13 payment of the amount of surtax payable to each of
14 the political subdivisions in two installments to
15 be paid on approximately the first day of December
16 and the first day of February, and shall cause the
17 warrants to be delivered to the respective political
18 subdivisions.

19 Sec. 16. APPEAL TO STATE BOARD. Nothing in **this**
20 Act shall be construed to prevent an appeal of a
21 decision made by a budget review committee designated
22 in section twelve (12) of this Act to the state ap-
23 peal board.

24 Sec. 17. LEGISLATIVE INTENT. It is the intent
25 of this Act that the public interest demands the
26 research and analysis of matters pertaining to local
27 government services and finances by a task force and
28 the reporting of findings and recommendations to the
29 general assembly by September 15, 1977.

30 Sec. 18. SUGGESTED STUDY GUIDELINES. The following
31 suggested study guidelines are listed for reference
32 only and should not be considered in order of priority

33 or inclusive of all matters that can be properly
34 included in the research and analysis necessary to
35 fulfill the intent of this Act:
36 1. The nature of local government services.
37 2. Which level of government should provide what
38 services?
39 3. Who should pay for these services?
40 4. How should different types and kinds of property
41 be valued and equalized for assessment purposes?
42 5. What budget limitations, if any, should be
43 imposed?
44 6. Which local services, if any, should be financed
45 by state aid?
46 7. The economics and effectiveness of the delivery
47 of services to people.
48 8. The merits of local option taxation.
49 9. The budgeting procedures and mechanisms of
50 local governments.

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1 Sec. 19. REPORT OF TASK FORCE. The governor shall
2 transmit the recommendations of the task force
3 accompanied by proposed legislation necessary to carry
4 out the recommendations to the Sixty-seventh General
5 Assembly no later than September 15, 1977. Copies
6 of the recommendations and of the recommended
7 legislation shall be transmitted to the president
8 of the senate and the speaker of the house of
9 representatives who shall, within ten days after the
10 date of receipt, assign the proposed legislation
11 to the appropriate standing committee.

12 Sec. 20. APPOINTMENT OF PERSONNEL. The governor
13 is hereby authorized to employ such professional,
14 technical, and administrative assistance as shall
15 be necessary to accomplish the purpose of this Act.

16 Sec. 21. TASK FORCE CREATED. There is created
17 a task force composed of twelve members, who are
18 interested and knowledgeable in affairs of local
19 government. All members shall be appointed by the
20 governor to serve at his pleasure. No member shall
21 hold any other state elected or appointed office.
22 Any vacancy in the membership of the task force shall
23 be filled by appointment in the same manner as the
24 original appointments.

25 The members of the task force shall receive their
26 actual and necessary expenses to be audited by the
27 state comptroller.

28 Sec. 22. There is appropriated from the general
29 fund of the state to the office of the governor the
30 sum of two hundred thousand (200,000) dollars, or
31 so much thereof as may be necessary, for the fiscal
32 year beginning July 1, 1976 and ending June 30, 1977,
33 for the purpose of the employment of such professional,
34 technical and administrative staff and assistance

35 on such basis as shall be determined by the governor
 36 and for such other expenses as shall be necessary
 37 to accomplish the purpose of this Act, including
 38 actual expenses and per diem incurred by task force
 39 members as provided in section five (5) of this Act.

40 Sec. 23. There is appropriated from the general
 41 fund of the state to the county budget review committee
 42 established in this Act for the fiscal year beginning
 43 July 1, 1976 and ending June 30, 1977, the sum of
 44 one million (1,000,000) dollars, or so much thereof
 45 as may be necessary, to be used to provide financial
 46 assistance to counties who in the judgment of the
 47 county budget review committee have meritorious and
 48 unusual needs beyond their reasonable capacity to
 49 fund.

50 Sec. 24. There is appropriated from the general

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1 fund of the state to the city finance committee
 2 established in chapter three hundred eighty-four point
 3 thirteen (384.13) of the Code for the fiscal year
 4 beginning July 1, 1976 and ending June 30, 1977, the
 5 sum of one million (1,000,000) dollars, or as much
 6 thereof as may be necessary, to be used to provide
 7 financial assistance to cities who in the judgment
 8 of the city finance committee have meritorious and
 9 unusual needs beyond their reasonable capacity to
 10 fund.

11 Sec. 25. BUDGETS AFFECTED. The provisions of
 12 this Act shall apply to the budgets of a political
 13 subdivision for the fiscal years beginning July 1,
 14 1976 and July 1, 1977.

15 Sec. 26. This Act, being deemed of immediate
 16 importance shall take effect and be in force from
 17 and after its publication in _____,
 18 a newspaper published in _____, Iowa, and
 19 in _____, a newspaper published
 20 in _____, Iowa."

21 2. Amend the title, line 2, by inserting after
 22 the word "state" the words ", providing procedures
 23 for exceeding the budget limitations, providing for
 24 the imposition of an income surtax for certain budget
 25 expenditures, creating a county budget review committee
 26 and a task force to study local budgets, and making
 27 an appropriation".

CLOYD E. ROBINSON
 E. KEVIN KELLY

S—5132

1 Amend Senate File 1062 as follows:

2 1. Page 1, line 11, by inserting after the
 3 words "moneys," the words "the amount of moneys paid
 4 by any political subdivision for the cost of insurance

5 premiums and for the cost of energy provided by pri-
6 vate, investor-owned utilities.”.

ROBERT M. CARR

S—5138

1 Amend the Robinson-Kelly amendment S—5137 to
2 Senate File 1062 as follows:

3 1. Page 10, by inserting after line 30 the
4 following unnumbered paragraph:

5 “The budget growth permitted by this Act shall
6 not allow any political subdivision to levy a tax
7 exceeding any of the maximum tax levies set by the
8 Code for that political subdivision.”

CLOYD E. ROBINSON

S—5135

1 Amend Senate File 1092 as follows:

2 1. Page 3, lines 11 through 13, by striking the
3 words “filing of an application for a writ of
4 certiorari with the supreme court.” and inserting
5 in lieu thereof the words “granting by the supreme
6 court of an application for further review as provided
7 in section seventy-seven (77) of this Act.”
8 2. Page 3, lines 31 and 32, by striking the words
9 “Rules promulgated by the supreme court” and inserting
10 in lieu thereof the words “The supreme court shall
11 have the power to prescribe temporary rules of
12 appellate procedure”.

13 3. Page 4, by striking lines 1 through 3, and
14 inserting in lieu thereof the words “conditions and
15 procedures for further review by the supreme court
16 of a decision of the court of appeals, and each of
17 those temporary rules shall be”.

18 4. Page 4, line 6, by striking the words “time
19 of their adoption” and inserting in lieu thereof the
20 words “date specified by the supreme court in the
21 respective temporary rules”.

22 5. Page 28, by striking lines 15 through 17 and
23 inserting in lieu thereof the following: “jurisdic-
24 tion of the supreme court, except as provided in sub-
25 section four (4) of this section.”

26 6. Page 28, by striking lines 30 and 31, and in-
27 serting in lieu thereof the following: “court for
28 further review. An application for further review
29 shall not be granted by the supreme court unless the”.

30 7. Page 29, line 3, by striking the words “a writ
31 of certiorari” and inserting in lieu thereof the words
32 “further review”.

33 8. Page 29, by inserting after line 7 the follow-
34 ing new subsection:

35 “5. The supreme court shall promulgate rules of
36 appellate procedure which shall govern further review
37 by the supreme court of decisions of the court of
38 appeals. Such rules shall contain, but need not be
39 limited to, a specification of the grounds upon which
40 further review may, in the discretion of the supreme

41 court, be granted. Rules promulgated pursuant to
42 this subsection shall be subject to section six hundred
43 eighty-four point nineteen (684.19) of the Code."

PHILIP B. HILL

S—5133

1 Amend Senate File 1123 as follows:

- 2 1. Page 19, line 25, by striking the words "[in
3 accordance with the direction]" and inserting in lieu
4 thereof the words "in accordance with the direction".
- 5 2. Page 19, line 26, by striking the words "[of
6 the commission]" and inserting in lieu thereof the
7 words "of the [commission] *investment board*".
- 8 3. Page 19, by striking from lines 33 and 34 the
9 words "[, in accordance with the direction of the
10 commission,]" and inserting in lieu thereof the words
11 "[, in accordance with the direction of the [commis-
12 sion] *investment board*,]."
- 13 4. Page 20, lines 3 and 4, by striking the words
14 "[directed to be purchased by the commission]" and
15 inserting in lieu thereof the words "directed to be
16 purchased by the [commission] *investment board*".
- 17 5. Page 20, line 8, by striking the word "ADVISORY"
18 and inserting in lieu thereof the word "[ADVISORY]".
- 19 6. Page 20, line 9, by striking the word "Advisory"
20 and inserting in lieu thereof the word "[Advisory]".
- 21 7. Page 20, line 11, by striking the words "advise
22 and confer" and inserting in lieu thereof the words
23 "[advise and confer] *direct*".
- 24 8. Page 20, line 12, by striking the word "with"
25 and inserting in lieu thereof the word "[with]".
- 26 9. Page 20, lines 14 and 15, by striking the words
27 "powers of the board shall be purely advisory and"
28 and inserting in lieu thereof the words "[powers of
29 the board shall be purely advisory and]".
- 30 10. Page 20, line 16, by striking the word "not"
31 and inserting in lieu thereof the word "[not]".
- 32 11. Page 20, lines 17, by striking the word "seven"
33 and inserting in lieu thereof the words "[seven] *five*".
- 34 12. Page 20, line 18, by striking the words "Five
35 of the" and inserting in lieu thereof the words "[Five
36 of the] *The*".
- 37 13. Page 20, line 28, by striking the words "The
38 president of the" and inserting in lieu thereof the
39 words "[The president of the]".
- 40 14. Page 20, by striking lines 29 through 33 and
41 inserting in lieu thereof the words "[senate shall
42 appoint one member from the members of the senate
43 and the speaker of the house of representatives shall
44 appoint one member from the membership of the house.
45 The two members appointed by the president of the
46 senate and the speaker of the house of representatives
47 and the] *The two active*".

48 15. Page 21, by striking lines 6 through 10 and
49 inserting in lieu thereof the words "[Legislative
50 members shall receive the sum of forty dollars for

Page 2

1 each day of service and their actual expenses incurred
2 in the performance of their duties. The per diem
3 and expenses of the legislative members shall be paid
4 from funds appropriated under section 2.12.] The
5 members who are active".

EUGENE M. HILL

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:10
p.m., until 9:30 a.m., Friday, February 13, 1976.

JOURNAL OF THE SENATE

THIRTY-THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, FEBRUARY 13, 1976

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend Doctor Wayne Shoemaker, pastor of the Grace United Methodist Church, Des Moines, Iowa.

The Journal of Thursday, February 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Walter, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gluba for the day, Senator Nolin for the day and Senator Willits for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirteen students from Cambridge Elementary School, Cambridge, Iowa, accompanied by the Reverend Robert R. Mason. Senator Murray.

Twenty-three students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Braswell. Senator Hill of Polk.

PETITION

The following petition was presented and placed on file:

By Senator Sovern from six residents of Linn County favoring legislation placing budget limitations on municipalities.

INTRODUCTION OF BILLS

Senate File 1141, by committee on state government, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties.

Read first time and placed on calendar.

Senate File 1142, by committee on state government, a bill for an act relating to access to information by the citizens' aide.

Read first time and placed on calendar.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

Senate File 1062

The Senate resumed consideration of Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Division S—5102B of the Norpel amendment, amended and deferred on February 12, 1976, was taken up for further consideration.

Senator Hultman offered amendment S—5139 to division S—5102B by Senators Hultman, Norpel and Taylor, and moved its adoption:

S—5139

- 1 Amend the amendment, S—5102, to Senate File 1062
- 2 as follows:
- 3 1. Page 1, by striking lines 4 and 5, and inserting
- 4 in lieu thereof the following:
- 5 "2. Page 4, by inserting after line 21 the
- 6 following:"
- 7 2. Page 1, by striking lines 38 through 43, and
- 8 inserting in lieu thereof the following:
- 9 "2. The provisions of this section shall not
- 10 preclude a political subdivision from requesting and
- 11 obtaining a modified allowable growth from the
- 12 appropriate budget review board if natural disaster
- 13 or unusual circumstances requiring the need for
- 14 additional expenditures occurs after the local
- 15 referendum."

Amendment S—5139 to division S—5202B of the amendment was adopted.

Senator Shaff asked and received unanimous consent that

further action on division S—5102B of the amendment as amended be temporarily deferred for the preparation of an amendment.

Senator Robinson offered amendment S—5137 filed by Senators Robinson and Kelly on February 12, 1976, and found on pages 404-416, inclusive, of the Senate Journal.

Senator Rodgers raised the point of order that amendment S—5137 was out of order for the reason that the subject matter contained therein had already been considered by the Senate.

The Chair ruled the point not well taken and amendment S—5137 in order.

Senator Robinson offered amendment S—5140 to amendment S—5137 by Senators Robinson and Kelly and moved its adoption:

S—5140

- 1 Amend the Robinson-Kelly amendment, S—5137, to
- 2 Senate File 1062 as follows:
- 3 1. Page 7, line 26, by striking the word "exceeds"
- 4 and inserting in lieu thereof "requires a levy in excess
- 5 of".
- 6 2. Page 8, line 15, by striking the words "has ex-
- 7 ceeded" and insert in lieu thereof "requires a levy in
- 8 excess of".

President Neu took the chair at 10:00 a.m.

Amendment S—5140 to amendment S—5137 was adopted.

Senator Robinson offered amendment S—5138 to amendment S—5137 filed by him and moved its adoption:

S—5138

- 1 Amend the Robinson-Kelly amendment S—5137 to
- 2 Senate File 1062 as follows:
- 3 1. Page 10, by inserting after line 30 the
- 4 following unnumbered paragraph:
- 5 "The budget growth permitted by this Act shall
- 6 not allow any political subdivision to levy a tax
- 7 exceeding any of the maximum tax levies set by the
- 8 Code for that political subdivision."

Amendment S—5138 to amendment S—5137 lost.

Senator Robinson asked and received unanimous consent that further action on amendment S—5137 as amended be temporarily deferred.

The Senate resumed consideration of division S—5102B of the Norpel amendment as amended.

Senator Hansen offered amendment S—5141 to division S—5102B by Senators Hansen, Rodgers and Shaff and moved its adoption:

S—5141

- 1 Amend the Norpel amendment S—5102 to Senate
- 2 File 1062 as follows:
- 3 1. Page 1, lines 11 and 12 by striking the
- 4 words "conduct a special election within 10 days
- 5 after the date of publication" and inserting in lieu
- 6 thereof the following: "cause to be placed on the
- 7 ballot at each regular city election in the case
- 8 of a city and on the ballot at each general election
- 9 in the case of any other political subdivision the
- 10 question set out below."

The Chair called for a non-record roll call.

Rule 25 was invoked.

The ayes were 22, nays 24.

Amendment S—5141 to division S—5102B of the amendment lost.

Senator Coleman offered amendment S—5144 to division S—5102B of the amendment and moved its adoption:

S—5144

- 1 Amend the Norpel amendment S—5102 to Senate
- 2 File 1062 as follows:
- 3 1. Page 1, line 12 by striking the word
- 4 "ten" and inserting in lieu thereof the word
- 5 "twenty".

Amendment S—5144 to division S—5102B of the amendment was adopted.

Senator Norpel moved the adoption of division S—5102B of the amendment as amended.

A record roll call was requested.

On the question "Shall division S—5102B of the amendment as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 35:

Andersen	Carr	Gallagher	Kelly
Bergman	Coleman	Hansen	Kinley
Briles	Culver	Hultman	Lamborn
Burroughs	Curtis	Junkins	Merritt

Miller of	Nystrom	Rodgers	Sovern
Marshall	Orr	Schwengels	Taylor
Murray	Palmer	Scott	Tieden
Nolting	Priebe	Shaff	Van Gilst
Norpel	Robinson	Shaw	Winkelman

Nays, 9:

DeKoster	Heying	Hill of Polk	Ramsey
Doderer	Hill of Jasper	Plymat	Redmond
Glenn			

Absent or not voting, 6:

Gluba	Miller of	Nolin	Willits
Griffin	Des Moines	Rabedeaux	

Division S—5102B of the amendment as amended was adopted.

Senator Carr offered amendment S—5132 filed by him, moved its adoption and requested a record roll call:

S—5132

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 1, line 11, by inserting after the
- 3 words "moneys," the words "the amount of moneys paid
- 4 by any political subdivision for the cost of insurance
- 5 premiums and for the cost of energy provided by pri-
- 6 vate, investor-owned utilities,".

On the question "Shall amendment S—5132 be adopted?" (S.F. 1062) the vote was:

Ayes, 18:

Carr	Junkins	Miller of	Priebe
DeKoster	Kelly	Des Moines	Redmond
Doderer	Kinley	Nolting	Shaw
Glenn	Merritt	Orr	Sovern
Hill of Polk		Palmer	Tieden

Nays, 28:

Andersen	Hansen	Murray	Rodgers
Bergman	Heying	Norpel	Schwengels
Briles	Hill of Jasper	Nystrom	Scott
Burroughs	Hultman	Plymat	Shaff
Coleman	Lamborn	Rabedeaux	Taylor
Culver	Miller of	Ramsey	Van Gilst
Curtis	Marshall	Robinson	Winkelman
Gallagher			

Absent or not voting, 4:

Gluba	Griffin	Nolin	Willits
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Amendment S—5132 lost.

Senator Lamborn withdrew amendment S—5063 filed by him on February 4, 1976, and found on page 255 of the Senate Journal.

Senator Lamborn offered amendment S—5087 filed by him and moved its adoption:

S—5087

- 1 Amend Senate File 1062, as follows:
 2 1. Page 2, by striking lines 14 and 15, and
 3 inserting in lieu thereof the following: "a. In
 4 the case of unusual population increases the appro-
 5 priate budget review committee shall provide an ad-
 6 ditional allowable growth percentage as follows:
 7 1. Zero to 2.9% Increase —0—
 8 2. 3.0% to 5.9% Increase 1.0%
 9 3. 6.0% to 8.9% Increase 2.0%
 10 4. 9.0% to 11.9% Increase 3.0%
 11 5. 12.0% to 15.0% Increase 4.0%
 12 6. Over 15.0% Increase 5.0%
 13 The foregoing shall be regarded as guide-
 14 lines and not absolute limitations. The appropriate
 15 budget review committee may in its discretion allow
 16 additional budget increases if by reason of popula-
 17 tion growth or other factors such increases are just-
 18 ified."

A non-record roll call was requested.

Rule 25 was invoked.

The ayes were 23, nays 22.

Amendment S—5087 was adopted.

Senator Kelly offered amendment S—5114 filed by Senators Willits, Kelly, et al., and moved its adoption:

S—5114

- 1 Amend Senate File 1062 as follows:
 2 1. Page 2, by striking lines 33 through 35.
 3 2. Page 3, by striking lines 1 through 4.

A record roll call was requested.

On the question "Shall amendment S—5114 be adopted?"
 (S.F. 1062) the vote was:

Ayes, 27:

Andersen	Hultman	Murray	Rabedaux
Carr	Junkins	Nolting	Ramsey
Coleman	Kelly	Nystrom	Redmond
DeKoster	Kinley	Orr	Robinson
Doderer	Merritt	Palmer	Shaw
Glenn	Miller of	Plymat	Sovern
Hansen	Des Moines	Priebe	
Hill of Polk			

Nays, 17:

Bergman	Hill of Jasper	Rodgers	Taylor
Burrourghs	Lamborn	Schwengels	Tieden
Culver	Miller of	Scott	Van Gilst
Curtis	Marshall	Shaff	Winkelman
Heying	Norpel		

Absent or not voting, 6:

Briles
Gallagher

Gluba
Griffin

Nolin

Willits

Amendment S—5114 was adopted.

Senator Hill of Jasper offered amendment S—5082 filed by Senators Hill of Jasper and Taylor and moved its adoption:

S—5082

- 1 Amend Senate File 1062, as follows:
- 2 1. Page 3, line 7, by striking the word "five"
- 3 and inserting in lieu thereof the word "seven".
- 4 2. Page 3, by inserting after line 22 the
- 5 following new subsection:
- 6 "4. Two members appointed by the governor to
- 7 represent the public."

Amendment S—5082 was adopted.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5052 filed by Senators Taylor, Shaff and Nystrom on February 2, 1976, and found on pages 228-230, inclusive, of the Senate Journal.

Senator Taylor withdrew amendment S—5091 to amendment S—5052 filed by him on February 5, 1976, and found on page 295 of the Senate Journal.

Senator Shaff withdrew amendment S—5085 filed by him on February 5, 1976, and found on page 292 of the Senate Journal.

Senator Lamborn asked and received unanimous consent to withdraw amendment S—5086 filed by Senators Lamborn, Shaff and Taylor on February 5, 1976, and found on pages 292 and 293 of the Senate Journal.

Senator Shaff offered amendment S—5120 filed by him, moved its adoption and requested a non-record roll call:

S—5120

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 5, after line 11, by inserting the
- 3 following new paragraph.
- 4 "Sec. FEE SCHEDULES. Fee schedules shall
- 5 not be reduced by a governing body during the two
- 6 year period covered by this Act except by approval
- 7 of the appropriate budget review committee."

The ayes were 15, nays 29.

Amendment S—5120 lost.

Senator Ramsey withdrew amendment S—5107 filed by him

on February 10, 1976, and found on pages 345 and 346 of the Senate Journal.

Senator Ramsey offered amendment S—5143:

S—5143

1 Amend Senate File 1062 as follows:

2 1. Page 5, by inserting after line 11 the following
3 sections:

4 "Sec. 7. *NEW SECTION.* In every county that has
5 established a unified law enforcement district pursuant
6 to chapter twenty-eight E (28E) of the Code, the board
7 of supervisors may, and upon receipt of a petition
8 signed by five percent of the qualified electors
9 residing in the unified law enforcement district
10 shall, submit a proposition to the county electorate
11 residing in the unified law enforcement district at
12 any countywide election providing for the establishment
13 of a public safety fund and the levy of a tax on
14 taxable property located in the unified law enforcement
15 district at a rate not exceeding the rate specified
16 in section eight (8) of this Act for the purpose of
17 providing moneys for the operation of the unified
18 law enforcement district. Such moneys shall be in
19 addition to other moneys available for law enforcement
20 purposes to the county and cities located in the
21 unified law enforcement district.

22 If a majority of the qualified electors voting
23 on the proposition approve the proposition, the board
24 of supervisors shall levy the tax as provided in
25 section eight (8) of this Act.

26 Sec. 8. *NEW SECTION.* The auditor of each county
27 in which a unified law enforcement district is located
28 shall, in conjunction with the county sheriff, on
29 or before January tenth of each year make an estimate
30 of the amount of revenue deemed necessary for the
31 operation of the unified law enforcement district.
32 The auditor of each such county shall then transmit
33 the budget estimate in dollars to the county board
34 of supervisors and to the city councils located within
35 the unified law enforcement district.

36 The county board of supervisors and the council
37 of each city located within the unified law enforcement
38 district shall review the proposed budget and
39 anticipated revenue and certify a tax levy to the
40 county auditor on the assessed value of the taxable
41 property in the unified law enforcement district,
42 but the tax levy shall not exceed one dollar and
43 sixty-two cents per thousand dollars of assessed value
44 of the taxable property in the unified law enforcement
45 district. The taxes collected pursuant to the tax
46 levy and other funds available to the unified law
47 enforcement district shall be placed in the public
48 safety fund and used only for unified law enforcement
49 purposes."

50 2. By renumbering sections and correcting internal

Page 2

- 1 references to conform to this amendment.
- 2 3. Amend the title, line 1, by inserting after
- 3 the word "to" the words "authorize the imposition
- 4 of a tax levy and".

Senator Andersen raised the point of order that amendment S—5143 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5143 out of order.

Senator Taylor offered amendment S—5056 filed by him:

S—5056

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 5, by inserting after line 17 the
- 3 following:
- 4 "Sec. FUNDING OF ADDITIONAL DUTIES OR
- 5 FUNCTIONS. If an Act or resolution of the general
- 6 assembly or an administrative rule promulgated by
- 7 a state agency imposes a duty or function which has
- 8 a fiscal impact on a local budget requiring additional
- 9 expenditures upon the governing body or any officer
- 10 or employee of a city, county, or any other local
- 11 public body or corporation that has the power to levy
- 12 or certify a property tax or sum of money to be
- 13 collected by property taxation, the governing body
- 14 or any officer or employee of such local governmental
- 15 entity shall not be required to carry out such duty
- 16 or function unless the general assembly appropriates
- 17 moneys or the state agency provides a grant of moneys
- 18 to such local governmental entity specifically to
- 19 pay the cost of carrying out such duty or function."
- 20 2. By renumbering sections to conform to this
- 21 amendment.

Senator Taylor asked and received unanimous consent that further action on amendment S—5056 be temporarily deferred for the preparation of an amendment.

Senator Ramsey offered amendment S—5106 filed by him:

S—5106

- 1 Amend Senate File 1062 as follows:
- 2 1. Page 5, by inserting after line 17 the
- 3 following:
- 4 "Sec. STATE BUDGET LIMITATIONS.
- 5 1. It is the intention of the general assembly
- 6 that the provisions of this Act shall apply to state
- 7 administrative costs paid from the general fund of
- 8 the state. To determine the total administrative
- 9 costs of the state to which the allowable growth
- 10 guideline shall apply, there shall be subtracted

11 from the total state budget the direct and indirect
 12 state grants or aids made to local governments of
 13 the state and payments made directly to individuals.
 14 The state comptroller shall prepare the necessary
 15 working papers, defining the state administrative
 16 costs subject to limitation, and such working papers
 17 shall be filed with the legislative fiscal director
 18 by October 1, 1976.

19 2. If the state administrative costs subject to
 20 limitation exceed the allowable growth guideline as
 21 provided in this Act, the budget of any political
 22 subdivision may exceed the allowable growth guideline
 23 by the same percentage and such political subdivision
 24 shall be exempt from the provisions of section three
 25 (3) of this Act if its budget's percentage growth
 26 does not exceed the percentage growth of the state
 27 administrative costs.

28 3. The provisions of this section shall apply
 29 to the budgets prepared for the fiscal year beginning
 30 July 1, 1977."

31 2. Amend the title, line 1, by inserting after
 32 the word "for" the words "the state and".

Senator Rodgers raised the point of order that amendment S—5106 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5106 out of order.

Senator Junkins moved that the rules governing germaneness under Sec. 402 of Mason's Manual of Legislative Procedure be suspended for the purpose of continuing consideration of amendment S—5106.

A record roll call was requested.

On the question "Shall the motion to suspend Sec. 402, Mason's Manual of Legislative Procedure be adopted?" (S.F. 1062) the vote was:

Ayes, 10:

Carr
 Hansen
 Heying

Hultman
 Junkins
 Kelly

Rabedaux
 Ramsey

Shaw
 Taylor

Nays, 35:

Andersen
 Bergman
 Briles
 Burroughs
 Coleman
 Culver
 Curtis
 DeKoster
 Gallagher
 Glenn

Griffin
 Hill of Jasper
 Hill of Polk
 Kinley
 Lamborn
 Merritt
 Miller of
 Des Moines
 Miller of
 Marshall

Murray
 Nolin
 Nolting
 Norpel
 Nystrom
 Palmer
 Plymat
 Priebe
 Redmond

Robinson
 Rodgers
 Schwengels
 Scott
 Shaff
 Sovern
 Van Gilst
 Winkelman

Absent or not voting, 5:

Doderer
Gluba

Orr

Tieden

Willits

The motion lost.

The Senate resumed consideration of amendment S—5137 previously deferred.

Senator Robinson asked unanimous consent to withdraw amendment S—5137 as amended.

Objection was raised.

Senator Robinson moved that amendment S—5137 as amended be withdrawn from further consideration.

A non-record roll call was requested.

The ayes were 35, nays 9.

The motion prevailed, and amendment S—5137 as amended was withdrawn.

Amendment S—5142 to amendment S—5137 by Senators Robinson and Kelly ruled out of order:

S—5142

- 1 Amend the Robinson-Kelly amendment S—5137
- 2 to Senate File 1062 as follows:
- 3 1. Page 14, by striking lines 17 through
- 4 20 and inserting in lieu thereof the words "and
- 5 after its publication in The Cedar Rapids Gazette,
- 6 a newspaper published in Cedar Rapids, Iowa, and
- 7 in The Sioux City Journal, a newspaper published in
- 8 Sioux City, Iowa."

Senator Griffin asked and received unanimous consent to withdraw amendment S—5057 filed by him on February 4, 1976, and found on pages 256-259, inclusive, of the Senate Journal.

The Senate resumed consideration of amendment S—5056 previously deferred.

Senator Miller of Des Moines offered amendment S—5146 to amendment S—5056 and moved its adoption:

S—5146

- 1 Amend the Taylor amendment S—5056 to Senate
- 2 File 1062 as follows:
- 3 1. Page 1, line 5, by inserting after the
- 4 word "resolution" the words "passed after the
- 5 effective date of this Act, except a legalizing
- 6 act or resolution,".

Amendment S—5146 to amendment S—5056 was adopted.

Senator Briles took the chair at 12:25 p.m.

President Neu took the chair at 12:30 p.m.

Senator Taylor moved the adoption of amendment S—5056 as amended and requested a record roll call.

On the question "Shall amendment S—5056 as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 26:

Bergman	Hultman	Murray	Schwengels
Briles	Junkins	Norpel	Scott
Carr	Kelly	Nystrom	Sovern
DeKoster	Miller of	Orr	Taylor
Doderer	Des Moines	Rabedeaux	Tieden
Griffin	Miller of	Ramsey	Winkelman
Hansen	Marshall	Robinson	
Hill of Polk			

Nays, 19:

Andersen	Glenn	Merritt	Redmond
Burroughs	Heying	Nolin	Rodgers
Coleman	Hill of Jasper	Nolting	Shaff
Culver	Kinley	Palmer	Van Gilst
Curtis	Lamborn	Plymat	

Absent or not voting, 5:

Gallagher	Priebe	Shaw	Willits
Gluba			

Amendment S—5056 as amended was adopted.

Senator Miller of Des Moines asked and received unanimous consent to withdraw the motion to reconsider the vote by which amendment S—5054 failed to be adopted by the Senate filed by him on February 5, 1976.

Senator Rodgers called up the motion to reconsider the vote by which amendment S—5084 was adopted by the Senate filed by Senator Gluba on February 11, 1976, and moved its adoption.

The motion lost.

Senator Griffin withdrew the motion to reconsider the vote by which amendment S—5119 was adopted by the Senate filed by him on February 12, 1976.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1062) the vote was:

Ayes, 30:

Andersen	Heying	Nolting	Scott
Bergman	Hill of Jasper	Norpel	Shaff
Briles	Hultman	Nystrom	Sovern
Burroughs	Kinley	Palmer	Taylor
Coleman	Lamborn	Ramsey	Tieden
Culver	Merritt	Robinson	Van Gilst
Curtis	Miller of	Rodgers	Winkelman
Gallagher	Marshall		
Hansen			

Nays, 16:

Carr	Hill of Polk	Murray	Rabedeaux
DeKoster	Junkins	Nolin	Redmond
Doderer	Kelly	Orr	Schwengels
Glenn	Miller of	Plymat	
Griffin	Des Moines		

Absent or not voting, 4:

Gluba	Priebe	Shaw	Willits
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 11, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1063, a bill for an act relating to the certification of deputy assessors.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1063

S—5145

- 1 Amend Senate File 1063, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "*or deputy assessor*".
- 5 2. Page 1, line 17, by inserting after the
- 6 period the following: "*A deputy assessor possess-*
- 7 *ing such a certificate shall be considered eligible*
- 8 *to remain in his or her present position.*"

SENATE CONCURRENT RESOLUTION 104

By Gallagher

- 1 *Whereas, the Archdiocesan Council of Catholic*
- 2 *Women of the Archdiocese of Dubuque annually observes*
- 3 *a "Week of Prayer" for the members of the General*
- 4 *Assembly; and*
- 5 *Whereas, the Week of Prayer for this year is*

6 being held from February fifteenth through February
7 twenty-first; and
8 *Whereas, the Independence Deanery will hold a*
9 *special mass for members of the General Assembly on*
10 *Tuesday, February seventeenth at St. John's Church*
11 *in Independence, Iowa with Reverend Donald Sweeney*
12 *officiating; Now, Therefore,*
13 *Be It Resolved by the Senate, the House Concurring,*
14 *That the members of the General Assembly express their*
15 *appreciation for the Week of Prayer and for the*
16 *special mass.*

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 1143, by Senator Orr, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.

Read first time and passed on file.

Senate File 1144, by Senator Ramsey, a bill for an act relating to fire protection by townships.

Read first time and passed on file.

Senate File 1145, by committee on transportation, a bill for an act relating to the issuance of cards and licenses by the state department of transportation and providing penalties.

Read first time and placed on calendar.

Senate File 1146, by Senator Norpel, a bill for an act relating to the sale of insurance by lending institutions.

Read first time and passed on file.

Senate File 1147, by Senator Curtis (Bennett), a bill for an act relating to the auditing of certain nonprofit organizations by the auditor of state.

Read first time and passed on file.

Senate File 1148, by Senator Tieden, a bill for an act appropriating funds from the military service credit fund to the general fund of the state.

Read first time and passed on file.

Senate File 1149, by Senator Tieden, a bill for an act to provide reimbursement to taxing districts to replace tax revenues which

will not be available because of the purchase of land by the state and making an appropriation.

Read first time and **passed on file.**

Senate File 1150, by committee on judiciary, a bill for an act relating to the insanity of a defendant during trial.

Read first time and **placed on calendar.**

Senate File 1151, by committee on judiciary, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

Read first time and **placed on calendar.**

Senate File 1152, by Senator Carr, a bill for an act requiring attorneys to be licensed as real estate brokers or salesmen in order to deal with real estate.

Read first time and **passed on file.**

Senate File 1153, by Senator Carr, a bill for an act relating to the membership of the board of parole and providing that all inmates be granted an annual interview by the board of parole.

Read first time and **passed on file.**

Senate File 1154, by Senator Curtis, a bill for an act creating a task force on local government affairs and making an appropriation.

Read first time and **passed on file.**

Senate File 1155, by Senator Culver, a bill for an act relating to fees charged by the department of social services for the recovery of child support owed by an absent parent.

Read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1135 Education

S. F. 1136 Ways and means

S. F. 1137 Ways and means

S. F. 1138 Commerce

S. F. 1140 Appropriations

H.C.R. 104 Rules and administration

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of February, 1976: Senate Files 74, 476, 1029, 1032, 1033, 1034 and 1035.

STEVEN C. CROSS
Secretary of the Senate

PROOF OF PUBLICATION

Published copy of Senate File 1143 and verified proof of publication of said bill in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa, on January 26, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Constance C. Foster of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
LUCAS J. DeKOSTER
MINNETTE DODERER
JAMES V. GALLAGHER
WILLIAM N. PLYMAT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Larry L. Hill, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
WILLARD R. HANSEN
GEORGE R. KINLEY
JOHN S. MURRAY
FRED W. NOLTING

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Eugene O. Johnson of Davenport, Scott County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
CLIFTON C. LAMBORN
MILO MERRITT
WILLIAM D. PALMER
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Arnold O. Chantland of Ames, Story County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
HILARIUS L. HEYING
JOHN S. MURRAY
JAMES M. REDMOND
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert E. McKone of Carroll, Carroll County, Iowa, for appointment as a public member of the State Board of Funeral Director and Embalmer Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairperson
LEONARD C. ANDERSEN
MILO MERRITT
KARL NOLIN
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Claude E. Nichols, O.D., Clarinda, Page County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
JAMES E. BRILES
ROBERT M. CARR
EUGENE M. HILL
WILLIAM P. WINKELMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Martha H. Peck, O.D., of Fort Madison, Lee County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial three-year term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson
 LOWELL L. JUNKINS
 MILO MERRITT
 JOHN S. MURRAY
 STEVE SOVERN

EXPLANATION

Because we usually never work Friday afternoons, I had agreed to present the bicentennial flag to the town of Renwick, Iowa, at 2:30 p.m. in the school gymnasium and, therefore, this is the reason I missed the final vote on Senate File 1062.

BERL E. PRIEBE

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1001	Senate File 1077	Senate File 1083
Rules and Administration	State Government	Ways and Means
Van Gilst, Chairperson	Hill of Jasper, Chairperson	Culver, Chairperson
Kinley	Coleman	Van Gilst
Lamborn	Winkelman	Taylor
Senate Joint Resolution 1002	Senate File 1078	Senate File 1084
Rules and Administration	Appropriations	Energy
Junkins, Chairperson	Van Gilst, Chairperson	Tieden, Chairperson
Van Gilst	Orr	Scott
Lamborn	Plymat	Burroughs
Senate Joint Resolution 1004	Senate File 1079	Senate File 1085
Rules and Administration	Appropriations	Human Resources
Van Gilst, Chairperson	Willits, Chairperson	Gluba, Chairperson
Kinley	Robinson	Palmer
Rabedaux	Andersen	Murray
Senate File 1073	Senate File 1080	Senate File 1086
Ways and Means	State Government	Cities
Van Gilst, Chairperson	Hill of Jasper, Chairperson	Redmond, Chairperson
Shaff	Kinley	Willits
Nolting	Curtis	Hansen
Gluba	Senate File 1081	Senate File 1087
Lamborn	Commerce	Appropriations
	Briles, Chairperson	State Departments
	Rodgers	Senate File 1088
	Gallagher	State Government
		Coleman, Chairperson
		Hill of Jasper
		Winkelman

Senate File 1091

Judiciary
Kelly, Chairperson
Doderer
Carr

Senate File 1093

Ways and Means
Junkins, Chairperson
Nolting
Shaff

Senate File 1094

Commerce
Gallagher,
Chairperson
Rabedaux
Glenn

Senate File 1095

Education
Shaw, Chairperson
Merritt
Willits

Senate File 1097

Ways and Means
Culver, Chairperson
Lamborn
Nolting

Senate File 1098

Human Resources
Murray, Chairperson
Palmer
Gluba

Senate File 1103

Judiciary
Willits, Chairperson
Coleman
Kelly

Senate File 1106

Judiciary
Hill of Polk,
Chairperson
Coleman
Rodgers

Senate File 1111

Commerce
Rabedaux,
Chairperson
Glenn
Priebe

Senate File 1114

Commerce
Rodgers, Chairperson
Gallagher
Briles

Senate File 1116

Judiciary
Carr, Chairperson
Doderer
Kelly

Senate File 1119

Judiciary
Hill of Polk,
Chairperson
Shaw
Redmond

Senate File 1120

Judiciary
Coleman, Chairperson
Doderer
Shaw

Senate Resolution 11

Rules and
Administration
Van Gilst,
Chairperson
Junkins
Lamborn

Senate Resolution 12

Rules and
Administration
Junkins, Chairperson
Kinley
Lamborn

Senate Resolution 14

Rules and
Administration
Van Gilst,
Chairperson
Kinley
Rabedaux

Senate Resolution 16

Rules and
Administration
Junkins, Chairperson
Kinley
Lamborn

Senate Concurrent**Resolution 6**

Rules and
Administration
Palmer, Chairperson
Junkins
Rabedaux

Senate Concurrent**Resolution 40**

Rules and
Administration
Van Gilst,
Chairperson
Palmer
Lamborn

Senate Concurrent**Resolution 41**

Rules and
Administration
Kinley, Chairperson
Junkins
Rabedaux

Senate Concurrent**Resolution 42**

Rules and
Administration
Van Gilst,
Chairperson
Kinley
Rabedaux

Senate Concurrent**Resolution 45**

Rules and
Administration
Junkins, Chairperson
Van Gilst
Rabedaux

Senate Concurrent**Resolution 46**

Rules and
Administration
Van Gilst,
Chairperson
Palmer
Rabedaux

Senate Concurrent**Resolution 47**

Rules and
Administration
Junkins, Chairperson
Kinley
Rabedaux

Senate Concurrent**Resolution 49**

Rules and
Administration
Palmer, Chairperson
Junkins
Rabedaux

Senate Concurrent**Resolution 50**

Rules and
Administration
Palmer, Chairperson
Kinley
Lamborn

Senate Concurrent**Resolution 51**

Rules and
Administration
Palmer, Chairperson
Van Gilst
Lamborn

Senate Concurrent**Resolution 53**

Rules and
Administration
Palmer, Chairperson
Junkins
Rabedaux

**Senate Concurrent
Resolution 54**
Rules and
Administration
Junkins, Chairperson
Van Gilst
Lamborn

**Senate Concurrent
Resolution 55**
Rules and
Administration
Palmer, Chairperson
Junkins
Rabedeaux

**Senate Concurrent
Resolution 56**
Rules and
Administration
Palmer, Chairperson
Kinley
Lamborn

**Senate Concurrent
Resolution 61**
Rules and
Administration
Palmer, Chairperson
Kinley
Lamborn

**Senate Concurrent
Resolution 62**
Rules and
Administration
Palmer, Chairperson
Kinley
Rabedeaux

**Senate Concurrent
Resolution 64**
Rules and
Administration
Palmer, Chairperson
Junkins
Rabedeaux

**Senate Concurrent
Resolution 65**
Rules and
Administration
Junkins, Chairperson
Van Gilst
Rabedeaux

**Senate Concurrent
Resolution 67**
Rules and
Administration
Palmer, Chairperson
Kinley
Lamborn

**Senate Concurrent
Resolution 68**
Rules and
Administration
Palmer, Chairperson
Kinley
Lamborn

**Senate Concurrent
Resolution 101**
Rules and
Administration
Junkins, Chairperson
Van Gilst
Rabedeaux

House File 1038
Appropriations
Natural Resources
House File 1059
Ways and Means
Kinley, Chairperson
Schwengels
Culver

House File 1081
Appropriations
Transportation

House File 1094
Appropriations
Natural Resources

House File 1098
Education
Sovern, Chairperson
Merritt
Plymat

**House Concurrent
Resolution 103**
Transportation
Orr, Chairperson
Gallagher
Miller of Marshall

AMENDMENT FILED

S—5147

1 Amend Senate File 1124 as follows:

2 1. Page 1, line 2, by striking the words "legis-
3 lative fiscal bureau" and inserting in lieu thereof
4 the words "joint senate-house appropriation subcom-
5 mittees on human resources".

6 2. Page 1, lines 7 and 8, by striking the words
7 "Legislative oversight of this study shall be provided
8 by the" and inserting in lieu thereof the word "The".

9 3. Page 1, line 9, by inserting after the word
10 "resources" the words "shall, prior to the expenditure
11 of any funds appropriated by this Act, determine and
12 provide in writing a statement to the legislative
13 council, the governor, and the medical assistance
14 advisory council created by section two hundred forty-
15 nine A point eight (249A.8) of the Code, of what is
16 to be investigated".

17 4. Page 1, line 10, by striking the words
18 "legislative fiscal bureau" and inserting in lieu

19 thereof the words "joint senate-house appropriation
20 subcommittees on human resources".

21 5. Page 1, line 10, by inserting after the word
22 "consultants" the words ", request staff assistance
23 from the legislative fiscal bureau,".

24 6. Page 1, line 10, after the word "and" insert
25 the word "use".

26 7. Page 1, line 11, by inserting after the word
27 "necessary" the word "legislative".

28 8. Page 1, after line 14, insert the following:

29 "Notice of meetings of the joint senate-house
30 appropriation subcommittees on human resources and
31 copies of minutes shall be forwarded to the governor
32 and to the medical assistance advisory council on
33 a timely basis."

34 9. Page 1, line 17, after the word "to" insert
35 the words "the governor, the medical assistance
36 advisory council, the appropriations committees of
37 the house and senate, and to".

38 10. Page 1, line 17, by inserting after the figure
39 "1977." the words "The final report shall be made
40 as soon as completed to each of the entities
41 specified."

42 11. Page 1, after line 17, insert the following:

43 "The secretary of the senate and chief clerk of
44 the house, jointly, shall provide administrative
45 services for the administration of funds appropriated
46 by this Act."

PHILIP B. HILL

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 1:55
p.m., until 10:00 a.m., Monday, February 16, 1976.

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, FEBRUARY 16, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend William Wingert, pastor of St. Mary's Catholic Church, Pomeroy, Iowa.

The Journal of Friday, February 13, 1976, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Junkins for the morning session on request of Senator Kinley.

PETITION

The following petition was presented and placed on file:

By Senator Gallagher from forty-five residents of Black Hawk County favoring the Governor's recommended funds to provide signs for the Iowa State liquor stores.

CONSIDERATION OF BILLS

Senate File 1125

On motion of Senator Willits, Senate File 1125, a bill for an act repealing the statutory appropriation for the state employees' disability plan, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1125) the vote was:

Ayes, 39:

Andersen
Bergman

Briles
Burroughs

Carr
Culver

Curtis
DeKoster

Gallagher	Hultman	Nystrom	Schwengels
Glenn	Kelly	Orr	Scott
Gluba	Kinley	Palmer	Shaff
Griffin	Merritt	Plymat	Sovern
Hansen	Miller of	Priebe	Tieden
Heying	Marshall	Ramsey	Van Gilst
Hill of Jasper	Murray	Redmond	Willits
Hill of Polk	Norpel	Rodgers	Winkelman

Nays, none.

Absent or not voting, 11:

Coleman	Lamborn	Nolin	Robinson
Doderer	Miller of	Nolting	Shaw
Junkins	Des Moines	Rabedaux	Taylor

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

Senate File 1126

On motion of Senator Willits, Senate File 1126, a bill for an act appropriating funds to the Iowa state historical department, was taken up for consideration.

DEFERRED

Senator DeKoster asked and received unanimous consent that further action on **Senate File 1126** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

House File 188

On motion of Senator Willits, House File 188, a bill for an act authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds, with report of committee on state government and report of committee on appropriations recommending passage, was taken up, considered, and the reports of the committees adopted.

Senator Curtis withdrew amendment S—4275 filed by Senators Curtis and Palmer on June 20, 1975, and found on page 2257 of the 1975 Senate Journal.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 188) the vote was:

Ayes, 42:

Andersen	Glenn	Miller of	Redmond
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Kelly	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Plymat	Van Gilst
Doderer	Miller of	Priebe	Willits
Gallagher	Des Moines	Ramsey	Winkelman

Nays, 2:

Hill of Polk	Hultman
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Voting present, 1:

Gluba

Absent or not voting, 5:

Junkins	Rabedaux	Robinson	Taylor
Nolin			

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

House File 918

On motion of Senator Willits, House File 918, a bill for an act making an appropriation to pay attorney fees and expenses for counsel for the parties in the election contest of Spradling v. Stephens, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 918) the vote was:

Ayes, 43:

Andersen	Glenn	Merritt	Redmond
Bergman	Gluba	Miller of	Rodgers
Briles	Griffin	Des Moines	Schwengels
Burroughs	Hansen	Murray	Scott
Carr	Heying	Nolting	Shaff
Coleman	Hill of Jasper	Norpel	Shaw
Culver	Hill of Polk	Nystrom	Sovern
Curtis	Hultman	Orr	Tieden
DeKoster	Kelly	Palmer	Van Gilst
Doderer	Kinley	Priebe	Willits
Gallagher	Lamborn	Ramsey	Winkelman

Nays, none.**Absent or not voting, 7:**

Junkins	Nolin	Rabedaux	Taylor
Miller of	Plymat	Robinson	
Marshall			

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

House File 1037

On motion of Senator Willits, House File 1037, a bill for an act appropriating funds to the capitol planning commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1037) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Kelly	Nystrom	Tieden
DeKoster	Kinley	Orr	Van Gilst
Doderer	Lamborn	Palmer	Willits
Gallagher	Merritt	Priebe	Winkelman
Glenn		Ramsey	

Nays, none.

Absent or not voting, 6:

Junkins	Plymat	Robinson	Taylor
Nolin	Rabedaux		

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

House File 1080

On motion of Senator Willits, House File 1080, a bill for an act relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

Senator Shaff took the chair at 10:50 a.m.

On the question "Shall the bill pass?" (H.F. 1080) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Tieden
Curtis	Kinley	Palmer	Van Gilst
DeKoster	Lamborn	Priebe	Willits
Doderer	Merritt	Ramsey	Winkelman
Gallagher	Miller of	Redmond	
Glenn	Des Moines		

Nays, none.**Absent or not voting, 7:**

Griffin	Nolin	Rabedeaux	Taylor
Junkins	Plymat	Robinson	

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

House File 1082

On motion of Senator Willits, House File 1082, a bill for an act making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture and real estate, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1082) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Culver	Hultman	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Ramsey	
Gluba	Des Moines		

Nays, 2:

Coleman	Winkelman
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Absent or not voting, 5:Junkins
Nolin

Rabedeaux

Robinson

Taylor

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

Senate File 1124

On motion of Senator Priebe, Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act, was taken up for consideration.

Senator Hill of Polk offered amendment S—5147 filed by him:

S—5147

- 1 Amend Senate File 1124 as follows:
- 2 1. Page 1, line 2, by striking the words "legis-
- 3 lative fiscal bureau" and inserting in lieu thereof
- 4 the words "joint senate-house appropriation subcom-
- 5 mittees on human resources".
- 6 2. Page 1, lines 7 and 8, by striking the words
- 7 "Legislative oversight of this study shall be provided
- 8 by the" and inserting in lieu thereof the word "The".
- 9 3. Page 1, line 9, by inserting after the word
- 10 "resources" the words "shall, prior to the expenditure
- 11 of any funds appropriated by this Act, determine and
- 12 provide in writing a statement to the legislative
- 13 council, the governor, and the medical assistance
- 14 advisory council created by section two hundred forty-
- 15 nine A point eight (249A.8) of the Code, of what is
- 16 to be investigated".
- 17 4. Page 1, line 10, by striking the words
- 18 "legislative fiscal bureau" and inserting in lieu
- 19 thereof the words "joint senate-house appropriation
- 20 subcommittees on human resources".
- 21 5. Page 1, line 10, by inserting after the word
- 22 "consultants" the words ", request staff assistance
- 23 from the legislative fiscal bureau,".
- 24 6. Page 1, line 10, after the word "and" insert
- 25 the word "use".
- 26 7. Page 1, line 11, by inserting after the word
- 27 "necessary" the word "legislative".
- 28 8. Page 1, after line 14, insert the following:
- 29 "Notice of meetings of the joint senate-house
- 30 appropriation subcommittees on human resources and
- 31 copies of minutes shall be forwarded to the governor
- 32 and to the medical assistance advisory council on
- 33 a timely basis."
- 34 9. Page 1, line 17, after the word "to" insert
- 35 the words "the governor, the medical assistance
- 36 advisory council, the appropriations committees of

37 the house and senate, and to".

38 10. Page 1, line 17, by inserting after the figure
39 "1977." the words "The final report shall be made
40 as soon as completed to each of the entries
41 specified."

42 11. Page 1, after line 17, insert the following:

43 "The secretary of the senate and the chief clerk of
44 the house, jointly, shall provide administrative
45 services for the administration of funds appropriated
46 by this Act."

Senator Doderer called for a division of amendment S—5147, as follows:

Division S—5147A—Sections 1, 2 and 11.

Division S—5147B—Section 3.

Division S—5147C—Sections 4, 5, 6 and 7.

Division S—5147D—Sections 8, 9 and 10.

(Senate File 1124 pending on adjournment.)

RETURNED TO COMMITTEE

Senator Coleman asked and received unanimous consent that Senate File 1145 be returned to the committee on **transportation**.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MOTION TO RECONSIDER WITHDRAWN

House File 1010

Senator Murray withdrew the motion to reconsider the vote by which House File 1010, a bill for an act to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication, passed the Senate, filed by him on February 9, 1976.

INTRODUCTION OF BILL

Senate File 1156, by Senator Gluba, a bill for an act relating to the requirement that curb cuts or ramps be included in curbs constructed along certain public streets.

Read first time and **passed on file.**

CONSIDERATION OF BILLS

Senate File 1092

On motion of Senator Glenn, Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, with report of committee on appropriations recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5152:

S—5152

- 1 Amend Senate File 1092 as follows:
- 2 1. Page 1, line 21, by striking the words "four
- 3 associate judges, any three" and inserting in lieu
- 4 thereof the words "two associate judges, any two".
- 5 2. Page 7, line 7, by striking the word "five"
- 6 and inserting in lieu thereof the word "three".
- 7 3. Page 12, line 4, by striking the word "two"
- 8 and inserting in lieu thereof the word "one".
- 9 4. Page 12, line 7, by striking the word "two"
- 10 and inserting in lieu thereof the word "one".

President pro tempore Doderer took the chair at 4:30 p.m.

Senator Ramsey moved the adoption of amendment S—5152.

A record roll call was requested.

On the question "Shall amendment S—5152 be adopted?" (S.F. 1092) the vote was:

Ayes, 28:

Bergman	Hultman	Murray	Schwengels
Briles	Junkins	Norpel	Scott
Burroughs	Lamborn	Plymat	Shaff
Culver	Merritt	Priebe	Shaw
Curtis	Miller of	Rabedaux	Taylor
Doderer	Des Moines	Ramsey	Tieden
Heying	Miller of	Rodgers	Winkelman
Hill of Polk	Marshall		

Nays, 18:

Andersen	Coleman	Gallagher	Gluba
Carr	DeKoster	Glenn	Hansen

Hill of Jasper
Kelly
Kinley

Nolting
Orr
Palmer

Redmond
Sovern

Van Gilst
Willits

Absent or not voting, 4:

Griffin

Nolin

Nystrom

Robinson

Amendment S—5152 was adopted.

Senator Hill of Polk offered amendment S—5135 filed by him and moved its adoption:

S—5135

1 Amend Senate File 1092 as follows:

2 1. Page 3, lines 11 through 13, by striking the
3 words "filing of an application for a writ of
4 certiorari with the supreme court." and inserting
5 in lieu thereof the words "granting by the supreme
6 court of an application for further review as provided
7 in section seventy-seven (77) of this Act."

8 2. Page 3, lines 31 and 32, by striking the words
9 "Rules promulgated by the supreme court" and inserting
10 in lieu thereof the words "The supreme court shall
11 have the power to prescribe temporary rules of
12 appellate procedure".

13 3. Page 4, by striking lines 1 through 3, and
14 inserting in lieu thereof the words "conditions and
15 procedures for further review by the supreme court
16 of a decision of the court of appeals, and each of
17 those temporary rules shall be".

18 4. Page 4, line 6, by striking the words "time
19 of their adoption" and inserting in lieu thereof the
20 words "date specified by the supreme court in the
21 respective temporary rules".

22 5. Page 28, by striking lines 15 through 17 and
23 inserting in lieu thereof the following: "jurisdic-
24 tion of the supreme court, except as provided in sub-
25 section four (4) of this section."

26 6. Page 28, by striking lines 30 and 31, and in-
27 serting in lieu thereof the following: "court for
28 further review. An application for further review
29 shall not be granted by the supreme court unless the".

30 7. Page 29, line 3, by striking the words "a writ
31 of certiorari" and inserting in lieu thereof the words
32 "further review".

33 8. Page 29, by inserting after line 7 the follow-
34 ing new subsection:

35 "5. The supreme court shall promulgate rules of
36 appellate procedure which shall govern further review
37 by the supreme court of decisions of the court of
38 appeals. Such rules shall contain, but need not be
39 limited to, a specification of the grounds upon which
40 further review may, in the discretion of the supreme
41 court, be granted. Rules promulgated pursuant to

42 this subsection shall be subject to section six hundred
43 eighty-four point nineteen (684.19) of the Code."

Amendment S—5135 was adopted.

Senator Ramsey offered amendment S—5153 and moved its adoption:

S—5153

1 Amend Senate File 1092 as follows:

2 1. Page 7, lines 3 through 5, by striking the
3 words "A judge shall not employ as a secretary any
4 person who resides elsewhere than at the seat of state
5 government."

6 2. Page 7, lines 11 through 13, by striking the
7 words "The court of appeals shall not employ as a
8 legal assistant any person who resides elsewhere than
9 at the seat of state government."

Amendment S—5153 was adopted.

Senator Glenn offered amendment S—5109 filed by him and moved its adoption:

S—5109

1 Amend Senate File 1092 as follows:

2 1. Page 9, by striking lines 13 through 19 and
3 inserting in lieu thereof the following:

4 "Sec. 32. Section seventeen point twenty-two
5 (17.22), Code 1975, as amended by Acts of the Sixty-
6 sixth General Assembly, 1975 Session, chapter twenty-
7 nine (29), section two (2), is amended by striking
8 the section and inserting in lieu thereof the
9 following:

10 17.22 PRICE. Said publications shall be sold
11 at a price to be established by dividing the total
12 cost only, of printing, binding, distribution and
13 paper stock by the total number printed of each
14 edition.

15 1. Code or supplements thereto and Iowa admin-
16 istrative code.

17 2. Session laws.

18 3. Daily journals and bills.

19 4. Book of annotations to the Code.

20 5. Supplements to the book of annotations.

21 6. Tables of corresponding sections to the Code.

22 7. Reports of the supreme court, and reports of
23 the court of appeals.

24 8. Rules of civil procedure, rules of appellate
25 procedure and supreme court rules.

26 The Iowa administrative code shall be distributed
27 with each order for purchase of the Code and the price
28 set for the Code and administrative code as provided
29 above shall include the cost of both the Code and
30 administrative code. However, the Iowa administrative

31 code or its supplements may be distributed separately.
 32 There shall be established a price for the Iowa
 33 administrative code and a separate price for its
 34 supplements. The price charged for the Iowa
 35 administrative code or its supplements shall represent
 36 the cost of compiling and indexing plus the amount
 37 charged for the printing and distributing of the Iowa
 38 administrative code or its supplements.

39 When the Code is published in more than one volume
 40 the superintendent of printing may distribute each
 41 volume on order, after payment of the estimated
 42 purchase price for the set, when said volume becomes
 43 available."

Amendment S—5109 was adopted.

Senator Glenn offered amendment S—5108 filed by him and moved its adoption:

S—5108

1 Amend Senate File 1092 as follows:
 2 1. Page 25, by striking lines 31 through 35, and
 3 page 26, by striking lines 1 through 3, and inserting
 4 in lieu thereof the following:
 5 "Sec. 71. Section six hundred twenty-five point
 6 nineteen (625.19), Code 1975, as amended by Acts of
 7 the Sixty-sixth General Assembly, 1975 Session, chapter
 8 two hundred forty-nine (249), section one (1), is
 9 amended to read as follows:
 10 625.19 COSTS IN [SUPREME COURT] *APPELLATE COURTS*.
 11 When the costs accrued in the [supreme court] *appellate*
 12 *courts* and the trial court are paid to the clerk of
 13 the trial court, [he] *the clerk* shall pay them to the
 14 persons entitled thereto."

Amendment S—5108 was adopted.

President Neu took the chair at 5:50 p.m.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1092) the vote was:

Rule 25 was invoked.

Ayes, 26:

Andersen	Gluba	Nolting	Redmond
Bergman	Griffin	Norpel	Robinson
Carr	Hansen	Orr	Sovern
Coleman	Hill of Jasper	Palmer	Tieden
DeKoster	Hultman	Rabedaux	Van Gilst
Gallagher	Kelly	Ramsey	Willits
Glenn	Kinley		

Nays, 20:

Briles	Junkins	Miller of	Scott
Burroughs	Lamborn	Marshall	Shaff
Culver	Merritt	Murray	Shaw
Curtis	Miller of	Plymat	Taylor
Doderer	Des Moines	Priebe	Winkelman
Hill of Polk		Schwengels	

Absent or not voting, 4:

Heying	Nolin	Nystrom	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1092 passed the Senate on February 16, 1976.

CALVIN O. HULTMAN

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1143	Judiciary
S. F. 1144	County government
S. F. 1146	Commerce
S. F. 1147	State government
S. F. 1148	Appropriations
S. F. 1149	Appropriations
S. F. 1152	Commerce
S. F. 1153	Judiciary
S. F. 1154	Appropriations
S. F. 1155	State government
S.C.R. 104	Rules and administration

REPORT OF COMMITTEE

Senator Nolin submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations, begs leave to report it has had the same under consideration and recommends the same do pass.

KARL NOLIN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5150

- 1 Amend the amendment, S—5105, to Senate File 106
- 2 as follows:
- 3 1. Page 2, by striking lines 5 through 13.
- 4 2. Page 2, lines 16 through 19, by striking the
- 5 words "or taxable services if the person in custody
- 6 or control of that building or portion of a building
- 7 elects to have applied to it the prohibition and
- 8 penalties prescribed by this Act".
- 9 3. By renumbering the remaining sections and
- 10 subsections to accord with this amendment.

PHILIP B. HILL

S—5148

- 1 Amend Senate File 356 as follows:
- 2 1. Page 8, lines 24 through 27, by striking
- 3 the words "Upon dissolution any funds of the dis-
- 4 trict, including the capital improvement fund, will
- 5 be held as a segregated fund by the city for use
- 6 only with respect to improvements within the area
- 7 of the district."
- 8 2. Page 8, lines 33 and 34, by striking the
- 9 words "may initiate proceedings to order the con-
- 10 struction of an improvement on its motion, and".
- 11 3. Page 9, lines 4 and 5, by striking the
- 12 words "or upon the council's motion to initiate
- 13 proceedings,".
- 14 4. Page 14, by striking line 35.
- 15 5. Page 15, by striking lines 1 through 15.

JAMES M. REDMOND

S—5151

- 1 Amend Senate File 1114 as follows:
- 2 1. Page 3, by striking lines 5, 6 and 7 and
- 3 inserting in lieu thereof the following: "fined
- 4 not to exceed one thousand dollars."

MINNETTE DODERER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:55 p.m.,
until 9:30 a.m., Tuesday, February 17, 1976.

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, FEBRUARY 17, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Steven Hsieh, pastor of the Westminster Presbyterian Church, Ida Grove, Iowa.

The Journal of Monday, February 16, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. E. Master, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Polk from seventy residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Jasper from twelve residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Jasper from twenty-seven residents of Warren County urging rescission of the Equal Rights Amendment.

By Senator Hill of Jasper from ten residents of Story and Taylor Counties urging rescission of the Equal Rights Amendment.

By Senator Gallagher from four hundred eighty-eight residents of Black Hawk County and adjoining counties favoring legislation to ban construction of diagonal highways.

By Senator Lamborn from twenty-eight residents of Cedar County favoring legislation to raise the legal drinking age to nineteen.

INTRODUCTION OF BILLS

Senate File 1157, by committee on natural resources, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission.

Read first time and placed on calendar.

Senate File 1158, by Senator Rabedeaux, a bill for an act making an appropriation from the general fund of the state to the sewage works construction fund.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Shaff called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight Brooke of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
EUGENE M. HILL
PHILIP B. HILL
KARL NOLIN
WILLIAM D. PALMER

The motion prevailed and the report was adopted.

Senator Shaff moved the appointment of Dwight Brooke as a member of the State Board of Nursing be confirmed by the Senate.

President pro tempore Doderer took the chair at 9:45 a.m.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
Doderer	Kinley	Priebe	Tieden
Gallagher	Lamborn	Rabedeaux	Van Gilst
Glenn	Merritt	Ramsey	Willits
Gluba	Miller of	Redmond	Winkelman
Griffin	Des Moines	Robinson	

Nays, none.**Absent or not voting, 5:**

Carr	Nolin	Palmer	Plymat
DeKoster			

President pro tempore Doderer declared the appointment of Dwight Brooke as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1978.

Senator Shaw called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James Gannon, M.D., of Laurens, Pocahontas County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for the initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH SHAW, Chairperson
WARREN E. CURTIS
KENNETH D. SCOTT
STEVE SOVERN
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Shaw moved the appointment of James Gannon, M.D., as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Carr	Doderer	Griffin
Bergman	Coleman	Gallagher	Hansen
Briles	Culver	Glenn	Heying
Burroughs	Curtis	Gluba	Hill of Jasper

Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr

Priebe
Rabedeaux
Ramsey
Redmond
Rodgers
Schwengels
Scott

Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, 1:

Miller of
Des Moines

Absent or not voting, 5:

DeKoster
Nolin

Palmer

Plymat

Robinson

President pro tempore Doderer declared the appointment of James Gannon, M.D., as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1976.

Senator Hill of Jasper called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Noel W. Willis of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Nursing pursuant to Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

EUGENE M. HILL Chairperson
LUCAS J. DEKOSTER
MINNETTE F. DODERER
E. KEVIN KELLY
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Hill of Jasper moved the appointment of Noel W. Willis as a member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver

Curtis
Doderer
Glenn
Gluba
Griffin
Hansen
Heying

Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn

Merritt
Miller of
Des Moines
Miller of
Marshall
Murray
Nolting

Norpel	Rabedaux	Schwengels	Taylor
Nystrom	Ramsey	Scott	Tieden
Orr	Redmond	Shaff	Van Gilst
Plymat	Robinson	Shaw	Willits
Priebe	Rodgers	Sovern	Winkelman

Nays, none.

Absent or not voting, 4:

DeKoster	Gallagher	Nolin	Palmer
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President pro tempore Doderer declared the appointment of Noel W. Willis as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1977.

Senator Rabedaux called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald A. Graham of Sergeant Bluff, Woodbury County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
LEONARD C. ANDERSEN
EUGENE M. HILL
LOWELL L. JUNKINS
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Rabedaux moved the appointment of Donald A. Graham as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Tieden
Gallagher	Merritt	Rabedaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman
Griffin			

Nays, none.

Absent or not voting, 3:

DeKoster

Nolin

Palmer

President pro tempore Doderer declared the appointment of Donald A. Graham as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1979.

Senator Heying called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Milford A. Fjare, Council Bluffs, Pottawattamie County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
JAMES W. GRIFFIN, SR.
WILLARD R. HANSEN
RICHARD J. NORPEL, SR.
EARL M. WILLITS

President Neu took the chair at 10:00 a.m.

The motion prevailed and the report was adopted.

Senator Heying moved the appointment of Milford A. Fjare as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Tieden
Gallagher	Merritt	Rabedeaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman
Griffin			

Nays, none.

Absent or not voting, 3:

DeKoster

Nolin

Palmer

President Neu declared the appointment of Milford A. Fjare as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1977.

Senator Heying called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Harold W. Godbersen, Ida Grove, Ida County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 188, Section 2, Acts of Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
 PHILIP B. HILL
 STEVE SOVERN
 EARL M. WILLITS
 WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Heying moved the appointment of Harold W. Godbersen as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Norpel	Shaff
Coleman	Kelly	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Plymat	Taylor
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

DeKoster	Hill of Jasper	Palmer	Tieden
Doderer	Nolin	Rabedeaux	

President Neu declared the appointment of Harold W. Godbersen as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1981.

Senator Shaff called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ezra W. Shenk of Wellman, Washington County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
 GENE W. GLENN
 FORREST V. SCHWENGELS
 STEVE SOVERN
 EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Shaff moved the appointment of Ezra W. Shenk as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	

Nays, none.

Absent or not voting, 5:

DeKoster	Nolin	Palmer	Rabedaux
Hill of Jasper			

President Neu declared the appointment of Ezra W. Shenk as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1976.

Senator Bergman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Pearl Forbes, L.P.N., of Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
HILARIUS L. HEYING
ELIZABETH MILLER
RICHARD J. NORPEL, SR.
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Bergman moved the appointment of Pearl Forbes, L.P.N., as a member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		
Griffin			

Nays, none.

Absent or not voting, 5:

DeKoster	Palmer	Rabedeaux	Tieden
Nolin			

President Neu declared the appointment of Pearl Forbes, L.P.N., as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1977.

Senator Heying called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Francis E. Holland of Mason City, Cerro Gordo County, Iowa, for appointment as a member of the State Board of Engi-

neering Examiners pursuant to Section 114.3, 1975 Code of Iowa, for the initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

H. L. HEYING, Chairperson
WILLARD R. HANSEN
ELIZABETH MILLER
CLOYD ROBINSON
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Heying moved the appointment of Francis E. Holland as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, none.

Absent or not voting, 4:

DeKoster	Nolin	Palmer	Rabedeaux
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President Neu declared the appointment of Francis E. Holland as a member of the State Board of Engineering Examiners confirmed for an initial term ending June 30, 1978.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on February 13, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 108 relating to the observance of Black History Month in February.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 108

By Middleton, Jochum, Hutchins, Perkins,
Hargrave, Poncy, Wulff, Gilloon,
O'Halloran, Brandt, and Caffrey

- 1 *Whereas*, February is recognized as Black History
2 Month; and
3 *Whereas*, the United States and the State of Iowa
4 have been enriched by the combined and unified endea-
5 vors of all their people, including all minority groups,
6 and their varied contributions; and
7 *Whereas*, the health and vigor of this nation and the
8 representative form of government have been enhanced by
9 members of the black race as well as other races; and
10 *Whereas*, it is only fitting in this bicentennial year
11 to recognize and bring forth the achievements, contri-
12 butions, enhancements, and development of the black race
13 as well as other races; *Now, Therefore*,
14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring*, That the State of Iowa and the appro-
16 priate authorities of all private, parochial, and public
17 schools observe February as Black History Month with
18 emphasis on brotherhood and encourage in their selection
19 of educational materials continued attention to and con-
20 sideration of the accomplishments and contributions of
21 black people as well as other minority groups throughout
22 history, and that the endeavors and goals set in the
23 decades past be the challenge of the next one hundred years.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate Joint Resolution 1006, by committee on county government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Read first time and placed on calendar.

Senate File 1159, by Senator Murray, a bill for an act to exempt certain fraternities and sororities of property taxes for school purposes.

Read first time and passed on file.

Senate File 1160, by Senators Norpel, Andersen, Merritt and

Winkelman, a bill for an act to provide for sales and use tax exemptions on expenditures for air and water pollution control.

Read first time and **passed on file.**

Senate File 1161, by committee on natural resources, a bill for an act relating to the taking of fish and game and subjecting violators to a penalty.

Read first time and **placed on calendar.**

Senate File 1162, by committee on county government, a bill for an act relating to the payment of court-appointed attorney fees.

Read first time and referred to the committee on **appropriations**, under Senate Rule 38.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1050.

Senate File 1050

On motion of Senator Rabedaux, Senate File 1050, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rabedaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1050) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Murray	Rodgers
Burroughs	Heying	Nolting	Schwengels
Carr	Hill of Jasper	Norpel	Scott
Coleman	Hill of Polk	Nystrom	Sovern
Culver	Junkins	Orr	Taylor
Curtis	Kelly	Palmer	Tieden
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedaux	Winkelman

Nays, none.

Absent or not voting, 7:

DeKoster	Miller of	Nolin	Shaff
Hultman	Marshall	Robinson	Shaw

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

Senator Kinley asked and received unanimous consent to take up out of order House File 774.

House File 774

On motion of Senator Doderer, House File 774, a bill for an act relating to the contents of a certificate of marriage, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 774) the vote was:

Ayes, 44:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Briles	Heying	Norpel	Schwengels
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedeaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, 2:

Hill of Jasper	Scott
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Absent or not voting, 4:

DeKoster	Miller of Marshall	Nolin	Shaw
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1102.

Senate File 1102

On motion of Senator Willits, Senate File 1102, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1102) the vote was:

Ayes, 42:

Andersen	Griffin	Murray	Redmond
Bergman	Hansen	Nolting	Robinson
Briles	Heying	Norpel	Rodgers
Burroughs	Hill of Polk	Nystrom	Schwengels
Carr	Hultman	Orr	Shaff
Coleman	Junkins	Palmer	Shaw
Culver	Kelly	Plymat	Sovern
Curtis	Kinley	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of Des Moines	Ramsey	Winkelman
Glenn			
Gluba			

Nays, 4:

Hill of Jasper	Scott	Taylor	Van Gilst
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Absent or not voting, 4:

DeKoster	Lamborn	Miller of Marshall	Nolin
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that Senate File 1102 be immediately messaged to the House, which request was complied with.

MOTION TO RECONSIDER ADOPTED

House File 787

Senator Scott called up the following motion to reconsider filed by him on January 28, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 787 passed the Senate on January 28, 1976.

On the question "Shall the motion to reconsider be adopted?" (H.F. 787) the vote was:

Ayes, 45:

Andersen	Griffin	Nolting	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Heying	Nystrom	Scott
Burroughs	Hill of Jasper	Orr	Shaff
Carr	Hultman	Palmer	Shaw
Coleman	Junkins	Plymat	Sovern
Culver	Kelly	Priebe	Taylor
Curtis	Kinley	Rabedeaux	Tieden
Doderer	Lamborn	Ramsey	Van Gilst
Gallagher	Merritt	Redmond	Willits
Glenn	Murray	Robinson	Winkelman
Gluba			

Nays, 1:
Hill of Polk

Absent or not voting, 4:
DeKoster Miller of Miller of Nolin
 Des Moines Marshall

The motion prevailed.

Senator Scott moved to reconsider the vote by which House File 787 went to its last reading, which motion prevailed.

On motion of Senator Scott, House File 787, a bill for an act relating to minimum percentages of plant nutrients in fertilizers, was taken up for reconsideration.

Senator Scott offered amendment S—5110 filed by Senators Scott and Priebe and moved its adoption:

S—5110

- 1 Amend House File 787, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 “Code” the words “, and this section shall not apply
- 5 to any fertilizer designed to be applied and ordinarily
- 6 applied directly to growing plant foliage to stimulate
- 7 further growth”.

Amendment S—5110 was adopted.

Senator Hill of Polk moved that further action on House File 787 be deferred and that the bill be placed on the calendar under unfinished business, which motion prevailed.

President pro tempore Doderer took the chair at 4:30 p.m.

UNFINISHED BUSINESS

Senate File 1124

The Senate resumed consideration of Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act, and amendment S—5147 by Senator Hill of Polk, offered, divided and pending on February 16, 1976.

Senator Hill of Polk called for a further division of amendment S—5147 as follows:

S—5147

- 1 Amend Senate File 1124 as follows:

Division S—5147A

- 2 1. Page 1, line 2, by striking the words "legis-
3 lative fiscal bureau" and inserting in lieu thereof
4 the words "joint senate-house appropriation subcom-
5 mittees on human resources".

Division S—5147B

- 6 2. Page 1, lines 7 and 8, by striking the words
7 "Legislative oversight of this study shall be provided
8 by the" and inserting in lieu thereof the word "The".
9 3. Page 1, line 9, by inserting after the word
10 "resources" the words "shall, prior to the expenditure
11 of any funds appropriated by this Act, determine and
12 provide in writing a statement to the legislative
13 council, the governor, and the medical assistance
14 advisory council created by section two hundred forty-
15 nine A point eight (249A.8) of the Code, of what is
16 to be investigated".

Division S—5147C

- 17 4. Page 1, line 10, by striking the words
18 "legislative fiscal bureau" and inserting in lieu
19 thereof the words "joint senate-house appropriation
20 subcommittees on human resources".
21 5. Page 1, line 10, by inserting after the word
22 "consultants" the words ", request staff assistance
23 from the legislative fiscal bureau,".
24 6. Page 1, line 10, after the word "and" insert
25 the word "use".
26 7. Page 1, line 11, by inserting after the word
27 "necessary" the word "legislative".

Division S—5147D

- 28 8. Page 1, after line 14, insert the following:
29 "Notice of meetings of the joint senate-house
30 appropriation subcommittees on human resources and
31 copies of minutes shall be forwarded to the governor
32 and to the medical assistance advisory council on
33 a timely basis."
34 9. Page 1, line 17, after the word "to" insert
35 the words "the governor, the medical assistance
36 advisory council, the appropriations committees of
37 the house and senate, and to".
38 10. Page 1, line 17, by inserting after the figure
39 "1977," the words "The final report shall be made
40 as soon as completed to each of the entities
41 specified."

Division S—5147A (Cont'd)

- 42 11. Page 1, after line 17, insert the following:
43 "The secretary of the senate and chief clerk of
44 the house, jointly, shall provide administrative
45 services for the administration of funds appropriated
46 by this Act."

Action on division S—5147A of the amendment was temporarily deferred.

Senator Hill of Polk moved the adoption of division S—5147B of the amendment and requested a non-record roll call.

The ayes were 23, nays 20.

Division S—5147B of the amendment was adopted.

On motion of Senator Hill of Polk, division S—5147C of the amendment was adopted.

On motion of Senator Hill of Polk, division S—5147D of the amendment was adopted.

Senator Priebe offered amendment S—5154 by Senators Gluba and Priebe and called for a division of the amendment, as follows:

S—5154

1 Amend Senate File 1124 as follows:

Division S—5154A

2 1. Page 1, line 2, by striking the words "fiscal
3 bureau" and inserting in lieu thereof the word
4 "council".

5 2. Page 1, line 4, after the word "the" insert
6 the words "use of the joint senate-house appropriations
7 subcommittees on human resources for the".

Division S—5154B

8 3. Page 1, by striking lines 7 through 11 and
9 inserting in lieu thereof the words "of the United
10 States Social Security Act. The joint senate-house
11 appropriations subcommittees on human resources may
12 employ consultants and request the assistance of
13 legislative staff to aid in carrying out the study
14 authorized".

15 4. Page 1, line 15, by striking the word "A" and
16 inserting in lieu thereof the words "The joint senate-
17 house appropriations subcommittees on human resources
18 shall make periodic reports in regard to the progress
19 of the study to the senate and house committees on
20 appropriations while the general assembly is in
21 session, and to the legislative council during the
22 interim period between legislative sessions. A".

23 5. Page 1, line 17, after the words "to the"
24 insert the words "legislative council and the".

Division S—5154A (Cont'd)

25 6. Page 1, after line 17, insert the following:
26 "The secretary of the senate and chief clerk of
27 the house shall in consultation with the legislative
28 council provide administrative services for the ad-
29 ministration of funds appropriated by this Act."

On motion of Senator Priebe, division S—5154A of the amendment was adopted.

On motion of Senator Priebe, division S—5154B of the amendment was withdrawn.

The Senate resumed consideration of division S—5147A of the Hill of Polk amendment.

Senator Hill of Polk withdrew division S—5147A of the amendment.

Senator Redmond took the chair at 5:20 p.m.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1124) the vote was:

Ayes, 39:

Andersen	Hansen	Murray	Schwengels
Bergman	Heying	Nolting	Scott
Briles	Hill of Jasper	Norpel	Shaff
Burroughs	Hill of Polk	Orr	Shaw
Carr	Hultman	Palmer	Sovern
Coleman	Junkins	Priebe	Taylor
Culver	Kinley	Rabedeaux	Tieden
Curtis	Merritt	Redmond	Van Gilst
Doderer	Miller of	Robinson	Willits
Glenn	Des Moines	Rodgers	Winkelman

Nays, 1:

Lamborn

Absent or not voting, 10:

DeKoster	Griffin	Miller of	Nystrom
Gallagher	Kelly	Marshall	Plymat
Gluba		Nolin	Ramsey

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

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 17, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 74—Relating to the use of tax money for purchase and improvement of schoolhouse sites.
- S. F. 446—To provide for the licensing of speech pathologists and audiologists and to establish an examining board.
- S. F. 1029—Making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-

American war veterans and the commission on the status of women.

- S. F. 1032—Appropriating funds to the Iowa state arts council and the academy of science.
- S. F. 1033—Appropriating funds from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system.
- S. F. 1034—Making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services.
- S. F. 1035—Providing a salary range for the director of the Iowa real estate commission.

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

S. F. 1156 Human resources

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dawn E. Chapman of Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
LEONARD C. ANDERSEN
RICHARD R. RAMSEY
JAMES M. REDMOND
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harold Raymond Wilson, O.D., of Forest City, Winnebago County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
BERL E. PRIEBE
ELIZABETH SHAW
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Susan M. Wilson of Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976, and ending January 2, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
FRED W. NOLTING
JOHN N. NYSTROM
CLOYD E. ROBINSON
STEVE SOVERN

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was absent from the Senate chamber Monday, February 16, 1976, as it was necessary for me to be at home on business. Had I been present I would have voted "aye" on the following bills: Senate File 1125, House Files 188, 918, 1037, 1080 and 1082.

LOWELL JUNKINS

MR. PRESIDENT: I was necessarily absent from the Senate chamber Monday, February 16, 1976, when the vote was taken on Senate File 1125. Had I been present, I would have voted "aye".

FRED W. NOLTING

REPORT OF COMMITTEE

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 207**, a bill for an act to amend the eminent domain procedures relating to the appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests in land arising after service of notice of assessment, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5155

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 17, line 28, by striking the word "[Iowa]"
- 3 and inserting in lieu thereof the words "Iowa public
- 4 employees' retirement system".
- 5 2. Page 17, line 28, by striking the word "of".
- 6 3. Page 17, line 29, by striking the words
- 7 "employment security" and inserting in lieu there-
- 8 of the words "[employment security]".
- 9 4. Page 17, by inserting after line 30 the fol-
- 10 lowing section:
- 11 "Sec. Section ninety-seven point fifty-one

12 (97.51), subsection one (1), paragraph c, and sub-
13 section three (3), Code 1975, are amended to read
14 as follows:

15 c. Disburse such trust funds upon warrants drawn
16 by the comptroller pursuant to the order of the [em-
17 ployment security commission] *department*.

18 3. The Iowa [employment security commission] *Iowa*
19 *public employees' retirement system department* shall
20 be vested with authority to administer the Iowa old-
21 age and survivors' insurance liquidation fund and
22 shall also administer all other provisions of this
23 chapter."

24 5. Page 17, line 34, by striking the words "of
25 employment security" and inserting in lieu thereof
26 the words "[employment security]".

27 6. Page 18, line 3, by striking the words "and
28 under the Iowa employment security chapter" and in-
29 serting in lieu thereof the words "[and under the Iowa
30 employment security chapter]".

31 7. Page 18, by striking lines 10 through 14 and
32 inserting in lieu thereof the following: "1975, is
33 amended by striking the section and inserting in lieu
34 thereof the following:

35 97B.3 DEPARTMENT ESTABLISHED. There is established
36 an Iowa state employees' retirement system department,
37 hereinafter called the "department", to administer
38 the provisions of this chapter and of chapter ninety-
39 seven (97) of the Code. Employees of the department
40 shall be selected under the provisions of chapter
41 nineteen A (19A) of the Code.

42 8. Page 18, by striking line 35 and inserting
43 in lieu thereof the words "same in accordance with
44 the directions of the [commission] *director*."

45 9. Page 19, line 7, by striking the word "[neither]"
46 and inserting in lieu thereof the word "neither".

47 10. Page 19, line 8, by striking the words "[nor
48 the commission]" and inserting in lieu thereof the
49 words "nor the [commission] *director*".

50 11. Page 19, line 8, by striking the word "not".

Page 2

1 12. Page 19, by striking line 23 and inserting
2 in lieu thereof the words "comptroller pursuant to
3 the order of the [commission] *director*".

4 13. Page 19, line 25, by striking the words "[in
5 accordance with the direction]" and inserting in lieu
6 thereof the words "in accordance with the direction".

7 14. Page 19, by striking line 26 and inserting
8 in lieu thereof the words "of the [commission] *director*
9 when such action may be deemed advisable".

10 15. Page 19, line 27, by striking the words "[by
11 the commission]" and inserting in lieu thereof the
12 words "by the [commission] *director*".

13 16. Page 19, line 33, by striking the words "[,
14 in accordance with the direction of the]" and inserting

15 in lieu thereof the words “, in accordance with the
16 direction of the”.

17 17. Page 19, line 34, by striking the word “[commis-
18 sion,]” and inserting in lieu thereof the words “[com-
19 mission] director,”.

20 18. Page 20, by striking from lines 3 and 4 the
21 words “[directed to be purchased by the commission]”
22 and inserting in lieu thereof the words “directed
23 to be purchased by the [commission] director”.

24 19. Page 20, line 12, by striking the words “*treas-
25 urer of state*” and inserting in lieu thereof the
26 word “director”.

27 20. Page 20, line 15, by striking the words “*treas-
28 urer of state*” and inserting in lieu thereof the
29 word “director”.

30 21. Page 22, line 19, by inserting after the word
31 “board” the words “*established under chapter ninety-
32 six (96) of the Code*”.

33 22. Page 23, by inserting after line 9 the
34 following:

35 “The director shall pay to the department of em-
36 ployment security from funds appropriated to the de-
37 partment all costs incurred in using the appeal board.”

38 23. Page 23, line 21, by striking the word “of”.

39 24. Page 23, line 22, by striking the words “em-
40 ployment security” and inserting in lieu thereof the
41 words “[employment security]”.

42 25. Page 24, line 4, by inserting after the words
43 “to the” the words “*Iowa public employees’ retire-
44 ment system*”.

45 26. Page 24, line 4, by striking the words “of
46 employment” and inserting in lieu thereof the word
47 “[employment]”.

48 27. Page 24, line 5, by striking the word
49 “security” and inserting in lieu thereof the word
50 “[security]”.

Page 3

1 28. Page 24, line 16, by striking the words “of
2 employment security” and inserting in lieu thereof
3 the words “[employment security]”.

4 29. Page 25, by inserting after line 24 the follow-
5 ing section:

6 “Sec. Chapter ninety-seven B (97B), Code 1975,
7 is amended by adding the following new sections:

8 **NEW SECTION.** The chief executive officer of the
9 department is the director who shall be appointed
10 by the governor with the approval of two-thirds of
11 the members of the senate and shall serve at the
12 pleasure of the governor. The director shall be
13 selected solely on the ability to administer the
14 duties and functions of this chapter and shall devote
15 full time to the duties of the director. If the
16 office of director becomes vacant during a session
17 of the general assembly, the vacancy shall be filled

18 in the same manner as the original appointment. Any
 19 vacancy in the office of director occurring while
 20 the general assembly is not in session shall be filled
 21 by appointment by the governor which appointment shall
 22 expire thirty days after the general assembly next
 23 convenes. Within the thirty-day period, the governor
 24 shall transmit an appointment to the senate.

25 The salary of the director shall be set by the
 26 general assembly.

27 **NEW SECTION. AGREEMENT FOR SERVICES.** The direc-
 28 tor may execute an agreement with the director of
 29 the department of employment security for the
 30 department to utilize administrative services of the
 31 department of employment security. The director shall
 32 reimburse the department of employment security for
 33 the costs of the administrative services used."

34 30. Page 25, by striking lines 34 and 35 and in-
 35 serting in lieu thereof the word and figure "six
 36 (96.26) ;".

37 31. Page 26, line 1, by striking the words and
 38 figure "subsection three (3) ;".

39 32. Page 28, line 12, by inserting after the word
 40 and letter "paragraph b" the words and figures "and
 41 subsections four (4) and six (6)".

42 33. Amend the title, line 1, by inserting after
 43 the word "security" the words "and an Iowa public
 44 employees' retirement system department".

45 34. Amend the title, line 2, by striking the word
 46 "its" and inserting in lieu thereof the word "their".

47 35. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.

S—5156

1 Amend Senate File 1126 as follows:

2 1. Page 1, line 16, by striking the figure "65,152"
 3 and inserting in lieu thereof the figure "67,248".

4 2. Page 2, after line 1, insert the following:
 5 "Sec. 5. Section three hundred three point three
 6 (303.3), Code 1975, is amended to read as follows:

7 303.3 DIVISIONS OF DEPARTMENT. The Iowa state
 8 historical department shall consist of the division
 9 of historical museum and archives, located in Des
 10 Moines, [and] the division of the state historical
 11 society, *located in Iowa City*, and the division of
 12 historic preservation[, both located in Iowa City in
 13 order to benefit from, and contribute to, the state
 14 University of Iowa].

15 3. Title page, line 1, after the word "Act" insert
 16 the words "relating to and".

EARL M. WILLITS

S—5157

1 Amend House File 787 as amended and passed by
 2 the House as follows:

- 3 1. Page 1, line 13, by striking the words
4 "The section shall not" and insert in lieu thereof:
5 "This Act shall neither".
6 2. Page 1, line 15, by inserting after the
7 word "Code" the following: "nor to any fertilizer
8 designed to be applied and ordinarily applied di-
9 rectly to growing plant foliage to stimulate further
10 growth".

KENNETH D. SCOTT
BERL E. PRIEBE

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:25
p.m., until 9:30 a.m., Wednesday, February 18, 1976.

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 18, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Berl E. Priebe, member of the Senate from Algona, Kossuth County, Iowa.

The Journal of Tuesday, February 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy students from Creston High School, Creston, Iowa, accompanied by Dan Settle and Lee Campbell. Senators Briles and Ramsey.

PETITIONS

The following petitions were presented and placed on file:

By Senator Priebe from one hundred forty-four residents of Humboldt County favoring legislation to raise the legal drinking age to nineteen.

By Senator Winkelman from eighteen residents of Calhoun County favoring repeal of the present law which requires motorcyclists to wear helmets.

INTRODUCTION OF BILLS

Senate File 1163, by Senator Hansen, a bill for an act relating to financial support of elementary and secondary education and making an appropriation.

Read first time and passed on file.

Senate File 1164, by Senators Hansen, Curtis, Miller of Des Moines and Gallagher, a bill for an act relating to the compensation of persons suffering loss as a result of medical malpractice.

Read first time and passed on file.

Senate File 1165, by Senator Priebe, a bill for an act relating to payment by the state of the cost of certain court appointed attorneys.

Read first time and passed on file.

Senate File 1166, by Senator Redmond, a bill for an act relating to the possession and use of firearms and dangerous weapons and providing penalties.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Shaff called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Domenic P. Morrow of Des Moines, Polk County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
LOUIS P. CULVER
GEORGE R. KINLEY
NORMAN RODGERS
FORREST V. SCHWENGELS

The motion prevailed and the report was adopted.

Senator Shaff moved the appointment of Domenic P. Morrow as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Heying	Norpel	Scott
Burroughs	Hultman	Nystrom	Shaff
Carr	Junkins	Orr	Shaw
Coleman	Kelly	Palmer	Sovern
Culver	Kinley	Plymat	Taylor
Curtis	Lamborn	Priebe	Tieden
DeKoster	Miller of	Rabedeaux	Van Gilst
Doderer	Des Moines	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Ghuba	Marshall	Robinson	

Nays, none.

Absent or not voting, 5:

Gallagher	Hill of Polk	Merritt	Nolin
Hill of Jasper			

President Neu declared the appointment of Domenic P. Morrow as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality confirmed for an initial term ending June 30, 1977.

Senator Bergman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William G. Murray of Ames, Story County, Iowa, for appointment as a member of the State Board of Tax Review under the provisions of Section 421.1, 1975 Code of Iowa, for a regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
ROBERT M. CARR
MINNETTE DODERER
JOHN N. NYSTROM
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Bergman moved the appointment of William G. Murray as a member of the State Board of Tax Review be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, none.

Voting present, 1:

Murray

Absent or not voting, 2:

Hill of Polk Nolin

President Neu declared the appointment of William G. Murray as a member of the State Board of Tax Review confirmed for the regular six-year term ending June 30, 1981.

Senator Murray called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gerald Norland of Cylinder, Palo Alto County, Iowa, for reappointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN S. MURRAY, Chairperson
BERL E. PRIEBE
CLOYD E. ROBINSON
KENNETH D. SCOTT
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Murray moved the appointment of Gerald Norland as a member of the State Soil Conservation Committee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Briles	Carr	Curtis
Bergman	Burroughs	Coleman	DeKoster

Doderer	Kelly	Palmer	Scott
Glenn	Kinley	Plymat	Shaff
Gluba	Lamborn	Priebe	Shaw
Griffin	Miller of	Rabedaux	Sovern
Hansen	Marshall	Ramsey	Taylor
Heying	Murray	Redmond	Tieden
Hill of Jasper	Norpel	Robinson	Van Gilst
Hultman	Nystrom	Rodgers	Willits
Junkins	Orr	Schwengels	Winkelman

Nays, 3:

Culver	Merritt	Nolting
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Voting present, 2:

Gallagher	Miller of Des Moines
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Absent or not voting, 2:

Hill of Polk	Nolin
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President Neu declared the appointment of Gerald Norland as a member of the State Soil Conservation Committee confirmed for the regular six-year term ending June 30, 1981.

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Helen Mefferd of Laurens, Pocahontas County, Iowa, for appointment as a member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
WARREN E. CURTIS
GENE W. GLENN
WILLIAM D. PALMER
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Helen Mefferd as a member of the State Board of Cosmetology Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Culver	Griffin	Kelly
Bergman	Curtis	Hansen	Kinley
Briles	DeKoster	Heying	Lamborn
Burroughs	Doderer	Hill of Jasper	Merritt
Carr	Glenn	Hultman	Miller of
Coleman	Gluba	Junkins	Marshall

Murray	Plymat	Robinson	Tieden
Nolting	Priebe	Rodgers	Van Gilst
Norpel	Rabedaux	Scott	Willits
Nystrom	Ramsey	Shaw	Winkelman
Palmer	Redmond	Taylor	

Nays, none.

Absent or not voting, 8:

Gallagher	Miller of	Nolin	Shaff
Hill of Polk	Des Moines	Orr	Sovern
		Schwengels	

President Neu declared the appointment of Helen Mefferd as a member of the State Board of Cosmetology Examiners confirmed for an initial term ending June 30, 1978.

Senator Taylor called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Vernon Spilker of Missouri Valley, Harrison County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
LOUIS P. CULVER
ELIZABETH R. MILLER
KENNETH D. SCOTT
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Taylor moved the appointment of Vernon Spilker as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Marshall	Redmond
Briles	Hansen	Murray	Robinson
Burroughs	Heying	Nolting	Rodgers
Carr	Hill of Jasper	Norpel	Scott
Coleman	Hultman	Nystrom	Shaff
Culver	Junkins	Orr	Shaw
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedaux	Winkelman

Nays, none.

Absent or not voting, 7:

Doderer	Miller of	Nolin	Sovern
Hill of Polk	Des Moines	Schwengels	Tieden

President Neu declared the appointment of Vernon Spilker as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality confirmed for an initial term ending June 30, 1978.

Senator Norpel called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James W. Peterson, of Washington, Washington County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, 1975 Code of Iowa, for an initial term beginning July 1, 1976, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD J. NORPEL, SR., Chairperson
FRED W. NOLTING
BERL E. PRIEBE
FORREST V. SCHWENGELS
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Norpel moved the appointment of James W. Peterson as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Burroughs	Heying	Murray	Rodgers
Carr	Hill of Jasper	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Rabedeaux	Winkelman
Gluba	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 5:

Briles	Nolin	Schwengels	Sovern
Hill of Polk			

President Neu declared the appointment of James W. Peterson as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1978.

Senator Shaw called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Maurice J. Tierney of Dubuque, Dubuque County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for an initial two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH SHAW, Chairperson
ROBERT M. CARR
WILLIAM E. GLUBA
HILARIUS L. HEYING
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Shaw moved the appointment of Maurice J. Tierney as a member of the State Board of Funeral Director and Embalmer Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Heying	Murray	Robinson
Bergman	Hill of Jasper	Nolting	Rodgers
Burroughs	Hultman	Norpel	Scott
Carr	Junkins	Nystrom	Shaff
Coleman	Kelly	Orr	Shaw
Culver	Kinley	Palmer	Sovern
Curtis	Lamborn	Plymat	Taylor
DeKoster	Merritt	Priebe	Tieden
Gallagher	Miller of	Rabedeaux	Van Gilst
Glenn	Des Moines	Ramsey	Willits
Gluba	Miller of	Redmond	Winkelman
Griffin	Marshall		
Hansen			

Nays, none.

Absent or not voting, 5:

Briles	Hill of Polk	Nolin	Schwengels
Doderer			

President Neu declared the appointment of Maurice J. Tierney as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for a two-year term ending June 30, 1977.

Senator Culver called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Barbara Ann Steen of Jesup, Buchanan County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS
JAMES V. GALLAGHER
JAMES W. GRIFFIN, SR.
CLOYD E. ROBINSON

The motion prevailed and the report was adopted.

Senator Culver moved the appointment of Barbara Ann Steen as a member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Hill of Polk	Nolin	Schwengels
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President Neu declared the appointment of Barbara Ann Steen as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1976.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on rules and administration to which

was referred **House Concurrent Resolution 104**, a resolution relating to compensation for legislative employees, begs leave to report it has had the same under consideration and recommends the same be amended in accordance with amendments S—5160 and S—5161 and when so amended the resolution be adopted.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

CONSIDERATION OF RESOLUTION

Senator Kinley asked and received unanimous consent to take up out of order Senate Concurrent Resolution 102.

Senate Concurrent Resolution 102

On the motion of Senator Junkins, Senate Concurrent Resolution 102, a resolution relating to compensation of legislative personnel, found on pages 183-191, inclusive, of the Senate Journal, was taken up for consideration.

Senator Junkins asked and received unanimous consent that **House Concurrent Resolution 104** be substituted for **Senate Concurrent Resolution 102**.

House Concurrent Resolution 104

On motion of Senator Junkins, **House Concurrent Resolution 104**, a resolution relating to compensation of legislative personnel, found on pages 383-390, inclusive, of the Senate Journal, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins offered amendment S—5160 by the committee on rules and administration:

S—5160

- 1 Amend **House Concurrent Resolution 104** as amended,
- 2 passed and reprinted by the House, as follows:

Division S—5160A

- 3 1. Page 1, line 1, by striking the words "WHERE-
- 4 AS, section" and inserting in lieu thereof the word
- 5 "Section".
- 6 2. Page 1, lines 10 and 11, by striking the
- 7 words "on the date of adoption of this resolution
- 8 by both houses" and inserting in lieu thereof the
- 9 words "January 12, 1976".
- 10 3. Page 1, lines 14 and 15, by striking the
- 11 words "on the date of adoption of this resolution
- 12 by both houses" and inserting in lieu thereof the
- 13 words "January 12, 1976".

14 4. Page 1, lines 19 and 20, by striking the
15 words "on the date of adoption of this resolution
16 by both houses" and inserting in lieu thereof the
17 words "January 12, 1976".

18 5. Page 4, line 6, by striking the number "18"
19 and inserting in lieu thereof the number "17".

20 6. Page 4, line 7, by striking the number "18"
21 and inserting in lieu thereof the number "17".

Division S—5160B

22 7. Page 4, line 12, by striking the number "13"
23 and inserting in lieu thereof the number "12".

24 8. Page 5, line 7, by striking the number "18"
25 and inserting in lieu thereof the number "12".

26 9. Page 7, line 8, by striking the number "13"
27 and inserting in lieu thereof the number "12".

Division S—5160A (Cont'd)

28 10. Page 7, by striking lines 11 through 14 and
29 inserting in lieu thereof the words "be the next and
30 succeeding higher steps. Secretaries shall be eli-
31 gible for an unlimited number of steps at the
32 discretion of the chief clerk of the house and the
33 secretary of the senate and subject to approval of
34 the house committee on administration or the senate
35 committee on rules and administration, as the case
36 may be, based on the following:".

37 11. Page 7, by striking lines 26 and 27.

38 12. Page 7, line 29, by inserting after the
39 word "subcommittee" the words ", assistant floor
40 leader,".

41 13. Page 8, by striking line 3 and inserting in
42 lieu thereof the following "rate for grade 16 at
43 whatever step they would otherwise be entitled to
44 unless the grade at which they are during the
45 session is less than 16, in which case they shall
46 be compensated at that lower grade and appropriate
47 step."

48 14. Page 10, line 17, by inserting after the
49 word "of" the words "providing staff and alternate
50 methods of".

Page 2

1 15. Page 10, line 34, by striking the words "and
2 Senate Concurrent Resolution Sixty-three (63)".

3 16. Page 11, by striking lines 4 through 8.

4 17. Page 11, by striking lines 9 through 16.

Senator Junkins offered amendment S—5161 to amendment S—5160 by the committee on rules and administration, and moved its adoption:

S—5161

- 1 Amend the rules and administration committee
- 2 amendment S—5160, by striking everything after line 2

3 and inserting in lieu thereof the following:

4 "1. By striking page 1, line 1 through page 11,
5 line 16, and inserting in lieu thereof the following:

6 *Whereas*, Section two point eleven (2.11) of the
7 Code provides that "The compensation of the chaplains,
8 officers and employees of the general assembly shall
9 be fixed by joint action of the house and senate by
10 resolution at the opening of each session, or as
11 soon thereafter as conveniently can be done."; *Now*,
12 *Therefore*,

13 *Be It Resolved by the Senate, the House Con-*
14 *curring*, That the compensation of Mr. David L. Wray
15 as the chief clerk of the house shall be twenty
16 thousand dollars (\$20,000), for the period commencing
17 January 12, 1976, and ending January 9, 1977; that
18 the compensation of Mr. Steven C. Cross as the
19 secretary of the senate shall be nineteen thousand
20 dollars (\$19,000), for the period commencing January
21 12, 1976, and ending January 9, 1977; and that the
22 compensation of Mr. David L. Charles as the assistant
23 secretary of the senate shall be seventeen thousand
24 dollars (\$17,000), for the period commencing January
25 12, 1976, and ending January 9, 1977.

26 *Be It Further Resolved*, That the compensation
27 of the other officers and employees of the sixty-
28 sixth general assembly is set, effective from
29 January 12, 1976, until January 9, 1977, in accor-
30 dance with the following salary schedule.

Page 2

IOWA GENERAL ASSEMBLY
SALARY SCHEDULE

	#5	#6	#7	#8	#9
4	4,524.00	4,732.00	4,966.00	5,174.00	5,408.00
5	174.00	182.00	191.00	199.00	208.00
6	2.18	2.28	2.39	2.49	2.60
	#10	#11	#12	#13	#14
9	5,668.00	5,928.00	6,240.00	6,526.00	6,812.00
10	218.00	228.00	240.00	251.00	262.00
11	2.73	2.85	3.00	3.14	3.28
	#15	#16	#17	#18	#19
14	7,124.00	7,436.00	7,722.00	8,060.00	8,450.00
15	274.00	286.00	297.00	310.00	325.00
16	3.43	3.58	3.71	3.88	4.06
	#20	#21	#22	#23	#24
19	8,840.00	9,256.00	9,698.00	10,166.00	10,660.00
20	340.00	356.00	373.00	391.00	410.00
21	4.25	4.45	4.66	4.89	5.13
	#25	#26	#27	#28	#29
24	11,154.00	11,700.00	12,220.00	12,792.00	13,390.00

26	429.00	450.00	470.00	492.00	515.00
27	5.36	5.63	5.88	6.15	6.44
28					
29	#30				
30	14,014.00	14,690.00	15,132.00	15,886.00	16,692.00
31	539.00	565.00	582.00	611.00	642.00
32	6.74	7.06	7.28	7.64	8.03
33					
34					
35	17,524.00	18,382.00	19,318.00		
36	674.00	707.00	743.00		
37	8.43	8.84	9.29		
38					

39 In this schedule each numbered block shall
 40 be the yearly, bi-weekly and hourly compensation
 41 for the pay grade of the number heading the
 42 block. Except for secretaries to senators and
 43 clerks to representatives, within each grade
 44 there shall be eight steps numbered "1" through
 45 "8". In the above schedule the steps for all
 46 grades are determined in the following manner. Each
 47 numbered block is counted as the "1" step for that
 48 grade. The next higher block is counted as the "2"

Page 3

1 step; the next higher block is the "3" step; the
 2 next higher block is the "4" step; the next higher
 3 block is the "5" step; the next higher block is
 4 the "6" step; the next higher block is the "7"
 5 step; and the next higher block is the "8" step.

6 ***Be It Further Resolved***, That in the event the
 7 salary schedule for employees of the State of Iowa
 8 as promulgated by the merit employment commission
 9 pursuant to section 19A.9(2), Code 1975, is revised
 10 upward at any time during the sixty-sixth general
 11 assembly, such revised schedule shall simultaneously
 12 be adopted for the compensation of officers and
 13 employees of the sixty-sixth general assembly
 14 assigned a grade by this resolution.

15 ***Be It Further Resolved***, That the officers and
 16 employees of the sixty-sixth general assembly be
 17 placed in the following pay grades:

18 OFFICERS AND EMPLOYEES OF THE HOUSE

19		
20	Assistant Chief Clerk and Reading Clerk	Grade 29
21	Legal Counsel	Grade 30
22	Executive Secretary to Speaker	Grade 22
23	Research Assistant to Speaker	Grade 24
24	Research Assistant to Majority Leader	Grade 24
25	Research Assistant to Minority Leader	Grade 24
26	Counsel or Administrative Assistant	
27	to Majority Caucus	Grade 25
28	Counsel or Administrative Assistant	
29	to Minority Caucus	Grade 25
30	Research Assistants	Grade 22

31	Executive Secretary to Chief Clerk	Grade 22
32	Clerk to Chief Clerk	Grade 14
33	Public Information Office Director	Grade 25
34	Clerk to Public Information	
35	Office Director	Grade 17

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1	Supervisor of Clerks	Grade 20
2	Journal Editor	Grade 22
3	Journal Clerk	Grade 16
4	Finance Clerk	Grade 20
5	Assistant Finance Clerk	Grade 12
6	Engrossing Clerk	Grade 17
7	Assistant to the Legal Counsel and	
8	Enrolling Clerk	Grade 17
9	Assistant to the Legal Counsel	Grade 17
10	Terminal Operator	Grade 17
11	Supply Clerk	Grade 12
12	Swing Clerk	Grade 13
13	Switchboard Operator	Grade 13
14	Clerk to Representative	Grade 12
15	Bill Clerk	Grade 12
16	Assistant Bill Clerk	Grade 11
17	File Clerk	Grade 8
18	Postmaster	Grade 10
19	Sergeant-at-Arms	Grade 15
20	Assistant Sergeant-at-Arms	Grade 13
21	Doorkeepers	Grade 9
22	Porter	Grade 8
23	Cloakroom Attendant	Grade 8
24	Pages	Grade 6
25	Aide to Public Information Office	
26	(2 maximum)	\$2.20/hr.

OFFICERS AND EMPLOYEES OF THE SENATE

29	Legal Counsel	Grade 30
30	Administrative Assistant to	
31	Majority Leader	Grade 25
32	Administrative Assistant to	
33	Minority Leader	Grade 25
34	Research Assistant to Majority Leader	Grade 24
35	Research Assistant to Minority Leader	Grade 24

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1	Research Assistants	Grade 22
2	Executive Secretary to the Secretary	Grade 22
3	Secretary to the Secretary of the Senate	Grade 18
4	Journal Editor	Grade 22
5	Journal Clerk	Grade 16
6	Assistant to the Legal Counsel	Grade 17
7	Finance Clerk	Grade 20
8	Engrossing Clerk	Grade 17
9	Enrolling Clerk and Terminal Operator	Grade 19
10	Records and Supply Clerk	Grade 17
11	Special Clerk	Grade 14

12	Switchboard Operator	Grade 13
13	Secretary to Senator	Grade 12
14	Bill Clerk	Grade 12
15	Assistant Bill Clerk	Grade 11
16	Postmaster	Grade 10
17	Sergeant-at-Arms	Grade 15
18	Assistant Sergeant-at-Arms	Grade 13
19	Chief Doorkeeper	Grade 10
20	Control Board Operator	Grade 10
21	Doorkeeper	Grade 9
22	Porter	Grade 8
23	Cloakroom Attendant	Grade 8
24	Pages	Grade 6
25		
26	LEGISLATIVE INDEXING EMPLOYEES	
27	Supervisor of Legislative Indexing	Grade 18
28	Assistant Supervisor of	
29	Legislative Indexing	Grade 16
30	Index Clerk	Grade 13
31	Assistant Index Clerk	Grade 11
32		
33	JOINT EMPLOYEES	
34	Mail Carrier	Grade 9
35	Law Library Clerk	Grade 9
36	Secretary to Human Resources Committee	
37	Staff under contract with Legis/50	Grade 15

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1	BUILDINGS AND GROUNDS EMPLOYEES	
2	Matron	Grade 9
3	Elevator Operator	Grade 8
4	Parking Attendant	Grade 9
5	Night Watchman	Grade 7
6		
7	LEGISLATIVE SERVICE BUREAU EMPLOYEES	
8	Senior Bill Clerk	Grade 15
9	Bill Clerk	Grade 13
10	Proofreader	Grade 15
11	Assistant Bill Clerk	Grade 10
12		
13	<i>Be It Further Resolved, That temporary officers</i>	
14	<i>and employees of the general assembly, other than</i>	
15	<i>secretaries to senators or clerks to representatives,</i>	
16	<i>shall be eligible for mobility within pay steps</i>	
17	<i>at the discretion of the chief clerk of the house</i>	
18	<i>and the secretary of the senate, and subject to</i>	
19	<i>the approval of the house committee on admini-</i>	
20	<i>stration or the senate committee on rules and</i>	
21	<i>administration, as the case may be, in accord</i>	
22	<i>with the following schedule:</i>	
23	1) Step 1.....	During the first legislative session
24	2) Step 2.....	After one legislative session's experience
25	3) Step 3.....	After two legislative sessions' experience
26	4) Step 4.....	After four legislative sessions' experience
27	5) Step 5.....	After six legislative sessions' experience

- 28 6) Step 6.....After eight legislative sessions' experience
29 7) Step 7.....After ten legislative sessions' experience
30 *Be It Further Resolved, That the entrance salary*
31 for temporary officers and employees other than
32 secretaries to senators or clerks to representatives
33 shall be at step 1 in the grade of the position held.
34 Such officer or employee may be hired above the
35 entrance step if possessing outstanding and unusual

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1 experience for the position, provided the entrance
2 is not beyond step 3. Such officer or employee
3 who is hired above the entrance step shall be
4 mobile above that step in the same period of time
5 as other officers or employees in that same step.
6 An officer or employee who is moved to another
7 position from any temporary or permanent
8 position may be considered for partial or full
9 credit for their experience in the former
10 position in determining the step in the new
11 grade.

12 Temporary employees, other than secretaries to
13 senators or clerks to representatives, who are
14 employed during the interim, may, for the purposes
15 of mobility within pay steps through step 6, be
16 given credit at the conclusion of an interim period
17 for a session's experience if at least one hundred
18 days are actually worked during the interim. Days
19 worked during the interim may be cumulated from
20 interim to interim as long as such employee con-
21 tinues to work each intervening session.

22 *Be It Further Resolved, That secretaries to*
23 senators and clerks to representatives shall all
24 be placed in grade 12. That grade in the salary
25 schedule shall be the "1" step for the secretaries.
26 Step 2 and succeeding numbered steps shall be the
27 next and succeeding higher steps. Secretaries
28 shall be eligible for an unlimited number of steps
29 at the discretion of the chief clerk of the house
30 and the secretary of the senate and subject to
31 approval of the house committee on administration
32 or the senate committee on rules and administration,
33 as the case may be, based on the following:
34 1. One additional step for each of the first
35 and second legislative sessions completed.

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- 1 2. One additional step beyond those provided
2 for in subparagraph one, for each of the fourth,
3 sixth, eighth, and tenth legislative sessions
4 completed.
5 3. One additional step upon the passage of
6 an eighty (80) word-per-minute stenographic exami-
7 nation.
8 4. One additional step may be granted if em-

9 played as a secretary or clerk to a committee
10 ranking majority or minority member unless steps
11 are granted as provided in subparagraph 5 or 6 of
12 this paragraph.

13 5. Two additional steps if employed as a
14 secretary or clerk to a committee, appropriations
15 subcommittee, assistant floor leader, and one
16 additional step for each such position held beyond
17 the first position.

18 6. Three additional steps if employed as a
19 secretary to a senator or clerk to a representa-
20 tive who is a majority or minority floor leader,
21 speaker pro tempore or president pro tempore.

22 *Be It Further Resolved*, That employees who
23 work on a part-time basis shall be compensated at
24 the scheduled hourly rate for their pay grade and
25 step. While assisting interim committees they
26 shall be compensated at the scheduled hourly rate
27 for grade 16 at whatever step they would otherwise
28 be entitled to, unless the grade at which they are
29 during the session is less than 16, in which case
30 they shall be compensated at that lower grade and
31 appropriate step.

32 *Be It Further Resolved*, That permanent offi-
33 cers and employees of the general assembly shall
34 be eligible for mobility within pay steps—at
35 the discretion of the chief clerk of the house
36 and the secretary of the senate, and subject to

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- 1 the approval of the house committee on admini-
2 stration or the senate committee on rules and
3 administration, as the case may be—in accord
4 with the following schedule:
5 1) Step 1.....Starting step
6 2) Step 2.....After six calendar months of actual
7 employment
8 3) Step 3.....After one calendar year of actual
9 employment
10 4) Step 4.....After two calendar years of actual
11 employment
12 5) Step 5.....After three calendar years of actual
13 employment
14 6) Step 6.....After four calendar years of actual
15 employment
16 7) Step 7.....After six calendar years of actual
17 employment
18 8) Step 8.....After eight calendar years of actual
19 employment

20 *Be It Further Resolved*, That the entrance
21 salary for permanent officers and employees of
22 the general assembly shall be at step 1 in the
23 grade of the position held. Such officer or
24 employee may be hired above the entrance step if
25 possessing outstanding and unusual experience

26 for the position, provided that the entrance is
27 not beyond step 3. Such officer or employee who
28 is hired above the entrance step shall be mobile
29 above that step in the same period of time as
30 other officers or employees in that same step.
31 An officer or employee who is moved to another
32 position from any permanent or
33 temporary position may be considered for partial
34 or full credit for their experience in the
35 former position in determining the step in

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1 the new grade.
2 *Be It Further Resolved*, That a pay increase
3 for permanent officers and employees of one step
4 within the pay grade for the position may be
5 made for exceptionally meritorious service in
6 addition to step increases provided for in this
7 resolution, upon recommendation of the secretary
8 of the senate or chief clerk of the house and the
9 approval of the senate committee on rules and
10 administration or the house committee on admini-
11 stration. Exceptionally meritorious service pay
12 increases shall be governed by the following:
13 a. The employee must have served in the
14 position for at least twelve months;
15 b. Written justification, setting forth in
16 detail the nature of the exceptionally meritorious
17 service rendered, must be submitted to the senate
18 rules and administration committee or house
19 administration committee and approved in advance
20 of granting the pay increase;
21 c. No more than one exceptionally meritorious
22 service pay increase may be granted in any twelve-
23 month period.

24 *Be It Further Resolved*, That the senate rules
25 and administration committee and the house admini-
26 stration committee shall both hire officers and
27 employees for their respective bodies and fill
28 any vacancies which may occur, to be effective at
29 such time as they shall set. The committee
30 shall report the names of those it has hired for
31 the positions specified in this resolution or the

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1 filling of any vacancies on the next legislative
2 day or, if such action is during the interim, on
3 the first day the senate or house shall convene.
4 Any action by the senate or house to amend or dis-
5 approve a report or a portion of a report shall be
6 effective the day after the action.
7 The chief clerk of the house shall submit
8 to the house committee on administration and
9 the secretary of the senate shall submit to
10 the senate committee on rules and administration
11 the list of the names, or amendments thereto, of

12 officers and employees designated permanent and
13 those designated temporary and recommended pay step
14 or compensation level for each officer and employee.
15 Such list shall include recommendations for the
16 pay step for those officers or employees hired
17 above the entrance step, or moved from one staff
18 position to another. Each respective committee
19 shall approve or amend the list of permanent and
20 temporary employees and their recommended pay
21 steps and publish said list in the journal.

22 The secretary of the senate and the chief
23 clerk of the house shall set the period of employ-
24 ment of temporary employees under such direction
25 as the senate rules and administration committee
26 and the house administration committee may provide.

27 *Be It Further Resolved, That permanent*
28 employees of the general assembly shall receive
29 vacation allowances, sick leave, health and acci-
30 dent insurance, life insurance, and disability
31 income insurance as are provided for full-time
32 permanent state employees. The computations
33 shall be maintained by the finance clerks in each
34 house and coordinated with the state comptroller.

35 *Be It Further Resolved, That the chairman of*
36 the rules and administration committee of the

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1 senate and the chairman of the administration
2 committee in the house each appoint three (3)
3 members to a joint subcommittee on administration
4 to study possible alternative methods of providing
5 secretarial assistance and alternate methods of
6 compensation of secretaries to senators and repre-
7 sentatives. This committee shall be instructed to
8 report its findings to the members of the legis-
9 lative council on or before November 1, 1976. The
10 joint subcommittee is authorized to meet three
11 times in the interim and such additional times as
12 may be authorized by the legislative council.

13 *Be It Further Resolved, That the compensation*
14 of chaplains officiating at the opening of the
15 daily sessions of the house of representatives and
16 the senate of the sixty-sixth general assembly
17 be fixed at ten (10) dollars for each house of
18 the general assembly, and that mileage for chap-
19 lains be fixed at the rate of fifteen (15) cents
20 per mile to and from the state capitol.

21 *Be It Further Resolved, That House Concurrent*
22 Resolution Five (5) is superseded by this resolution,
23 provided that no officers or employees employed
24 under its provisions at the time this resolution
25 is adopted shall be compensated less under this
26 resolution than under House Concurrent Resolution
27 Five (5)."

A record roll call was requested.

On the question "Shall amendment S—5161 to amendment S—5160 be adopted?" (H.C.R. 104) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Kinley	Plymat	Sovern
Burroughs	Lamborn	Rabedaux	Taylor
Curtis	Merritt	Robinson	Tieden
Hill of Jasper	Miller of	Rodgers	Van Gilst
Hultman	Marshall	Schwengels	Winkelman
Junkins	Palmer	Shaw	

Nays, 23:

Bergman	Doderer	Heying	Nystrom
Briles	Gallagher	Kelly	Orr
Carr	Glenn	Miller of	Ramsey
Coleman	Gluba	Des Moines	Redmond
Culver	Griffin	Nolting	Scott
DeKoster	Hansen	Norpel	Willits

Absent or not voting, 5:

Hill of Polk	Nolin	Priebe	Shaff
Murray			

Amendment S—5161 to amendment S—5160 lost.

Senator Doderer called for a division of amendment S—5160, sections 7, 8 and 9 to be considered as division S—5160B, and the remainder of the amendment to be considered as division S—5160A.

(House Concurrent Resolution 104 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1010, a bill for an act relating to voter registration.

Also: That the House has on February 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1129, a bill for an act relating to the joint financing of water supply systems by public agencies.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1167, by committee on judiciary, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital.

Read first time and placed on calendar.

Senate File 1168, by Senator Orr, a bill for an act relating to the teaching of consumer education.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1129, a bill for an act relating to the joint financing of water supply systems by public agencies.

Read first time and passed on file.

COMMUNICATION

The following communication from the office of the Governor was presented:

February 17, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

On June 28, 1974, Governor Ray submitted to the Senate for their consideration the name of Alice Van Wert, Hampton, Franklin County, for appointment to the Occupational Safety and Health Review Commission.

Mrs. Van Wert has recently remarried and wishes to resign her position on this commission. We are, therefore, withdrawing the request for Senate confirmation.

Thank you for your assistance in this matter.

Very truly yours,
WYTHE WILLEY
Executive Assistant

MOTION TO RECONSIDER WITHDRAWN

Senate File 1092

Senator Hultman withdrew the motion to reconsider the vote by which Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, passed the Senate, filed by him on February 16, 1976.

DISTINGUISHED VISITORS

President Neu presented Lord Montagu of Beaulieu, Hampshire, England, member of the House of Lords, British Parliament, who appeared on the rostrum and addressed the Senate briefly.

President Neu welcomed the Honorable Cecil Reed, Regional Administrator, Area Operation, U. S. Department of Labor, former member of the House of Representatives from Linn County.

RETURNED TO COMMITTEE

Senator Hill of Jasper asked and received unanimous consent that Senate File 1142 be returned to the committee on state government.

BUSINESS PENDING

House Concurrent Resolution 104

The Senate resumed consideration of House Concurrent Resolution 104 and amendment S—5160, as divided.

On motion of Senator Junkins, division S—5160A of the amendment was adopted.

Senator Junkins moved the adoption of division S—5160B of the amendment.

A record roll call was requested.

On the question "Shall division S—5160B of the amendment be adopted?" (H.C.R. 104) the vote was:

Ayes, 26:

Burroughs	Hultman	Nystrom	Scott
Coleman	Junkins	Palmer	Shaff
DeKoster	Kinley	Plymat	Taylor
Glenn	Lamborn	Priebe	Tieden
Hansen	Miller of	Rabedaux	Van Gilst
Hill of Jasper	Marshall	Ramsey	Winkelman
Hill of Polk	Norpel	Rodgers	

Nays, 17:

Briles	Griffin	Murray	Shaw
Carr	Kelly	Nolting	Sovern
Culver	Merritt	Orr	Willits
Doderer	Miller of	Redmond	
Gallagher	Des Moines		
Gluba			

Voting present, 4:

Andersen	Bergman	Curtis	Schwengels
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Absent or not voting, 3:

Heying	Nolin	Robinson
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Division S—5160B of the amendment was adopted.

Senator Orr offered amendment S—5166, moved its adoption, and requested a record roll call:

S—5166

- 1 Amend House Concurrent Resolution 104, as
- 2 amended and passed by the House, as follows:
- 3 Page 10, line 10, by inserting after the word
- 4 "employees" the words "and that temporary officers
- 5 and employees of the general assembly shall receive
- 6 sick leave for the time of actual employment at the
- 7 rate provided for full-time permanent state employees".

On the question "Shall amendment S—5166 be adopted?" (H.C.R. 104) the vote was:

Ayes, 9:

Doderer
Gallagher
Gluba

Heying
Norpel

Orr
Redmond

Scott
Shaw

Nays, 38:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Glenn

Griffin
Hansen
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt

Miller of
Marshall
Murray
Nolting
Nystrom
Palmer
Plymat
Priebe
Rabedaux
Ramsey

Rodgers
Schwengels
Shaff
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Absent or not voting, 3:

Miller of
Des Moines

Nolin

Robinson

Amendment S—5166 lost.

Senator Junkins moved that House Concurrent Resolution 104 as amended be adopted.

On the question "Shall the resolution be adopted?" (H.C.R. 104) the vote was:

Ayes, 47:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
DeKoster
Doderer
Gallagher
Glenn
Gluba
Griffin

Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedaux
Ramsey

Redmond
Robinson
Rodgers
Schwengels
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, 1:

Scott

Voting present, 1:

Curtis

Absent or not voting, 1:

Nolin

The resolution having received a two-thirds majority was declared to have been adopted by the Senate.

UNFINISHED BUSINESS

House File 787

On motion of Senator Scott, House File 787, a bill for an act relating to minimum percentages of plant nutrients in fertilizers, was taken up for further reconsideration.

Senator Scott moved to reconsider the vote by which amendment S—5110 was adopted by the Senate on February 17, 1976.

The motion prevailed and amendment S—5110 was taken up for reconsideration.

Senator Scott asked and received unanimous consent to withdraw amendment S—5110.

Senator Scott offered amendment S—5157 filed by Senators Scott and Priebe and moved its adoption:

S—5157

- 1 Amend House File 787 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 13, by striking the words
- 4 "The section shall not" and insert in lieu thereof:
- 5 "This Act shall neither".
- 6 2. Page 1, line 15, by inserting after the
- 7 word "Code" the following: "nor to any fertilizer
- 8 designed to be applied and ordinarily applied dir-
- 9 ectly to growing plant foliage to stimulate further
- 10 growth".

Amendment S—5157 was adopted.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 787) the vote was:

Ayes, 42:

Andersen
Bergman
Briles
Burroughs

Carr
Coleman
Culver
DeKoster

Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper

Junkins	Miller of	Palmer	Scott
Kelly	Marshall	Plymat	Sovern
Kinley	Murray	Priebe	Taylor
Lamborn	Nolting	Rabedeaux	Tieden
Merritt	Norpel	Redmond	Van Gilst
Miller of	Nystrom	Robinson	Willits
Des Moines	Orr	Schwengels	Winkelman

Nays, 7:

Curtis	Hultman	Rodgers	Shaw
Hill of Polk	Ramsey	Shaff	

Absent or not voting, 1:

Nolin

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

HOUSE AMENDMENT CONSIDERED

Senate File 1063

Senator Heying called up for consideration Senate File 1063, a bill for an act relating to the certification of deputy assessors, amended by the House, and moved that the Senate concur in the following amendment:

S—5145

- 1 Amend Senate File 1063, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "*or deputy assessor*".
- 5 2. Page 1, line 17, by inserting after the
- 6 period the following: "*A deputy assessor possess-*
- 7 *ing such a certificate shall be considered eligible*
- 8 *to remain in his or her present position.*"

The motion prevailed and the Senate concurred in House amendment S—5145.

Senator Heying moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1063) the vote was:

Ayes, 47:

Andersen	DeKoster	Hultman	Miller of
Bergman	Gallagher	Junkins	Marshall
Briles	Glenn	Kelly	Murray
Burroughs	Gluba	Kinley	Nolting
Carr	Griffin	Lamborn	Norpel
Coleman	Hansen	Merritt	Nystrom
Culver	Heying	Miller of	Orr
Curtis	Hill of Jasper	Des Moines	Palmer

Plymat
Priebe
Rabedeaux
Ramsey
Redmond

Robinson
Rodgers
Schwengels
Scott

Shaff
Shaw
Sovern
Taylor

Tieden
Van Gilst
Willits
Winkelman

Nays, 1:

Hill of Polk

Absent or not voting, 2:

Doderer

Nolin

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1157, a bill for an act relating to the licensing and regulation of social workers and master social workers.

Also: That the House has on February 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1212, a bill for an act requiring professional and occupational licensees to participate in continuing education as a condition of license renewal.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1169, by Senator Lamborn, a bill for an act relating to the levying of a state motor fuel tax, the collection process required, and the distribution of total road use tax funds among the jurisdictions of the state and local units of government.

Read first time and passed on file.

Senate File 1170, by Senator Lamborn, a bill for an act relating to the sale of raw milk.

Read first time and passed on file.

Senate File 1171, by committee on county government, a bill for an act requiring the department of social services to reimburse counties for the cost of office space and office supplies and equipment assigned for use by employees of the department.

Read first time and referred to the committee on appropriations, under Senate Rule 38.

HOUSE MESSAGES CONSIDERED

House File 1157, a bill for an act relating to the licensing and regulation of social workers and master social workers, the deposit of license fees for purposes of administration, and providing penalties for violations.

Read first time and passed on file.

House File 1212, a bill for an act requiring professional and occupational licenses to participate in continuing education as a condition of license renewal or inactive licensee reentry, delegating rule-making authority, eliminating mandatory annual renewal of licenses, and providing for legislative review of professional and occupational examining board activities.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1158 Appropriations

S. F. 1159 Ways and means

S. F. 1160 Ways and means

H.C.R. 108 Rules and administration

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ralph W. Potter, Marion, Linn County, Iowa, for appointment as a member of the City Development Board under the provisions of Section 368.9, Code 1975, for an unexpired term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
WARREN E. CURTIS
LUCAS J. DEKOSTER
WILLIAM D. PALMER
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment to the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH SCOTT, Chairperson
MINNETTE DODERER
WILLIAM E. GLUBA
RICHARD R. RAMSEY
WILLIAM P. WINKELMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of N. Earl Ferris of Hampton, Franklin County, Iowa, for appointment as a member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
JAMES V. GALLAGHER
MILO MERRITT
JOAN ORR
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Louise Moon of Des Moines, Polk County, Iowa, for appointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, 1975 Code of Iowa, for an unexpired term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

EARL M. WILLITS, Chairperson
MINNETTE DODERER
PHILIP B. HILL
ROGER J. SHAFF
STEVE SOVERN

COMMUNICATION

The following communication was received and placed on file in the office of the Secretary of the Senate from:

IOWA DEPARTMENT OF ENVIRONMENTAL QUALITY

A report on Sulfur Dioxide Study submitted to the 1976 Regular Session of the Sixty-sixth General Assembly in accordance with Chapter 1035, Acts of the Sixty-fifth General Assembly, 1974 Regular Session.

REPORTS OF COMMITTEES

Senator Willits submitted the following report:

MR. PRESIDENT: Your committee on cities to which was referred **Senate File 1086**, a bill for an act to require that local civil service commissions

determine the physical requirements for police and fire personnel, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5158

1 Amend Senate File 1086 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 in new section:

4 "Sec. Section four hundred point two (400.2),
5 Code 1975, is amended to read as follows:

6 400.2 QUALIFICATIONS. The commissioners must
7 be citizens of Iowa, *eligible electors as defined*
8 *in chapter thirty-nine (39) of the Code*, and residents
9 of the city for more than five years next preceding
10 their appointment, and shall serve without compensa-
11 tion. No person while on said commission, shall hold
12 or be a candidate for any office of public trust.

13 Provided, this section notwithstanding, when a human
14 rights commission has been established by any city,
15 the director thereof shall ex officio be a member,
16 without vote, of the civil service commission."

17 2. Page 1, line 14, by striking the word "he"
18 and inserting in lieu thereof the words "[he] the
19 applicant".

20 3. Renumber the sections and correct internal
21 references in conformance with this amendment.

22 4. Amend the title, line 1, by striking the words
23 "to require that" and inserting in lieu thereof the
24 words "relating to".

25 5. Amend the title, line 1, by inserting after
26 the word "commissions" the words "providing for changes
27 in qualification requirements and requiring that the
28 commission".

EARL M. WILLITS, Chairperson

Ordered passed on file.

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred House File 628, a bill for an act relating to school bus transportation requirements, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5168

1 Amend House File 628 as amended and passed by
2 the House as follows:

3 1. Page 1, by inserting the following section
4 before line 1:

5 "Section 1. Section two hundred eighty-five point
6 one (285.1), subsection three (3), Code 1975, is
7 amended to read as follows:

8 3. In any district where transportation by school
9 bus is impracticable or where school bus service is

10 not available, the board may require the parents or
 11 guardian to transport their children to the school
 12 designated for attendance. The parent or guardian
 13 shall be reimbursed for such transportation service
 14 for elementary pupils by the board of resident dis-
 15 trict for the distance one way from the pupil's
 16 residence to the school designated for attendance
 17 at the rate of [twenty-eight] *fifty-six* cents per mile
 18 per day irrespective of number of children transported.
 19 For high school pupils, the parent or guardian shall
 20 be reimbursed [forty] *eighty* dollars per pupil per year
 21 for such service, provided, however, no family shall
 22 receive more than [eighty] *one hundred sixty* dollars
 23 per year for transporting the members of the family
 24 who attend high school. The provisions of this section
 25 shall apply to eligible nonpublic school pupils as
 26 well as to eligible public school pupils. However,
 27 reimbursement for nonpublic school pupils shall not
 28 exceed [forty] *eighty* dollars per pupil per year."

29 2. Page 1, by inserting after line 11 the following
 30 section:

31 "Sec. Section two hundred eighty-five point
 32 one (285.1), subsection seventeen (17), paragraph
 33 c, Code 1975, is amended to read as follows:

34 c. Utilizing the transportation reimbursement
 35 provision of subsection 3. However, no reimbursement
 36 shall exceed [forty] *eighty* dollars per nonpublic school
 37 pupil per year."

38 3. Page 2, by inserting after line 6 the following
 39 section:

40 "Sec. Section two hundred eighty-five point
 41 ten (285.10), subsection nine (9), Code 1975, is
 42 amended to read as follows:

43 9. In the discretion of the board, furnish a
 44 school bus and services of a qualified driver to an
 45 organization of, or sponsoring activities for, senior
 46 citizens, children, or handicapped persons in this
 47 state. The board shall charge and collect an amount
 48 sufficient to reimburse all costs of furnishing the
 49 bus and driver *except when the bus is used for*
 50 *transporting pupils to and from extracurricular*

Page 2

1 *activities sponsored by the school.* A school bus
 2 shall be used as provided in this subsection only
 3 at times when it is not needed for transportation
 4 of pupils."

5 4. Page 3, by inserting after line 3 the follow-
 6 ing section:

7 "Sec. Section three hundred twenty-one point
 8 three hundred seventy-three (321.373), Code 1975,
 9 is amended by adding the following new subsection:

10 **NEW SUBSECTION.** A school bus may be equipped with
 11 a white flashing strobe light mounted on the roof
 12 of the bus to afford optimum visibility during periods

- 13 of inclement weather. The light shall be of a type
14 approved by the department of transportation and shall
15 be installed and operated in accordance with rules
16 promulgated by the department of public instruction.
17 Each new school bus put into initial service after
18 January 1, 1977 shall be equipped with such a light."
19 5. Renumber the sections accordingly.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 1145**, a bill for an act relating to the issuance of cards and licenses by the state department of transportation and providing penalties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 739**, a bill for an act relating to the priority of secondary road assessment district projects in a secondary road construction program, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House Concurrent Resolution 103**, a resolution relating to construction of diagonal highway in Iowa County, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the resolution be adopted:**

S—5171

- 1 Amend House Concurrent Resolution 103 as amended
2 and passed by the House by striking lines 1 through
3 17 and inserting in lieu thereof the following:
4 "Whereas, the legislature is concerned about the
5 use of agricultural land in Iowa; and
6 Whereas, although highways are vitally important
7 to the people and economy of this state, highway
8 construction prevents the use of many thousands of
9 acres of Iowa agricultural land for agricultural
10 production; and
11 Whereas, construction of diagonal highways adversely
12 effects agricultural productivity by segmenting tillable
13 land into irregular shapes making access and tillage

14 difficult; *Now, Therefore,*
15 *Be It Resolved by the House of Representatives,*
16 *the Senate Concurring,* That the General Assembly
17 expresses its firm intent that the state department
18 of transportation in its highway construction repair
19 and maintenance programs, use existing highway rights-
20 of-way and roadways as far as practical, in order
21 to preserve the state's valuable agricultural land
22 and in all construction and repair programs minimize
23 the adverse impact to agricultural productivity."

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5162

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 6, line 13, by striking the word "*hear*"
- 3 and inserting in lieu thereof the word "*review*".
- 4 2. Page 6, by striking line 14 and inserting in
- 5 lieu thereof the words "*to rules adopted by the appeal*
- 6 *board*".

EUGENE M. HILL

S—5172

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 20, line 17, by striking the word "*seven*"
- 3 and inserting in lieu thereof the words "[*seven five*".
- 4 2. Page 20, line 18, by striking the words "*Five*
- 5 *of the*" and inserting in lieu thereof the words "[*Five*
- 6 *of the The*".
- 7 3. Page 20, line 28, by striking the words "*The*
- 8 *president of the*" and inserting in lieu thereof the
- 9 words "[*The president of the*".
- 10 4. Page 20, by striking lines 29 through 33 and
- 11 inserting in lieu thereof the words "[*senate shall*
- 12 *appoint one member from the membership of the senate*
- 13 *and the speaker of the house of representatives shall*
- 14 *appoint one member from the membership of the house.*
- 15 *The two members appointed by the president of the*
- 16 *senate and the speaker of the house of representatives*
- 17 *and the] The two active*".
- 18 5. Page 21, by striking lines 6 through 10 and
- 19 inserting in lieu thereof the words "[*Legislative*
- 20 *members shall receive the sum of forty dollars for*
- 21 *each day of service and their actual expenses incurred*
- 22 *in the performance of their duties. The per diem*
- 23 *and expenses of the legislative members shall be paid*
- 24 *from funds appropriated under section 2.12.] The*
- 25 *members who are active*".

JAMES M. REDMOND

S—5170

- 1 Amend the Griffin amendment, S—5155 to Senate
- 2 File 1123 as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "*Iowa*".

JAMES W. GRIFFIN, SR.

S—5159

- 1 Amend Senate File 1126 as follows:
- 2 1. Page 1, line 13, by striking the figure
- 3 "\$303,290" and inserting in lieu thereof the figure
- 4 "\$323,895".
- 5 2. Page 1, line 19, by striking the figure
- 6 "\$324,163" and inserting in lieu thereof the figure
- 7 "\$340,075".

ELIZABETH SHAW

S—5169

- 1 Amend Senate File 1126, page 1, line 22, by
- 2 striking the figure "47,738" and inserting in lieu
- 3 thereof the figure "54,738".

ELIZABETH SHAW
EARL M. WILLITS

S—5165

- 1 Amend Senate File 1133, page 1, by striking
- 2 lines 10 through 16, and inserting in lieu thereof
- 3 the following: "set out in section 321.98. *However,*
- 4 *upon receipt of an affidavit signed by the owner of*
- 5 *the vehicle stating that the vehicle is reasonably*
- 6 *safe for operation, an inspection station may issue*
- 7 *a permit authorizing the owner to operate the vehicle*
- 8 *to and from a specific inspection station within a*
- 9 *specific time period and the inspection station may*
- 10 *designate the route. The affidavit and permit men-*
- 11 *tioned in this section shall be on forms prescribed*
- 12 *and furnished by the department which shall forward*
- 13 *these forms to each county treasurer where they*
- 14 *shall be made available upon request."*

RICHARD R. RAMSEY

S—5167

- 1 Amend Senate File 1154 as follows:
- 2 1. Page 1, line 2 by striking the word
- 3 "twelve".
- 4 2. Page 2, lines 7 and 8 by striking the words
- 5 and figure "one hundred thousand (100,000)" and in-
- 6 serting in lieu thereof the words and figure "two
- 7 hundred thousand (200,000)".

WARREN E. CURTIS

S—5163

- 1 Amend House File 1011, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, by inserting after line 18 the
- 4 following new section:
- 5 "Sec. Section forty-eight point twenty-seven

6 (48.27), subsection five (5), Code 1975, is amended
7 to read as follows:

8 5. [The] *Each mobile deputy registrar shall be*
9 *responsible to the county commissioner of registra-*
10 *tion for properly registering electors in accordance*
11 *with the requirements and the restrictions of this*
12 *section. The commissioner may terminate the appoint-*
13 *ment of a mobile deputy registrar who is not properly*
14 *registering electors, and shall immediately terminate*
15 *the appointment upon the written request of the county*
16 *[chairman] chairperson of the party from whose list*
17 *of nominees the mobile deputy registrar was selected.*
18 *When an appointment is terminated the county*
19 *commissioner of registration shall promptly notify*
20 *the county [chairman] chairperson of the political*
21 *party which nominated the mobile deputy registrar*
22 *whose appointment has been terminated, and shall*
23 *appoint another person within five days from a list*
24 *of substitute nominees provided by that county [chairman]*
25 *chairperson. A mobile deputy registrar whose*
26 *appointment is terminated shall immediately return*
27 *all his or her supplies to the county commissioner*
28 *of registration. If a mobile deputy registrar's*
29 *appointment is terminated within thirty days of an*
30 *election, other than by request of the county [chair-*
31 *man] chairperson of the party from whose list of*
32 *nominees the mobile deputy registrar was appointed,*
33 *a replacement shall be appointed within twenty-four*
34 *hours from a list of substitute nominees provided*
35 *by the appropriate county [chairman] chairperson."*

ELIZABETH SHAW

S—5164

1 Amend House File 1011, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 37, by inserting after line 7 the fol-
4 lowing new section:

5 "Sec. Acts of the Sixty-sixth General
6 Assembly, 1975 Session, chapter eighty-one (81),
7 section one hundred three (103), is amended by striking
8 subsection seven (7)."

9 2. Title, page 1a, line 23, by inserting after
10 the word "board," the words "revising the require-
11 ments relative to design of electronic voting systems
12 which may be approved for use in Iowa,".

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:00
p.m., until 9:30 a.m., Thursday, February 19, 1976.

JOURNAL OF THE SENATE

THIRTY-NINTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, FEBRUARY 19, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Steve Sovern, member of the Senate from Marion, Linn County, Iowa.

The Journal of Wednesday, February 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Andrew Frommelt, former member of the Senate and the House of Representatives from Dubuque County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety students from Creston High School, Creston, Iowa, accompanied by Catherine Mueller. Senators Briles and Ramsey.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Curtis called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ruth M. Turnis, R.N., of Dubuque, Dubuque County,

Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
ROBERT M. CARR
GENE W. GLENN
CALVIN O. HULTMAN
HILARIUS L. HEYING

The motion prevailed and the report was adopted.

Senator Curtis moved the appointment of Ruth M. Turnis as a member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Murray	Rodgers
Bergman	Heying	Nolting	Schwengels
Briles	Hill of Jasper	Norpel	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Kelly	Palmer	Taylor
Culver	Kinley	Plymat	Sovern
Curtis	Lamborn	Priebe	Tieden
DeKoster	Merritt	Rabedeaux	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Marshall		

Nays, none.

Absent or not voting, 3:

Hansen	Junkins	Nolin
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President Neu declared the appointment of Ruth M. Turnis as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1978.

Senator Shaff called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph L. Strasser of Des Moines, Polk County, Iowa, as a member of the Iowa Housing Finance Authority under the provisions of Chapter 188, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report

it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
 PHILIP B. HILL
 RICHARD J. NORPEL, SR.
 JOAN ORR
 STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Shaff moved the appointment of Joseph L. Strasser as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Hansen	Murray	Nolin
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President Neu declared the appointment of Joseph L. Strasser as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1977.

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Madalene Roberts Townsend of Davenport, Scott County, Iowa, for appointment as a member of the Council on Social Services under the provisions of Section 217.2, Code 1975, for an unexpired term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
 MINNETTE F. DODERER
 GENE W. GLENN
 WILLIAM E. GLUBA
 ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Madalene Roberts Townsend as a member of the Council on Social Services be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 2:

Hansen Nolin

President Neu declared the appointment of Madalene Roberts Townsend as a member of the Council on Social Services confirmed for the unexpired portion of the term ending June 30, 1979.

UNFINISHED BUSINESS

Senate File 1126

On motion of Senator Willits, Senate File 1126, a bill for an act appropriating funds to the Iowa state historical department, was taken up for further consideration.

Senator Shaw offered amendment S—5159 filed by her and called for a division of the amendment, as follows:

S—5159

1 Amend Senate File 1126 as follows:

Division S—5159A

- 2 1. Page 1, line 13, by striking the figure
- 3 "\$303,290" and inserting in lieu thereof the figure
- 4 "\$323,895".

Division S—5159B

- 5 2. Page 1, line 19, by striking the figure
- 6 "\$324,163" and inserting in lieu thereof the figure
- 7 "\$340,075".

Senator Shaw moved the adoption of division S—5159A of the amendment and requested a record roll call.

On the question "Shall division S—5159A of the amendment be adopted?" (S.F. 1126) the vote was:

Rule 25 was invoked.

Ayes, 24:

Andersen	Hansen	Murray	Shaw
Bergman	Hill of Polk	Nystrom	Sovern
Briles	Hultman	Plymat	Taylor
Burroughs	Kelly	Rabedaux	Tieden
Coleman	Lamborn	Ramsey	Winkelman
DeKoster	Miller of	Shaff	
Griffin	Marshall		

Nays, 23:

Carr	Hill of Jasper	Nolting	Robinson
Culver	Junkins	Norpel	Rodgers
Doderer	Kinley	Orr	Scott
Gallagher	Merritt	Palmer	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Redmond	
Heying			

Absent or not voting, 3:

Curtis	Nolin	Schwengels
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Division S—5159A of the amendment was adopted.

Senator Shaff took the chair at 10:25 a.m.

Senator Shaw moved the adoption of division S—5159B of the amendment.

A non-record roll call was requested.

The ayes were 17, nays 28.

Division S—5159B of the amendment lost.

Senator Willits offered amendment S—5156 filed by him and moved its adoption:

S—5156

- 1 Amend Senate File 1126 as follows:
- 2 1. Page 1, line 16, by striking the figure "65,152"
- 3 and inserting in lieu thereof the figure "67,248".
- 4 2. Page 2, after line 1, insert the following:
- 5 "Sec. 5. Section three hundred three point three
- 6 (303.3), Code 1975, is amended to read as follows:
- 7 303.3 DIVISIONS OF DEPARTMENT. The Iowa state
- 8 historical department shall consist of the division
- 9 of historical museum and archives, located in Des
- 10 Moines, [and] the division of the state historical

- 11 society, *located in Iowa City*, and the division of
 12 historic preservation[, both located in Iowa City in
 13 order to benefit from, and contribute to, the state
 14 University of Iowa].
 15 3. Title page, line 1, after the word "Act" insert
 16 the words "relating to and".

Amendment S—5156 was adopted.

Senator Shaw offered amendment S—5169 filed by Senators Shaw and Willits and moved its adoption:

S—5169

- 1 Amend Senate File 1126, page 1, line 22, by
 2 striking the figure "47,738" and inserting in lieu
 3 thereof the figure "54,738".

Amendment S—5169 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1126) the vote was:

Ayes, 45:

Andersen	Hill of Jasper	Murray	Robinson
Bergman	Hill of Polk	Nolting	Rodgers
Briles	Hultman	Norpel	Scott
Burroughs	Junkins	Nystrom	Shaff
Carr	Kelly	Orr	Shaw
Culver	Kinley	Palmer	Sovern
DeKoster	Lamborn	Plymat	Taylor
Doderer	Merritt	Priebe	Tieden
Glenn	Miller of	Rabedeaux	Van Gilst
Gluba	Des Moines	Ramsey	Willits
Griffin	Miller of	Redmond	Winkelman
Hansen	Marshall		
Heying			

Nays, none.

Absent or not voting, 5:

Coleman	Gallagher	Nolin	Schwengels
Curtis			

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

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 368 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 292

On motion of Senator Miller of Des Moines, House File 292, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions for facilities, with reports of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Murray offered amendment S—5096 filed by the committee on human resources on February 6, 1976, and found on pages 310-314, inclusive, of the Senate Journal.

Senator Gluba offered amendment S—5101 to amendment S—5096 filed by him and moved its adoption:

S—5101

- 1 Amend the committee on human resources amendment
- 2 S—5096, to House File 292 as amended, passed and
- 3 reprinted by the House, by striking from page 4, line
- 4 4, the figure and letter "2a" and inserting in lieu
- 5 thereof the figure "3".

Amendment S—5101 to amendment S—5096 was adopted.

President Neu took the chair at 11:05 a.m.

On motion of Senator Murray, amendment S—5096 as amended was adopted.

Senator Murray asked and received unanimous consent to withdraw amendment S—3536 filed by the committee on human resources on April 15, 1975, and found on pages 947-951, inclusive, of the 1975 Senate Journal.

Senator DeKoster offered amendment S—3399 filed by him and moved its adoption:

S—3399

- 1 Amend House File 292 as amended and passed by
- 2 the House by inserting on page 5, after line 8,
- 3 the following new section:
- 4 "Sec. Any claim filed against the estate
- 5 of a decedent under the provisions of section one
- 6 hundred twenty-five point thirty-six (125.36)), Code
- 7 1975, section one hundred twenty-three B point
- 8 sixteen (123B.16) as that section appeared in the
- 9 Codes of 1973 and 1971, or sections two hundred
- 10 twenty-two point eighty-one (222.81) or two hundred
- 11 thirty point thirty (230.30) as they appeared in
- 12 the Code of 1975 and prior Codes, which claim was

13 filed but had not been satisfied prior to the ef-
 14 fective date of this Act, shall be allowed only
 15 to the extent the claim would have been allowed
 16 if filed under sections one hundred twenty-five
 17 point thirty-six (125.36), two hundred twenty-two
 18 point eighty-one (222.81), or two hundred thirty
 19 point thirty (230.30) of the Code as amended by
 20 this Act."

Amendment S—3399 was adopted.

Senator Miller of Des Moines withdrew amendment S—3431 filed by him on April 1, 1975, and found on page 791 of the 1975 Senate Journal.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 292) the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, none.

Absent or not voting, 4:

Curtis	Nolin	Palmer	Priebe
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

DEFERRED

Senator Kinley asked and received unanimous consent that action on **Senate File 106** be deferred and that the bill **retain its** place on the calendar.

CONSIDERATION OF BILLS

Senate File 442

On motion of Senator Rodgers, Senate File 442, a bill for an

act relating to permissible investments by a state bank acting in a fiduciary capacity, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 442) the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, none.

Absent or not voting, 4:

Curtis	Nolin	Palmer	Priebe
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 442 passed the Senate on February 19, 1976.

CALVIN O. HULTMAN

CONSIDERATION OF BILLS

Senate File 1122

On motion of Senator Scott, Senate File 1122, a bill for an act relating to the employment rights of second deputy sheriffs, was taken up for consideration.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1122) the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, none.

Absent or not voting, 4:

Curtis	Nolin	Palmer	Priebe
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 1123 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS**House File 362**

On motion of Senator Glenn, House File 362, a bill for an act relating to the exclusion of banks from membership sales licensing requirements of the Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 362) the vote was:

Ayes, 45:

Andersen	Glenn	Kinley	Nystrom
Bergman	Gluba	Lamborn	Orr
Briles	Griffin	Merritt	Plymat
Burroughs	Hansen	Miller of	Ramsey
Carr	Heying	Des Moines	Redmond
Coleman	Hill of Jasper	Miller of	Robinson
Culver	Hill of Polk	Marshall	Rodgers
DeKoster	Hultman	Murray	Schwengels
Doderer	Junkins	Nolting	Scott
Gallagher	Kelly	Norpel	Shaff

Shaw
Sovern

Taylor
Tieden

Van Gilst
Willits

Winkelman

Nays, none.

Absent or not voting, 5:

Curtis
Nolin

Palmer

Priebe

Rabedeaux

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 362 passed the Senate on February 19, 1976.

CALVIN O. HULTMAN

CONSIDERATION OF BILLS

Senate File 380

On motion of Senator Merritt, Senate File 380, a bill for an act relating to the effective date of certain Acts or resolutions of the general assembly, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Des Moines offered amendment S—5115 filed by the committee on county government and moved its adoption:

S—5115

- 1 Amend Senate File 380 as follows:
- 2 1. Page 1, line 21, by striking the words "*two*
- 3 *hundred fifty thousand*" and inserting in lieu thereof
- 4 the words "*one million*".
- 5 2. Page 1, line 24, by striking the words "*two*
- 6 *hundred fifty thousand*" and inserting in lieu thereof
- 7 the words "*one million*".
- 8 3. Page 1, by inserting after line 27 the
- 9 following:
- 10 "Sec. The effective date of this Act shall
- 11 be January 1, 1977."

Amendment S—5115 was adopted.

Senator Taylor moved that further action on Senate File 380 be deferred and that the bill be placed on the calendar under unfinished business.

A non-record roll call was requested.

The ayes were 21, nays 28.

The motion lost.

Senator Merritt moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 380) the vote was:

Ayes, 28:

Andersen	Hansen	Miller of	Robinson
Briles	Heying	Marshall	Scott
Carr	Junkins	Nystrom	Sovern
Coleman	Kelly	Palmer	Taylor
Culver	Kinley	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, 19:

Bergman	Hill of Jasper	Nolting	Rodgers
Burroughs	Hill of Polk	Norpel	Shaff
Curtis	Hultman	Orr	Shaw
DeKoster	Lamborn	Plymat	Willits
Glenn	Murray	Redmond	

Absent or not voting, 3:

Griffin	Nolin	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1102, a bill for an act to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1172, by committee on judiciary, a bill for an act relating to gambling, and providing penalties.

Read first time and placed on calendar.

Senate File 1173, by Senator Kelly, a bill for an act relating to service of process on a resident who removes himself or herself from the state in an action on a contract.

Read first time and **passed on file**.

Senate File 1174, by Senator Kelly, a bill for an act relating to the age of retirement for veterans.

Read first time and **passed on file**.

Senate File 1175, by Senator Kelly, a bill for an act permitting for participation by attorneys in a legal service plan.

Read first time and **passed on file**.

Senate File 1176, by Senator Kelly, a bill for an act relating to the dissemination of autopsy records.

Read first time and **passed on file**.

Senate File 1177, by Senator Kelly, a bill for an act relating to the issuance of special motor vehicle registration plates to persons whose drivers licenses have been mandatorily revoked.

Read first time and **passed on file**.

Senate File 1178, by Senator Tieden, a bill for an act prohibiting attorneys from representing persons at a small claims hearing.

Read first time and **passed on file**.

Senate File 1179, by committee on county government, a bill for an act relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976.

Read first time and **placed on calendar**.

Senate File 1180, by Senator Murray, a bill for an act to make an appropriation to the hospital-schools revolving fund for capital improvements.

Read first time and **passed on file**.

Senate File 1181, by Senators Junkins, Hansen, Culver, Hultman, Rabedeaux, Heying and Coleman, a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property.

Read first time and **passed on file**.

Senate File 1182, by Senators Junkins, Andersen, Griffin, Heying, Norpel and Schwengels, a bill for an act to exempt certain industrial materials and equipment from retail sales and use taxes.

Read first time and passed on file.

Senate File 1183, by Senator Junkins, a bill for an act relating to the weighing of bulk commodities.

Read first time and passed on file.

Senate File 1184, by Senator Junkins, a bill for an act to increase compensation of township trustees and township clerks.

Read first time and passed on file.

REFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that **Senate File 1127** be withdrawn from the committee on cities and referred to the committee on judiciary.

CONSIDERATION OF BILLS

Senate File 194

On motion of Senator Redmond, **Senate File 194**, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code", with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis offered amendment S—5104 filed by the committee on commerce and moved its adoption:

S—5104

- 1 Amend Senate File 194 as follows:
- 2 1. Page 1, by striking lines 4 through 8 and
- 3 inserting in lieu thereof the following:
- 4 *NEW PARAGRAPH.* Sales of property or items
- 5 by the licensee which are not for the profit of
- 6 the licensee and which are sold for a price not
- 7 exceeding fifteen dollars."

Amendment S—5104 was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 194) the vote was:

Ayes, 47:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpel	Scott
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines	Ramsey	Winkelman
Griffin			

Nays, none.**Absent or not voting, 3:**

Gallagher	Nolin	Shaff
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 443

On motion of Senator Rodgers, Senate File 443, a bill for an act relating to loans on residential real property by state banks, with report of committee recommending passage, and report of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Bergman offered amendment S—5111 filed by the committee on commerce and moved its adoption:

S—5111

- 1 Amend Senate File 443 as follows:
- 2 1. Page 1, by striking from lines 21 and 22
- 3 the words "the period ending on the date of its
- 4 maturity" and inserting in lieu thereof the words
- 5 "[the period ending on the date of its maturity]".
- 6 2. Page 1, line 25, by inserting after the
- 7 word "[state]" the words "*a period of not more than*
- 8 *thirty years*".

Amendment S—5111 was adopted.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 443) the vote was:

Ayes, 49:

Andersen	Coleman	Gallagher	Heying
Bergman	Culver	Glenn	Hill of Jasper
Briles	Curtis	Gluba	Hill of Polk
Burroughs	DeKoster	Griffin	Hultman
Carr	Doderer	Hansen	Junkins

Kelly	Murray	Rabedeaux	Shaw
Kinley	Nolting	Ramsey	Sovern
Lamborn	Norpel	Redmond	Taylor
Merritt	Nystrom	Robinson	Tieden
Miller of	Orr	Rodgers	Van Gilst
Des Moines	Palmer	Schwengels	Willits
Miller of	Plymat	Scott	Winkelman
Marshall	Priebe	Shaff	

Nays, none.

Absent or not voting, 1:

Nolin

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

Senate File 1132

On motion of Senator Coleman, Senate File 1132, a bill for an act relating to the computation of benefit increases for certain persons retired under the Iowa public employees' retirement system, was taken up for consideration.

Senator Coleman offered amendment S—5118 filed by the committee on state government and moved its adoption:

S—5118

- 1 Amend Senate File 1132 as follows:
- 2 1. Page 1, by striking lines 27 through 29.
- 3 2. Page 1, by inserting after line 26 the
- 4 following: "cation in The Sioux City Journal, a
- 5 newspaper published in Sioux City, Iowa, and in
- 6 the Fort Dodge Messenger, a newspaper published in
- 7 Fort Dodge, Iowa."

Amendment S—5118 was adopted.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1132) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 2:

Hill of Jasper Nolin

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1132 passed the Senate on February 19, 1976.

RAY TAYLOR

CONSIDERATION OF BILLS

Senate File 1133

On motion of Senator Briles, Senate File 1133, a bill for an act allowing inspection stations to issue temporary permits for highway use on restricted title vehicles, was taken up for consideration.

Senator Ramsey offered amendment S—5165 filed by him and moved its adoption:

S—5165

1 Amend Senate File 1133, page 1, by striking
2 lines 10 through 16, and inserting in lieu thereof
3 the following: "set out in section 321.98. *However,*
4 *upon receipt of an affidavit signed by the owner of*
5 *the vehicle stating that the vehicle is reasonably*
6 *safe for operation, an inspection station may issue*
7 *a permit authorizing the owner to operate the vehicle*
8 *to and from a specific inspection station within a*
9 *specific time period and the inspection station may*
10 *designate the route. The affidavit and permit men-*
11 *tioned in this section shall be on forms prescribed*
12 *and furnished by the department which shall forward*
13 *these forms to each county treasurer where they*
14 *shall be made available upon request."*

Senator Redmond took the chair at 4:06 p.m.

Amendment S—5165 was adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1133) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman

Nays, 3:

Hill of Polk	Lamborn	Redmond
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Absent or not voting, 1:

Nolin

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

Senate File 1134

On motion of Senator Doderer, Senate File 1134, a bill for an act to permit either parent to consent to the application of a minor for an operator's license, was taken up for consideration.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1134) the vote was:

Ayes, 35:

Andersen	Heying	Murray	Robinson
Bergman	Junkins	Nolting	Rodgers
Burroughs	Kelly	Norpel	Schwengels
Carr	Kinley	Orr	Scott
Coleman	Merritt	Palmer	Shaff
Culver	Miller of	Plymat	Shaw
Doderer	Des Moines	Priebe	Sovern
Gallagher	Miller of	Rabedeaux	Van Gilst
Gluba	Marshall	Redmond	Willits
Griffin			

Nays, 12:

Curtis	Hansen	Lamborn	Taylor
DeKoster	Hill of Jasper	Nystrom	Tieden
Glenn	Hill of Polk	Ramsey	Winkelman

Absent or not voting, 3:

Briles	Hultman	Nolin
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 744

On motion of Senator Norpel, House File 744, a bill for an act relating to registration of travel trailers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

DEFERRED

Senator Hill of Polk asked and received unanimous consent that further action on **House File 744** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS**Senate File 1139**

On motion of Senator Carr, Senate File 1139, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation, was taken up for consideration.

Senator Carr offered amendment S—5175 and moved its adoption:

S—5175

- 1 Amend Senate File 1139 as follows:
- 2 1. Page 1, line 21 by striking the word "and"
- 3 and inserting in lieu thereof the word "or".
- 4 2. Page 2, line 10, by striking the word "and"
- 5 and inserting in lieu thereof the word "or".

Amendment S—5175 was adopted.

President pro tempore Doderer took the chair at 4:50 p.m.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1139) the vote was:

Ayes, 47:

Andersen	Gallagher	Kinley	Nystrom
Bergman	Glenn	Lamborn	Orr
Briles	Gluba	Merritt	Palmer
Burroughs	Griffin	Miller of	Plymat
Carr	Hansen	Des Moines	Priebe
Coleman	Heying	Miller of	Rabedeaux
Culver	Hill of Jasper	Marshall	Ramsey
Curtis	Hill of Polk	Murray	Redmond
DeKoster	Junkins	Nolting	Robinson
Doderer	Kelly	Norpel	Rodgers

Schwengels
Scott
Shaw

Sovern
Taylor

Tieden
Van Gilst

Willits
Winkelman

Nays, none.

Absent or not voting, 3:

Hultman

Nolin

Shaff

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

DEFERRED

Senator Kinley asked and received unanimous consent that action on **Senate File 1141** be deferred and that the bill retain its place on the calendar.

Senator Kinley asked and received unanimous consent that action on **Senate File 1150** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1151

On motion of Senator Willits, Senate File 1151, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1151) the vote was:

Ayes, 49:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedeaux
Ramsey
Redmond

Robinson
Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 1:

Nolin

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

House File 1003

On motion of Senator Priebe, House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 5:00 p.m.

DEFERRED

Senator Shaw asked and received unanimous consent that further action on **House File 1003** be deferred and that the bill be placed on the calendar under **unfinished business**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1163 Appropriations
- S. F. 1164 Judiciary
- S. F. 1165 Appropriations
- S. F. 1166 Judiciary
- S. F. 1168 Education
- S. F. 1169 Ways and means
- S. F. 1170 Agriculture
- H. F. 1129 Natural resources
- H. F. 1157 State government
- H. F. 1212 State government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Janet A. Johnson of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Board of Parole under the provisions of Section 247.2, Code 1975, for an unexpired term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
CLIFF BURROUGHS

BERL E. PRIEBE
WILLIAM D. PALMER
CALVIN O. HULTMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Julie Zelenka of Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN RODGERS, Chairperson
MINNETTE F. DODERER
W. R. RABEDEAUX
RICHARD R. RAMSEY
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert L. Moore, D.D.S., of Hampton, Franklin County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN RODGERS, Chairperson
HILARIUS L. HEYING
CLOYD E. ROBINSON
ROGER J. SHAFF
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald H. Shaw of Davenport, Scott County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL JUNKINS, Chairperson
CLIFF BURROUGHS
C. JOSEPH COLEMAN
NORMAN RODGERS
DALE TIEDEN

COMMUNICATION

MR. PRESIDENT: I hereby request that I no longer be considered as one of the sponsors of Senate File 106.

NORMAN RODGERS

REPORTS OF COMMITTEES

Senator Orr submitted the following reports:

MR. PRESIDENT: Your committee on education to which was referred **Senate File 1065**, a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on education to which was referred **House File 1044**, a bill for an act relating to fire drills and tornado drills in schools, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **Senate File 1105**, a bill for an act relating to the distribution of monthly aid to dependent children payments, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5173

- 1 Amend Senate File 1105 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "division or" and inserting in lieu thereof the word
- 4 "state".
- 5 2. Page 1, line 5, by striking the word "may"
- 6 and inserting in lieu thereof the following words:
- 7 "shall, no later than January 1, 1977 and".
- 8 3. Page 1, line 7, by inserting after the
- 9 word "bank" the following: ",".
- 10 4. Page 1, line 7 by striking the word "or".
- 11 5. Page 1, line 8, by inserting after the
- 12 word "association" the words ", or credit union".
- 13 6. Page 1, line 11 by striking the words
- 14 "mail assistance checks" and inserting in lieu
- 15 thereof the words "make the assistance payment".
- 16 7. Page 1, line 12 by inserting after the
- 17 word "association" the words ", or credit union".

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 392**, a bill for an act relating to the definition of tax

year for corporation and individual income tax returns, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 504**, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5176

- 1 Amend House File 504, as amended and passed by
- 2 the House, page 1, line 15, by inserting after the
- 3 word "transferred" the words "less any commission,
- 4 fee, salary, or other consideration paid to a real
- 5 estate broker or real estate salesman included in
- 6 the purchase price of the real property".

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5179

- 1 Amend Senate File 356 as follows:
- 2 1. Page 9, line 27, by inserting after the word
- 3 "Code" the following: " , provided that 'improvement'
- 4 as used in this section means an improvement as de-
- 5 fined in section one (1), subsection two (2) of this
- 6 Act, not a 'public improvement' as defined in sec-
- 7 tion three hundred eighty-four point ninety-five
- 8 (384.95) of the Code".
- 9 2. Page 11, line 9 by inserting after the word
- 10 "Code" the following: " , provided that 'improvement'
- 11 as used in this section means an improvement as
- 12 defined in section one (1), subsection two (2)
- 13 of this Act, not a 'public improvement' as defined
- 14 in section three hundred eighty-four point ninety-
- 15 five (384.95) of the Code".

JAMES W. GRIFFIN, SR.

S—5174

- 1 Amend Senate File 1086 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following: "*Reasonable rules may be prescribed*
- 4 *relating to strength, agility, and general health*
- 5 *of applicants.*"

MINNETTE DODERER

S—5182

1 Amend Senate File 1123 as follows:

2 1. Page 2, by inserting after line 32 the follow-
3 ing section:

4 "Sec. Section ninety-six point five (96.5),
5 subsection one (1), Code 1975, as amended by Acts of
6 the Sixty-sixth General Assembly, 1975 Session, chapter
7 ninety-two (92), section seven (7), is amended by
8 striking paragraph h."

9 2. Page 3, line 6, by inserting after the word
10 "any." the following: "The department shall, if
11 possible, furnish each claimant with the names of
12 three employers to which the claimant shall apply
13 for employment. If the claimant does not apply as
14 directed and receive the signatures of the employers
15 upon forms furnished by the department the claimant
16 shall be disqualified for benefits until requalified.
17 A claimant shall obtain the signatures of the employers
18 with whom applications are made to be eligible for
19 benefits. To requalify for benefits terminated under
20 this provision the claimant shall earn, subsequent to
21 disqualification, an amount not less than nine times
22 the claimant's weekly benefit amount, provided the
23 claimant is otherwise eligible."

CALVIN O. HULTMAN
W. R. RABEDEAUX
CLIFTON C. LAMBORN
RAY TAYLOR

S—5181

1 Amend Senate File 1123 as follows:

2 1. Page 4, by striking lines 20 through 34.

3 2. Page 5, by striking lines 1 through 26 and in-
4 serting in lieu thereof the following:

5 "4. APPEAL BOARD. To hear and decide disputed
6 claims, there is established an appeal board. The
7 appeal board shall consist of five members appointed
8 by the governor with the approval of two-thirds of
9 the members of the senate. One member shall be a
10 representative of employers who employ persons who
11 are not affiliated with a labor union, organization,
12 or association; one member shall be a representative
13 of employers who employ persons who are affiliated
14 with a labor union, organization, or association;
15 one member shall be a representative of employees
16 who are affiliated with a labor union, organization,
17 or association; one member shall be a representative
18 of employees who are not affiliated with a labor union,
19 organization, or association; and one member who shall
20 be impartial and shall represent the general public.
21 The members shall serve six-year terms beginning on
22 July first. For the initial board, the governor shall
23 appoint one member representing employers and one mem-
24 ber representing employees to a two-year term, one

25 member representing employers and one member represent-
26 ing employees to a four-year term, and the member
27 representing the general public to a six-year term.
28 No more than three members of the appeal board shall
29 be members of the same political party. Any vacancy
30 in the membership occurring during a session of the
31 general assembly shall be filled in the same manner
32 as the original appointment. Any vacancy in the
33 membership occurring while the general assembly is
34 not in session shall be filled by appointment by the
35 governor which appointment shall expire thirty days
36 after the general assembly next convenes. Within
37 the thirty-day period, the governor shall transmit
38 an appointment to the senate.

39 The members of the appeal board shall select a
40 chairperson and vice chairperson from their member-
41 ship.

42 The appeal board shall meet as often as deemed nec-
43 essary, but not less than one time per month. Meetings
44 shall be set by a majority of the appeal board or upon
45 the call of the chairperson and vice chairperson.

46 Members of the appeal board shall be paid forty
47 dollars per day for each day of official business of
48 the appeal board and shall receive actual and necessary
49 expenses, including travel, from funds appropriated to
50 the department."

CALVIN O. HULTMAN
W. R. RABEDEAUX
CLIFTON C. LAMBORN

S—5180

1 Amend Senate File 1123 as follows:

2 1. Page 18, by striking lines 30 through 35.

3 2. Page 19, by striking lines 1 through 35.

4 3. Page 20, by striking lines 1 through 35.

5 4. Page 21, by striking lines 1 through 24.

6 5. Page 28, line 14, by striking the word and
7 letter "paragraph b,".

8 6. Page 28, line 16, by inserting after the figure
9 "(97B.7)," the words, figure and letters "subsection
10 two (2), paragraphs b, c, d, e, and f and".

11 7. Page 28, line 16, by inserting after the figure
12 "(3);", the words and figures "ninety-seven B point
13 eight (97B.8);".

CALVIN O. HULTMAN
W. R. RABEDEAUX

S—5178

1 Amend Senate File 1123 as follows:

2 1. Page 19, by inserting after line 1 the following
3 section:

4 "Sec. Section ninety-seven B point seven
5 (97B.7), subsection two (2), paragraph b, unnumbered
6 paragraph one (1), Code 1975, is amended to read as

7 follows:

8 Invest such portion of said trust funds as in the
9 judgment of the [commission] *department* are not needed
10 for current payment of benefits under this chapter
11 in interest-bearing securities issued by the United
12 States, or interest-bearing bonds issued by the state
13 of Iowa, or bonds issued by counties, school districts
14 or general obligations or limited levy bonds issued
15 by municipal corporations in this state as authorized
16 by law, or other investments authorized for life
17 insurance companies in this state including common
18 stocks issued or guaranteed by a corporation created
19 or existing under the laws of the United States or
20 any state, district, or territory thereof. *The*
21 *treasurer of state may employ investment consultants*
22 *for assistance in investment. Investment is subject*
23 *to the following restrictions:"*

24 2. Page 28, line 13, by striking the word "ninety-
25 seven".

26 3. Page 28, by striking line 14.

27 4. Page 28, line 15, by striking the words and
28 figure "unnumbered paragraph one (1);".

29 5. By renumbering sections as necessary.

EUGENE M. HILL

S—5177

1 Amend the Hill of Jasper amendment, S—5133, to
2 Senate File 1123, as follows:

3 1. Page 1, by inserting after line 1, the following
4 amendment:

5 "..... Page 19, by inserting after line 1 the
6 following section:

7 'Sec. Section ninety-seven B point seven
8 (97B.7), subsection two (2), paragraph b, unnumbered
9 paragraph one (1), Code 1975, is amended to read as
10 follows:

11 Invest such portion of said trust funds as in the
12 judgment of the [commission] *department* are not needed
13 for current payment of benefits under this chapter
14 in interest-bearing securities issued by the United
15 States, or interest-bearing bonds issued by the state
16 of Iowa, or bonds issued by counties, school districts
17 or general obligations or limited levy bonds issued
18 by municipal corporations in this state as authorized
19 by law, or other investments authorized for life
20 insurance companies in this state including common
21 stocks issued or guaranteed by a corporation created
22 or existing under the laws of the United States or
23 any state, district, or territory thereof. *The*
24 *treasurer of state may employ investment consultants*
25 *under the direction of the investment board for*
26 *assistance in investment. Investment is subject to*
27 *the following restrictions:"*

28 2. Page 2, by inserting after line 5 the following
29 amendments:

- 30 "..... Page 28, line 13, by striking the word
31 'ninety-seven'.
32 Page 28, by striking line 14.
33 Page 28, line 15, by striking the words and
34 figure 'unnumbered paragraph one (1)';.
35 By renumbering sections as necessary."
36 3. By renumbering amendments as necessary.

EUGENE M. HILL

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:20
p.m., until 9:30 a.m., Friday, February 20, 1976.

JOURNAL OF THE SENATE

FORTIETH DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, FEBRUARY 20, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Robert Lemmerman, pastor of the Nashua United Methodist Church, Nashua, Iowa.

The Journal of Thursday, February 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Seidler, Jr., Jamaica, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Redmond for the day, Senator Sovern for the day and Senator Junkins for the day on request of Senator Kinley; Senator Rabedaux for the day on request of Senator Griffin.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty-seven students, members of the Linn County 4-H Club, accompanied by Tom McCormack. Senator Robinson.

Thirty-two students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by their instructors, Miss Genoar and Mrs. Kraus. Senator Hill of Polk.

PETITION

The following petition was presented and placed on file:

By Senator Doderer from one thousand six hundred sixty residents of the Wider Iowa City Community, Johnson County, protesting against street and highway proposals in the area, supporting a mass transit system as an alternative and requesting a referendum on any street-widening projects.

INTRODUCTION OF BILLS

Senate File 1185, by Senator Hansen, a bill for an act relating to elementary and secondary education providing for changes in the state foundation base and changes in the computation of the state percent of growth.

Read first time and **passed on file**.

Senate File 1186, by Senator Gluba, a bill for an act relating to membership in the Iowa public employees' retirement system.

Read first time and **passed on file**.

Senate File 1187, by Senator Nolting, a bill for an act relating to placement of a person's social security number on certain documents.

Read first time and **passed on file**.

Senate File 1188, by Senator Nolting, a bill for an act relating to the failure to return bailed or leased personal property at the time specified in a written agreement and providing penalties.

Read first time and **passed on file**.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Briles called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James R. Van Denover, Oelwein, Fayette County, Iowa, for appointment to the State Board of Watchmaking Examiners for an initial term under the provisions of Section 120.3, 1975 Code of Iowa, beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
ROBERT M. CARR
WARREN E. CURTIS
HILARIUS L. HEYING
EUGENE M. HILL

The motion prevailed and the report was adopted.

Senator Briles moved the appointment of James R. Van Denover as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Miller of	Schwengels
Burroughs	Hansen	Marshall	Scott
Carr	Heying	Murray	Shaff
Coleman	Hill of Jasper	Nolting	Shaw
Culver	Hill of Polk	Norpel	Taylor
Curtis	Hultman	Nystrom	Tieden
DeKoster	Kinley	Orr	Van Gilst
Doderer	Lamborn	Palmer	Willits
Gallagher	Merritt	Priebe	Winkelman

Nays, none.

Absent or not voting, 8:

Junkins	Nolin	Rabedaux	Robinson
Kelly	Plymat	Redmond	Sovern

President Neu declared the appointment of James R. Van Den-over as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1977.

Senator Briles called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carolyn Tufty, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Dental Examiners for an initial term under the provisions of Section 147.12, 1975 Code of Iowa, beginning July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
WILLARD R. HANSEN
JOAN ORR
JAMES M. REDMOND
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Briles moved the appointment of Carolyn Tufty as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Culver	Gluba	Hultman
Bergman	Curtis	Griffin	Kinley
Briles	DeKoster	Hansen	Lamborn
Burroughs	Doderer	Heying	Merritt
Carr	Gallagher	Hill of Jasper	Miller of
Coleman	Glenn	Hill of Polk	Des Moines

Miller of	Orr	Rodgers	Taylor
Marshall	Palmer	Schwengels	Tieden
Murray	Plymat	Scott	Van Gilst
Nolting	Priebe	Shaff	Willits
Norpel	Ramsey	Shaw	Winkelman
Nystrom			

Nays, none.

Absent or not voting, 7:

Junkins	Nolin	Redmond	Sovern
Kelly	Rabedaux	Robinson	

President Neu declared the appointment of Carolyn Tufty as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1976.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Also: That the House has on February 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1245, a bill for an act to legalize and validate the proceedings of the city of Ames.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1062

S—5183

- 1 Amend Senate File 1062, 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. DEFINITIONS.
- 6 1. "Base years" means the preceding fiscal year.
- 7 2. "Political subdivision" means a city, county,
- 8 school corporation or any other local public body
- 9 or corporation that has the power to levy or certify
- 10 a property tax or sum of money to be collected by
- 11 property taxation.
- 12 3. "Allowable growth guideline" means an increase
- 13 in the proposed expenditures in the total budget or
- 14 the property tax budget of a political subdivision
- 15 for a fiscal year equal to seven percent of the pro-

16 posed expenditures in the certified total budget or
17 the property tax budget of such political subdivision
18 for the base year.

19 4. "Total budget" means the budget including
20 amendments for all funds or programs of a political
21 subdivision, excluding the amount of moneys collected
22 or received from property taxes and other sources
23 for the paying of interest and principal on any
24 indebtedness authorized by law and the budget of a
25 school corporation subject to limitation under chapter
26 four hundred forty-two (442) of the Code, and the amount
27 of anticipated receipts to and expenditures from
28 these funds from federal moneys, but including that
29 part of the budget provided for under section
30 two hundred seventy-eight point one (278.1), subsection
31 seven (7), of the Code.

32 5. "Property tax budget" means that part of the
33 total budget to be derived from property taxation.

34 6. "Person" means eligible elector as defined
35 in section thirty-nine point three (39.3) of the Code.

36 Sec. 2. BUDGET PROCESS—NOTICE AND PUBLIC HEAR-
ING.

37 In addition to the requirements of chapters twenty-
38 four (24) and three hundred eighty-four (384), division
39 two (II), of the Code relating to the publication
40 of notice and public hearing on a budget of a political
41 subdivision, the public notice of a hearing on a total
42 budget shall include the following information:

43 1. The percentage and the dollar amount increase
44 or decrease for the total budget and the property
45 tax budget of the political subdivision.

46 2. The percentage and the dollar amount increase
47 or decrease of each fund included in the proposed
48 total budget and the property tax budget.

49 3. A statement showing the allowable growth
50 guideline established by the general assembly and

Page 2

1 the dollar amount of increase represented by such
2 guideline for the proposed total budget and the
3 property tax budget of the political subdivision.

4 4. A statement of the major reasons for the
5 proposed increases in the proposed total budget and
6 the property tax budget.

7 5. A comparison of the percentages and dollar
8 amounts proposed to be expended with the percentages
9 and dollar amounts expended or proposed to be
10 expended during the current fiscal year as amended
11 to the date of publication which information shall
12 be displayed in the publication in the form of a
13 pie graph. The graphs shall be prepared for both
14 fiscal years with one pie graph for each fiscal
15 year showing the sources of anticipated revenue and
16 one pie graph for each fiscal year showing the
17 proposed budget expenditures by category of services.

18 The provisions of this section shall not apply

19 to publication of notice for a hearing on a total
20 budget for the fiscal year beginning July 1, 1976
21 required under section twenty-four point nine (24.9)
22 or three hundred eighty-four point sixteen (384.16)
23 of the Code if the notice of hearing has been pub-
24 lished before the effective date of this Act except
25 that this provision shall not exempt a political
26 subdivision from publishing the additional notice as
27 is required under section three (3) of this Act in
28 the form required under this section when the political
29 subdivision exceeds the allowable growth guideline
30 provided by this Act. This section shall apply to
31 any other notice for a hearing on a total budget or
32 amendment to a total budget required by this Act
33 or other provision of law for the fiscal years
34 beginning July 1, 1976 and July 1, 1977.

35 **Sec. 3. ALLOWABLE GROWTH GUIDELINE EXCEEDED—**
36 **ADDITIONAL PUBLIC HEARING.** If a political subdivision
37 approves a total budget or property tax budget which
38 exceeds the allowable growth guideline following
39 the public hearing required under chapter twenty-four
40 (24) or three hundred eighty-four (384), division
41 two (II), of the Code, the governing body of such
42 political subdivision shall withhold certification
43 of such total budget to the county auditor for at
44 least seven days following such approval. If, during
45 the seven days following approval of the budget, a
46 valid petition signed by at least five persons who
47 are residents of a political subdivision having a
48 population of one hundred persons or less, at least
49 ten persons who are residents of a political
50 subdivision having a population of more than one

Page 3

1 hundred but not more than five hundred persons, or
2 at least twenty-five persons who are residents of
3 a political subdivision having a population of
4 more than five hundred persons, is filed with the
5 governing body of a political subdivision re-
6 questing another public hearing, the governing body
7 shall publish notice of and conduct such public
8 hearing not later than April fifth. The date, time
9 and location of the public hearing and the informa-
10 tion required to be published under section two (2)
11 of the Act, shall be published in a newspaper having
12 general circulation throughout the political sub-
13 division not less than five days before the date
14 specified for such hearing. In the case of a city
15 having a population of two hundred or less, a
16 publication may be made as provided in section
17 three hundred sixty-two point three (362.3), sub-
18 section two (2), of the Code. Thereafter, the total
19 budget shall be approved and certified, with or
20 without changes that may be made after the hearings,
21 to the county auditor not later than April fifth.

22 **Sec. 4. EXCEPTION TO DATES FOR BUDGET APPEAL.**

23 Notwithstanding sections twenty-four point twenty-
24 seven (24.27) through twenty-four point thirty-two
25 (24.32), inclusive, and three hundred eighty-four
26 point nineteen (384.19) of the Code, persons affected
27 by a certified total budget or a property tax budget
28 of a political subdivision which has exceeded the
29 allowable growth guideline, shall have ten days
30 following certification of such budget to file a
31 petition to appeal to the state appeal board. All
32 other time limitations or dates specified in sections
33 twenty-four point twenty-seven (24.27) through twenty-
34 four point thirty-two (24.32), inclusive, and three
35 hundred eighty-four point nineteen (384.19) of the
36 Code shall be correspondingly changed or extended
37 to allow the same amount of time for the protest
38 hearing and the decision of the state board that would
39 exist had the appeal to the state appeal board been
40 filed as provided in section twenty-four point twenty-
41 seven (24.27) or three hundred eighty-four point
42 nineteen (384.19) of the Code.

43 Sec. 5. PROPERTY TAX CARRYOVER. If a political
44 subdivision adopts a total budget for the fiscal year
45 beginning July 1, 1976 and ending June 30, 1977, which
46 does not include an increase in the amount of the
47 property tax levy computed in dollars which exceeds
48 or is equal to the allowable growth guideline allowed
49 under the provisions of this Act, the political
50 subdivision may levy property taxes for the succeeding

Page 4

1 fiscal year in excess of the allowable growth guide-
2 line provided by this Act and be exempt from the
3 provisions of section three (3) of this Act. However,
4 the exemption from the requirements of section three
5 (3) of this Act shall only be applicable if the
6 additional property tax levy does not raise in
7 dollars an amount which exceeds the allowable growth
8 guideline for the succeeding fiscal year and the
9 difference between the amount in dollars which the
10 political subdivision levied during the base year
11 and the amount in dollars which the political sub-
12 division could have levied during that year under
13 the allowable growth guideline.

14 Sec. 6. DUTIES OF STATE COMPTROLLER. As soon as
15 practicable after the effective date of this Act,
16 the state comptroller shall give notice of the re-
17 quirements of this Act and distribute such forms
18 as required to the governing bodies of the political
19 subdivision of this state.

20 Sec. 7. PROPERTY TAX LEVY LIMITATIONS NOT
AFFECTED.

21 The provisions of this Act shall not be construed
22 as removing or otherwise affecting the property tax
23 levy limitations otherwise provided by law for any
24 fund, account, or program in the total budget of a
25 political subdivision.

26 Sec. 8. BUDGET APPEAL NOT AFFECTED. The provisions
27 of this Act shall not be construed to prohibit or
28 affect a protest filed with the state appeal board
29 against a total budget which has not equaled or
30 exceeded the allowable growth guideline provided for
31 in this Act.

32 Sec. 9. SPECIAL CHARTERED CITIES. It is the
33 intention of the general assembly that the provisions
34 of this Act shall apply to special chartered cities.
35 The state appeal board may adopt such rules relating
36 to budget forms and procedures as the state appeal
37 board deems necessary to carry out the provisions
38 of this Act regarding special chartered cities.

39 Sec. 10. BUDGETS AFFECTED. The provisions of
40 this Act shall apply to the budgets of a political
41 subdivision for the fiscal years beginning July 1,
42 1976 and July 1, 1977.

43 Sec. 11. This Act, being deemed of immediate
44 importance, shall take effect and be in force from
45 and after its publication in the Quad-City Times,
46 a newspaper published in Davenport, Iowa, and in the
47 Ida County Pioneer-Record, a newspaper published
48 in Ida Grove, Iowa.

49 2. Amend the title, lines 1 through 3, by striking
50 the words "to provide budget limitations for

Page 5

1 certain political subdivisions of the state and to
2 impose an income surtax by referendum for certain
3 budget expenditures" and inserting in lieu thereof
4 the words "establishing budget hearing procedures
5 and budget expenditure guidelines for political
6 subdivisions of this state".

INTRODUCTION OF BILLS

Senate File 1189, by Senator Taylor, a bill for an act prohibiting full-time state employees from receiving per diem in addition to the compensation from their employing agency for service on committees, boards, commissions or similar duty.

Read first time and passed on file.

Senate File 1190, by committee on appropriations, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation.

Read first time and placed on calendar.

Senate File 1191, by committee on appropriations, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department.

Read first time and placed on calendar.

Senate File 1192, by committee on appropriations, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1245, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1173 Judiciary
- S. F. 1174 State government
- S. F. 1175 Judiciary
- S. F. 1176 County government
- S. F. 1177 Judiciary
- S. F. 1178 Judiciary
- S. F. 1180 Appropriations
- S. F. 1181 Judiciary
- S. F. 1182 Ways and means
- S. F. 1183 Agriculture
- S. F. 1184 County government

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 20, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

H. F. 24—Relating to public pay toilets and providing a penalty.

H. F. 243—Relating to absences of public employees for medically-related disability.

H. F. 786—Relating to the reporting of accidents involving the transportation of hazardous materials.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1005

Rules and
Administration
Palmer, Chairperson
Van Gilst
Rabedeaux

Senate File 158

Ways and Means
Culver, Chairperson
Van Gilst
Taylor

Senate File 183

Ways and Means
Van Gilst, Chairperson
Shaff
Nolting
Gluba
Lamborn

Senate File 212

Ways and Means
Culver, Chairperson
Van Gilst
Taylor

Senate File 279

Ways and Means
Van Gilst, Chairperson
Shaff
Nolting
Gluba
Lamborn

Senate File 384

Ways and Means
Culver, Chairperson
Van Gilst
Taylor

Senate File 1004

Ways and Means
Van Gilst, Chairperson
Shaff
Nolting
Gluba
Lamborn

Senate File 1061

Transportation
Gallagher, Chairperson
Norpel
Coleman

Senate File 1076

Agriculture
Burroughs,
Chairperson
Shaff
Scott

Senate File 1100

Appropriations
Van Gilst, Chairperson
Willits
Bergman

Senate File 1104

Appropriations
Hill of Jasper,
Chairperson
Robinson
Plymat

Senate File 1105

Human Resources
Gluba, Chairperson
Hill of Jasper
Orr

Senate File 1107

Labor and Industrial
Relations
DeKoster, Chairperson
Nolting
Redmond

Senate File 1108

Labor and Industrial
Relations
DeKoster, Chairperson
Nolting
Redmond

Senate File 1110

Ways and Means
Hill of Jasper,
Chairperson
Van Gilst
Taylor

Senate File 1112

Ways and Means
Van Gilst, Chairperson
Shaff
Nolting
Gluba
Lamborn

Senate File 1113

Human Resources
Miller of Des Moines,
Chairperson
Hill of Polk
Sovern

Senate File 1115

Human Resources
Sovern, Chairperson
Miller of Des Moines
Plymat

Senate File 1117

Ways and Means
Van Gilst, Chairperson
Shaff
Nolting
Gluba
Lamborn

Senate File 1118

State Government
Coleman, Chairperson
Nolin
Winkelman

Senate File 1121

State Government
Coleman, Chairperson
Nolin
Miller of Marshall

Senate File 1128

Human Resources
Gluba, Chairperson
Palmer
Plymat

Senate File 1129

Labor and Industrial
Relations
DeKoster, Chairperson
Nolting
Redmond

Senate File 1130

Appropriations
Education

Senate File 1131

Judiciary
Willits, Chairperson
DeKoster
Ramsey

Senate File 1135 Education Willits, Chairperson Merritt Plymat	Senate File 1148 Appropriations Hill of Jasper, Chairperson Junkins Bergman	Senate File 1160 Ways and Means Junkins, Chairperson Nolting Taylor
Senate File 1136 Ways and Means Nolting, Chairperson Culver Taylor	Senate File 1149 Appropriations Junkins, Chairperson Robinson Andersen	Senate Concurrent Resolution 103 Rules and Administration Kinley, Chairperson Van Gilst Lamborn
Senate File 1137 Ways and Means Nolting, Chairperson Culver Taylor	Senate File 1152 Commerce Gallagher, Chairperson Glenn Rabedeaux	Senate Concurrent Resolution 104 Rules and Administration Van Gilst, Chairperson Junkins Lamborn
Senate File 1138 Commerce Bergman, Chairperson Priebe Rodgers	Senate File 1153 Judiciary Kelly, Chairperson Doderer Rodgers	House File 836 Judiciary Coleman, Chairperson Shaw Miller of Des Moines
Senate File 1140 Appropriations Education	Senate File 1154 Appropriations Orr, Chairperson Priebe DeKoster	House File 1003 Agriculture Priebe, Chairperson Merritt Tieden
Senate File 1143 Judiciary Doderer, Chairperson Coleman Hill of Polk	Senate File 1155 State Government Redmond, Chairperson Doderer Miller of Marshall	House File 1141 Appropriations Natural Resources
Senate File 1146 Commerce Rodgers, Chairperson Junkins Briles	Senate File 1156 Human Resources Scott, Chairperson Orr Ramsey	House File 1142 Appropriations Human Resources
Senate File 1147 State Government Redmond, Chairperson Glenn Winkelman	Senate File 1159 Ways and Means Rodgers, Chairperson Junkins Curtis	House File 1218 Appropriations Education

REPORTS OF COMMITTEE

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1081**, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 1142, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5186

1 Amend Senate File 1042 as follows:

2 1. Page 1, by striking lines 1 through 31 and in-
3 serting in lieu thereof the following:

4 "Section 1. Section three hundred twenty-four
5 point sixteen (324.16), Code 1975, is amended to read
6 as follows:

7 324.16 CREDIT TO LICENSEE—NONMOTOR VEHICLE OR
8 WATERCRAFT USE—CASUALTY LOSSES—NONTAXABLE
PRODUCTS—

9 —REFUNDS. A licensee having received motor fuel or
10 special fuel which thereafter (1) he uses for any
11 purpose other than as fuel for propelling motor ve-
12 hicles or watercraft [or], (2) while owned by him is
13 lost or destroyed through accountable leakage or
14 through fire, accident, lightning, flood, storm, act
15 of war or public enemy or other like cause[,] or (3)
16 *he uses fuel in a manner which would entitle him to*
17 *receive a refund under the provisions of section three*
18 *hundred twenty-four point seventeen (324.17) of the*
19 *Code if a person other than a licensee, shall upon*
20 application to the department of revenue supported
21 by two notarized affidavits covering circumstances
22 of loss as proof, be entitled to a memorandum of
23 credit which he may apply against subsequent liability
24 under this chapter, or, if an applicant having paid
25 the tax on the gallonage covered in the application
26 is no longer engaged in activity for which his license
27 was issued, the department of revenue shall refund
28 the appropriate amount to the applicant.

29 Sec. 2. Section three hundred twenty-four point
30 seventeen (324.17), unnumbered paragraph one (1),
31 Code 1975, is amended to read as follows:

32 Any person other than a licensee *as defined in*
33 *this chapter* who shall use motor fuel or special fuel
34 for the purpose of operating or propelling farm
35 tractors, or corn shellers, roller mills, [truck-mounted]
36 and feed grinders *whether mounted on a truck or self-*
37 *propelled, truck-mounted cement mixers, stationary*
38 *gas engines, aircraft, for cleaning or dyeing or for*
39 *any purpose other than in watercraft or in motor*

40 vehicles operated or intended to be operated upon
41 the public highways and having paid the motor fuel
42 tax on the fuel either directly to the department
43 of revenue or by having the tax added to the price
44 of the fuel, and who has a refund permit shall, upon
45 presentation to and approval by the department of
46 revenue of a claim for refund be reimbursed and repaid
47 the amount of the tax which the claimant has paid
48 on the gallonage so used. Every claim filed subsequent
49 to July [4, 1957] 1, 1976, shall be subject to the
50 following conditions:

Page 2

1 Sec. 3. Section three hundred twenty-four point
2 seventeen (324.17), subsection twelve (12), Code 1975,
3 is amended to read as follows:

4 12. Refund may also be made on special fuel taxes
5 paid on fuel consumed in the operation of corn shel-
6 lers, roller mills and feed grinders *whether* mounted
7 on trucks *or self-propelled and truck-mounted cement*
8 *mixers* under the same conditions as provided by law
9 for refunds on motor vehicle fuel.

10 Sec. 4. Section three hundred twenty-four point
11 seventeen (324.17), Code 1975, is amended by adding
12 the following new subsection:

13 **NEW SUBSECTION.**

14 a. The amount of fuel for which a fuel tax refund
15 may be claimed each month under the provisions of
16 this section shall be computed to be equal to the
17 difference between the invoiced gallons used in the
18 vehicle and the gallonage used in the vehicle for
19 transportation. For the purpose of this section 'gal-
20 lonage used in the vehicle for transportation' shall
21 be equal to one gallon for every three point six miles
22 traveled by a vehicle propelled by motor fuel and
23 one gallon for every four point seven miles traveled
24 by a vehicle propelled by special fuel.

25 b. Persons seeking refunds under this subsection
26 shall file on forms provided by the department which
27 shall require monthly dated odometer readings for
28 each vehicle for which a refund is claimed and shall
29 indicate the total miles traveled in the preceding
30 month for which the fuel tax is claimed.

31 c. Record for invoiced fuel purchased upon which
32 a refund is claimed and monthly dated odometer read-
33 ings on all vehicles for which a refund is claimed
34 shall be maintained by the person and open to inspec-
35 tion by agents of the department for a period of three
36 years from the date of claim. A violation of this
37 paragraph shall terminate the privilege to receive
38 a refund under this chapter.

39 Sec. 5. Section three hundred twenty-four point
40 eighteen (324.18), Code 1975, is amended to read as
41 follows:

42 324.18 REFUND PERMIT. No person may claim a
43 refund under section 324.17 until he shall have
44 obtained a refund permit from the department of revenue
45 and paid the fee therefor. A special permit shall
46 be obtained by applicants claiming a refund under
47 the provisions of this chapter on account of motor
48 fuel or special fuel used for the purpose of operating
49 aircraft. Application for a refund permit shall be
50 made to the department of revenue on a form provided

Page 3

1 by the department of revenue, shall be certified by
2 the applicant under penalty for false certificate
3 and shall contain among other things, the name, the
4 address and occupation of the applicant, the nature
5 of his business and a sufficient description for
6 identification of the machines and equipment in which
7 is to be used motor fuel or special fuel for which
8 refund may be claimed under the permit. Each permit
9 shall bear a separate number and each claim for refund
10 shall bear the number of the permit under which it
11 is made. The department of revenue shall keep a per-
12 manent record of all permits issued and a cumulative
13 record of the amount of refund claimed and paid under
14 each. A fee of one dollar shall be collected by the
15 department of revenue from each person to whom a
16 refund permit is issued. A refund permit shall
17 continue in effect until revoked as hereinafter pro-
18 vided or until the claimant shall have moved from
19 the county with which his refund permit is identified."

RICHARD J. NORPEL, SR.

S-5185

1 Amend Senate File 1141 as follows:

2 1. Page 2, line 25, by striking the word "An"
3 and inserting in lieu thereof the figure and word
4 "1. An".

5 2. Page 2, line 28, by striking the figure "1"
6 and inserting in lieu thereof the letter "a".

7 3. Page 2, line 32, by striking the figure "2"
8 and inserting in lieu thereof the letter "b".

9 4. Page 3, line 1, by striking the figure "3"
10 and inserting in lieu thereof the letter "c".

11 5. Page 3, line 2, by striking the figure "4"
12 and inserting in lieu thereof the letter "d".

13 6. Page 3, by inserting after line 5 the following:

14 "2. Notwithstanding the provisions of subsec-
15 tion one (1) of this section, any person who com-
16 pletes the application form prescribed by the board and
17 who submits satisfactory proof of having practiced
18 cosmetology in another state for at least twelve
19 months in the twenty-four month period preceding the
20 submission of the application shall be allowed to
21 take the examination for a license to practice

22 cosmetology. However, the examination requirement
23 shall be waived for those persons who submit evidence
24 of licensure in another state together with proof
25 of graduation from a school of cosmetology in the
26 state in which the person was licensed."

27 7. Page 3, line 25, by inserting after the word
28 "process" the words "indicating that the applicant
29 has successfully completed the special course,".

30 8. Page 6, line 15, by striking the word "It"
31 and inserting in lieu thereof the figure and word
32 "1. It".

33 9. Page 6, by inserting after line 27 the
34 following:

35 "2. If the owner or manager of a beauty salon
36 does not comply with the sanitary rules adopted under
37 the provisions of section six (6) of this Act or fails
38 to maintain the beauty salon as prescribed by rules
39 of the state department of health, the department
40 may notify the owner or manager in writing of the
41 failure to comply. If the rules are not complied
42 with within five days after receipt of the written
43 notice by the owner or manager, the department shall
44 in writing order the beauty salon closed until the
45 rules are complied with. It is unlawful for a person
46 to practice cosmetology in a shop which has been
47 closed under the provisions of this section. The
48 county attorney in each county shall assist the depart-
49 ment in enforcing the provisions of this section."

50 10. Page 10, line 8, by inserting after the word

Page 2

1 "barbering." the words "However, the examination
2 requirement shall be waived for those persons who
3 submit evidence of licensure in another state together
4 with proof of graduation from a barber school in the
5 state in which the person was licensed."

6 11. Page 10, lines 32 and 33, by striking the
7 words "Barbering shall not be practiced in the living
8 quarters of any person." and inserting in lieu thereof
9 the words "Subject to local zoning ordinances, a
10 barbershop may be established in a residence if a
11 room other than the living quarters is equipped for
12 that purpose."

13 12. Page 11, line 12, by inserting after the word
14 "board." the words "Any person employed as a barbering
15 instructor in a licensed barber school shall be a
16 licensed barber and shall possess a separate
17 instructor's license which shall be renewed annually.
18 An instructor shall file an application with the
19 department on forms prescribed by the board."

20 13. Page 12, by striking lines 22 through 35.

21 14. Page 13, by striking lines 1, 2, and 3.

22 15. By renumbering sections as necessary.

PHILIP B. HILL

S—5184

- 1 Amend Senate File 1141 as follows:
- 2 1. Page 10, line 4 by inserting after the
- 3 word "board" the word "and".

PHILIP B. HILL

S—5187

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 2, by inserting after line 14 the following
- 3 section:
- 4 "Sec. Chapter three hundred twenty-one (321),
- 5 Code 1975, is amended by adding the following new
- 6 section:
- 7 **NEW SECTION. COLORED PHOTOGRAPH—PROCEDURES.**
- 8 The department shall in issuing licenses, permits
- 9 and nonoperator's identification cards bearing a
- 10 colored photograph of the licensee, permittee or card
- 11 holder use such processes that prevent to the maximum
- 12 extent possible, the alteration or reproduction of
- 13 the license, permit or card including the ability
- 14 to superimpose a photograph on a license, permit or
- 15 card without ready detection."
- 16 2. By renumbering the remaining sections and
- 17 correcting internal references in accordance with
- 18 this amendment.

RICHARD J. NORPEL, SR.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 11:35 a.m., until 10:00 a.m., Monday, February 23, 1976.

JOURNAL OF THE SENATE

FORTY-THIRD DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, FEBRUARY 23, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Frederick Bahning, pastor of the Sacred Heart Church, Monticello, Iowa.

The Journal of Friday, February 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Kuncaitis, Resident, Broadlawns General Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Gallagher for the morning session and Senator Junkins for the morning session on request of Senator Kinley; Senator Rabedeaux for the day on request of Senator Griffin.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from Garton Elementary School, Des Moines, Iowa, accompanied by Mrs. Bolton. Senator Palmer.

PETITIONS

The following petitions were presented and placed on file:

By Senator Rodgers from thirty-four residents of Dallas and Polk Counties favoring Senate File 67 which would regulate the practice of massage.

By Senator Hill of Polk from thirty-two residents of Polk, Johnson and Warren Counties favoring Senate File 67 which would regulate the practice of massage.

By Senator Tieden from twenty-four residents of Allamakee County in favor of maintaining the Employment Security Commission in its present organizational structure.

By Senator Briles from sixty-six residents of Union County opposing Senate File 1166 relating to the possession and use of firearms and dangerous weapons.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

SPECIAL PRESENTATION

Senator Coleman appeared on the rostrum and presented to the Senate Mr. Francis Sarcone, Postmaster, Des Moines, Iowa, who announced that in legislatures across the nation today, the United States Postal Service was distributing commemorative thirteen-cent bicentennial stamps. He further noted that this is the first time in the history of the postal service that each stamp on a sheet of fifty is different. These fifty stamps depict the flags of the individual states arranged in the order of their admission to the Union. Mr. Ronald Carter, Supervisor of Mail for all state offices, informed the Senate that the stamps would be on sale at 11:00 a.m., Monday, and available upon request.

Mr. Robert Dillon, Chairman of the Iowa American Revolution Bicentennial Commission, presented a sheet of the commemorative stamps to President pro tempore Doderer, who accepted the gift on behalf of the Senate.

CONSIDERATION OF BILLS

House File 392

On motion of Senator Curtis, House File 392, a bill for an act relating to the definition of tax year for corporation and individual income tax returns, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis offered amendment S—5189 and moved its adoption:

S—5189

- 1 Amend House File 392, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 21 the fol-
- 4 lowing new sections:

- 5 "Sec. The provisions of this Act are effective
 6 December 14, 1975 for all tax years ending on or after
 7 December 14, 1975 and to this extent the provisions
 8 of this Act are retroactive.
 9 Sec. This Act, being deemed of immediate
 10 importance, shall take effect and be in force from
 11 and after its publication in the Dallas County News,
 12 a newspaper published in Adel, Iowa, and in the
 13 Cherokee Daily Times, a newspaper published in
 14 Cherokee, Iowa."
 15 2. Amend the title, line 2, by inserting after
 16 the word "returns" the words "and making the Act
 17 retroactive".

Amendment S—5189 was adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 392) the vote was:

Ayes, 48:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Carr	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

Briles	Junkins	Norpel	Robinson
Gallagher	Nolin	Rabedaux	

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

House File 504

On motion of Senator Gluba, House File 504, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Schwengels offered amendment S—5176 by the committee on ways and means and moved its adoption:

S—5176

- 1 Amend House File 504, as amended and passed by
- 2 the House, page 1, line 15, by inserting after the
- 3 word "transferred" the words "less any commission,
- 4 fee, salary, or other consideration paid to a real
- 5 estate broker or real estate salesman included in
- 6 the purchase price of the real property".

A record roll call was requested.

On the question "Shall amendment S—5176 be adopted?"
(H.F. 504) the vote was:

Ayes, 29:

Andersen	Hansen	Miller of	Scott
Bergman	Heying	Marshall	Shaff
Burroughs	Hill of Polk	Norpel	Sovern
Coleman	Hultman	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Redmond	Winkelman
Griffin		Schwengels	

Nays, 16:

Carr	Hill of Jasper	Nolting	Robinson
Culver	Kinley	Palmer	Rodgers
Doderer	Miller of	Plymat	Shaw
Glenn	Des Moines	Ramsey	Willits
Gluba			

Absent or not voting, 5:

Briles	Murray	Nolin	Rabedaux
Junkins			

Amendment S—5176 was adopted.

Senator Hill of Polk offered amendment S—5190 and moved its adoption:

S—5190

- 1 Amend House File 504, as amended by the House,
- 2 as follows:
- 3 1. Page 2, lines 21 and 22, by striking the words
- 4 "or be punished by both such fine and imprisonment".
- 5 2. Page 2, lines 29 and 30, by striking the words
- 6 "or be punished by both such fine and imprisonment".
- 7 3. Page 3, line 1, by striking the figure "1976"
- 8 and inserting in lieu thereof the figure "1977".

Amendment S—5190 was adopted.

(House File 504 pending on adjournment.)

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 23, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 787, a bill for an act relating to minimum percentages of plant nutrients in fertilizers.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1193, by Senator Murray, a bill for an act relating to ancient remains and subjecting violators to a penalty.

Read first time and passed on file.

Senate File 1194, by Senator Schwengels, a bill for an act relating to an income tax deduction for tuition and textbooks.

Read first time and passed on file.

Senate File 1195, by Senator Miller of Marshall, a bill for an act to make an appropriation to the board of regents to finance removal of architectural barriers in buildings at the state universities.

Read first time and passed on file.

Senate File 1196, by committee on judiciary, a bill for an act relating to the inclusion of an accommodation offense under a charge of delivering or possessing with the intent to deliver marijuana and providing a penalty.

Read first time and placed on calendar.

Senate File 1197, by Senator Norpel, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

Read first time and passed on file.

Senate File 1198, by Senators Winkelman, Nolin and Coleman, a bill for an act making an appropriation from the general fund of the state to the state conservation commission for improvement of Black Hawk Lake area.

Read first time and passed on file.

MOTIONS TO RECONSIDER WITHDRAWN

House File 362

Senator Hultman withdrew the motion to reconsider the vote by which House File 362, a bill for an act relating to the exclusion of banks from membership sales licensing requirements of the Code, passed the Senate, filed by him on February 19, 1976.

Senate File 442

Senator Hultman withdrew the motion to reconsider the vote by which Senate File 442, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity, passed the Senate, filed by him on February 19, 1976.

HOUSE AMENDMENT CONSIDERED

SENATE REFUSED TO CONCUR

Senate File 1062

Senator Rodgers called up for consideration Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, amended by House amendment S—5183 found on pages 543-547, inclusive, of the Senate Journal.

Senator Priebe offered amendment S—5197 to House amendment S—5183 by Senators Priebe, et al.:

S—5197

- 1 Amend the House amendment, S—5183, to Senate File
- 2 1062, as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 50.
- 5 2. By striking all of pages 2 and 3 and inserting
- 6 in lieu thereof the following:
- 7 "Section 1. The maximum amount in dollars which
- 8 may be levied by a city with a population of more
- 9 than five hundred for the fiscal years beginning July
- 10 1, 1976 and July 1, 1977 over the amount in dollars
- 11 levied for the previous fiscal year shall be limited
- 12 to an aggregate increase of seven percent for the
- 13 following designated property tax levies:
- 14 1. The general fund levy authorized pursuant to
- 15 section three hundred eighty-four point one (384.1)
- 16 of the Code.
- 17 2. The tax levy for the purpose of carrying out
- 18 the terms of a contract for the use of a bridge by
- 19 a city situated on a river over which a bridge has
- 20 been built authorized pursuant to section three hundred

21 eighty-four point twelve (384.12), subsection eight
22 (8), of the Code.

23 8. The tax levy for the operation and maintenance
24 of a municipal transit system and for the creation
25 of a reserve fund for the system authorized pursuant
26 to section three hundred eighty-four point twelve
27 (384.12), subsection ten (10), of the Code.

28 4. The tax levy for the lease of a building or
29 complex of buildings to be operated as a civic center
30 authorized pursuant to section three hundred eighty-
31 four point twelve (384.12), subsection eleven (11),
32 of the Code.

33 5. The tax levy for operating and maintaining
34 a civic center owned by a city authorized pursuant
35 to section three hundred eighty-four point twelve
36 (384.12), subsection twelve (12), of the Code.

37 6. The tax levy for planning a sanitary disposal
38 system authorized pursuant to section three hundred
39 eighty-four point twelve (384.12), subsection thirteen
40 (13), of the Code.

41 7. The tax levy for an aviation authority
42 authorized pursuant to section three hundred eighty-
43 four point twelve (384.12), subsection fourteen (14),
44 of the Code.

45 8. The tax levy for an authority for a joint city-
46 county building authorized pursuant to section three
47 hundred eighty-four point twelve (384.12), subsection
48 fifteen (15), of the Code.

49 9. The tax levy for a levee improvement fund
50 authorized pursuant to section three hundred eighty-

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1 four point twelve (384.12), subsection sixteen (16),
2 of the Code.

3 10. The tax levy to aid a railway authorized
4 pursuant to section three hundred eighty-four point
5 twelve (384.12), subsection seventeen (17), of the
6 Code.

7 11. The tax levy to maintain an institution
8 received by gift or devise authorized pursuant to
9 section three hundred eighty-four point twelve
10 (384.12), subsection eighteen (18), of the Code.

11 12. The tax levy to pay the premium costs on tort
12 liability insurance authorized pursuant to section
13 three hundred eighty-four point twelve (384.12),
14 subsection nineteen (19), of the Code.

15 13. The tax levy for the emergency fund authorized
16 pursuant to section three hundred eighty-four point
17 eight (384.8) of the Code.

18 Sec. 2. The maximum amount in dollars which may
19 be levied by a county for the fiscal years beginning
20 July 1, 1976 and July 1, 1977 over the amount in
21 dollars levied for the previous fiscal year shall
22 be limited to an aggregate increase of seven percent
23 for the following designated property tax levies:

- 24 1. The tax levy for the emergency fund authorized
25 pursuant to section twenty-four point six (24.6) of
26 the Code.
- 27 2. The tax levy for the development, operation,
28 and maintenance of a memorial building or monument
29 authorized pursuant to section thirty-seven point
30 eight (37.8) of the Code.
- 31 3. The tax levy for the purchase of voting machines
32 authorized pursuant to section fifty-two point three
33 (52.3) of the Code.
- 34 4. The tax levy for the county conservation board
35 authorized pursuant to section one hundred eleven
36 A point six (111A.6) of the Code.
- 37 5. The tax levy for indemnity payments and the
38 inspection and testing program relating to bovine
39 brucellosis eradication authorized pursuant to section
40 one hundred sixty-four point twenty-three (164.23)
41 of the Code.
- 42 6. The tax levy for the bovine tuberculosis
43 eradication fund authorized pursuant to section one
44 hundred sixty-five point eighteen (165.18) of the
45 Code.
- 46 7. The tax levy for the fairground fund authorized
47 pursuant to sections one hundred seventy-four point
48 thirteen (174.13) and one hundred seventy-four point
49 seventeen (174.17) of the Code.
- 50 8. The tax levy for the purpose of maintaining

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- 1 a county or multicounty juvenile home authorized
2 pursuant to section two hundred thirty-two point
3 twenty-two (323.22) of the Code.
- 4 9. The tax levy for the veteran affairs fund
5 authorized pursuant to section two hundred fifty point
6 one (250.1) of the Code.
- 7 10. The tax levy for the poor fund authorized
8 pursuant to sections two hundred fifty-two point
9 forty-three (252.43) through two hundred fifty-two
10 point forty-five (252.45) of the Code.
- 11 11. The tax levy for secondary road construction
12 and maintenance authorized pursuant to section three
13 hundred nine point seven (309.7) of the Code.
- 14 12. The tax levy for the road clearing fund
15 authorized pursuant to section three hundred seventeen
16 point nineteen (317.19) of the Code.
- 17 13. The tax levy for the purchase of weed
18 eradicating equipment and materials authorized pursuant
19 to section three hundred seventeen point twenty
20 (317.20) of the Code.
- 21 14. The tax levy for an aviation authority
22 authorized pursuant to section three hundred thirty
23 A point fifteen (330A.15) of the Code.
- 24 15. The tax levy for the maintenance and
25 improvement of cemeteries in the county authorized
26 pursuant to section three hundred thirty-two point
27 three (332.3) of the Code.

- 28 16. The tax levy for public disposal grounds
29 authorized pursuant to section three hundred thirty-
30 two point thirty-two (332.32) of the Code.
31 17. The tax levy for the county indemnification
32 fund authorized pursuant to section three hundred
33 thirty-two point thirty-eight (332.38) of the Code.
34 18. The tax levy for the operation, control,
35 maintenance, and management of health centers
36 authorized pursuant to section three hundred forty-
37 six A point two (346A.2) of the Code.
38 19. The tax levy for the payment of claims for
39 bounties on wild animals authorized pursuant to section
40 three hundred fifty point eight (350.8) of the Code.
41 20. The tax levy for the maintenance of a county
42 library authorized pursuant to section three hundred
43 fifty-eight B point thirteen (358B.13) of the Code.
44 21. The tax levy for the entering of contracts
45 for the use of city libraries authorized pursuant
46 to section three hundred fifty-eight B point eighteen
47 (358B.18) of the Code.
48 22. The tax levy for ordinary county revenue and
49 the election expense fund authorized pursuant to
50 section four hundred forty-four point nine (444.9)

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- 1 of the Code.
2 23. The tax levy for the court expense fund
3 authorized pursuant to section four hundred forty-
4 four point ten (444.10) of the Code.
5 24. The tax levy for the county orphan fund
6 authorized pursuant to section four hundred forty-
7 four point eleven (444.11) of the Code.
8 25. The tax levy for the purpose of planning a
9 sanitary disposal project or of paying interest and
10 principal on bonds issued pursuant to section three
11 hundred forty-six point twenty-three (346.23) of the
12 Code which levy is authorized pursuant to section
13 four hundred fifty-five B point eighty-one (455B.81)
14 of the Code.
15 26. The tax levy for flood and erosion control
16 projects authorized pursuant to section four hundred
17 sixty-seven B point nine (467B.9) of the Code.
18 27. The tax levy for the maintenance of property
19 received by a county by gift or devise authorized
20 pursuant to section five hundred sixty-five point
21 eight (565.8) of the Code.
22 Sec. 3. The maximum amount in dollars which may
23 be levied by a special purpose district for the fiscal
24 years beginning July 1, 1976 and July 1, 1977 over
25 the amount in dollars levied for the previous fiscal
26 year shall be limited to an aggregate increase of
27 seven percent for the following designated property
28 tax levies:
29 1. The tax levy by a benefited water district
30 for the maintenance of the water system authorized
31 pursuant to section three hundred fifty-seven point

32 twenty-five (357.25) of the Code.

33 2. The tax levy by a benefited fire district to
34 provide fire protection within the district authorized
35 pursuant to section three hundred fifty-seven B point
36 three (357B.3) of the Code and the levy authorized
37 pursuant to section three hundred fifty-seven B point
38 five (357B.5) of the Code which permits the county
39 board of supervisors to continue the levy upon
40 dissolution of the district until all debts and obliga-
41 tions of the dissolved district are paid.

42 3. The tax levy by a benefited street lighting
43 district authorized pursuant to section three hundred
44 fifty-seven C point seven (357C.7) and three hundred
45 fifty-seven C point eleven (357C.11) of the Code.

46 4. The tax levy authorized pursuant to section
47 four hundred sixty-six point four (466.4) of the Code.
48 permitting a levy sufficient to raise the amount
49 necessary for maintenance of a system to provide
50 internal drainage necessary by the construction of

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1 a levee along a navigable stream forming a part of
2 the boundary of the state.

3 5. The tax levy for a soil conservation district
4 authorized pursuant to section four hundred sixty-
5 seven A point twenty (467A.20) of the Code.

6 6. The tax levy authorized pursuant to section
7 four hundred eighty-three point one (483.1) of the
8 Code to provide aid to railroads.

9 Sec. 4. The maximum amount in dollars which may
10 be levied by a public hospital for the fiscal years
11 beginning July 1, 1976 and July 1, 1977 over the
12 amount in dollars levied for the previous fiscal year
13 shall be limited to an aggregate increase of seven
14 percent for the following designated property tax
15 levies:

16 1. The emergency tax levy authorized pursuant
17 to section twenty-four point six (24.6) of the Code.

18 2. The tax levy for the operation, equipping,
19 maintenance, improvement, and replacement of a county
20 public hospital authorized pursuant to sections three
21 hundred forty-seven point seven (347.7) and three
22 hundred forty-seven point twenty-seven (347.27) of
23 the Code.

24 3. The tax levy for the operation and maintenance
25 of a county hospital authorized pursuant to section
26 three hundred forty-seven A point three (347A.3) of
27 the Code.

28 Sec. 5. The maximum amount in dollars which may
29 be levied for the county agricultural extension
30 education program authorized pursuant to section one
31 hundred seventy-six A point ten (176A.10) of the Code
32 for the fiscal years beginning July 1, 1976 and July
33 1, 1977 over the amount in dollars levied for the
34 previous fiscal year shall be limited to an increase
35 of seven percent.

36 Sec. 6. The maximum amount in dollars which may
37 be levied by a merged area school for general
38 operations authorized pursuant to section two hundred
39 eighty A point seventeen (280A.17) of the Code for
40 the fiscal year beginning July 1, 1976 and July 1,
41 1977 over the amount in dollars levied for the pre-
42 vious fiscal year shall be limited to an increase
43 of seven percent.

44 Sec. 7. A political subdivision of the state
45 subject to the provisions of this Act may initiate
46 an appeal with the appropriate budget review committee
47 as designated in section nine (9) of this Act, based
48 upon a natural disaster or any unusual circumstances,
49 which creates the need for additional funds. The
50 appropriate budget review committee may waive the

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1 maximum amount of dollars which may be levied under
2 the provisions of this Act or the levy limitations
3 provided by law.

4 Sec. 8. There is created a county budget review
5 committee consisting of the following five members:

6 1. The state comptroller or his designee who shall
7 serve as chairperson.

8 2. Three county officers appointed by the governor,
9 one member selected from a county having an assessed
10 valuation of:

11 a. Less than ninety-six million three hundred
12 thousand dollars.

13 b. Ninety-six million three hundred thousand
14 dollars or more but less than one hundred eighteen
15 million five hundred twenty thousand dollars.

16 c. One hundred eighteen million five hundred
17 twenty thousand dollars or more

18 3. The certified public accountant appointed to
19 the city finance committee under section three hundred
20 eighty-four point thirteen (384.13) of the Code.

21 In addition to the circumstances creating a vacancy
22 under section sixty-nine point two (69.2) of the Code,
23 a vacancy shall exist when a county officer appointed
24 under subsection two (2) of this section no longer
25 holds a county office which qualifies such officer
26 for appointment to this committee.

27 The county budget review committee shall meet at
28 the call of the chairperson and adopt its own rules
29 of procedure. The committee may hold public hearings.
30 Actions taken or rules promulgated by the committee
31 shall be subject to the provisions of chapter seventeen
32 A (17A) of the Code.

33 The committee members, except the state comptroller
34 and county officers who are full-time public officers,
35 are entitled to a per diem of forty dollars for each
36 day spent in the performance of committee duties and
37 each member is entitled to reimbursement for his
38 actual and necessary expenses incurred in performance
39 of committee duties. The per diem and expenses shall

40 be paid from funds appropriated to the state
41 comptroller.

42 Sec. 9. The appropriate budget review committee
43 to which a political subdivision may appeal is as
44 follows:

45 1. The city finance committee created under section
46 three hundred eighty-four point thirteen (384.13)
47 of the Code for any city subject to the provisions
48 of this Act.

49 2. The school budget review committee created
50 under section four hundred forty-two point twelve

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1 (442.12) of the Code for a merged area school created
2 under chapter two hundred eighty A (280A) of the Code.

3 3. The county budget review committee for any
4 other political subdivision of the state subject to
5 provisions of this Act.

6 Sec. 10. If a political subdivision adopts a total
7 budget for the fiscal year beginning July 1, 1976
8 and ending June 30, 1977, which does not include an
9 increase in the amount of the property tax levy
10 computed in dollars which exceeds or is equal to the
11 maximum allowed under the provisions of this Act,
12 the political subdivision may levy property taxes
13 for the succeeding fiscal year in excess of the maximum
14 provided by this Act and be exempt from the provisions
15 of this Act. However, this exemption shall only apply
16 if the excess property tax levy does not raise in
17 dollars an amount which exceeds the maximum levy for
18 the succeeding fiscal year and the difference between
19 the amount in dollars which the political subdivision
20 levied during the base year and the amount in dollars
21 which the political subdivision could have levied
22 during that year under this Act.

23 Sec. 11. The county auditor shall reduce the
24 property tax levy of each city and county by such
25 sum as is equal to an amount estimated by the
26 comptroller as being such city or counties per capita
27 share of funds specified by this Act to be deposited
28 to the municipal and county assistance funds.

29 Sec. 12. The maximum dollar levy imposed by
30 sections one (1), two (2), three (3), four (4), five
31 (5), and six (6) of this Act for the fiscal years
32 beginning July 1, 1976 and July 1, 1977 may be
33 increased as follows:

34 By multiplying the assessed value and taxable value
35 of new construction times the amount of levy for
36 the previous fiscal year times one hundred seven
37 percent.

38 Sec. 13. Sections seven (7), eight (8), nine (9),
39 and ten (10) of this Act shall be applicable to levies
40 made for the fiscal year beginning July 1, 1976.

41 Sec. 14. If the governing body of a political
42 subdivision wishes to exceed the maximum dollar levy
43 established by this Act for the fiscal year beginning

44 July 1, 1977 or any succeeding year, the governing
45 body shall direct the county commissioner of elections
46 to publish notice of and conduct a special election
47 within ten days after the date of publication. The
48 notice shall be published as provided in section
49 forty-nine point fifty-three (49.53) of the Code and
50 shall include a comparison of the dollar amount and

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1 percentage of maximum dollar levy established by this
2 Act and the dollar amount and percentage of additional
3 levy requested for the proposed limited budget of
4 the political subdivision. The question to be voted
5 on by the qualified electors of the political
6 subdivision shall be stated as follows: 'Shall the
7 certified limited budget of (name of political
8 subdivision) for the fiscal year beginning July 1,
9 19.... and ending June 30, 19.... be limited to not more
10 than the maximum dollar levy established by the general
11 assembly?' If a majority of the votes cast on the
12 proposition favors the maximum dollar levy limitation
13 established by the general assembly, the levy shall
14 be so limited. If a majority of such votes cast does
15 not favor the maximum dollar levy established by the
16 general assembly, the political subdivision may
17 increase its levy by the amount requested and printed
18 in the notice of election. Thereafter, the levy shall
19 be certified to the county auditor, and such increased
20 levy shall not be subject to tax limitations otherwise
21 provided by law.

22 Sec. 15. Section four hundred twenty-two point
23 sixty-nine (422.69), Code 1975, is amended by adding
24 the following new subsection:

25 **NEW SUBSECTION.** During the last quarter of each
26 fiscal year the amounts specified in this subsection
27 from the gross receipts from the sales tax collected
28 under division four (IV) of this chapter for the
29 fiscal year shall be transferred to the local tax
30 fund hereby created in the office of the treasurer
31 of state. The remainder of the net receipts from
32 the sales tax shall be credited to the general fund
33 of the state.

34 For the fiscal year beginning July 1, 1975, and
35 each succeeding fiscal year, an amount equal to fifty
36 percent of the net receipts from one-third of the
37 sales tax shall be transferred to the local tax fund.

38 Annually, the treasurer of state shall transfer
39 three-fourths of the funds in the local tax fund to
40 the municipal assistance fund created by section four
41 hundred five point one (405.1) of the Code. The
42 remainder of the funds in the local tax fund shall
43 be transferred to the county government assistance
44 fund.

45 Sec. 16. There is created a 'county government
46 assistance fund' in the office of the treasurer of

47 state. The moneys appropriated to such fund shall
48 be used to provide financial assistance to counties.
49 On or before December fifteenth of each year, the
50 state comptroller shall distribute the funds in the

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1 county government assistance fund to each county in
2 the state in the proportion that the population
3 residing in the unincorporated area of each county
4 is to the total population residing in unincorporated
5 areas of all of the counties.

6 For the purposes of this section 'population' shall
7 be based on the most recent federal census.

8 Sec. 17. Section four hundred forty-one point
9 twenty-one (441.21), subsection one (1), Code 1975,
10 is amended by striking unnumbered paragraph one (1)
11 and inserting in lieu thereof the following:

12 All real and tangible personal property subject
13 to taxation shall be valued at its actual value which
14 shall be entered opposite each item. All real and
15 personal property, except residential and agricultural
16 real property, shall be assessed at one hundred percent
17 of such actual value, and such value so assessed shall
18 be taken and considered as the assessed value and
19 taxable value of such property upon which the levy
20 shall be made. Residential and agricultural real
21 property shall be assessed at eighty percent of actual
22 value and such value so assessed shall be taken and
23 considered as the assessed value and taxable value
24 of such property upon which the levy shall be made.

25 Sec. 18. Section seventeen (17) of this Act shall
26 be retroactive to January 1, 1976.

27 Sec. 19. Nothing in this Act shall be construed
28 to prevent an appeal of a decision made by a budget
29 review committee designated in section nine (9) of
30 this Act to the state appeal board.

31 Sec. 20. This Act, being deemed of immediate
32 importance, shall take effect and be in force from
33 and after its publication in _____,
34 a newspaper published in _____, Iowa, and
35 in _____, a newspaper published
36 in _____, Iowa."

37 3. Page 4, by striking lines 1 through 48.

38 4. Page 5, lines 3 through 5, by striking the
39 words "establishing budget hearing procedures and
40 budget expenditures guidelines for political
41 subdivisions of the state" and inserting in lieu
42 thereof the words "relating to budgets of certain
43 political subdivisions of the state by restricting
44 the amount of dollars which can be raised by certain
45 property tax levies, providing for appeals of
46 limitations on property tax levies, imposing additional
47 duties on the city finance committee and the school
48 budget review committee, and creating a county budget
49 review committee, providing for a referendum to exceed
50 maximum levy limits, changing the assessed and taxable

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- 1 value on residential and agricultural real property,
- 2 and providing for a reduction of property tax levies
- 3 by allocating a part of the sales tax collection
- 4 for property tax stabilization and making certain
- 5 provisions of the Act retroactive."

Senator Hill of Polk raised the point of order that amendment S—5197 to House amendment S—5183 was out of order under Sec. 766 of Mason's Manual of Legislative Procedure.

The Chair ruled the point not well taken and that amendment S—5197 to House amendment S—5183 was in order under Sec. 409 of Mason's Manual of Legislative Procedure.

Senator Priebe offered amendment S—5198 to amendment S—5197 to House amendment S—5183 and moved its adoption:

S—5198

- 1 Amend the Priebe, et al., amendment, S—5197 to
- 2 the House amendment, S—5183, to Senate File 1062
- 3 as follows:
- 4 1. Page 9, by striking lines 33 through 36 and
- 5 inserting in lieu thereof the following: "and after its
- 6 publication in The Forest City Summit, a newspaper
- 7 published in Forest City, Iowa, and in The Ocheyedean
- 8 Press, a newspaper published in Ocheyedean, Iowa."

Amendment S—5198 to amendment S—5197 to House amendment S—5183 was adopted.

Senator Priebe moved the adoption of amendment S—5197 to House amendment S—5183, as amended.

A record roll call was requested.

On the question "Shall amendment S—5197 to House amendment S—5183, as amended, be adopted?" (S.F. 1062) the vote was:

Ayes, 18:

Andersen	DeKoster	Miller of	Scott
Bergman	Gallagher	Marshall	Taylor
Briles	Heying	Norpel	Tieden
Coleman	Hultman	Priebe	Winkelman
Culver	Merritt	Ramsey	

Nays, 29:

Burroughs	Hill of Jasper	Murray	Rodgers
Carr	Hill of Polk	Nolting	Schwengels
Curtis	Junkins	Orr	Shaff
Doderer	Kelly	Palmer	Shaw
Glenn	Kinley	Plymat	Sovern
Gluba	Lamborn	Redmond	Van Gilst
Griffin	Miller of	Robinson	Willits
Hansen	Des Moines		

Absent or not voting, 3:

Nolin Nystrom Rabedaux

Amendment S—5197 to House amendment S—5183, as amended, lost.

Senator Rodgers moved that the Senate concur in House amendment S—5183.

A record roll call was requested.

On the question "Shall the motion to concur in House amendment S—5183 be adopted?" (S.F. 1062) the vote was:

Ayes, 12:

Bergman	Gluba	Miller of	Redmond
Carr	Junkins	Des Moines	Shaw
Doderer	Kelly	Orr	Willits
Gallagher			

Nays, 35:

Andersen	Heying	Murray	Schwengels
Briles	Hill of Jasper	Nolting	Scott
Burroughs	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Palmer	Sovern
Culver	Kinley	Plymat	Taylor
Curtis	Lamborn	Priebe	Tieden
DeKoster	Merritt	Ramsey	Van Gilst
Glenn	Miller of	Robinson	Winkelman
Griffin	Marshall	Rodgers	
Hansen			

Absent or not voting, 3:

Nolin Nystrom Rabedaux

The motion lost and the Senate refused to concur in House amendment S—5183 to Senate File 1062.

REFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that Senate File 1191 be referred to the committee on ways and means, under Senate Rule 38.

INTRODUCTION OF BILL

Senate File 1199, by Senator Priebe, a bill for an act relating to the economic impact of an administrative rule.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1185 Education
- S. F. 1186 State government
- S. F. 1187 Transportation
- S. F. 1188 Judiciary
- S. F. 1189 State government
- H. F. 1245 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kathryn L. Graf of Fairfield, Jefferson County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
MILO MERRITT
FRED W. NOLTING
JOAN ORR
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Evelyn Villines of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for an unexpired term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
LOUIS P. CULVER
EUGENE M. HILL
JOAN ORR
WILLIAM N. PLYMAT

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate on Friday, February 20, 1976, when the vote was taken on the confirmations of Carolyn Tufty as a member of the State Board of Dental Examiners and James R. Van Denover as a member of the State Board of Watchmaking Examiners. Had I been present, I would have voted "aye" on both confirmations.

LOWELL JUNKINS

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE OF GEORGIA

A copy of House Resolution No. 469-1267 adopted in the House of Representatives on January 14, 1976, and in the Senate on January 19, 1976, petitioning the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget.

PROOF OF PUBLICATION

Published copy of House File 1245 and verified proof of publication of said bill in the Ames Daily Tribune, a newspaper published in Ames, Iowa, on January 27, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

February 20, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that the foregoing Act, Senate File 1060, was published in the Cherokee Daily Times, Cherokee, Iowa, February 12, 1976, and in the West Des Moines Express, West Des Moines, Iowa, February 12, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 835**, a bill for an act providing that certain ammunition and firearms shall be deposited with the state criminalistics laboratory, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S-5196

- 1 Amend the committee on human resources amendment,
- 2 S-5105, to Senate File 106, page 2, by inserting

3 after line 19 the following subsection:
4 "8. Any restaurant or portion of a restaurant
5 as that term is defined in section one hundred seventy
6 point one (170.1) of the Code if the person who owns
7 or is in custody or control of that restaurant or
8 portion of a restaurant elects to have applied to
9 it the prohibition and penalties prescribed by this
10 Act."

WILLIAM E. GLUBA

S—5191

1 Amend the committee on human resources amend-
2 ment S—5105 to Senate File 106 as follows:
3 1. Page 2, by inserting after line 42 the following
4 section:
5 "Sec. 6. Section two hundred seventy-nine
6 point nine (279.9), Code 1975, is amended to read
7 as follows:
8 279.9 USE OF TOBACCO, ALCOHOL AND CONTROLLED
9 SUBSTANCES. Such rules *may* prohibit the use of
10 tobacco, *or may regulate its use in the manner*
11 *contemplated by sections two (2) through five (5)*
12 *of this Act, and shall prohibit* the use or possession
13 of alcoholic liquor or beer or any controlled sub-
14 stance as defined in section 204.101, subsection 6,
15 by any student of such schools and the board may
16 suspend or expel, *or provide for other appropriate*
17 *disciplinary measures to be taken against*, any
18 student for any violation of *these rules*."

JAMES M. REDMOND

S—5193

1 Amend Senate File 1141, page 10, line 5, by striking
2 the words "practiced barbering" and inserting in lieu
3 thereof the words "been a licensed barber".

C. JOSEPH COLEMAN

S—5192

1 Amend the Hill of Polk amendment S—5185, to Senate
2 File 1141, as follows:
3 1. Page 1, lines 17 and 18, by striking the words
4 "practiced cosmetology" and inserting in lieu thereof
5 the words "been a licensed cosmetologist".
6 2. Page 1, line 24, by striking the words "to-
7 gether with proof".
8 3. Page 1, by striking lines 25 and 26 and
9 inserting in lieu thereof the words "which has a
10 reciprocal agreement with the state of Iowa under
11 the provisions of sections one hundred forty-seven point
12 forty-four (147.44) through one hundred forty-seven
13 point forty-nine (147.49) of the Code."
14 4. Page 1, line 46, by striking the word "shop"
15 and inserting in lieu thereof the word "salon".
16 5. Page 2, line 3, by striking the word "together".
17 6. Page 2, by striking lines 4 and 5 and inserting
18 in lieu thereof the words "which has a reciprocal
19 agreement with the state of Iowa under the provisions

- 20 of sections one hundred forty-seven point forty-four
21 (147.44) through one hundred forty-seven point forty-
22 nine (147.49) of the Code.”
23 7. Page 2, by striking lines 13 through 22.

C. JOSEPH COLEMAN

S—5194

- 1 Amend Senate File 1161, page 1, line 9, by striking
2 the words, “November thirtieth” and inserting in lieu
3 thereof the words, “August fifteenth”.

RICHARD J. NORPEL, SR.

S—5188

- 1 Amend Senate File 1191 as follows:
2 1. Page 1, by striking lines 22 through 35.
3 2. Page 2, by striking lines 1 through 5.
4 3. Renumber the sections accordingly.

CALVIN O. HULTMAN

S—5195

- 1 Amend House File 744, page 1, by inserting after
2 line 17 the following:
3 “A travel trailer may be stored under the pro-
4 visions of section three hundred twenty-one point
5 one hundred thirty-four (321.134), of the Code, pro-
6 vided the travel trailer is not used for human
7 habitation for any period during storage and is not
8 moved upon the highways of the state. A travel trailer
9 stored under the provisions of section three hundred
10 twenty-one point one hundred thirty-four (321.134)
11 of the Code shall not be subject to either a personal
12 property tax or a mobile home tax assessed under the
13 provisions of chapter one hundred thirty-five D (135D)
14 of the Code.”

RICHARD J. NORPEL, SR.

S—5199

- 1 Amend House File 1003, as passed by the House,
2 as follows:
3 1. Page 1, by inserting after line 11, the
4 following section:
5 “Sec. Acts of the Sixty-sixth General
6 Assembly, 1975 Session, chapter one hundred thirty-
7 three (133), section four (4), subsection three (3),
8 is amended to read as follows:
9 3. Agricultural land acquired by a nonprofit
10 corporation organized or qualified under the provisions
11 of chapters five hundred four (504) and five hundred
12 four A (504A) of the Code.”

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:55
p.m., until 9:30 a.m., Tuesday, February 24, 1976.

JOURNAL OF THE SENATE

FORTY-FOURTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, FEBRUARY 24, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Charles Wallace, pastor of the Grace United Methodist Church, Sioux City, Iowa.

The Journal of Monday, February 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. B. Widmer, Iowa City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day on request of Senator Griffin; Senator Nolin for the day, Senator Carr for the day and Senator Ramsey for the morning session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventeen students from Walnut Ridge Baptist Academy, Waterloo, Iowa, accompanied by Gary Carman. Senator Hansen.

INTRODUCTION OF BILL

Senate File 1200, by committee on education, a bill for an act relating to the regulation of bicycles by the state board of regents.

Read first time and placed on calendar.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Bergman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Arnold O. Chantland of Ames, Story County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
HILARIUS L. HEYING
JOHN S. MURRAY
JAMES M. REDMOND
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Bergman moved the appointment of Arnold O. Chantland as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Bergman	Hansen	Miller of	Rodgers
Briles	Heying	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolting	Shaff
Culver	Hultman	Norpel	Shaw
Curtis	Junkins	Nystrom	Sovern
DeKoster	Kelly	Orr	Taylor
Doderer	Kinley	Palmer	Tieden
Gallagher	Lamborn	Priebe	Van Gilst
Glenn	Merritt	Redmond	Willits
Gluba	Miller of	Robinson	Winkelman
Griffin	Des Moines		

Nays, none.

Absent or not voting, 6:

Andersen	Nolin	Rabedeaux	Ramsey
Carr	Plymat		

President Neu declared the appointment of Arnold O. Chantland as a member of the State Board of Engineering Examiners confirmed for an initial term ending June 30, 1978.

Senator Bergman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of N. Earl Ferris of Hampton, Franklin County, Iowa, for appointment as a member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave

to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
JAMES V. GALLAGHER
MILO MERRITT
JOAN ORR
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Bergman moved the appointment of N. Earl Ferris as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Bergman	Hansen	Miller of	Rodgers
Briles	Heying	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolting	Shaff
Culver	Hultman	Norpel	Shaw
Curtis	Junkins	Nystrom	Sovern
DeKoster	Kelly	Orr	Taylor
Doderer	Kinley	Palmer	Tieden
Gallagher	Lamborn	Priebe	Van Gilst
Glenn	Merritt	Redmond	Willits
Gluba	Miller of	Robinson	Winkelman
Griffin	Des Moines		

Nays, none.

Absent or not voting, 6:

Andersen	Nolin	Rabedeaux	Ramsey
Carr	Plymat		

President Neu declared the appointment of N. Earl Ferris as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1977.

Senator Coleman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Claude E. Nichols, O.D., Clarinda, Page County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
JAMES E. BRILES
ROBERT M. CARR
EUGENE M. HILL
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Claude E. Nichols as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Bergman	Hansen	Miller of	Schwengels
Briles	Heying	Marshall	Scott
Burroughs	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Junkins	Nystrom	Taylor
DeKoster	Kelly	Orr	Tieden
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Redmond	Winkelman
Gluba	Miller of	Rodgers	
Griffin	Des Moines		

Nays, none.

Absent or not voting, 7:

Andersen	Nolin	Rabedaux	Robinson
Carr	Plymat	Ramsey	

President Neu declared the appointment of Claude E. Nichols as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1977.

Senator Coleman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Larry L. Hill, Cedar Falls, Black Hawk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
WILLARD R. HANSEN
GEORGE R. KINLEY
JOHN S. MURRAY
FRED W. NOLTING

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Larry L. Hill as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Des Moines		
Griffin			

Nays, none.

Absent or not voting, 5:

Carr	Plymat	Rabedeaux	Ramsey
Nolin			

President Neu declared the appointment of Larry L. Hill as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1981.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1201, by Senator Shaw, a bill for an act to amend the election laws of the state of Iowa by clarifying the responsibility for performance of mobile deputy registrars, and by revising the requirements for design of electronic voting systems which may be approved for use in Iowa.

Read first time and **passed on file**.

Senate File 1202, by Senator Redmond, a bill for an act relating to the payment of property taxes on a monthly basis.

Read first time and **passed on file**.

Senate File 1203, by committee on county government (committee on county government), a bill for an act relating to bids for maintenance or construction of county buildings.

Read first time and **placed on calendar**.

Senate File 1204, by committee on county government, a bill for an act to increase the amount of aid paid counties for care of persons residing in county care facilities, and to increase the appropriation to the state mental aid fund.

Read first time and referred to the committee on **appropriations**, under Senate Rule 38.

Senate File 1205, by committee on county government, a bill for an act defining simple and aggravated littering and providing a penalty.

Read first time and **placed on calendar**.

Senate File 1206, by Senator Murray, a bill for an act to establish a permanent educational assistance fund to be administered by the higher education facilities commission and to make an appropriation therefor.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Senate File 1190

On motion of Senator Willits, Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation, was taken up for consideration.

Senator Hill of Jasper offered amendment S—5206, moved its adoption and requested a non-record roll call:

S—5206

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 3, by inserting after line 13 the
- 3 following new section:
- 4 "Sec. The department of justice shall not
- 5 purchase an aircraft without express authorization
- 6 by an Act of the general assembly."

Rule 25 was invoked.

The ayes were 22, nays 26.

Amendment S—5206 lost.

Senator Coleman offered amendment S—5209:

S—5209

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 1, after line 16 the following:

- 3 "4. For replacement of
4 the departmental airplane\$100,000".

Senator DeKoster offered amendment S—5212 to amendment S—5209 and moved its adoption:

S—5212

- 1 Amend the Coleman amendment S—5209 to Senate
2 File 1190 as follows:
3 1. Page 1, line 4, by striking the words "the
4 departmental" and inserting in lieu thereof the
5 word "an".
6 2. Page 1, line 4, by inserting after the word
7 "airplane" the words "to be placed in the airplane
8 pool of the state".

Amendment S—5212 to amendment S—5209 was adopted.

Senator Coleman moved the adoption of amendment S—5209 as amended and requested a record roll call.

On the question "Shall amendment S—5209 as amended be adopted?" (S.F. 1190) the vote was:

Ayes, 22:

Andersen	Curtis	Lamborn	Priebe
Bergman	DeKoster	Miller of	Schwengels
Briles	Griffin	Marshall	Taylor
Burroughs	Heying	Norpel	Tieden
Coleman	Hultman	Nystrom	Winkelman
Culver	Kelly	Plymat	

Nays, 26:

Carr	Hill of Polk	Nolting	Scott
Doderer	Junkins	Orr	Shaff
Gallagher	Kinley	Palmer	Shaw
Glenn	Merritt	Ramsey	Sovern
Gluba	Miller of	Redmond	Van Gilst
Hansen	Des Moines	Robinson	Willits
Hill of Jasper	Murray	Rodgers	

Absent or not voting, 2:

Nolin	Rabedaux
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Amendment S—5209 as amended lost.

Senator Griffin offered amendment S—5211, moved its adoption and requested a record roll call:

S—5211

- 1 Amend Senate File 1190, page 1, line 12, by
2 striking the figure "\$1,105,812" and inserting in
3 lieu thereof the figure "\$1,172,812".

On the question "Shall amendment S—5211 be adopted?" (S.F. 1190) the vote was:

Ayes, 18:

Andersen	Curtis	Nystrom	Shaff
Bergman	DeKoster	Plymat	Shaw
Briles	Griffin	Ramsey	Taylor
Burroughs	Hultman	Schwengels	Tieden
Coleman	Kelly		

Nays, 29:

Carr	Hill of Jasper	Murray	Robinson
Culver	Hill of Polk	Nolting	Rodgers
Doderer	Junkins	Norpel	Scott
Gallagher	Kinley	Orr	Sovern
Glenn	Lamborn	Palmer	Van Gilst
Gluba	Merritt	Priebe	Willits
Hansen	Miller of	Redmond	Winkelman
Heying	Des Moines		

Absent or not voting, 3:

Miller of	Nolin	Rabedeaux
Marshall		

Amendment S—5211 lost.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1190) the vote was:

Ayes, 47:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Hill of Polk	Nystrom	Shaw
Culver	Hultman	Orr	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kelly	Plymat	Tieden
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Lamborn	Ramsey	Willits
Glenn	Merritt	Redmond	Winkelman

Nays, none.

Absent or not voting, 3:

Miller of	Nolin	Rabedeaux
Marshall		

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 20, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1031, a bill for an act appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board.

Also: That the House has on February 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1313, a bill for an act abolishing the position of state medical examiner.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1207, by committee on cities, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations.

Read first time and referred to the committee on **state government**, under Senate Rule 38.

HOUSE MESSAGE CONSIDERED

House File 1313, a bill for an act abolishing the position of state medical examiner.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1193 State government

S. F. 1194 Ways and means

S. F. 1195 Education

S. F. 1197 State government

S. F. 1198 Appropriations

S. F. 1199 State government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Richard N. Lepird, D.P.M., Estherville, Emmet County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term

ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

HILARIUS L. HEYING, Chairperson
IRVIN L. BERGMAN
JAMES W. GRIFFIN, SR.
JOAN ORR
EARL M. WILLITS

REPORT OF COMMITTEE

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **Senate File 423**, a bill for an act relating to insurance proceeds payable to physicians, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5200

- 1 Amend Senate File 368, by striking everything after
- 2 the enacting clause, and inserting in lieu thereof
- 3 the following:
- 4 Section 1. Section two hundred eleven point one
- 5 (211.1), Code 1975, is amended by striking the sec-
- 6 tion and inserting in lieu thereof the following:
- 7 211.1 DEFINITIONS. As used in this chapter,
- 8 unless the context otherwise requires:
- 9 1. "Broker" means a compensated agent employed
- 10 to negotiate sales of livestock.
- 11 2. "Central public market" means a person who
- 12 owns and operates a place, establishment, or facility
- 13 which is registered as a stockyard under the United
- 14 States Packers and Stockyards Act of 1921, as amended,
- 15 Title VII, sections one hundred eighty-one (181)
- 16 through two hundred thirty-one (231), United States
- 17 Code, but does not include a person registered as
- 18 a commission agent or dealer under that Act.
- 19 3. "Consignment" means the transfer of possession
- 20 of livestock to the care and custody of a livestock
- 21 agency for the purpose of sale.
- 22 4. "Livestock" means cattle, horses, swine, sheep
- 23 and poultry, but excluding any of those types of ani-
- 24 mals when bound for slaughter. "Livestock" does not
- 25 include any other type of animal or fowl.
- 26 5. "Livestock history" means a written and
- 27 subscribed statement of the information described
- 28 in section three (3) of this Act.
- 29 6. "Livestock agency" means a person regularly
- 30 engaged in livestock transactions and includes sales-
- 31 yards, sales barns, auction markets, stockyards, order

32 buyers, commission agents, and livestock dealers,
33 and includes a person registered as a commission agent
34 or dealer under the United States Packers and
35 Stockyards Act of 1921, as amended, Title VII, sections
36 one hundred eighty-one (181) through two hundred
37 thirty-one (231), United States Code. A livestock
38 agency is a merchant. A central public market is
39 not a livestock agency or merchant.

40 7. "Merchant" means merchant as defined in sec-
41 tion five hundred fifty-four point two thousand one
42 hundred four (554.2104) of the Code.

43 8. "Owner" means a person having title to live-
44 stock which are the subject of a transaction.

45 9. "Person" means person as defined in section
46 four point one (4.1) of the Code.

47 10. "Qualified livestock transaction" means as
48 provided in section two (2) of this Act.

49 11. "Transaction" means either the sale of live-
50 stock, the brokering of livestock, or the consignment

Page 2

1 of livestock.

2 Sec. 2. Section two hundred eleven point two
3 (211.2), Code 1975, is amended by striking the section
4 and inserting in lieu thereof the following:

5 211.2 EXEMPTION OF TRANSACTIONS FROM IMPLIED WAR-

6 RANTIES. A transaction in which a livestock history
7 is disclosed to the buyer is a qualified livestock
8 transaction. Livestock which are the subject of a
9 qualified livestock transaction are exempt from the
10 implied warranties of section five hundred fifty-four
11 point two thousand three hundred fourteen (554.2314)
12 and five hundred fifty-four point two thousand three
13 hundred fifteen (554.2315) of the Code with respect
14 to that transaction, notwithstanding section five
15 hundred fifty-four point two thousand three hundred
16 sixteen (554.2316) of the Code. However, the exemption
17 created by this section shall not be deemed to impair
18 or modify any actual exclusion or modification of
19 warranties as permitted by section five hundred fifty-
20 four point two thousand three hundred sixteen
21 (554.2316) of the Code.

22 Sec. 3. Section two hundred eleven point three
23 (211.3), Code 1975, is amended by striking the sec-
24 tion and inserting in lieu thereof the following:

25 211.3 LIVESTOCK HISTORY.

26 1. If a person elects to use a livestock history
27 in a transaction, it shall be prepared on forms
28 approved by, or prescribed and furnished by the
29 department of agriculture. The form must be signed
30 by the owner of the livestock or his or her authorized
31 agent, and must contain all of the following in-
32 formation:

33 a. The names, mailing addresses, and residence

34 or business locations of the present owner and all
35 previous owners of the livestock within the thirty
36 days preceding the date of the transaction.

37 b. A description of the livestock including their
38 number, breed and sex, and brands, tags, or other
39 markings, if any.

40 2. If the information is not the same for all
41 livestock included in the transaction, a livestock
42 history must be separately prepared and disclosed
43 for all livestock included in the transaction.

44 3. An owner who prepares livestock histories under
45 the provisions of this section shall retain one copy
46 of each livestock history disclosed or delivered in
47 a transaction for at least one year after the date
48 of the transaction to which it refers.

49 4. If any of the information specified in
50 subsection one (1) of this section cannot be determined

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1 or otherwise is not stated with respect to any animal,
2 the disclosure specified in section two (2) of this
3 Act is not satisfied and that animal is not exempted
4 from implied warranties by that section.

5 Sec. 4. Chapter two hundred eleven (211), Code
6 1975, is amended by adding the following new section:
7 **NEW SECTION. 211.4 DISCLOSURE.**

8 1. In any transaction the disclosure prescribed
9 by section two (2) of this Act is satisfied if, prior
10 to making the contract of sale, the owner causes to
11 be delivered to the buyer a copy of a livestock history
12 prepared and subscribed by that owner.

13 2. In a transaction which involves a livestock
14 agency acting in a capacity other than as owner, the
15 disclosure prescribed by section two (2) of this Act
16 is satisfied if all of the following occurs:

17 a. The owner causes to be delivered to the live-
18 stock agency a livestock history prepared and sub-
19 scribed by that owner.

20 b. The livestock agency to whom the owner delivers
21 the livestock history makes that livestock history
22 form available at the place of business of that
23 livestock agency for prospective buyers to see upon
24 request prior to the making of a sale, and verbally
25 announces immediately prior to the taking of bids
26 or the receiving of other offers that "a livestock
27 history is available" in those or similar terms.

28 The fact that a buyer did not hear the announcement
29 shall not defeat the exemption claimed with respect
30 to that buyer. A livestock agency acting as a con-
31 signee or broker and receiving a livestock history
32 shall retain the history for one year from the date
33 of receipt.

34 A livestock agency disclosing a livestock history
35 pursuant to this subsection shall not be liable for
36 any false information contained in that history unless

37 the livestock agency had actual knowledge of its
38 falsity.

39 3. In a transaction which involves a livestock
40 agency acting in the capacity of owner, the disclosure
41 prescribed by section two (2) of this Act is satisfied
42 if that livestock agency prepares and subscribes a
43 livestock history, and makes that livestock history
44 form available at the place of business of that
45 livestock agency for prospective buyers to see upon
46 request prior to the making of a sale, and verbally
47 announces immediately prior to the taking of bids
48 or the receiving of other offers that "a livestock
49 history is available" in those or similar terms.

50 The fact that a buyer did not hear the announcement

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1 shall not defeat the exemption claimed with respect
2 to that buyer. A livestock agency making disclosure
3 as an owner shall retain the livestock history for
4 **one year from the date of its preparation.**

5 4. A livestock history subscribed by an owner
6 shall constitute an express warranty as to the
7 livestock to which the history refers.

8 Sec. 5. Chapter two hundred eleven (211), Code
9 1975, is amended by adding the following new section:

10 **NEW SECTION. 211.5 EXEMPTION IS A DEFENSE.**

11 The implied warranty exemption which is created by
12 section two (2) of this Act shall be a defense, and
13 the burden of pleading the defense and of proving
14 disclosure shall be on the person asserting the
15 defense. Proof of a material error in or material
16 omission from information disclosed shall defeat a
17 claim of exemption.

18 Sec. 6. Chapter two hundred eleven (211), Code
19 1975, is amended by adding the following new sections:

20 **NEW SECTION. 211.6 NONDISCLOSURE NOT EVIDENCE.**

21 The election by any owner or by any livestock agency
22 not to provide livestock history or not to make the
23 verbal announcement, as permitted by this Act with
24 respect to a livestock transaction, shall not be
25 admissible as evidence in any action brought by the
26 buyer in that transaction if offered by that buyer
27 as proof of, or as fact tending to prove, any
28 allegation or claim other than fraud or
29 misrepresentation asserted by the buyer in that action.

30 **NEW SECTION. 211.7 FALSE STATEMENT—PENALTY.**

31 Any person who knowingly furnishes, completes or
32 states false livestock history commits a misdemeanor,
33 punishable by a fine not exceeding one hundred dollars
34 or by imprisonment in the county jail for not more
35 than thirty days.

36 **NEW SECTION. 211.8 DETRIMENTAL RELIANCE OF
OWNER.**

37 If a livestock agency who knowingly receives a live-
38 stock history fails to make that livestock history

39 available, or fails to make the verbal announcement,
40 in the manner prescribed in subsection two (2) of
41 section four (4) of this Act, and such failure is
42 the proximate cause of damages sustained by the owner
43 causing the delivery of that livestock history, the
44 livestock agency shall be liable to that owner for
45 those damages. In any action in which the liability
46 of a livestock agency under this section is alleged,
47 it shall be presumed that the livestock agency had
48 a duty to disclose the livestock history and it shall
49 be presumed that the owner relied upon a disclosure
50 of that livestock history by that livestock agency:

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1 However, the owner shall have the burden of proving
2 his or her compliance with subsection two (2) of
3 section four (4) of this Act.

4 NEW SECTION. 211.9 VETERINARY INSPECTION.

5 **1. INSPECTIONS.** A livestock agency or central
6 public market operating under a permit issued by the
7 department of agriculture shall cause to be provided
8 veterinary inspections by a qualified veterinary
9 inspector who has been approved by the secretary
10 of agriculture. The veterinary inspector shall
11 visually inspect all livestock marketed and shall
12 issue certificates as to the apparent health of
13 livestock so inspected. The veterinary inspector
14 shall have other duties as determined by the secretary
15 of agriculture.

16 **2. CERTIFICATES.** A livestock agency or central
17 public market shall cause to be delivered with all
18 livestock sold a verified veterinarian's certificate,
19 on a form prescribed by the secretary of agriculture,
20 which certifies that the health inspection of each
21 animal sold was made during the twenty-four hour
22 period immediately preceding the sale.

23 **3. PENALTIES.** A livestock agency or central
24 public market which fails to comply with a duty imposed
25 by this section commits a misdemeanor, and upon
26 conviction may be sentenced to a fine not to exceed
27 five hundred dollars, or to imprisonment in the county
28 jail for a term not to exceed one year, or to both
29 the fine and imprisonment.

30 **4. INSPECTION FEES.** An approved veterinary
31 inspector shall be entitled to receive a veterinary
32 inspection fee agreed upon by the livestock agency
33 or central public market and the veterinary inspector,
34 and approved by the secretary of agriculture.

35 **5. EXEMPTIONS.** The provisions of this section
36 shall apply to all livestock agencies or central pub-
37 lic markets receiving livestock moved into this state
38 for sale through said livestock agency or central
39 public market, except meat processing establishments
40 or central public markets where full-time federal
41 inspections are required and such requirement is

42 complied with. Livestock agencies or central public
43 markets not handling livestock shipped into this state
44 for resale shall be exempt from the provisions of
45 this section. Livestock meeting federal and state
46 requirements for interstate shipment as to health
47 at the time of entry into Iowa shall be exempt from
48 the inspection requirements of this section.
49 **NEW SECTION. 211.10 BONDING CERTAIN LIVESTOCK**
50 **AGENCIES.** The secretary of agriculture may require

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1 reasonable bonds from every livestock agency operating
2 in this state which is not bonded under the provisions
3 of the United States Packers and Stockyards Act of
4 1921, as amended, Title VII, sections one hundred
5 eighty-one (181) through two hundred thirty-one (231),
6 United States Code, under such rules as he or she
7 may prescribe to secure the performance of their
8 obligations, and whenever the secretary after hearing
9 under the Iowa Administrative Procedure Act finds
10 any such agency is insolvent or has violated any
11 provisions of this chapter he or she may suspend
12 operations of the livestock agency forthwith for a
13 reasonable specified period.

14 Sec. 6. Section five hundred fifty-four point
15 two thousand three hundred fourteen (554.2314), Code
16 1975, is amended by adding the following new subsec-
17 tion:

18 **NEW SUBSECTION.** This section does not apply to
19 livestock which are the subject of a qualified
20 livestock transaction as provided in section two
21 hundred eleven point two (211.2) of the Code.

22 Sec. 7. Section five hundred fifty-four point
23 two thousand three hundred fifteen (554.2315), Code
24 1975, is amended by adding the following new unnumbered
25 paragraph:

26 **NEW UNNUMBERED PARAGRAPH.** This section does not
27 apply to livestock which are the subject of a qualified
28 livestock transaction as provided in section two
29 hundred eleven point two (211.2) of the Code.

30 Sec. 8. Not later than September 30, 1976, the
31 secretary of agriculture shall approve, or shall
32 prescribe and distribute, the forms to be used pursuant
33 to this Act. The distribution initially may be
34 restricted to livestock agencies, veterinarians,
35 and other outlets which in the discretion of the
36 secretary will provide the widest practical dissemina-
37 tion and availability.

COMMITTEE ON AGRICULTURE
KENNETH D. SCOTT, Ranking Member

S—5205

1 Amend the agriculture committee amendment
2 S—5200, to Senate File 368, page 2, by inserting
3 after line 39 the following:

- 4 "c. Any disease or illness with which the
5 livestock are known to be infected.
6 d. Any disease or illness to which the
7 livestock have been exposed within the thirty-day
8 period preceding the date of the transaction as
9 a result of the commingling with other livestock
10 known to be infected by an illness or disease."

ROGER J. SHAFF

S—5207

- 1 Amend Senate File 1014 as follows:
2 1. Page 1, lines 22 through 25, by striking
3 the words "*Registration plates issued for Iowa*
4 *highway safety patrol vehicles shall bear two stars,*
5 *one before and one following the registration number*
6 *on the plate*" and inserting in lieu thereof the fol-
7 lowing: "*Registration plates issued for Iowa high-*
8 *way safety patrol vehicles shall be of the same de-*
9 *sign and color that are currently in use for those*
10 *vehicles*".

C. JOSEPH COLEMAN

S—5208

- 1 Amend Senate File 1161 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "bass" the words "in meandering streams".
4 2. Page 1, line 9, by striking the words "November
5 thirtieth" and inserting in lieu thereof the words
6 "March first".
7 3. Page 1, lines 10 and 11, by striking the words
8 "for striped, silver, and calico bass, seven inches;".
9 4. Page 1, lines 11 and 12, by striking the words
10 "warmouth and".

HILARIUS L. HEYING

S—5203

- 1 Amend Senate File 1161 as follows:
2 1. Page 1, by striking lines 8 through 12.

JAMES E. BRILES

S—5204

- 1 Amend Senate File 1161, page 1, line 9, by
2 striking the words, "November thirtieth" and inserting
3 in lieu thereof the words, "April first".

RICHARD J. NORPEL, SR.

S—5202

- 1 Amend Senate File 1161 as follows:
2 1. Page 2, by striking lines 3 through 9.

JAMES E. BRILES

S—5201

- 1 Amend House File 505, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 21, by adding after line 14 the following:

4 "The county commission shall not adopt a guide-
5 line which would affect or result in affecting the
6 method of cultivation or the variety of crop grown
7 on agricultural land."

ROGER J. SHAFF
WILLIAM P. WINKELMAN

S—5210

1 Amend House File 628 as amended and passed by the
2 House as follows:

3 1. Page 1, by inserting after line 28 the
4 following: "Claims shall be allowed where practical,
5 and at the option of the public school district of
6 the pupil's residence, subject to approval by the
7 area education agency of the pupil's residence, under
8 the provisions of subsection three (3) of section
9 two hundred eighty-five point nine (285.9) of the
10 Code, the public school district of the pupil's
11 residence may transport any pupil to a school located
12 in a contiguous public school district outside the
13 boundary lines of the public school district of the
14 pupil's residence. The public school district of
15 the pupil's residence may contract with the contiguous
16 public school district or with a private contractor
17 under the provisions of section two hundred eighty-
18 five point five (285.5) of the Code to transport the
19 pupils to the school of attendance within the boundary
20 lines of the contiguous public school district. The
21 public school district in which the pupil resides
22 may contract with the contiguous public school district
23 or with a private contractor under the provisions
24 of section two hundred eighty-five point five (285.5)
25 of the Code to transport the pupil from the pupil's
26 residence or from designated school bus collection
27 locations to the school located within the boundary
28 lines of the contiguous public school district, subject
29 to the approval of the area education agency of the
30 pupil's residence. The public school district of
31 the pupil's residence may utilize the reimbursement
32 provisions of section two hundred eighty-five point
33 one (285.1), subsection three (3) of the Code."

34 2. Page 3, by inserting after line 10 the
35 following:

36 "Sec. This Act, being deemed of immediate
37 importance, shall take effect and be in force from
38 and after its publication in The Fremont Gazette,
39 a newspaper published in Fremont, Iowa,
40 and in The Record, a newspaper published in
41 Cedar Falls, Iowa."

42 3. Renumber sections and correct internal
43 references in conformance with this amendment.

BASS VAN GILST
WILLARD HANSEN
STEVE SOVERN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:35 p.m., until 9:30 a.m., Wednesday, February 25, 1976.

JOURNAL OF THE SENATE

FORTY-FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, FEBRUARY 25, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Richard Hogan, pastor of the First Christian Church, Council Bluffs, Iowa.

The Journal of Tuesday, February 24, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedeaux for the day on request of Senator Lamborn; Senator Nolin for the day on request of Senator Kinley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Gallagher from twenty-one residents of Black Hawk and Buchanan Counties favoring legislation to prohibit diagonal highways through agricultural areas.

By Senator Junkins from sixty-nine residents of Lee County favoring Senate File 509, requiring nuclear generating facilities to dispose of nuclear waste.

By Senator Junkins from four hundred fifty-four residents of Black Hawk County urging prompt action on the recommendations of the Study Committee on Malpractice Insurance.

By Senator Sovern from four hundred sixty-seven residents of Linn County and adjoining counties favoring Senate File 534 exempting the board of directors of an area school from promulgating rules prohibiting the use of tobacco and the use or possession of alcoholic liquor or beer by any student of the school.

By Senator Sovern from eight residents of Linn County, members of the Board of Directors of the Kirkwood Community College Alumni Association, favoring Senate File 534.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendment to Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, and that the members of the conference committee on the part of the House are: The Representative from Fayette, Mr. Avenson, chairman; the Representative from Johnson, Mr. Hargrave; the Representative from Linn, Mr. Wells; the Representative from Van Buren, Mr. Millen; and the Representative from Adair, Mr. Varley.

Also: That the House has on February 23, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 524, a bill for an act relating to business corporations.

Also: That the House has on February 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 845, a bill for an act relating to duties to disabled persons and providing penalties.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 524

S—5213

1 Amend Senate File 524, as amended and passed by
2 the Senate, as follows:
3 1. Page 2, by inserting after line 8 the following:
4 "Sec. Section four hundred ninety-six A point
5 thirty-four (496A.34), unnumbered paragraph one (1),
6 Code 1975, is amended by striking the paragraph and
7 inserting in lieu thereof the following:
8 All corporate powers shall be exercised by or under
9 the authority of, and the business and affairs of
10 a corporation shall be managed under the direction
11 of, a board of directors consisting of one or more
12 members, except as may be otherwise provided in this
13 chapter or in the articles of incorporation. If any
14 such provision is made in the articles of
15 incorporation, the powers and duties conferred or
16 imposed upon the board of directors by this chapter
17 shall be exercised or performed to such extent and
18 by such person or persons as shall be provided in
19 the articles of incorporation. Directors need not
20 be residents of this state or shareholders of the
21 corporation unless the articles of incorporation
22 or bylaws so require. The articles of incorporation
23 or bylaws may prescribe other qualifications for
24 directors. The board of directors shall have authority
25 to fix the compensation of directors unless otherwise

26 provided in the articles of incorporation.

27 A director shall perform the duties of a director,
28 including the duties as a member of any committee
29 of the board upon which such director may serve, in
30 good faith, in a manner such director reasonably
31 believes to be in the best interests of the
32 corporation, and with such care as an ordinarily
33 prudent person in a like position would use under
34 similar circumstances. In performing such duties,
35 a director shall be entitled to rely on information,
36 opinions, reports or statements, including financial
37 statements and other financial data, in each case
38 prepared or presented by: (1) One or more officers
39 or employees of the corporation whom the director
40 reasonably believes to be reliable and competent in
41 the matters presented; (2) Counsel, public accountants
42 or other persons as to matters which the director
43 reasonably believes to be within such person's
44 professional or expert competence; or, (3) A committee
45 of the board upon which such director does not serve,
46 duty designated in accordance with a provision of
47 the articles of incorporation or the bylaws, as to
48 matters within its designated authority, which
49 committee the director reasonably believes to merit
50 confidence. However such director shall not be

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1 considered to be acting in good faith if such director
2 has knowledge concerning the matter in question that
3 would cause such reliance to be unwarranted. A person
4 who so performs such duties shall not have liability
5 by reason of being or having been a director of the
6 corporation.

7 A director of a corporation who is present at a
8 meeting of its board of directors at which action
9 on any corporate matter is taken shall be presumed
10 to have assented to the action taken, unless the
11 dissent of such director is entered in the minutes
12 of the meeting, such director files a written dissent
13 to such action with the secretary of the meeting
14 before the meeting's adjournment, or such director
15 forwards such dissent by registered or certified mail
16 to the secretary of the corporation immediately after
17 the adjournment of the meeting. Such right to dissent
18 shall not apply to a director who voted in favor of
19 such action."

20 2. Page 3, by inserting after line 2 the following:

21 "Sec. Section four hundred ninety-six A point
22 thirty-nine (496A.39), Code 1975, is amended to read
23 as follows:

24 **496A.39 EXECUTIVE AND OTHER COMMITTEES.** If the
25 articles of incorporation or the bylaws so provide, the
26 board of directors, by resolution adopted by a majority
27 of the full board of directors, may designate from
28 among its members an executive committee and one or
29 more other committees each of which, to the extent

30 provided in such resolution or in the articles of
31 incorporation or the bylaws of the corporation, shall
32 have and may exercise all the authority of the board
33 of directors, [but] *except that* no such committee shall
34 have the authority [of the board of directors in
35 reference to amending the articles of incorporation,
36 adopting a plan of merger or consolidation, recom-
37 mending to the shareholders the sale, lease, exchange
38 or other disposition of all or substantially all the
39 property and assets of the corporation otherwise than
40 in the usual and regular course of its business,
41 recommending to the shareholders a voluntary
42 dissolution of the corporation or a revocation thereof,
43 or amending the bylaws of the corporation. The
44 designation of any such committee and the delegation
45 thereto of authority shall not operate to relieve
46 the board of directors, or any member thereof, of
47 any responsibility imposed by law] to: (1) *declare*
48 *dividends or distributions*; (2) *approve or recommend*
49 *to shareholders actions or proposals required by this*
50 *chapter to be approved by shareholders*; (3) *designate*

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1 *candidates for the office of director, for purposes*
2 *of proxy solicitation or otherwise, or fill vacancies*
3 *on the board of directors or any committee thereof*;
4 (4) *amend the bylaws*; (5) *approve a plan of merger*
5 *not requiring shareholder approval*; (6) *reduce surplus*;
6 (7) *authorize or approve the reacquisition of shares*
7 *unless pursuant to a general formula or method*
8 *specified by the board of directors*; or (8) *authorize*
9 *or approve the issuance or sale of, or any contract*
10 *to issue or sell, shares or designate the terms of*
11 *a series of a class of shares*; however, the board
12 *of directors, having acted regarding general*
13 *authorization for the issuance or sale of shares,*
14 *or any contract for issuance or sale, and, in the*
15 *case of a series, the designation of the series,*
16 *may, pursuant to a general formula or method*
17 *specified by the board by resolution or by adoption*
18 *of a stock option or other plan, authorize a committee*
19 *to fix the terms of any contract for the sale of the*
20 *shares and to fix the terms upon which such shares*
21 *may be issued or sold, including, without limitation,*
22 *the price, the dividend rate, provisions for*
23 *redemption, sinking fund, conversion, voting or*
24 *preferential rights, and provisions for other features*
25 *of a class of shares, or a series of a class of shares,*
26 *with full power in such committee to adopt any final*
27 *resolution setting forth all the terms and to authorize*
28 *the statement of the terms of a series for filing*
29 *with the secretary of state under this chapter.*
30 Neither the designation of any such committee,
31 the delegation to it of authority, nor action by such
32 committee pursuant to such authority shall alone
33 constitute compliance by any member of the board of

34 *directors, not a member of the committee in question,*
35 *with such director's responsibility to act in good*
36 *faith, in a manner such director reasonably believes*
37 *to be in the best interests of the corporation, and*
38 *with such care as an ordinarily prudent person in*
39 *a like position would use under similar circumstances."*

40 3. Page 3, by inserting after line 19 the
41 following:

42 "Sec. Section four hundred ninety-six A point
43 forty-four (496A.44), Code 1975, is amended to read
44 as follows:

45 496A.44 LIABILITY OF DIRECTORS AND OFFICERS IN
46 CERTAIN CASES. In addition to any other liabilities
47 imposed by law upon directors and officers of a
48 corporation, *a director shall be liable in the*
49 *following circumstances, unless the director complies*
50 *with the standard provided in this chapter for*

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1 *performance of the duties of directors:*

2 1. [Directors of a corporation] *A director who [vote]*
3 *votes for or [assent] assents to the declaration of*
4 *any dividend or other distribution of the assets of*
5 *a corporation to its shareholders [in willful or*
6 *negligent violation of] contrary to the provisions*
7 *of this chapter or [of] to any restrictions contained*
8 *in the articles of incorporation, shall be [jointly*
9 *and severally] liable to the corporation jointly and*
10 *severally with all other directors so voting or*
11 *assenting for the amount of such dividend which is*
12 *paid or the value of such assets which are distributed*
13 *in excess of the amount of such dividend or*
14 *distribution which could have been paid or distributed*
15 *without a violation of the provisions of this chapter*
16 *or of the restrictions in the articles of*
17 *incorporation.*

18 2. [Directors of a corporation] *A director who [vote]*
19 *votes for or [assent] assents to the purchase of [its]*
20 *the corporation's own shares [in willful or negligent*
21 *violation of] contrary to the provisions of this chapter*
22 *or [of] to any restrictions contained in the articles*
23 *of incorporation, shall be [jointly and severally]*
24 *liable to the corporation jointly and severally with*
25 *all other directors so voting or assenting for the*
26 *amount of consideration paid for such shares which*
27 *is in excess of the maximum amount which could have*
28 *been paid therefor without a violation of the pro-*
29 *visions of this chapter or of the restrictions in*
30 *the articles of incorporation.*

31 3. [The directors of a corporation] *A director who*
32 *[vote] votes for or [assent] assents to any distribution*
33 *of assets of a corporation to its shareholders during*
34 *the liquidation of the corporation without the payment*
35 *and discharge of, or making adequate provision for,*
36 *all known debts, obligations, and liabilities of*

37 the corporation shall be [jointly and severally] liable
38 to the corporation *jointly and severally with all*
39 *other directors so voting or assenting* for the value
40 of such assets which are distributed, to the extent
41 that such debts, obligations and liabilities of the
42 corporation are not thereafter paid and discharged.

43 [A director of a corporation who is present at a
44 meeting of its board of directors at which action
45 on any corporate matter is taken shall be presumed
46 to have assented to the action taken unless his dissent
47 shall be entered in the minutes of the meeting or
48 unless he shall file his written dissent to such
49 action with the person acting as the secretary of
50 the meeting before the adjournment thereof or shall

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1 forward such dissent by registered or certified mail
2 to the secretary of the corporation immediately after
3 the adjournment of the meeting. Such right to dissent
4 shall not apply to a director who voted in favor of
5 such action.

6 A director shall not be liable under subsections
7 1, 2, or 3 of this section if the director relied
8 and acted in good faith upon financial statements
9 of the corporation, represented to the director to
10 be correct by the president or the officer of such
11 corporation having charge of its books of account,
12 or stated in a written report by an independent public
13 or certified public accountant or firm of such
14 accountants fairly to reflect the financial condition
15 of such corporation, nor shall the director be so
16 liable if in good faith in determining the amount
17 available for any such dividend or distribution the
18 director considered the assets to be of their book
19 value.] If an officer willfully or negligently submits
20 an incorrect financial statement to a director or
21 directors, and board of directors action, contrary
22 to the provisions of this chapter or of any
23 restrictions in the articles of incorporation, is
24 taken in reliance thereon, the officer shall be liable
25 to the same extent as if the officer were a director
26 voting for or assenting to such action. No [director
27 or] officer shall be deemed to be negligent within
28 the meaning of this section if the [director or] officer
29 exercised that diligence, care and skill which an
30 ordinarily prudent person *in a like position* would
31 [exercise] *use* under similar circumstances.

32 Any director against whom a claim shall be asserted
33 under or pursuant to this section for the payment
34 of a dividend or other distribution of assets of a
35 corporation and who shall be held liable thereon,
36 shall be entitled to contribution from the shareholders
37 who accepted or received any such dividend or assets,
38 knowing such dividend or distribution to have been
39 made in violation of the provisions of this chapter

40 or of any restrictions in the articles of
41 incorporation, in proportion to the amounts received
42 by them respectively, and to contribution from any
43 other director found to be similarly liable.
44 Any action seeking to impose liability under this
45 section, other than liability for contribution, shall
46 be commenced only within five years of the action
47 complained of and not thereafter."
48 4. Page 6, line 33, by inserting after the word
49 "in" the words "*section four hundred ninety-six A point*
50 *two (496A.2) of the Code, in*".

HOUSE MESSAGE CONSIDERED

House File 845, a bill for an act relating to duties to disabled persons and providing penalties.

Read first time and passed on file.

REQUEST TO WITHDRAW RESOLUTION FROM COMMITTEE DENIED

Senator Redmond asked unanimous consent that Senate Joint Resolution 1002 be withdrawn from the committee on rules and administration and taken up for immediate consideration.

Objection was raised.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on Senate File 1062, on the part of the Senate: Senators Nolting, chairperson; Robinson, Culver, Nystrom and Curtis.

On motion of Senator Kinley, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1208, by Senator DeKoster, a bill for an act making supplemental appropriations to certain state agencies including the department of social services, the state board of regents and to the state comptroller for allocation to state departments to replace certain federal funds.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1192

On motion of Senator Norpel, Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1192) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Robinson	
Gluba			

Nays, none.

Absent or not voting, 4:

Hill of Jasper	Nolin	Rabedeaux	Redmond
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 1081

On the motion of Senator Norpel, House File 1081, a bill for an act relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1081) the vote was:

Ayes, 45:

Andersen	Carr	DeKoster	Gluba
Bergman	Coleman	Doderer	Griffin
Briles	Culver	Gallagher	Hansen
Burroughs	Curtis	Glenn	Heying

Hill of Jasper	Miller of	Plymat	Shaff
Hill of Polk	Des Moines	Priebe	Shaw
Hultman	Murray	Ramsey	Sovern
Junkins	Nolting	Robinson	Taylor
Kelly	Norpel	Rodgers	Van Gilst
Kinley	Nystrom	Schwengels	Willits
Lamborn	Orr	Scott	Winkelman
Merritt	Palmer		

Nays, none.

Absent or not voting, 5:

Miller of	Nolin	Redmond	Tieden
Marshall	Rabedaux		

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

House File 1142

On motion of Senator Priebe, House File 1142, a bill for an act making appropriations to the state department of health for the funding of the state department of health and various programs under the department, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk offered amendment S—5215:

S—5215

- 1 Amend House File 1142 as follows:
- 2 Page 2, by adding after line 15 the following:
- 3 "c. For the Evelyn Davis clinic
- 4 in Des Moines\$25,000".

Senator Priebe raised the point of order that amendment S—5215 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5215 out of order.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1142) the vote was:

Ayes, 44:

Andersen	Doderer	Hultman	Norpel
Bergman	Gallagher	Junkins	Nystrom
Briles	Glenn	Kelly	Orr
Carr	Gluba	Kinley	Palmer
Coleman	Griffin	Lamborn	Plymat
Culver	Hansen	Merritt	Priebe
Curtis	Heying	Murray	Ramsey
DeKoster	Hill of Jasper	Nolting	Redmond

Robinson
Rodgers
Schwengels

Scott
Shaff
Shaw

Sovern
Taylor
Tieden

Van Gilst
Willits
Winkelman

Nays, 1:

Hill of Polk

Absent or not voting, 5:

Burroughs
Miller of
Des Moines

Miller of
Marshall

Nolin

Rabedaux

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104 relating to compensation of the officers and employees of the General Assembly.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED House Concurrent Resolution 104

Senator Junkins called up for immediate consideration House Concurrent Resolution 104, a resolution relating to compensation of legislative personnel, amended by the Senate, and further amended by the House, and moved that the Senate concur in the following House amendment to the Senate amendment:

S—5222

- 1 Amend the Senate amendment H—5284, to House
- 2 Concurrent Resolution 104, as passed by the
- 3 House, as follows:
- 4 1. Page 1, by striking lines 3 through 5.
- 5 2. Page 1, by striking lines 41 through 47.
- 6 3. Page 2, by striking lines 1 through 4.

The motion prevailed and the Senate concurred in House amendment S—5222 to Senate amendment H—5284.

Senator Junkins moved that the resolution as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?"
(H.C.R. 104) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaw
Coleman	Hill of Polk	Nystrom	Sovern
Culver	Hultman	Orr	Taylor
Curtis	Junkins	Palmer	Tieden
DeKoster	Kelly	Plymat	Van Gilst
Doderer	Kinley	Priebe	Willits
Gallagher	Lamborn	Redmond	Winkelman
Glenn	Merritt		

Nays, none.

Absent or not voting, 5:

Miller of	Nolin	Ramsey	Shaff
Marshall	Rabedaux		

The resolution having received a two-thirds majority was declared to have been adopted by the Senate.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1062

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:

FRED W. NOLTING, Chairperson
CLOYD E. ROBINSON
WARREN E. CURTIS
LOUIS P. CULVER
JOHN N. NYSTROM

On the Part of the House:

DONALD AVENSON, Chairperson
WILLIAM J. HARGRAVE
JAMES D. WELLS
FLOYD H. MILLEN
ANDREW VARLEY

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the second conference committee on Senate File 1062, on the part of the Senate: Senator Rodgers, chairperson; Kinley, Junkins, Shaff and Hultman.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Second Conference Committee on the part of the House to consider the differences between the House and the Senate on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state, are as follows: The Representative from Worth, Mr. Norland, chairman; the Representative from Scott, Mr. Bina; the Representative from Guthrie, Mr. Hutchins; the Representative from Polk, Mr. Bittle; and the Representative from Marshall, Mr. West.

Also: That the House has on February 25, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1362, a bill for an act relating to payment of judgments by cities.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1209, by committee on transportation, a bill for an act relating to the hearing on a suspension of a driver's license.

Read first time and placed on calendar.

Senate File 1210, by committee on county government, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

Read first time and referred to the committee on ways and means, under Senate Rule 38.

Senate File 1211, by Senators Gallagher and Doderer, a bill for an act to transfer the powers and duties of the Iowa natural resources council to the department of environmental quality and the office of state geologist and to abolish the Iowa natural resources council.

Read first time and passed on file.

Senate File 1212, by Senators Hill of Polk and Murray, a bill for an act to make certain clarifying and corrective revisions in and additions to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred thirty-nine (139), relating to hospitalization of the mentally ill.

Read first time and passed on file.

Senate File 1213, by Senators Sovern, Kinley, DeKoster, Orr, Shaw, Gallagher, Nolting, Willits, Merritt, Gluba, Norpel, Van Gilst, Hansen, Griffin, Carr and Plymat, a bill for an act to provide for the establishment of community school programs and to make an appropriation.

Read first time and passed on file.

Senate File 1214, by Senator Hansen, a bill for an act relating to the establishment of budget limitations for cities and counties by referendum.

Read first time and **passed on file**.

Senate File 1215, by Senator Ramsey, a bill for an act relating to the number of district court judges per judicial election district.

Read first time and **passed on file**.

HOUSE MESSAGE CONSIDERED

House File 1362, a bill for an act relating to payment of judgments by cities.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1201 State government

S. F. 1202 Ways and means

S. F. 1206 Appropriations

H. F. 1313 Appropriations

COMMUNICATION FROM THE SECRETARY OF STATE

February 23, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that the foregoing Act, House File 1121, was published in the Algona Kossuth County Advance, Algona, Iowa, February 16, 1976, and in the Quad-City Times, Davenport, Iowa, February 13, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Monday, February 23, 1976, when the vote was taken on House File 392 and amendment S—5176 to House File 504. Had I been present, I would have voted "aye" on both issues.

LOWELL JUNKINS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lester E. Calvert of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
PHILIP B. HILL
CALVIN O. HULTMAN
EUGENE M. HILL
GENE W. GLENN

REPORTS OF COMMITTEES

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **Senate File 300**, a bill for an act relating to the computation of the charges which state mental health institutes are required to make for care of patients thereof, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5220

- 1 Amend Senate File 300 as follows:
- 2 1. Page 3, line 25, by striking the word
- 3 "treasurer" and inserting in lieu thereof the word
- 4 "auditor".
- 5 2. Page 4, by inserting after line 15 the follow-
- 6 ing new section:
- 7 "Sec. This Act shall take effect January
- 8 1, 1977."

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 28**, a bill for an act repealing the prohibition which disallows a person to hold more than one class of beer permit, begs leave to report it has had the same under consideration and recommends the same **do pass.**

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 1014**, a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5218

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 1, lines 22 through 25, by striking the
- 3 words "*Registration plates issued for Iowa highway*
- 4 *safety patrol vehicles shall bear two stars, one*
- 5 *before and one following the registration number on*
- 6 *the plate*" and inserting in lieu thereof the follow-
- 7 ing: "*Registration plates issued for Iowa highway*
- 8 *safety patrol vehicles shall be of the same design*
- 9 *and color that are currently in use for those vehicles*".

EUGENE M. HILL, Chairperson

Ordered passed on file.

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 1061**, a bill for an act to allow for numerical or alphabetical designation of the county on motor vehicle licenses, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5221

- 1 Amend Senate File 1061 as follows:
- 2 1. Page 1, by striking lines 7 through 10 and
- 3 inserting in lieu thereof the following: "by its
- 4 alphabetical ranking among the counties of the state[,
- 5 in which the vehicle is registered,] *or the name of*
- 6 *the county, which may be abbreviated, of the county*
- 7 *of issue, and the name of this state, which*".

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5223

- 1 Amend S—5200, the agriculture committee
- 2 amendment to Senate File 368, as follows:
- 3 1. Page 3, by striking lines 26 and 27
- 4 and inserting in lieu thereof the words "or the
- 5 receiving of other offers the name of the owner
- 6 of the livestock and the number of owners previous
- 7 thereto as reflected in the livestock history."
- 8 2. Page 3, by striking lines 48 and 49 and
- 9 inserting in lieu thereof the words "or the receiv-
- 10 ing of other offers the name of the owner of the
- 11 livestock and the number of owners previous
- 12 thereto as reflected in the livestock history."

ROGER J. SHAFF
RAY TAYLOR
BERL E. PRIEBE

S—5214

- 1 Amend Senate File 1052 as follows:
- 2 1. Page 1, line 8, by striking the words "less
- 3 than".
- 4 2. Page 1, line 9, by inserting after the word
- 5 "degrees" the words "or less".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S—5216

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 2, line 21, by inserting after the word
- 3 "require." the words "The department shall not retain
- 4 a positive or negative photograph of the permittee."
- 5 2. Page 3, line 4, by inserting after the word
- 6 "licensee." the words "*The department shall not retain*
- 7 *a positive or negative photograph of the licensee.*"

PHILIP B. HILL

S—5224

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 2, by striking lines 32 through 35.
- 3 2. Page 3, by striking line 1 and inserting
- 4 in lieu thereof the following: "of the licensee.
- 5 *The department shall provide a space on every*
- 6 *license where the licensee may affix a decal or*
- 7 *sticker indicating that the licensee is a donor*
- 8 *under the Uniform Anatomical Gift Act. The*".
- 9 3. Page 3, by inserting after line 4 the
- 10 following:
- 11 *The licensee may affix a decal or sticker on*
- 12 *the license in the space provided which indicates*
- 13 *that the licensee is a donor under the Uniform Anato-*
- 14 *mical Gift Act. The decal shall not be larger than*
- 15 *one-half inch in diameter.*
- 16 *The use of the decal or sticker on the license*
- 17 *shall be authorized only if the licensee has com-*
- 18 *plied with the provisions for making a gift under*
- 19 *the Uniform Anatomical Gift Act and shall be ef-*
- 20 *fective only if the licensee carries on or about*
- 21 *the licensee's person a duly signed and executed*
- 22 *donor card as authorized by the Uniform Anatomical*
- 23 *Gift Act.*

C. JOSEPH COLEMAN

S—5217

- 1 Amend Senate File 1191 as follows:
- 2 Page 1, by striking lines 20 and 21 and inserting
- 3 in lieu thereof the following:
- 4 "For state aid\$982,052".

ELIZABETH SHAW

S—5219

- 1 Amend House File 628 as amended by the House as

2 follows:

3 1. Page 2, after line 6, add the following new
4 section:

5 "Sec. Section two hundred eighty-five point
6 eleven (285.11) numbered paragraph seven (7) is
7 amended as follows:

8 7. No school bus shall leave the public highway
9 to receive or discharge pupils, *except that the board*
10 *may authorize the receiving and discharging of pupils*
11 *on roads serving platted subdivisions, mobile home*
12 *parks, and multiple unit residential facilities*
13 *having three or more dwelling places."*

14 2. Renumber sections and correct internal
15 references in conformance with this amendment.

DALE L. TIEDEN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30
p.m., until 9:30 a.m., Thursday, February 26, 1976.

JOURNAL OF THE SENATE

FORTY-SIXTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, FEBRUARY 26, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Philip Ramstad, pastor of the United Church of Christ, Grinnell, Iowa.

The Journal of Wednesday, February 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard C. Rogers, Eldora, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day on request of Senator Lamborn; Senator Nolin for the day on request of Senator Kinley; Senator Ramsey for the day on request of Senator Kelly.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-three students from the Seventh Day Adventist School, Des Moines, Iowa, accompanied by Becky Barts and Bill Wood. Senator Hill of Polk.

PETITIONS

The following petitions were presented and placed on file:

By Senator Junkins from eighty-seven residents of Lee County opposing legislation placing budget limitations on municipalities.

By Senator Hill of Jasper from one hundred sixteen residents of Jasper and Polk Counties favoring pari-mutuel betting.

President Neu took the chair at 10:00 a.m.

REFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that Senate File 1205 be referred to the committee on judiciary.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

Senator Willits called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Louise Moon of Des Moines, Polk County, Iowa, for appointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, 1975 Code of Iowa, for an unexpired term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

EARL M. WILLITS, Chairperson
MINNETTE DODERER
PHILIP B. HILL
ROGER J. SHAFF
STEVE SOVERN

The motion prevailed and the report was adopted.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

The Senate resumed consideration of the appointment of Louise Moon.

Senator Willits moved the appointment of Louise Moon as a member of the State Soil Conservation Committee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Glenn	Miller of	Schwengels
Bergman	Gluba	Marshall	Scott
Briles	Griffin	Murray	Shaff
Burroughs	Hansen	Norpel	Shaw
Carr	Hill of Polk	Nystrom	Sovern
Coleman	Junkins	Orr	Taylor
Culver	Kelly	Palmer	Van Gilst
Curtis	Kinley	Plymat	Willits
DeKoster	Lamborn	Priebe	Winkelman
Doderer	Merritt	Redmond	

Nays, 6:

Heying	Hultman	Rodgers	Tieden
Hill of Jasper	Nolting		

Absent or not voting, 6:

Gallagher

Miller of
Des MoinesNolin
RabedauxRamsey
Robinson

President Neu declared the appointment of Louise Moon as a member of the State Soil Conservation Committee confirmed for the unexpired portion of a term ending June 30, 1981.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Junkins for the afternoon session and Senator Palmer for the afternoon session on request of Senator Kinley.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 24, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 443, a bill for an act relating to loans on residential real property by state banks.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1216, by committee on cities, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due.

Read first time and placed on calendar.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Sovern called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Constance C. Foster of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
LUCAS J. DeKOSTER
MINNETTE DODERER
JAMES V. GALLAGHER
WILLIAM N. PLYMAT

The motion prevailed and the report was adopted.

Senator Sovern moved the appointment of Constance C. Foster as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Glenn	Merritt	Rodgers
Bergman	Gluba	Miller of	Schwengels
Briles	Hansen	Marshall	Scott
Burroughs	Heying	Murray	Shaff
Carr	Hill of Jasper	Nolting	Shaw
Coleman	Hill of Polk	Norpel	Sovern
Culver	Hultman	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Lamborn	Priebe	Winkelman
Gallagher		Robinson	

Nays, none.

Absent or not voting, 9:

Griffin	Miller of	Palmer	Redmond
Junkins	Des Moines	Rabedaux	Willits
	Nolin	Ramsey	

President Neu declared the appointment of Constance C. Foster as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1977.

Senator Glenn called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dawn E. Chapman of Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial

term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
LEONARD C. ANDERSEN
RICHARD R. RAMSEY
JAMES M. REDMOND
KENNETH D. SCOTT

President pro tempore Doderer took the chair at 4:37 p.m.

The motion prevailed and the report was adopted.

Senator Glenn moved the appointment of Dawn E. Chapman as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Glenn	Merritt	Robinson
Bergman	Gluba	Miller of	Rodgers
Briles	Hansen	Marshall	Schwengels
Burroughs	Heying	Murray	Scott
Carr	Hill of Jasper	Nolting	Shaw
Coleman	Hill of Polk	Norpel	Sovern
Culver	Hultman	Orr	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Redmond	Winkelman
Gallagher			

Nays, none.

Absent or not voting, 10:

Griffin	Nolin	Rabedeaux	Shaff
Junkins	Nystrom	Ramsey	Willits
Miller of	Palmer		
Des Moines			

President pro tempore Doderer declared the appointment of Dawn E. Chapman as a member of the State Board of Engineering Examiners confirmed for an initial term ending June 30, 1977.

**ADOPTION OF SUPPLEMENTAL REPORT OF COMMITTEE
ON MEMORIAL RESOLUTIONS**

Senator Culver submitted the following report and moved its adoption:

**SUPPLEMENTAL REPORT OF COMMITTEE
ON MEMORIAL RESOLUTIONS**

MR. PRESIDENT: Your committee on memorial resolutions begs leave to

report that a committee should be appointed to prepare a suitable memorial resolution for the following deceased member of the Senate:

Elmer K. Bekman, Ottumwa

LOUIS P. CULVER, Chairperson
WARREN E. CURTIS
WILLIAM E. GLUBA
ELIZABETH SHAW

The motion prevailed and the report was adopted.

APPOINTMENT OF COMMITTEE

The following memorial resolution committee was appointed:

On Elmer K. Bekman:

Senator Glenn, Chairperson
Senator Schwengels
Senator Van Gilst

UNFINISHED BUSINESS

House File 1003

On motion of Senator Priebe, House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations, was taken up for further consideration.

Senator Shaw offered amendment S—5199 filed by her and moved its adoption:

S—5199

- 1 Amend House File 1003, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by inserting after line 11, the
- 4 following section:
- 5 "Sec. Acts of the Sixty-sixth General
- 6 Assembly, 1975 Session, chapter one hundred thirty-
- 7 three (133), section four (4), subsection three (3),
- 8 is amended to read as follows:
- 9 3. Agricultural land acquired by a nonprofit
- 10 corporation organized *or qualified* under the provisions
- 11 of chapters five hundred four (504) and five hundred
- 12 four A (504A) of the Code."

Senator Gallagher raised the point of order that amendment S—5199 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5199 out of order.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1003) the vote was:

Ayes, 36:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Kinley	Norpel	Shaff
Coleman	Lamborn	Nystrom	Sovern
Culver	Merritt	Orr	Tieden
Curtis	Miller of	Plymat	Van Gilst
DeKoster	Des Moines	Priebe	Winkelman
Gallagher		Redmond	

Nays, 6:

Doderer	Hultman	Shaw	Taylor
Hill of Polk	Kelly		

Voting present, 1:

Heying

Absent or not voting, 7:

Griffin	Nolin	Rabedeaux	Willits
Junkins	Palmer	Ramsey	

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1003 passed the Senate on Thursday, February 26, 1976.

ROGER J. SHAFF

UNFINISHED BUSINESS

House File 744

On motion of Senator Norpel, House File 744, a bill for an act relating to registration of travel trailers, was taken up for further consideration.

Senator Norpel offered amendment S—5195 filed by him and moved its adoption:

S—5195

- 1 Amend House File 744, page 1, by inserting after
- 2 line 17 the following:
- 3 *"A travel trailer may be stored under the pro-*
- 4 *visions of section three hundred twenty-one point*
- 5 *one hundred thirty-four (321.134), of the Code, pro-*
- 6 *vided the travel trailer is not used for human*
- 7 *habitation for any period during storage and is not*
- 8 *moved upon the highways of the state. A travel trailer*

9 stored under the provisions of section three hundred
 10 twenty-one point one hundred thirty-four (*\$21.134*)
 11 of the Code shall not be subject to either a personal
 12 property tax or a mobile home tax assessed under the
 13 provisions of chapter one hundred thirty-five D (*135D*)
 14 of the Code."

Amendment S—5195 was adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 744) the vote was:

Ayes, 39:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaw
Coleman	Kinley	Nystrom	Sovern
Culver	Lamborn	Orr	Taylor
Curtis	Merritt	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilt
Gallagher	Des Moines	Redmond	Winkelman
Glenn			

Nays, 3:

DeKoster	Hultman	Kelly
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Absent or not voting, 8:

Griffin	Nolin	Rabedaux	Shaff
Junkins	Palmer	Ramsey	Willits

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

CONSIDERATION OF JOINT RESOLUTION

Senator Kinley asked and received unanimous consent to take up out of order Senate Joint Resolution 1006.

Senate Joint Resolution 1006

On motion of Senator Briles, Senate Joint Resolution 1006, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments, was taken up for consideration.

Senator Gluba took the chair at 4:40 p.m.

President pro tempore Doderer took the chair at 4:45 p.m.

Senator Briles moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

Senate Joint Resolution 1006, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

Article three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

NEW SECTION. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of said election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 1006) the vote was:

Yeas, 29:

Andersen	Hansen	Miller of	Schwengels
Bergman	Heying	Marshall	Scott
Briles	Kelly	Murray	Shaw
Carr	Kinley	Norpel	Taylor
Culver	Merritt	Nystrom	Tieden
Gallagher	Miller of	Orr	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba		Robinson	Winkelman

Nays, 14:

Coleman	Hill of Jasper	Nolting	Rodgers
Curtis	Hill of Polk	Plymat	Shaff
DeKoster	Hultman	Redmond	Sovern
Doderer	Lamborn		

Absent or not voting, 7:

Burroughs	Junkins	Palmer	Ramsey
Griffin	Nolin	Rabedeaux	

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1167.

Senate File 1167

On motion of Senator Carr, Senate File 1167, a bill for an act relating to security arrangements for inmates from other institutions at the state university hospital, was taken up for consideration.

Senator Hill of Polk took the chair at 5:00 p.m.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1167) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Redmond	Willits
Gallagher	Des Moines	Robinson	Winkelman
Glenn			

Nays, none.

Absent or not voting, 7:

Griffin	Junkins	Palmer	Ramsey
Hultman	Nolin	Rabedaux	

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

Senator Kinley asked and received unanimous consent to take up out of order House File 739.

House File 739

On motion of Senator Norpel, House File 739, a bill for an act relating to the priority of secondary road assessment district projects in a secondary road construction program, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 739) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Plymat	Van Gilst
DeKoster	Merritt	Priebe	Willits
Doderer	Miller of	Redmond	Winkelman
Gallagher	Des Moines	Robinson	
Glenn			

Nays, 1:

Tieden

Absent or not voting, 7:

Griffin	Junkins	Palmer	Ramsey
Hultman	Nolin	Rabedaux	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1065.

Senate File 1065

On motion of Senator Miller of Des Moines, Senate File 1065,

a bill for an act to permit the same purposes for a schoolhouse tax levied by special election as are permitted for a schoolhouse tax levied by regular election, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1065) the vote was:

Ayes, 37:

Andersen	Gallagher	Miller of	Robinson
Bergman	Glenn	Des Moines	Rodgers
Briles	Gluba	Miller of	Schwengels
Burroughs	Hansen	Marshall	Shaw
Carr	Heying	Murray	Sovern
Coleman	Hill of Jasper	Nolting	Taylor
Culver	Hill of Polk	Norpel	Tieden
Curtis	Kelly	Nystrom	Van Gilst
DeKoster	Kinley	Orr	Willits
Doderer	Merritt	Plymat	

Nays, 6:

Lamborn	Redmond	Shaff	Winkelman
Priebe	Scott		

Absent or not voting, 7:

Griffin	Junkins	Palmer	Ramsey
Hultman	Nolin	Rabedeaux	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1105.

Senate File 1105

On motion of Senator Gluba, Senate File 1105, a bill for an act relating to the distribution of monthly aid to dependent children payments, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba offered amendment S—5173 by the committee on human resources and moved its adoption:

S—5173

- 1 Amend Senate File 1105 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "division or" and inserting in lieu thereof the word
- 4 "state".

- 5 2. Page 1, line 5, by striking the word "may"
 6 and inserting in lieu thereof the following words:
 7 "shall, no later than January 1, 1977 and".
 8 3. Page 1, line 7, by inserting after the
 9 word "bank" the following: ",".
 10 4. Page 1, line 7 by striking the word "or".
 11 5. Page 1, line 8, by inserting after the
 12 word "association" the words ", or credit union".
 13 6. Page 1, line 11 by striking the words
 14 "mail assistance checks" and inserting in lieu
 15 thereof the words "make the assistance payment".
 16 7. Page 1, line 12 by inserting after the
 17 word "association" the words ", or credit union".

Amendment S—5173 was adopted.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1105) the vote was:

Ayes, 40:

Andersen	Hansen	Murray	Schwengels
Bergman	Heying	Nolting	Scott
Briles	Hill of Jasper	Norpel	Shaff
Burroughs	Hill of Polk	Nystrom	Shaw
Carr	Hultman	Orr	Sovern
Coleman	Kelly	Plymat	Taylor
Culver	Kinley	Priebe	Tieden
Curtis	Merritt	Redmond	Van Gilst
DeKoster	Miller of	Robinson	Winkelman
Glenn	Marshall	Rodgers	Willits
Gluba			

Nays, 2:

Gallagher	Lamborn
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Absent or not voting, 8:

Doderer	Miller of	Nolin	Rabedaux
Griffin	Des Moines	Palmer	Ramsey
Junkins			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1179.

Senate File 1179

On motion of Senator Merritt, Senate File 1179, a bill for an act relating to the qualifications of a city or county assessor appointed to fill a vacancy which occurred prior to January 1, 1976, was taken up for consideration.

President pro tempore Doderer took the chair at 5:25 p.m.

Senator Merritt moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1179) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Redmond	Willits
Gallagher	Des Moines	Robinson	Winkelman
Glenn			

Nays, none.

Absent or not voting, 7:

Griffin	Lamborn	Palmer	Ramsey
Jenkins	Nolin	Rabedaux	

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

INTRODUCTION OF BILLS

Senate File 1217, by Senator Winkelman, a bill for an act relating to consideration of subjects during certain sessions of the general assembly.

Read first time and passed on file.

Senate File 1218, by committee on state government, a bill for an act relating to appointed public officials.

Read first time and placed on calendar.

Senate File 1219, by committee on energy, a bill for an act relating to the location and construction of major electric generating facilities and providing penalties.

Read first time and placed on calendar.

Senate File 1220, by Senator Winkelman, a bill for an act relating to agreements between state agencies and the federal government or agencies of the federal government.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1208 Appropriations
S. F. 1211 State government
S. F. 1212 Human resources
S. F. 1213 Education
S. F. 1214 Ways and means
S. F. 1215 Judiciary
H. F. 845 Judiciary
H. F. 1362 Cities

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of February, 1976: Senate Files 1031, 1063 and 1102.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marcia L. Wiedmeyer, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
EUGENE M. HILL
FRED W. NOLTING
WILLIAM N. PLYMAT
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Katherine R. Stroud, of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
WILLIAM E. GLUBA
PHILIP B. HILL
FRED W. NOLTING
WILLIAM N. PLYMAT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Warren J. Rogers, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
JAMES M. REDMOND
CLOYD E. ROBINSON
NORMAN RODGERS
ROGER J. SHAFF

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Paul A. Johns, Jr., D.P.M., of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
LEONARD C. ANDERSEN
GENE W. GLENN
PHILIP B. HILL
RICHARD J. NORPEL, SR.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ray J. Samuel, D.P.M., of Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
ROBERT M. CARR
WILLARD R. HANSEN
ELIZABETH R. MILLER
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Samuel D. Linn of Humboldt, Humboldt County, Iowa, for appointment to the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
C. JOSEPH COLEMAN
ELIZABETH R. MILLER
RICHARD J. NORPEL, SR.
NORMAN G. RODGERS

REPORT OF COMMITTEE

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred Senate File 1095, a bill for an act to remove participation of nonaccredited private institutions of higher education from the state tuition grant program, begs leave to report it has had the same under consideration and recommends the same do pass.

JOAN ORR, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5227

1 Amend Senate File 1123 as follows:
2 1. Page 3, line 2, by striking the word "either"
3 and inserting in lieu thereof the word "[either]".
4 2. Page 3, line 3, by striking the words "[employ-
5 ment office or]" and inserting in lieu thereof the
6 words "employment office or".
7 3. Page 3, by striking lines 4 through 6 and in-
8 serting in lieu thereof the following: "[the commis-
9 sion] department. The department in cooperation with
10 the employment office shall, if possible, furnish
11 each claimant with the names of three employers.
12 The claimant shall apply and obtain the signatures
13 of the employers designated by the department on forms
14 provided by the department, to be eligible to receive
15 benefits. A claimant shall obtain the signatures
16 of the employers with whom applications are made,
17 and the failure of the applicant to obtain the
18 signature on claims forms provided by the department
19 of at least three employers shall disqualify the
20 applicant from further benefits until requalified.
21 To requalify for benefits terminated under this
22 provision the claimant shall earn, subsequent to
23 disqualification, an amount not less than nine times
24 the claimant's weekly benefit amount, provided the
25 claimant is otherwise eligible. If the department
26 finds that a claimant fails to accept suitable work
27 when offered [him] the claimant, or to return to [his]
28 customary self-employment, if any, the claimant shall
29 be disqualified."

CALVIN O. HULTMAN
RAY TAYLOR
CLIFTON C. LAMBORN

S—5228

1 Amend Senate File 1157 as follows:
2 1. Page 1, by striking lines 14 through 20.

HILARIUS L. HEYING

S—5225

- 1 Amend Senate File 1161 as follows:
- 2 1. Page 1, by striking lines 1 through 12.

WILLIAM D. PALMER

S—5226

- 1 Amend Senate File 1161 as follows:
- 2 1. Page 2, by striking lines 5 through 7 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. A person shall not hunt grouse,
- 5 pheasant, partridge or quail before nine a.m. or after
- 6 three p.m."

CALVIN O. HULTMAN

S—5231

- 1 Amend Senate File 1163, page 2, by striking lines
- 2 7 through 9 and inserting in lieu thereof the follow-
- 3 ing: "valuation on all taxable property *which,*
- 4 *beginning July 1, 1977, shall be based upon an average*
- 5 *of assessed valuation of taxable property for the*
- 6 *most recent two-year period and for the school year*
- 7 *beginning July 1, 1978, and each subsequent year*
- 8 *beginning on July first, the assessed valuation on*
- 9 *all taxable property shall be based upon an average*
- 10 *of assessed valuation of taxable property for the*
- 11 *most recent three-year period in".*

WILLARD R. HANSEN

S—5229

- 1 Amend Senate File 1191 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting in lieu thereof the following:
- 4 "For state aid\$932,052"
- 5 2. Page 1, by inserting before line 22 the
- 6 following:
- 7 "It is the intent of the general assembly that
- 8 funds appropriated in the amount of nine hundred
- 9 thirty-two thousand fifty-two (932,052) dollars by
- 10 subsection four (4) of this section shall be reduced
- 11 by such amounts as represented by the dollar amounts
- 12 of federal dollars that may be received for state
- 13 aid for the regional library system if such federal
- 14 funds become available for the fiscal year beginning
- 15 July 1, 1976 and ending June 30, 1977 and to such
- 16 extent the appropriation provided in subsection four
- 17 (4) of this section are conditional."

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30 p.m., until 9:30 a.m., Friday, February 27, 1976.

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, FEBRUARY 27, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by Sister Jude Fitzpatrick, B.V.M., principal of the St. Theresa Catholic School, Des Moines, Iowa.

The Journal of Thursday, February 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard N. Rowe, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day on request of Senator Lamborn; Senator Nolin for the day, Senator Junkins for the day and Senator Palmer for the day on request of Senator Kinley; Senator Ramsey for the day on request of Senator Hill of Polk.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1044.

House File 1044

On motion of Senator Norpel, House File 1044, a bill for an act relating to fire drills and tornado drills in schools, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1044) the vote was:

Ayes, 38:

Andersen	Gluba	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Briles	Heying	Murray	Shaff
Burroughs	Hill of Jasper	Nolting	Shaw
Carr	Hultman	Norpel	Sovern
Coleman	Kinley	Nystrom	Taylor
Curtis	Lamborn	Orr	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Redmond	Willits
Glenn	Des Moines	Robinson	Winkelman

Nays, 4:

Culver	DeKoster	Hill of Polk	Rodgers
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Absent or not voting, 8:

Griffin	Kelly	Palmer	Rabedeaux
Junkins	Nolin	Plymat	Ramsey

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

Senator Kinley asked and received unanimous consent to take up out of order House File 835.

House File 835

On motion of Senator DeKoster, House File 835, a bill for an act providing that certain ammunition and firearms shall be deposited with the state criminalistics laboratory, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Coleman took the chair at 10:05 a.m.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 835) the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Rodgers
Bergman	Gluba	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Nolting	Shaw
Carr	Hill of Jasper	Norpel	Sovern
Coleman	Hill of Polk	Nystrom	Taylor
Culver	Kinley	Orr	Tieden
Curtis	Lamborn	Priebe	Van Gilst
DeKoster	Merritt	Redmond	Willits
Doderer	Miller of	Robinson	Winkelman
Gallagher	Des Moines		

Nays, none.

Absent or not voting, 10:

Griffin	Kelly	Plymat	Ramsey
Hultman	Nolin	Rabedeaux	Shaff
Junkins	Palmer		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 423.

Senate File 423

On motion of Senator Miller of Des Moines, Senate File 423, a bill for an act relating to insurance proceeds payable to physicians, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Des Moines offered amendment S—5026 filed by him and moved its adoption:

S—5026

- 1 Amend Senate File 423, page 1, line 11, by striking
- 2 the figure "1975" and inserting in lieu thereof the
- 3 figure "1976".

Amendment S—5026 was adopted.

President pro tempore Doderer took the chair at 10:15 a.m.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 423) the vote was:

Ayes, 31:

Andersen	Gluba	Miller of	Priebe
Bergman	Hansen	Marshall	Robinson
Briles	Heying	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Kinley	Norpel	Taylor
Culver	Merritt	Nystrom	Tieden
Curtis	Miller of	Orr	Van Gilst
Doderer	Des Moines	Plymat	Winkelman
Gallagher			

Nays, 8:

DeKoster	Hill of Jasper	Redmond	Shaw
Glenn	Hill of Polk	Rodgers	Willits

Absent or not voting, 11:

Coleman	Kelly	Palmer	Shaff
Griffin	Lamborn	Rabedeaux	Sovern
Junkins	Nolin	Ramsey	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 300.

Senate File 300

On motion of Senator Curtis, Senate File 300, a bill for an act relating to the computation of the charges which state mental health institutes are required to make for care of patients thereof, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba offered amendment S—5220 by the committee on human resources and moved its adoption:

S—5220

- 1 Amend Senate File 300 as follows:
- 2 1. Page 3, line 25, by striking the word
- 3 "*treasurer*" and inserting in lieu thereof the word
- 4 "*auditor*".
- 5 2. Page 4, by inserting after line 15 the follow-
- 6 ing new section:
- 7 "Sec. This Act shall take effect January
- 8 1, 1977."

Senator Miller of Des Moines took the chair at 10:25 a.m.

Amendment S—5220 was adopted.

Senator Curtis withdrew amendment S—3882 filed by him on March 26, 1975, and found on page 726 of the 1975 Senate Journal.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 300) the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Culver	Kinley	Nystrom	Sovern
Curtis	Lamborn	Orr	Taylor
DeKoster	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Redmond	Winkelman
Gluba		Robinson	

Nays, none.

Absent or not voting, 10:

Coleman
Doderer
Griffin

Junkins
Kelly
Nolin

Palmer
Rabedeaux

Ramsey
Willits

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1014.

Senate File 1014

On motion of Senator Hultman, Senate File 1014, a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Coleman offered amendment S—5218 by the committee on state government and moved its adoption:

S—5218

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 1, lines 22 through 25, by striking the
- 3 words "*Registration plates issued for Iowa highway*
- 4 *safety patrol vehicles shall bear two stars, one*
- 5 *before and one following the registration number on*
- 6 *the plate*" and inserting in lieu thereof the follow-
- 7 ing: *Registration plates issued for Iowa highway*
- 8 *safety patrol vehicles shall be of the same design*
- 9 *and color that are currently in use for those vehicles*".

Senator Coleman asked unanimous consent that further action on Senate File 1014 be deferred for the preparation of an amendment to the committee amendment.

Objection was raised.

DEFERRED

Senator Coleman moved that further action on **Senate File 1014** be deferred and that the bill be placed on the calendar under **unfinished business**, which motion prevailed.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1061.

Senate File 1061

On motion of Senator Priebe, Senate File 1061, a bill for an act

to allow for numerical or alphabetical designation of the county on motor vehicle licenses, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Coleman offered amendment S—5221 by the committee on transportation and moved its adoption:

S—5221

- 1 Amend Senate File 1061 as follows:
- 2 1. Page 1, by striking lines 7 through 10 and
- 3 inserting in lieu thereof the following: "by its
- 4 alphabetical ranking among the counties of the state[,]
- 5 in which the vehicle is registered,] or the name of
- 6 the county, which may be abbreviated, of the county
- 7 of issue, and the name of this state, which".

Amendment S—5221 was adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1061) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Briles	Heying	Murray	Shaff
Burroughs	Hill of Jasper	Norpel	Shaw
Carr	Hill of Polk	Nystrom	Sovern
Coleman	Hultman	Orr	Taylor
Culver	Kinley	Plymat	Tieden
Curtis	Lamborn	Priebe	Van Gilst
DeKoster	Merritt	Redmond	Willits
Gallagher	Miller of	Rodgers	Winkelman
Glenn	Des Moines		

Nays, none.

Absent or not voting, 10:

Doderer	Kelly	Palmer	Ramsey
Griffin	Nolin	Rabedeaux	Robinson
Junkins	Nolting		

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 53, a bill for an act to establish the license and qualifications of real estate apprentice salesmen.

Also: That the House has on February 25, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 812, a bill for an act to allow the governor to appoint the directors of certain commissions.

Also: That the House has on February 25, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1131, a bill for an act relating to children in need of assistance.

Also: That the House has on February 25, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 53

S—5232

- 1 Amend Senate File 53, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 8, line 4, by inserting after the word
- 4 "fees" the words "*, except renewal fees which need*
- 5 *not be annual,*".
- 6 2. Page 8, line 22, by striking the word
- 7 "annually" and inserting in lieu thereof the word
- 8 "[annually]".
- 9 3. Page 8, line 28, by striking the word
- 10 "annual" and inserting in lieu thereof the word
- 11 "[annual]".

INTRODUCTION OF BILLS

Senate File 1221, by committee on appropriations, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

Read first time and placed on calendar.

Senate File 1222, by committee on appropriations, a bill for

an act appropriating funds to the department of general services for capital improvements.

Read first time and placed on calendar.

Senate File 1223, by committee on appropriations, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission.

Read first time and placed on calendar.

Senate File 1224, by committee on appropriations, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists.

Read first time and placed on calendar.

Senate File 1225, by committee on appropriations, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation.

Read first time and placed on calendar.

Senate File 1226, by committee on appropriations, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1131, a bill for an act relating to children in need of assistance.

Read first time and passed on file.

House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls.

Read first time and passed on file.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 27, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

S. F. 1102—To permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1217 Rules and administration

S. F. 1220 State government

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 1061. Had I been present, I would have voted "aye."

FRED W. NOLTING

SUBCOMMITTEE ASSIGNMENTS

Senate File 489	Senate File 1169	Senate File 1182
Transportation	Ways and Means	Ways and Means
Shaff, Chairperson	Junkins, Chairperson	Van Gilst, Chairperson
Miller of Marshall	Nolting	Gluba
Orr	Burroughs	Burroughs
Senate File 1127	Senate File 1173	Senate File 1185
Judiciary	Judiciary	Education
DeKoster, Chairperson	Willits, Chairperson	Sovern, Chairperson
Kelly	Shaw	Hansen
Redmond	Ramsey	Orr
Senate File 1158	Senate File 1174	Shaw
Appropriations	State Government	Willits
Junkins, Chairperson	Glenn, Chairperson	Senate File 1186
Robinson	Gluba	State Government
Kelly	Curtis	Hill of Jasper,
Senate File 1162	Senate File 1175	Chairperson
Appropriations	Judiciary	Kinley
Hill of Jasper	Shaw, Chairperson	Winkelman
Chairperson	Hill of Polk	Senate File 1187
Van Gilst	Willits	Transportation
Bergman	Senate File 1177	Doderer, Chairperson
Senate File 1164	Judiciary	Miller of Marshall
Judiciary	Miller of Des Moines,	Coleman
Doderer, Chairperson	Chairperson	Senate File 1188
Miller of Des Moines	Carr	Judiciary
Hill of Polk	DeKoster	Hill of Polk,
Senate File 1166	Senate File 1178	Chairperson
Judiciary	Judiciary	Doderer
Ramsey, Chairperson	Willits, Chairperson	Rodgers
Miller of Des Moines	Miller of Des Moines	Senate File 1189
Rodgers	Ramsey	State Government
Senate File 1168	Senate File 1181	Kinley, Chairperson
Education	Judiciary	Glenn
Sovern, Chairperson	Coleman, Chairperson	Curtis
Orr	Redmond	
Shaw	Ramsey	

Senate File 1191
 Ways and Means
 Hill of Jasper,
 Chairperson
 Nolting
 Taylor

Senate File 1195
 Education
 Merritt, Chairperson
 Norpel
 Plymat

House File 1129
 Natural Resources
 Culver, Chairperson
 Bergman
 Priebe

House File 1157
 State Government
 Hill of Jasper,
 Chairperson
 Coleman
 Winkelman

House File 1212
 State Government
 Coleman, Chairperson
 Redmond
 Nystrom

House File 1245
 Judiciary
 DeKoster, Chairperson
 Kelly
 Redmond

**House Concurrent
 Resolution 38**
 Transportation
 Norpel, Chairperson
 Coleman
 Gallagher

**House Concurrent
 Resolution 108**
 Rules and
 Administration
 Van Gilst, Chairperson
 Kinley
 Rabedeaux

REPORTS OF COMMITTEE

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 352**, a bill for an act relating to dissolution of marriage, begs leave to report it has had the same under consideration and recommends the same do pass, and that the Senate insist on its amendment to **House File 352**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 584**, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5234

- 1 Amend House File 584, as amended and passed by
- 2 the House and reprinted, by striking everything after
- 3 the enacting clause and inserting in lieu thereof
- 4 the following:
- 5 Section 1. **NEW SECTION. SHORT TITLE.** This Act
- 6 shall be known and may be cited as the "Iowa
- 7 Competition Law".
- 8 Sec. 2. **NEW SECTION. CONSTRUCTION.** This Act
- 9 shall be construed to complement and be harmonized
- 10 with the applied laws of the United States which have
- 11 the same or similar purpose as this Act. This
- 12 construction shall not be made in such a way as to
- 13 constitute a delegation of state authority to the
- 14 federal government, but shall be made to achieve
- 15 uniform application of the state and federal laws

16 prohibiting restraints of economic activity and
17 monopolistic practices.

18 Sec. 3. *NEW SECTION. DEFINITIONS.* As used in
19 this Act, unless the context otherwise requires:

20 1. "Commodity" means tangible or intangible
21 property, real, personal, or mixed.

22 2. "Enterprise" means a business, commercial or
23 professional entity, including a corporation,
24 partnership, limited partnership, professional
25 corporation, proprietorship, incorporated or
26 unincorporated association, or other form of
27 organization.

28 3. "Government agency" means the state, its
29 political subdivisions, and any public agency supported
30 in whole or in part by taxation.

31 4. "Person" means a natural person, estate, trust,
32 enterprise or government agency.

33 5. "Price" includes the terms and conditions of
34 sale, rental, rate, fee, or any other form of payment
35 for a commodity or service.

36 6. "Relevant market" means the geographical area
37 of actual or potential competition in a line of
38 commerce, all or any part of which is within this
39 state.

40 7. "Service" means any activity which is performed
41 in whole or part for financial gain.

42 8. "Trade or commerce" means any economic activity
43 involving or relating to any commodity, service, or
44 business activity.

45 Sec. 4. *NEW SECTION. RESTRAINT PROHIBITED.* A
46 contract, combination, or conspiracy between two or
47 more persons shall not restrain or monopolize trade
48 or commerce in a relevant market.

49 Sec. 5. *NEW SECTION. MONOPOLY PROHIBITED.* A
50 person shall not attempt to establish or establish,

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1 maintain, or use a monopoly of trade or commerce in
2 a relevant market for the purpose of excluding
3 competition or of controlling, fixing, or maintaining
4 prices.

5 Sec. 6. *NEW SECTION. EXEMPTIONS.* This Act shall
6 not be construed to prohibit:

7 1. The activities of any labor organization,
8 individual members of such an organization, or group
9 of such organizations, of any employer or group of
10 employers, or of any groups of employees, if these
11 activities are directed solely to legitimate labor
12 objectives which are permitted under the laws of
13 either this state or the United States.

14 2. The activities of any agricultural or
15 horticultural organization, whether incorporated or
16 unincorporated, or of the individual members of such
17 organizations, if these activities carry out the
18 legitimate objectives of such organizations, to the

19 extent permitted under the laws of either this state
20 or the United States.

21 3. The activities of persons engaged in the
22 production of agricultural products when these persons
23 act together in associations, corporate or otherwise,
24 with or without capital stock, in collectively
25 processing, preparing for market, handling, and
26 marketing the products of these persons, to the extent
27 permitted under the laws of either this state or the
28 United States. Activities included under this
29 subsection are the maintaining of marketing and
30 purchasing agencies in common and the making of
31 necessary contracts and agreements to effect such
32 purposes. However, such associations must be operated
33 for the mutual benefit of these persons acting as
34 producers to qualify under this subsection.

35 4. The activities or arrangements expressly
36 approved or regulated by any regulatory body or officer
37 acting under authority of this state or of the United
38 States.

39 Sec. 7. *NEW SECTION. ATTORNEY GENERAL TO ENFORCE.*

40 The attorney general, with such assistance as may
41 be required from time to time of the county attorneys
42 in their respective counties, shall institute all
43 civil actions and proceedings brought under this Act
44 in the name of the state.

45 Sec. 8. *NEW SECTION. VENUE.* A suit or proceeding
46 brought under this Act may be brought in the county
47 where the cause of action arose, where any defendant
48 resides or transacts business, or where an act in
49 furtherance of the conduct prohibited by this Act
50 occurred.

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1 Sec. 9. *NEW SECTION. INVESTIGATION.*

2 1. If the attorney general has reasonable cause
3 to believe that a person has engaged in or is engaging
4 in conduct prohibited by this Act, the attorney general
5 shall make such investigation as is deemed necessary
6 and may, prior to the commencement of a suit against
7 this person under this Act:

8 a. Issue written demand on this person, its
9 officers, directors, partners, fiduciaries, or employees
10 to compel their attendance before the attorney general
11 and examine them under oath;

12 b. Issue written demand to produce, examine, and
13 copy a document or tangible item in the possession
14 of this person or its office, directors, partners,
15 or fiduciaries;

16 c. Upon an order of a district court, pursuant
17 to a showing that such is reasonably necessary to
18 an investigation being conducted under this section:

19 (1) Compel the attendance of any other person
20 before the attorney general and examine this person

21 under oath;

22 (2) Require the production, examination, and
23 copying of a document or other tangible item in the
24 possession of such person; and,

25 d. Upon an order of a district court, impound
26 a document or other tangible item produced pursuant
27 to this section and retain possession of it until
28 the completion of all proceedings arising out of the
29 investigation.

30 2. A written demand or court order issued pursuant
31 to this section shall contain the following
32 information, as applicable:

33 a. A reference to this Act and a general
34 description of the subject matter being investigated;

35 b. The date, time and place at which any person
36 is to appear or to produce documents or other tangible
37 items;

38 c. Where the production of documents or other
39 tangible items is required, a description of such
40 documents or items by class with sufficient clarity
41 so that they may be reasonably identified.

42 3. Any procedure, testimony taken, or material
43 produced under this section shall be sealed by the
44 court and be kept confidential by the attorney general,
45 until an action is filed against a person under this
46 Act for the violation under investigation, unless
47 confidentiality is waived by the person being
48 investigated and the person who has testified, answered
49 interrogatories, or produced material, or unless
50 disclosure is authorized by the court. However, the

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1 attorney general may, at any time, transmit information
2 collected under this section to the antitrust division
3 of the United States department of justice and to
4 the attorney general's office of any other state.
5 4. This Act shall not be construed to limit or
6 abridge statutory or constitutional limitations on
7 self-incrimination.

8 Sec. 10. NEW SECTION. INVESTIGATION ENFORCEMENT.

9 If a person objects or otherwise fails to obey a
10 written demand or court order issued under section
11 nine (9) of this Act, the attorney general may file
12 in the district court of the county in which the
13 person resides or maintains a principal place of
14 business within this state an application for an order
15 to enforce the demand or order. Notice of hearing
16 and a copy of the application shall be served upon
17 the person, who may appear in opposition to the
18 application. If the court finds that the demand or
19 order is proper, that there is reasonable cause to
20 believe there has been a violation of this Act, and
21 that the information sought or document or object
22 demanded is relevant to the violation, it shall order

23 the person to comply with the demand or order, subject
24 to such modification as the court may prescribe.
25 Upon motion by the person and for good cause shown,
26 the court may make any further order in the proceedings
27 which justice requires to protect the person from
28 unreasonable annoyance, embarrassment, oppression,
29 burden, or expense.

30 Sec. 11. *NEW SECTION. PROTECTIVE ORDERS.* Upon
31 application of any person who was served a written
32 demand or court order under section nine (9) of this
33 Act, upon notice and hearing, and for good cause
34 shown, the district court may make any order which
35 justice requires to protect the person from annoyance,
36 embarrassment, oppression, or undue burden of expense,
37 including the following:

38 1. That the examination of this person shall not
39 be taken or that documents or other tangible items
40 shall not be produced for inspection and copying;

41 2. That the examination or production of documents
42 or other tangible items shall be had only on specified
43 terms and conditions, including a change in the time
44 or place;

45 3. That certain matters shall not be inquired
46 into or that the scope of the examination or production
47 shall be limited to certain matters;

48 4. That the examination or production and
49 inspection shall be conducted with only those persons
50 present as designated by the court;

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1 5. That the transcript of the examination shall
2 be sealed and be opened only by order of the court;

3 6. That a trade secret or other confidential
4 research, development, or commercial information shall
5 not be disclosed or shall be disclosed only in a
6 designated way.

7 Sec. 12. *NEW SECTION. REMEDIES.* The state or
8 a person who is injured or threatened with injury
9 by conduct prohibited under this Act may bring suit
10 to:

11 1. Prevent or restrain conduct prohibited under
12 this Act and remove the conduct's effect by injunction,
13 divestiture, divorcement, dissolution of domestic
14 enterprises to do business in this state, compelling
15 the forfeiture or restraint of the issuance of a
16 certificate of incorporation, permit to transact
17 business, license, or franchise, or granting other
18 equitable relief. The state may bring suit under
19 this section without posting bond.

20 2. Recover actual damages resulting from conduct
21 prohibited under this Act.

22 3. Recover, at the court's discretion, exemplary
23 damages which do not exceed twice the actual damages
24 awarded under subsection two (2) of this section if:

25 a. The trier of fact determines that the prohibited

26 conduct is willful or flagrant; and,

27 b. The person bringing suit is not the state.

28 4. Recover the necessary costs of bringing suit,
29 including a reasonable attorney fee. However, the
30 state may not recover any attorney fee.

31 Sec. 13. *NEW SECTION. CIVIL PENALTY.* In addition
32 to suit under section twelve (12) of this Act, the
33 state may bring suit to assess a civil penalty against
34 an enterprise whose conduct is prohibited under this
35 Act. The civil penalty assessed shall not exceed
36 twenty-five percent of the total value of the specific
37 commodities by their brand, make, and size or of
38 services either of which were the subject of the
39 prohibited conduct sold in the relevant market in
40 this state by the enterprise in each year in which
41 this conduct occurred, but this penalty shall not
42 exceed one hundred fifty (150,000) dollars. In
43 computing this penalty, only the four most recent
44 years in which the prohibited conduct occurred, as
45 of commencement of suit under this section, shall be
46 used in the computation.

47 Sec. 14. *NEW SECTION. LIMITATIONS.*

48 1. Suit by the state under section thirteen (13)
49 of this Act must be commenced within four years after
50 the cause of action accrues or, if there is fraudulent

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1 concealment of this cause of action, within four years
2 after the cause of action becomes known, whichever
3 period is later.

4 2. Suit by any person under section twelve (12)
5 of this Act must be commenced within four years after
6 the cause of action accrues. However, if this cause
7 is based, in whole or part, on the same set of facts
8 as alleged in a suit brought under section thirteen
9 (13) of this Act, this period shall be extended until
10 one year after the suit brought under section thirteen
11 (13) of this Act is concluded.

12 Sec. 15. *NEW SECTION. PRIMA FACIE EVIDENCE.*

13 A final decree or judgment, other than a consent
14 decree or consent judgment entered before trial, in
15 a suit brought by the state under sections twelve
16 (12) and thirteen (13) of this Act, is prima facie
17 evidence against the defendant in a suit brought by
18 any person other than the state under section twelve
19 (12) of this Act as to all matters respecting which
20 this decree or judgment would be an estoppel between
21 the state and the defendant. This section shall not
22 affect the application of collateral estoppel or issue
23 preclusion.

24 Sec. 16. Chapter five hundred fifty-three (553),
25 Code 1975, is repealed.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5233

- 1 Amend the state government committee amendment
- 2 S—5218, to Senate File 1014 as follows:
- 3 1. Page 1, line 8 by inserting after the word
- 4 “vehicles” the following: “, *except unmarked patrol*
- 5 *vehicles*,”.

C. JOSEPH COLEMAN

S—5230

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 1, line 7, by striking the words “*director*
- 3 *of employment security [commission]*” and inserting in
- 4 lieu thereof the words “[*employment security commission*]
- 5 *commissioner of the bureau of labor*”.
- 6 2. Page 1, by inserting after line 28 the following
- 7 section:
- 8 “Sec. Section ninety-one point five (91.5),
- 9 Code 1975, is amended by striking subsection three
- 10 (3) and inserting in lieu thereof the following:
- 11 3. All laws relating to unemployment compensation
- 12 insurance and the state employment service.”
- 13 3. Page 1, line 35, by striking the word
- 14 “*director*”.
- 15 4. Page 2, by striking line 1, and inserting in
- 16 lieu thereof the words “[*of the Iowa employment security*
- 17 *commission*]”.
- 18 5. Page 2, line 2, by striking the words
- 19 “[*commission*] *or a designee*,” and inserting in lieu
- 20 thereof the word “[*commission*]”.
- 21 6. Page 2, line 14, by striking the words
- 22 “[*commissioner*] *director of the*” and inserting in lieu
- 23 thereof the words “*labor commissioner*”.
- 24 7. Page 2, line 15, by striking the words
- 25 “*department of employment security*”.
- 26 8. Page 2, lines 31 and 32, by striking the words
- 27 “*department of employment security*” and inserting
- 28 in lieu thereof the words “*bureau of labor*”.
- 29 9. Page 3, line 1, by striking the word
- 30 “*department*” and inserting in lieu thereof the word
- 31 “*bureau*”.
- 32 10. Page 3, line 4, by striking the word
- 33 “*department*” and inserting in lieu thereof the word
- 34 “*bureau*”.
- 35 11. Page 3, line 12, by striking the word
- 36 “*director*” and inserting in lieu thereof the word
- 37 “*commissioner*”.
- 38 12. Page 4, line 13, by striking the word
- 39 “*department*” and inserting in lieu thereof the word
- 40 “*bureau*”.
- 41 13. Page 5, line 9, by striking the word “*director*”
- 42 and inserting in lieu thereof the word “*commissioner*”.
- 43 14. Page 5, line 14, by striking the word
- 44 “*director*” and inserting in lieu thereof the word
- 45 “*commissioner*”.
- 46 15. Page 6, line 23, by striking the word

- 47 "department" and inserting in lieu thereof the word
48 "bureau".
49 16. Page 6, line 33, by striking the word
50 "director" and inserting in lieu thereof the word

Page 2

- 1 "commissioner".
2 17. Page 6, line 35, by striking the word
3 "department" and inserting in lieu thereof the word
4 "bureau".
5 18. Page 7, line 6, by striking the word
6 "department" and inserting in lieu thereof the word
7 "bureau".
8 19. Page 7, line 8, by striking the word
9 "department" and inserting in lieu thereof the word
10 "bureau".
11 20. Page 7, line 9, by striking the word
12 "department" and inserting in lieu thereof the word
13 "bureau".
14 21. Page 7, line 10, by striking the word
15 "department's" and inserting in lieu thereof the word
16 "bureau's".
17 22. Page 7, line 19, by striking the word
18 "department" and inserting in lieu thereof the word
19 "bureau".
20 23. Page 7, line 31, by striking the word
21 "department" and inserting in lieu thereof the word
22 "bureau".
23 24. Page 7, line 32, by striking the word
24 "director" and inserting in lieu thereof the word
25 "commissioner".
26 25. Page 8, line 4, by striking the word
27 "department" and inserting in lieu thereof the word
28 "bureau".
29 26. Page 8, line 13, by striking the word
30 "director" and inserting in lieu thereof the word
31 "commissioner".
32 27. Page 8, line 16, by striking the word
33 "director" and inserting in lieu thereof the word
34 "commissioner".
35 28. Page 9, line 4, by striking the word "director"
36 and inserting in lieu thereof the word "commissioner".
37 29. Page 9, line 12, by striking the word
38 "director" and inserting in lieu thereof the word
39 "commissioner".
40 30. Page 9, by striking lines 17 through 35 and
41 inserting in lieu thereof the following:
42 "96.10 ADMINISTRATION OF CHAPTER. The commissioner
43 of labor, hereinafter referred to as the commissioner,
44 shall administer the provisions of this chapter.
45 The word 'bureau' when used in this chapter means
46 the bureau of labor."
47 31. Page 10, line 1, by striking the words
48 "director of the department" and inserting in lieu
49 thereof the word "commissioner".
50 32. Page 10, line 2, by striking the word

Page 3

- 1 "department" and inserting in lieu thereof the word
- 2 "bureau".
- 3 33. Page 10, by striking line 4, and inserting
- 4 in lieu thereof the words "assigned under this
- 5 chapter."
- 6 34. Page 10, line 8, by striking the word
- 7 "DIRECTOR" and inserting in lieu thereof the word
- 8 "COMMISSIONER".
- 9 35. Page 10, line 9, by striking the word
- 10 "director" and inserting in lieu thereof the word
- 11 "commissioner".
- 12 36. Page 10, line 10, by striking the word
- 13 "director" and inserting in lieu thereof the word
- 14 "commissioner".
- 15 37. Page 16, line 30, by striking the word
- 16 "department" and inserting in lieu thereof the word
- 17 "bureau".
- 18 38. Page 16, line 31, by striking the word
- 19 "department" and inserting in lieu thereof the word
- 20 "bureau".
- 21 39. Page 10, line 18, by striking the word
- 22 "director" and inserting in lieu thereof the word
- 23 "commissioner".
- 24 40. Page 10, line 22, by striking the word
- 25 "director" and inserting in lieu thereof the word
- 26 "commissioner".
- 27 41. Page 10, line 24, by striking the word
- 28 "director" and inserting in lieu thereof the word
- 29 "commissioner".
- 30 42. Page 10, line 26, by striking the word
- 31 "director" and inserting in lieu thereof the word
- 32 "commissioner".
- 33 43. Page 11, line 3, by striking the word
- 34 "department" and inserting in lieu thereof the word
- 35 "bureau".
- 36 44. Page 11, line 8, by striking the word
- 37 "department" and inserting in lieu thereof the word
- 38 "bureau".
- 39 45. Page 11, line 10, by striking the word
- 40 "director" and inserting in lieu thereof the word
- 41 "commissioner".
- 42 46. Page 11, line 12, by striking the word
- 43 "department's" and inserting in lieu thereof the word
- 44 "bureau's".
- 45 47. Page 11, line 14, by striking the word
- 46 "director" and inserting in lieu thereof the word
- 47 "commissioner".
- 48 48. Page 11, line 22, by striking the word
- 49 "director" and inserting in lieu thereof the word
- 50 "commissioner".

Page 4

- 1 49. Page 11, line 26, by striking the words
- 2 "director, a deputy director" and inserting in lieu

- 3 thereof the words "commissioner, a deputy
4 commissioner".
- 5 50. Page 11, line 31, by striking the word
6 "director" and inserting in lieu thereof the word
7 "commissioner".
- 8 51. Page 12, line 16, by striking the word
9 "department" and inserting in lieu thereof the words
10 "bureau for the administration of this chapter".
- 11 52. Page 12, line 19, by striking the word
12 "director" and inserting in lieu thereof the word
13 "commissioner".
- 14 53. Page 12, line 22, by striking the word
15 "director" and inserting in lieu thereof the word
16 "commissioner".
- 17 54. Page 12, line 27, by striking the word
18 "director" and inserting in lieu thereof the word
19 "commissioner".
- 20 55. Page 12, line 30, by striking the word
21 "department" and inserting in lieu thereof the word
22 "bureau".
- 23 56. Page 13, line 8, by striking the word
24 "department" and inserting in lieu thereof the word
25 "bureau".
- 26 57. Page 13, line 10, by striking the word
27 "department" and inserting in lieu thereof the word
28 "bureau".
- 29 58. Page 13, line 12, by striking the word
30 "director" and inserting in lieu thereof the word
31 "commissioner".
- 32 59. Page 13, line 14, by striking the word
33 "department" and inserting in lieu thereof the word
34 "bureau".
- 35 60. Page 13, line 14, by striking the word
36 "director" and inserting in lieu thereof the word
37 "commissioner".
- 38 61. Page 13, line 19, by striking the word
39 "department" and inserting in lieu thereof the word
40 "bureau".
- 41 62. Page 13, line 21, by striking the word
42 "department" and inserting in lieu thereof the word
43 "bureau".
- 44 63. Page 13, lines 26 and 27, by striking the
45 word "department" and inserting in lieu thereof the
46 word "bureau".
- 47 64. Page 13, line 34, by striking the word
48 "department" and inserting in lieu thereof the word
49 "bureau".
- 50 65. Page 14, line 30, by striking the word

Page 5

- 1 "department" and inserting in lieu thereof the word
2 "bureau".
- 3 66. Page 15, line 9, by striking the words
4 "department of employment security" and inserting
5 in lieu thereof the words "[of employment security]"

- 6 *bureau*".
- 7 67. Page 15, line 13, by striking the word
- 8 "*department*" and inserting in lieu thereof the word
- 9 "*bureau*".
- 10 68. Page 15, line 13, by striking the word
- 11 "*director*" and inserting in lieu thereof the word
- 12 "*commissioner*".
- 13 69. Page 15, line 21, by striking the word
- 14 "*director*" and inserting in lieu thereof the word
- 15 "*commissioner*".
- 16 70. Page 15, line 27, by striking the word
- 17 "*department*" and inserting in lieu thereof the word
- 18 "*bureau*".
- 19 71. Page 15, line 30, by striking the word
- 20 "*DEPARTMENT*" and inserting in lieu thereof the word
- 21 "*BUREAU*".
- 22 72. Page 15, line 31, by striking the word
- 23 "*department*" and inserting in lieu thereof the word
- 24 "*bureau*".
- 25 73. Page 16, line 9, by striking the word
- 26 "*department*" and inserting in lieu thereof the word
- 27 "*bureau*".
- 28 74. Page 16, line 13, by striking the word
- 29 "*department*" and inserting in lieu thereof the word
- 30 "*bureau*".
- 31 75. Page 16, line 25, by striking the word
- 32 "*department*" and inserting in lieu thereof the word
- 33 "*bureau*".
- 34 76. Page 17, line 5, by striking the word
- 35 "*department*" and inserting in lieu thereof the word
- 36 "*bureau*".
- 37 77. Page 17, line 12, by striking the words
- 38 "*director of the department*" and inserting in lieu
- 39 thereof the words "*commissioner of the bureau*".
- 40 78. Page 17, line 28, by striking the word "[Iowa]"
- 41 and inserting in lieu thereof the words "*Iowa public*
- 42 *employees' retirement system*".
- 43 79. Page 17, line 28, by striking the word "*of*".
- 44 80. Page 17, line 29, by striking the words
- 45 "*employment security*" and inserting in lieu there-
- 46 of the words "[*employment security*]".
- 47 81. Page 17, by inserting after line 30 the fol-
- 48 lowing section:
- 49 "Sec. Section ninety-seven point fifty-one
- 50 (97.51), subsection one (1), paragraph c, and sub-

Page 6

- 1 section three (3), Code 1975, are amended to read
- 2 as follows:
- 3 c. Disburse such trust funds upon warrants drawn
- 4 by the comptroller pursuant to the order of the [em-
- 5 ployment security commission] *department*.
- 6 3. The Iowa [employment security commission] *public*
- 7 *employees' retirement system department* shall be
- 8 vested with authority to administer the Iowa old-age

9 and survivors' insurance liquidation fund and shall
10 also administer all other provisions of this chapter."

11 82. Page 17, line 34, by striking the words "of
12 employment security" and inserting in lieu thereof
13 the words "[employment security]".

14 83. Page 18, line 3, by striking the words "and
15 under the Iowa employment security chapter" and in-
16 serting in lieu thereof the words "[and under the Iowa
17 employment security chapter]".

18 84. Page 18, by striking lines 10 through 14 and
19 inserting in lieu thereof the following: "1975, is
20 amended by striking the section and inserting in lieu
21 thereof the following:

22 97B.3 DEPARTMENT ESTABLISHED. There is established
23 an Iowa state employees' retirement system department,
24 hereinafter called the 'department', to administer
25 the provisions of this chapter and of chapter ninety-
26 seven (97) of the Code. Employees of the department
27 shall be selected under the provisions of chapter
28 nineteen A (19A) of the Code."

29 85. Page 18, by striking line 35 and inserting
30 in lieu thereof the words "same in accordance with
31 the directions of the [commission] director."

32 86. Page 19, line 7, by striking the word "[neither]"
33 and inserting in lieu thereof the word "neither".

34 87. Page 19, line 8, by striking the words "[nor
35 the commission]" and inserting in lieu thereof the
36 words "nor the [commission] director".

37 88. Page 19, line 8, by striking the word "not".

38 89. Page 19, by striking line 23 and inserting
39 in lieu thereof the words "comptroller pursuant to
40 the order of the [commission] director".

41 90. Page 19, line 25, by striking the words "[in
42 accordance with the direction]" and inserting in lieu
43 thereof the words "in accordance with the direction".

44 91. Page 19, by striking line 26 and inserting
45 in lieu thereof the words "of the [commission] director
46 when such action may be deemed advisable".

47 92. Page 19, line 27, by striking the words "[by
48 the commission]" and inserting in lieu thereof
49 words "by the [commission] director".

50 93. Page 19, line 33, by striking the words "[,

Page 7

1 in accordance with the direction of the]" and inserting
2 in lieu thereof the words ", in accordance with the
3 direction of the".

4 94. Page 19, line 34, by striking the word "[commis-
5 sion,]" and inserting in lieu thereof the words "[com-
6 mission] director,".

7 95. Page 20, by striking from lines 3 and 4 the
8 words "[directed to be purchased by the commission]"
9 and inserting in lieu thereof the words "directed
10 to be purchased by the [commission] director".

11 96. Page 20, line 12, by striking the words "treas-
12 urer of state" and inserting in lieu thereof the

13 word "director".

14 97. Page 20, line 15, by striking the words "treas-
15 surer of state" and inserting in lieu thereof the
16 word "director".

17 98. Page 22, line 19, by inserting after the word
18 "board" the words "established under chapter ninety-
19 six (96) of the Code".

20 99. Page 23, by inserting after line 9 the
21 following:

22 "The director shall pay to the department of em-
23 ployment security from funds appropriated to the de-
24 partment all costs incurred in using the appeal board."

25 100. Page 23, line 21, by striking the word "of".

26 101. Page 23, line 22, by striking the words "em-
27 ployment security" and inserting in lieu thereof the
28 words "[employment security]".

29 102. Page 24, line 4, by inserting after the words
30 "to the" the words "Iowa public employees' retire-
31 ment system".

32 103. Page 24, line 4, by striking the words "of
33 employment" and inserting in lieu thereof the word
34 "[employment]".

35 104. Page 24, line 5, by striking the word
36 "security" and inserting in lieu thereof the word
37 "[security]".

38 105. Page 24, line 16, by striking the words "of
39 employment security" and inserting in lieu thereof
40 the words "[employment security]".

41 106. Page 25, by inserting after line 24 the
42 following section:

43 "Sec. Chapter ninety-seven B (97B), Code 1975,
44 is amended by adding the following new sections:

45 **NEW SECTION.** The chief executive officer of the
46 department is the director who shall be appointed
47 by the governor with the approval of two-thirds of
48 the members of the senate and shall serve at the
49 pleasure of the governor. The director shall be
50 selected solely on the ability to administer the

Page 8

1 duties and functions of this chapter and shall devote
2 full time to the duties of the director. If the
3 office of director becomes vacant during a session
4 of the general assembly, the vacancy shall be filled
5 in the same manner as the original appointment. Any
6 vacancy in the office of director occurring while
7 the general assembly is not in session shall be filled
8 by appointment by the governor which appointment shall
9 expire thirty days after the general assembly next
10 convenes. Within the thirty-day period, the governor
11 shall transmit an appointment to the senate.

12 The salary of the director shall be set by the
13 general assembly.

14 **NEW SECTION. AGREEMENT FOR SERVICES.** The direc-
15 tor may execute an agreement with the director of

16 the department of employment security for the
17 department to utilize administrative services of the
18 department of employment security. The director shall
19 reimburse the department of employment security for
20 the costs of the administrative services used."

21 107. Page 25, by striking lines 26, 27, and 28
22 and inserting in lieu thereof the words "Code 1975,
23 is amended by striking subsection eight (8)."

24 108. Page 25, by striking lines 34 and 35 and
25 inserting in lieu thereof the word and figure "six
26 (96.26);".

27 109. Page 26, line 1, by striking the words and
28 figure "subsection three (3);".

29 110. Page 26, lines 6 and 7, by striking the words
30 "department of employment security" and inserting in
31 lieu thereof the words "bureau of labor".

32 111. Page 26, line 22, by striking the word
33 "director" and inserting in lieu thereof the word
34 "commissioner".

35 112. Page 28, line 10, by inserting after the
36 figure "(96.24)" the word "and".

37 113. Page 28, by striking line 11 and inserting
38 in lieu thereof the following: "six point twenty-
39 nine (96.29), are amended by striking from such
40 sections the word 'commission' and inserting in lieu
41 thereof the word 'bureau' and by striking from such
42 sections the word 'commission's' and inserting in
43 lieu thereof the word 'bureau's'."

44 114. Page 28, by inserting after line 11 the
45 following:

46 "Sec. Sections ninety-seven point fifty-one".

47 115. Page 28, line 12, by inserting after the
48 word and letter "paragraph b" the words and figures
49 "and subsections four (4) and six (6)".

50 116. Page 30, by striking lines 3 through 10.

Page 9

1 117. Amend the title, line 1, by striking the
2 words "establish a department of employment security".

3 118. Amend the title, line 2, by striking the
4 words "prescribe its duties, and to".

5 119. Amend the title, line 3, by inserting after
6 the word "commission" the words ", transfer certain
7 of its functions to the bureau of labor and certain
8 of its functions to an Iowa public employees'
9 retirement system department".

10 120. By renumbering sections as necessary.

CLOYD E. ROBINSON

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:20
p.m., until 10:00 a.m., Monday, March 1, 1976.

JOURNAL OF THE SENATE

FIFTIETH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, MARCH 1, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Honorable Bass Van Gilst, member of the Senate from Oskaloosa, Mahaska County, Iowa.

The Journal of Friday, February 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hardinger, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Junkins for the day, Senator Shaw for the day, Senator Plymat for the day, Senator Nolin for the day and Senator Rabedaux for the day on request of Senator Lamborn; Senator Murray for the day on request of Senator Burroughs; Senator Nolting for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from St. Patrick's Elementary School, Perry, Iowa, accompanied by Steven Swanson. Senator Rodgers.

PETITIONS

The following petitions were presented and placed on file:

By Senator Gallagher from fifty-five residents of Black Hawk County opposing the taking of Northern Pike from the Mississippi River by commercial fishermen.

By Senator Kinley from eighty-eight residents of Polk County favoring pari-mutuel betting.

By Senator Sovern from two hundred eight residents of Linn County and adjoining counties favoring Senate File 534 exempting the board of directors of an area school from promulgating rules prohibiting the use of tobacco and the use or possession of alcoholic liquor or beer by any student of the school.

By Senator Rabedeaux from forty residents of Muscatine County opposing Senate File 1161, relating to the taking of fish and game and subjecting violators to a penalty.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Griffin called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert E. McKone of Carroll, Carroll County, Iowa, for appointment as a public member of the State Board of Funeral Director and Embalmer Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairperson
LEONARD C. ANDERSEN
MILO MERRITT
KARL NOLIN
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Griffin moved the appointment of Robert E. McKone as a member of the State Board of Funeral Director and Embalmer Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Glenn	Lamborn	Redmond
Bergman	Gluba	Merritt	Robinson
Briles	Griffin	Miller of	Rodgers
Burroughs	Hansen	Des Moines	Schwengels
Coleman	Heying	Miller of	Scott
Culver	Hill of Jasper	Marshall	Shaff
Curtis	Hill of Polk	Nystrom	Sovern
DeKoster	Hultman	Palmer	Tieden
Doderer	Kelly	Priebe	Van Gilst
Gallagher	Kinley	Ramsey	Winkelman

Nays, none.

Absent or not voting, 12:

Carr	Nolin	Orr	Shaw
Junkins	Nolting	Plymat	Taylor
Murray	Norpel	Rabedaux	Willits

President pro tempore Doderer declared the appointment of Robert E. McKone as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for an initial term ending June 30, 1978.

Senator Miller of Marshall called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Martha H. Peck, O.D., of Fort Madison, Lee County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial three-year term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ELIZABETH R. MILLER, Chairperson
LOWELL L. JUNKINS
MILO MERRITT
JOHN S. MURRAY
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Miller of Marshall moved the appointment of Martha H. Peck as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 39:

Andersen	Gluba	Merritt	Redmond
Bergman	Griffin	Miller of	Robinson
Briles	Hansen	Des Moines	Rodgers
Burroughs	Heying	Miller of	Schwengels
Coleman	Hill of Jasper	Marshall	Scott
Culver	Hill of Polk	Norpel	Shaff
Curtis	Hultman	Nystrom	Sovern
DeKoster	Kelly	Palmer	Tieden
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Lamborn	Ramsey	Winkelman
Glenn			

Nays, none.**Absent or not voting, 11:**

Carr	Nolin	Plymat	Taylor
Junkins	Nolting	Rabedaux	Willits
Murray	Orr	Shaw	

President pro tempore Doderer declared the appointment of Martha H. Peck, O.D. as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1978.

SPECIAL ORDER

Senator Kinley asked and received unanimous consent that House File 584 be made a special order of business for Monday, March 8, 1976, at 2:30 p.m.

UNFINISHED BUSINESS

Senate File 1014

On motion of Senator Hultman, Senate File 1014, a bill for an act to require that registration plates issued for Iowa highway safety patrol vehicles shall bear two stars, was taken up for further consideration.

The Senate resumed consideration of amendment S—5218, offered and deferred on February 27, 1976.

Senator Coleman offered amendment S—5233 to amendment S—5218 and moved its adoption:

S—5233

- 1 Amend the state government committee amendment
- 2 S—5218, to Senate File 1014 as follows:
- 3 1. Page 1, line 8 by inserting after the word
- 4 "*vehicles*" the following: "*, except unmarked patrol*
- 5 *vehicles,*".

Amendment S—5233 to amendment S—5218 was adopted.

On motion of Senator Coleman, amendment S—5218 as amended was adopted.

Senator Coleman withdrew amendment S—5207 filed by him on February 24, 1976, and found on page 591 of the Senate Journal.

Senator Hultman withdrew amendment S—5017 filed by him on January 22, 1976, and found on page 123 of the Senate Journal.

Senator Norpel offered amendment S—5236:

S—5236

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "*plate.*" the words "*All highway safety patrol vehicles*

- 4 *shall be clearly labeled bearing at least two labels*
 5 *in the manner provided for labeling publicly-owned*
 6 *motor vehicles."*
 7 2. Amend the title, line 2, by inserting after
 8 the word "stars" the words "and be mounted on labeled
 9 vehicles".

Senator Hultman raised the point of order that amendment S—5236 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5236 out of order.

Senator Scott took the chair at 10:50 a.m.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1014) the vote was:

Ayes, 33:

Andersen	Gluba	Miller of	Scott
Bergman	Griffin	Marshall	Shaff
Briles	Heying	Nystrom	Sovern
Burroughs	Hill of Jasper	Palmer	Taylor
Coleman	Hultman	Priebe	Tieden
Curtis	Kelly	Ramsey	Van Gilst
DeKoster	Kinley	Redmond	Willits
Gallagher	Lamborn	Rodgers	Winkelman
Glenn		Schwengels	

Nays, 6:

Culver	Hill of Polk	Norpel	Robinson
Hansen	Merritt		

Absent or not voting, 11:

Carr	Miller of	Nolin	Plymat
Doderer	Des Moines	Nolting	Rabedaux
Junkins	Murray	Orr	Shaw

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Willits presiding.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 1007, by Senator Winkelman, a joint resolution proposing an amendment to the Constitution of the State of Iowa to make the terms of judges of the supreme and district courts elective.

Read first time and passed on file.

Senate File 1227, by Senators Shaff and Kelly, a bill for an act relating to the rights of unpaid sellers of livestock under the Iowa Uniform Commercial Code.

Read first time and passed on file.

Senate File 1228, by Senator Gluba, a bill for an act to permit a law enforcement officer issuing a citation to retain the operator's license of the cited person as bond to assure that person's appearance in court.

Read first time and passed on file.

Senate File 1229, by committee on state government, a bill for an act to make the appointment of the director of the office for planning and programming subject to senate confirmation.

Read first time and placed on calendar.

Senate File 1230, by committee on human resources, a bill for an act relating to the Iowa Civil Rights Act of 1965.

Read first time and placed on calendar.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1123.

Senate File 1123

On motion of Senator Hill of Jasper, Senate File 1123, a bill for an act to establish a department of employment security, prescribe its duties, and to abolish the employment security commission, was taken up for consideration.

Senator Robinson withdrew amendment S—5230 filed by him on February 27, 1976, and found on pages 644-651, inclusive, of the Senate Journal.

Senator Robinson withdrew amendment S—5244:

S—5244

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 5, line 3, by striking the word and

- 3 figure "line 9" and inserting in lieu thereof the
4 words and figures "lines 9 and 10".

Senator Hultman asked and received unanimous consent to withdraw amendment S—5182 filed by Senators Hultman, et al., on February 19, 1976, and found on page 536 of the Senate Journal.

Senator Hultman offered amendment S—5227 filed by Senators Hultman, Taylor and Lamborn:

S—5227

- 1 Amend Senate File 1123 as follows:
2 1. Page 3, line 2, by striking the word "either"
3 and inserting in lieu thereof the word "[either]".
4 2. Page 3, line 3, by striking the words "[employ-
5 ment office or]" and inserting in lieu thereof the
6 words "employment office or".
7 3. Page 3, by striking lines 4 through 6 and in-
8 serting in lieu thereof the following: "[the commis-
9 sion] department. The department in cooperation with
10 the employment office shall, if possible, furnish
11 each claimant with the names of three employers.
12 The claimant shall apply and obtain the signatures
13 of the employers designated by the department on forms
14 provided by the department, to be eligible to receive
15 benefits. A claimant shall obtain the signatures
16 of the employers with whom applications are made,
17 and the failure of the applicant to obtain the
18 signature on claims forms provided by the department
19 of at least three employers shall disqualify the
20 applicant from further benefits until requalified.
21 To requalify for benefits terminated under this
22 provision the claimant shall earn, subsequent to
23 disqualification, an amount not less than nine times
24 the claimant's weekly benefit amount, provided the
25 claimant is otherwise eligible. If the department
26 finds that a claimant fails to accept suitable work
27 when offered [him] the claimant, or to return to [his]
28 customary self-employment, if any, the claimant shall
29 be disqualified".

Senator Robinson raised the point of order that amendment S—5227 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5227 in order.

Senator Hultman moved the adoption of amendment S—5227 and requested a record roll call.

On the question "Shall amendment S—5227 be adopted?" (S.F. 1123) the vote was:

Rule 25 was invoked.

Ayes, 24:

Andersen	Griffin	Murray	Scott
Bergman	Hansen	Nystrom	Shaff
Briles	Heying	Priebe	Taylor
Burroughs	Hultman	Ramsey	Tieden
Coleman	Lamborn	Rodgers	Winkelman
Curtis	Miller of	Schwengels	
DeKoster	Marshall		

Nays, 20:

Carr	Hill of Jasper	Miller of	Redmond
Culver	Hill of Polk	Des Moines	Robinson
Doderer	Kelly	Norpel	Sovern
Gallagher	Kinley	Orr	Van Gilst
Glenn	Merritt	Palmer	Willits
Gluba			

Absent or not voting, 6:

Junkins	Nolting	Rabedeaux	Shaw
Nolin	Plymat		

Amendment S—5227 was adopted.

Senator Hultman offered amendment S—5181 filed by Senators Hultman, Rabedeaux and Lamborn:

S—5181

1 Amend Senate File 1123 as follows:
 2 1. Page 4, by striking lines 20 through 34.
 3 2. Page 5, by striking lines 1 through 26 and in-
 4 serting in lieu thereof the following:
 5 "4. APPEAL BOARD. To hear and decide disputed
 6 claims, there is established an appeal board. The
 7 appeal board shall consist of five members appointed
 8 by the governor with the approval of two-thirds of
 9 the members of the senate. One member shall be a
 10 representative of employers who employ persons who
 11 are not affiliated with a labor union, organization,
 12 or association; one member shall be a representative
 13 of employers who employ persons who are affiliated
 14 with a labor union, organization, or association;
 15 one member shall be a representative of employees
 16 who are affiliated with a labor union, organization
 17 or association; one member shall be a representative
 18 of employees who are not affiliated with a labor union,
 19 organization, or association; and one member who shall
 20 be impartial and shall represent the general public.
 21 The members shall serve six-year terms beginning on
 22 July first. For the initial board, the governor shall
 23 appoint one member representing employers and one mem-
 24 ber representing employees to a two-year term, one
 25 member representing employers and one member represent-
 26 ing employees to a four-year term, and the member
 27 representing the general public to a six-year term.
 28 No more than three members of the appeal board shall
 29 be members of the same political party. Any vacancy
 30 in the membership occurring during a session of the

31 general assembly shall be filled in the same manner
 32 as the original appointment. Any vacancy in the
 33 membership occurring while the general assembly is
 34 not in session shall be filled by appointment by the
 35 governor which appointment shall expire thirty days
 36 after the general assembly next convenes. Within
 37 the thirty-day period, the governor shall transmit
 38 an appointment to the senate.

39 The members of the appeal board shall select a
 40 chairperson and vice chairperson from their member-
 41 ship.

42 The appeal board shall meet as often as deemed nec-
 43 essary, but not less than one time per month. Meetings
 44 shall be set by a majority of the appeal board or upon
 45 the call of the chairperson and vice chairperson.

46 Members of the appeal board shall be paid forty
 47 dollars per day for each day of official business of
 48 the appeal board and shall receive actual and necessary
 49 expenses, including travel, from funds appropriated to
 50 the department."

Senator Hultman offered amendment S—5245 to amendment S—5181 and moved its adoption:

S—5245

1 Amend the Hultman amendment S—5181, to Senate

2 File 1123 as follows:

3 1. Page 1, line 2 by striking the figure "34"

4 and inserting in lieu thereof the figure "35".

Amendment S—5245 to amendment S—5181 was adopted.

Senator Hultman moved the adoption of amendment S—5181 as amended and requested a record roll call.

On the question "Shall amendment S—5181 as amended be adopted?" (S.F. 1123) the vote was:

Ayes, 18:

Bergman	Hansen	Miller of	Scott
Briles	Hill of Polk	Marshall	Shaff
Burroughs	Hultman	Nystrom	Tieden
Curtis	Kelly	Rodgers	Winkelman
Griffin	Lamborn	Schwengels	

Nays, 26:

Andersen	Gluba	Murray	Redmond
Carr	Heying	Norpel	Robinson
Coleman	Hill of Jasper	Orr	Sovern
Culver	Kinley	Palmer	Taylor
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines		
Glenn			

Absent or not voting, 6:

Junkins	Nolting	Rabedeaux	Shaw
Nolin	Plymat		

Amendment S—5181 as amended lost.

Senator Redmond offered amendment S—5246 and moved its adoption:

S—5246

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 5, line 13, by inserting after the
- 3 word "board.", the words "The public member will
- 4 chair the hearing."

President pro tempore Doderer took the chair at 4:35 p.m.

Amendment S—5246 was adopted.

Senator Hill of Jasper offered amendment S—5162 filed by him and moved its adoption:

S—5162

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 6, line 13, by striking the word "*hear*"
- 3 and inserting in lieu thereof the word "*review*".
- 4 2. Page 6, by striking line 14 and inserting in
- 5 lieu thereof the words "*to rules adopted by the appeal*
- 6 *board.*".

Amendment S—5162 was adopted.

Senator Griffin offered amendment S—5155 filed by him on February 17, 1976, and found on pages 473-476, inclusive, of the Senate Journal.

President Neu took the chair at 4:45 p.m.

Senator Griffin offered amendment S—5170 to amendment S—5155 filed by him and moved its adoption:

S—5170

- 1 Amend the Griffin amendment, S—5155 to Senate
- 2 File 1123 as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "*Iowa*".

Amendment S—5170 to amendment S—5155 was adopted.

Senator Griffin moved the adoption of amendment S—5155 as amended and requested a record roll call.

On the question "Shall amendment S—5155, as amended, be adopted?" (S.F. 1123) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen
Bergman

Briles
Burroughs

Curtis
Gallagher

Griffin
Hansen

Heying	Miller of	Nystrom	Shaff
Lamborn	Marshall	Priebe	Tieden
Merritt	Murray	Schwengels	Winkelman
	Norpel	Scott	

Nays, 23:

Carr	Gluba	Miller of	Robinson
Coleman	Hill of Jasper	Des Moines	Rodgers
Culver	Hill of Polk	Orr	Sovern
DeKoster	Hultman	Palmer	Taylor
Doderer	Kelly	Ramsey	Van Gilst
Glenn	Kinley	Redmond	Willits

Absent or not voting, 6:

Junkins	Nolting	Rabedeaux	Shaw
Nolin	Plymat		

Amendment S—5155 as amended lost.

Senator Hultman offered amendment S—5180 filed by Senators Hultman and Rabedeaux, moved its adoption and requested a record roll call:

S—5180

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 18, by striking lines 30 through 35.
- 3 2. Page 19, by striking lines 1 through 35.
- 4 3. Page 20, by striking lines 1 through 35.
- 5 4. Page 21, by striking lines 1 through 24.
- 6 5. Page 28, line 14, by striking the word and
- 7 letter "paragraph b,".
- 8 6. Page 28, line 16, by inserting after the figure
- 9 "(97B.7)," the words, figure and letters "subsection
- 10 two (2), paragraphs b, c, d, e, and f and".
- 11 7. Page 28, line 16, by inserting after the figure
- 12 "(8);" the words and figures "ninety-seven B point
- 13 eight (97B.8);".

On the question "Shall amendment S—5180 be adopted?" (S.F. 1123) the vote was:

Ayes, 31:

Bergman	Doderer	Lamborn	Schwengels
Briles	Gallagher	Merritt	Scott
Burroughs	Griffin	Murray	Shaff
Carr	Hansen	Norpel	Taylor
Coleman	Heying	Nystrom	Tieden
Culver	Hill of Polk	Priebe	Willits
Curtis	Hultman	Ramsey	Winkelman
DeKoster	Kelly	Robinson	

Nays, 12:

Andersen	Kinley	Orr	Rodgers
Glenn	Miller of	Palmer	Sovern
Gluba	Des Moines	Redmond	Van Gilst
Hill of Jasper			

Absent or not voting, 7:

Junkins	Nolin	Plymat	Shaw
Miller of	Nolting	Rabedeaux	
Marshall			

Amendment S—5180 was adopted.

The following amendments were ruled out of order with the adoption of amendment S—5180:

Amendment S—5133 filed by Senator Hill of Jasper.

Amendment S—5177 to amendment S—5133 filed by Senator Hill of Jasper.

Amendment S—5172 filed by Senator Redmond.

Amendment S—5178 filed by Senator Hill of Jasper.

(Senate File 1123 pending on adjournment.)

INTRODUCTION OF BILL

Senate File 1231, by Senator Orr, a bill for an act relating to establishment of historical preservation districts.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1131 Judiciary

H. F. 1162 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald Knudsen of Eagle Grove, Wright County, Iowa, for appointment as a member of the Iowa Real Estate Commission, under the provisions of Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
KARL NOLIN
KENNETH D. SCOTT
RAY TAYLOR
EARL M. WILLITS

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu announced the appointment of the following chairpersons to investigative committees for the Governor's

appointees to fill vacancies created by the resignation of Senator Karl Nolin from these committees:

Joyce Repp, as a member of the Natural Resources Council.
Senator Sovern

Larry Z. Lindemann, as a member of the State Board of Chiropractic
Examiners.

Senator Robinson

Gretchen M. Bataille, as a member of the Iowa Civil Rights Commission.
Senator Redmond

Gracie M. Ruden, as a member of the Iowa Real Estate Commission.
Senator Coleman

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 1, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1081—Appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board.
- S. F. 1063—Relating to the certification of deputy assessors.
- H. F. 188—Authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds.
- H. F. 362—Relating to the exclusion of banks from membership sales licensing requirements of the Code.
- H. F. 918—Making an appropriation to pay attorney fees and expenses for counsel for the parties in the election contest of Spradling v. Stephens.
- H. F. 1010—To permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this act shall take effect upon publication.
- H. F. 1037—Appropriating funds to the capitol planning commission.
- H. F. 1080—Relating to the appropriation of funds to legislative agencies and making appropriations to agencies involved in the legislative process.
- H. F. 1082—Making appropriation from the general fund of the state to regulatory boards and commissions governing the practices

of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

TREASURER OF STATE

Annual reports on the condition of the Iowa State Treasury for fiscal years ending June 30, 1973, 1974, and 1975 which includes the Vocational Education Report required by Section 258.12, Code 1975.

AMENDMENTS FILED

S—5251

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106 as follows:
- 3 1. Page 2, lines 9 through 13, by striking the
- 4 words "if the practitioner or group of practitioners
- 5 in custody or control of the waiting room elect to
- 6 be covered by the prohibition and penalties prescribed
- 7 by this Act" and inserting in lieu thereof the words
- 8 "except in areas designated by the practitioner
- 9 or group of practitioners in custody or control of
- 10 the waiting room as smoking areas".
- 11 2. Page 2, lines 16 through 19, by striking the
- 12 words "if the person in custody or control of that
- 13 building or portion of a building elects to have
- 14 applied to it the prohibition and penalties prescribed
- 15 by this Act" and inserting in lieu thereof the words
- 16 "except in areas designated by the person in custody
- 17 or control of that building or portion of a building
- 18 as smoking areas".

KENNETH D. SCOTT

S—5249

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106, page 2, by inserting
- 3 after line 19 the following subsection:
- 4 "..... Any restaurant as that term is defined in
- 5 section one hundred seventy point one (170.1) of the
- 6 Code, except in areas designated by the person who
- 7 owns or is in custody or control of that restaurant
- 8 as smoking areas."

KENNETH D. SCOTT

S—5250

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 4, by striking lines 20 through 35.
- 3 2. Page 5, by striking lines 1 through 26 and
- 4 inserting in lieu thereof the following:

5 "4. APPEAL BOARD. To hear and decide disputed
6 claims, there is established an appeal board. The
7 appeal board shall consist of three members appointed
8 by the governor with the approval of two-thirds of
9 the members of the senate. One member shall be a
10 representative of employers, one member shall be a
11 representative of employees, and one member who shall
12 be impartial and shall represent the general public.
13 The members shall serve six-year terms beginning on
14 July first. For the initial board, the member
15 representing employers shall serve a two-year term,
16 the member representing employees shall serve a four-
17 year term, and the member representing the general
18 public shall serve a term of six years. No more than
19 two members of the appeal board shall be members of
20 the same political party. Any vacancy in the
21 membership occurring during a session of the general
22 assembly shall be filled in the same manner as the
23 original appointment. Any vacancy in the member-
24 ship occurring while the general assembly is not in
25 session shall be filled by appointment by the governor
26 which appointment shall expire thirty days after the
27 general assembly next convenes. Within the thirty-
28 day period, the governor shall transmit an appointment
29 to the senate.

30 The members of the appeal board shall select a
31 chairperson and vice chairperson from their membership.

32 The appeal board shall meet as often as deemed
33 necessary, but not less than one time per month.
34 Meetings shall be set by a majority of the appeal
35 board or upon the call of the chairperson and vice
36 chairperson.

37 Members of the appeal board shall be paid forty
38 dollars per day for each day of official business
39 of the appeal board and shall receive actual and
40 necessary expenses, including travel, from funds
41 appropriated to the department."

CALVIN O. HULTMAN
W. R. RABEDEAUX
CLOYD E. ROBINSON

S—5253

1 Amend Senate File 1123 as follows:

2 1. Page 17, lines 29 and 30, by striking the
3 words " , hereafter referred to as the [commission]
4 department" and inserting in lieu thereof the words
5 "[, hereafter referred to as the commission]".

6 2. Page 18, lines 12 and 13, by striking the
7 words " , hereinafter called the [commission] department,"
8 and inserting in lieu thereof the words "[, hereinafter
9 called the commission,]".

10 3. Page 30, by inserting after line 10 the
11 following new section:

12 "Sec. The Code editor is directed to strike
13 the words 'Iowa employment security department' and

- 14 'department' wherever they appear in the Act and
15 insert in lieu thereof the words 'job service of
16 Iowa'.
17 4. By redesignating the sections as necessary.

CLOYD E. ROBINSON

S—5254

- 1 Amend Senate File 1123 as follows:
2 1. Page 17, lines 29 and 30, by striking the
3 words "hereafter referred to as the [commission]
4 department" and inserting in lieu thereof the words
5 "[hereafter referred to as the commission]".
6 2. Page 18, lines 12 and 13, by striking the
7 words "hereinafter called the [commission] department,"
8 and inserting in lieu thereof the words "[hereinafter
9 called the commission]".
10 3. Page 30, by inserting after line 10 the
11 following new section:
12 "Sec. The Code editor is directed to strike
13 the word 'department', wherever that term means the
14 Iowa employment security department, and the words
15 'Iowa employment security department' wherever those
16 titles appear in the Act, and insert in lieu thereof the
17 words 'job service of Iowa'.
18 4. By redesignating the sections as necessary.

CLOYD E. ROBINSON

S—5248

- 1 Amend Senate File 1123 as follows:
2 1. Page 30, by inserting after line 10 the
3 following new section:
4 "Sec. The code editor is directed to strike
5 the words 'Iowa Employment Security Commission'
6 wherever they appear in the Code and insert in lieu
7 thereof the words 'Job Service of Iowa'.
8 2. By redesignating the sections as necessary.

CLOYD E. ROBINSON

S—5237

- 1 Amend Senate File 1141 as follows:
2 1. Page 6, by inserting after line 9 the following:
3 "A licensed salon shall not employ more than one
4 licensed cosmetology assistant for each five licensed
5 cosmetologists."
6 2. Page 6, by inserting after line 11 the follow-
7 ing section:
8 "Sec. *NEW SECTION. COSMETOLOGY ASSISTANTS.*
9 The department shall issue a license to practice as
10 a cosmetology assistant to any person who submits
11 proof of completion of a course of not less than one
12 hundred sixty hours in a licensed school of cosmetology
13 or licensed barber school. The board shall adopt
14 rules defining the course of study of a cosmetology
15 assistant and the practices which a cosmetology

16 assistant may perform. The course of study shall
17 include but not be limited to demonstrations, lectures,
18 and supervised practical instruction in scalp care,
19 rinses, hair treatments, anatomy of scalp and hair
20 and their common disorders, and sanitation and
21 sterilization. A cosmetology assistant shall work
22 under the direct supervision of a licensed
23 cosmetologist. The fee for the license shall be
24 established by the board as provided in section one
25 hundred forty-seven point eighty (147.80) of the
26 Code."

27 3. Page 13, by inserting after line 13 the follow-
28 ing:

29 "A licensed barber shop shall not employ more than
30 one licensed barber assistant for each five licensed
31 barbers."

32 4. Page 13, by inserting after line 18, the follow-
33 ing section:

34 "Sec. *NEW SECTION. BARBER ASSISTANTS.* The
35 department shall issue a license to practice as a
36 barber assistant to any person who submits proof of
37 completion of a course of not less than one hundred
38 sixty hours in a licensed barber school or licensed
39 school of cosmetology. The board shall adopt rules
40 defining the course of study of a barber assistant
41 and the practices which a barber assistant may perform.
42 The course of study shall include but not be limited
43 to demonstrations, lectures, and supervised practical
44 instruction in scalp care, rinses, hair treatments,
45 anatomy of scalp and hair and their common disorders,
46 and sanitation and sterilization. A barber assistant
47 shall work under the direct supervision of a licensed
48 barber. The fee for the license shall be established
49 by the board as provided in section one hundred forty-
50 seven point eighty (147.80) of the Code."

Page 2

1 5. By renumbering sections as necessary.

E. KEVIN KELLY

S—5235

1 Amend Senate File 1145 as follows:

2 1. Page 1, by inserting after line 18 the
3 following unnumbered paragraph:

4 "The department shall use a process or processes
5 for issuance of a non-operator's identification card,
6 that prevents, as nearly as possible, the opportunity
7 for alteration or reproduction of, and the super-
8 imposition of a photograph on the non-operator's
9 identification card without ready detection."

C. JOSEPH COLEMAN

S—5240

1 Amend Senate File 1161, page 1, by striking
2 lines 13 through 28.

**E. KEVIN KELLY
WILLIAM D. PALMER**

S—5238

- 1 Amend Senate File 1161, page 2, by striking
- 2 lines 3 through 9.

E. KEVIN KELLY
WILLIAM D. PALMER

S—5239

- 1 Amend Senate File 1161, as follows:
- 2 1. Page 2, by striking lines 18 through 35.
- 3 2. Page 3, by striking lines 1 through 13.

E. KEVIN KELLY
WILLIAM D. PALMER

S—5252

- 1 Amend Senate File 1172 as follows:
- 2 1. Page 3, line 9, by adding after the word
- 3 "Code." the words "A licensee who refuses to allow
- 4 any authorized peace officer to enter the premises
- 5 to inspect the location or any gambling device com-
- 6 mits a misdemeanor punishable as provided in Acts of
- 7 the Sixty-sixth General Assembly, 1975 session,
- 8 chapter ninety-nine (99), section twenty-three (23).
- 9 Such refusal shall also be grounds for revocation of
- 10 a license issued under section ninety-nine B point
- 11 three (99B.3) of the Code."
- 12 2. Page 7 by inserting after line 20 the follow-
- 13 ing:
- 14 "Sec. Chapter ninety-nine B (99B), section
- 15 six (6), subsection two (2), Code 1975, as amended
- 16 by Acts of the Sixty-sixth General Assembly, 1975
- 17 session, chapter ninety-nine (99), section eight
- 18 (8) is amended to read as follows:
- 19 2. The holder of a license issued pursuant to
- 20 this section shall be strictly accountable for main-
- 21 taining compliance with subsection one (1) of this
- 22 section. Proof of any acts constituting a violation
- 23 shall be grounds for revocation of the license issued
- 24 pursuant to this section if the holder of the license
- 25 permitted the violation to occur when the licensee
- 26 knew or had reasonable cause to know of the acts
- 27 constituting the violation. [The holder of a license
- 28 issued pursuant to this section which has its license
- 29 revoked shall not be issued another license within
- 30 six months of the date of revocation]."

EARL M. WILLITS

S—5242

- 1 Amend Senate File 1218 as follows:
- 2 1. Page 6, by inserting after line 33 the fol-
- 3 lowing:
- 4 "Sec. Section one hundred fourteen point
- 5 three (114.3), Code 1975, is amended to read as
- 6 follows:

7 114.3 ESTABLISHMENT OF BOARD. There is established
8 a board of engineering examiners which shall consist
9 of five members who are registered professional
10 engineers and two members who are not registered
11 professional engineers and who shall represent the
12 general public. Members shall be appointed by the
13 governor [subject to the approval of two-thirds of
14 the members of the senate]. A registered member shall
15 be actively engaged in the practice of engineering
16 and shall have been so engaged for five years preceding
17 [his] appointment, the last two of which shall have
18 been in Iowa. No two registered members of the board
19 shall be from the same branch of the profession of
20 engineering. Professional associations or societies
21 composed of registered engineers may recommend the
22 names of potential board members to the governor,
23 but the governor shall not be bound by the
24 recommendations. A board member shall not be required
25 to be a member of any professional association or
26 society composed of professional engineers.

27 Sec. Section one hundred sixteen point three
28 (116.3), subsection one (1), Code 1975, is amended
29 to read as follows:

30 1. There is established a board of accountancy.
31 The board of accountancy shall consist of seven
32 members, five of whom shall be certified public
33 accountants and two members who shall not be certified
34 public accountants and who shall represent the general
35 public. A certified member shall be actively engaged
36 in practice as a certified public accountant and shall
37 have been so engaged for five years preceding [his]
38 appointment, the last two of which shall have been
39 in Iowa. Professional associations or societies
40 composed of certified public accountants may recommend
41 the names of potential board members to the governor,
42 but the governor shall not be bound by the
43 recommendations. A board member shall not be required
44 to be a member of any professional association or
45 society composed of certified public accountants.
46 Members shall be appointed by the governor[, subject
47 to the approval of two-thirds of the members of the
48 senate]. The term 'board' as used in this chapter
49 means the board of accountancy established by this
50 section. Within sixty days after July 1, 1975, the

Page 2

1 governor shall appoint the certified public accountant
2 members of the board for terms as follows: Two members
3 for a term ending June 30, 1976, and two members for
4 a term ending June 30, 1977, one member for a term
5 ending June 30, 1978. Within sixty days after July
6 1, 1975, the governor shall appoint the members
7 representing the general public, one member for a
8 term ending June 30, 1976 and one member for a term
9 ending June 30, 1978. Upon the expiration of each

10 of the terms and of each succeeding term, a successor
11 shall be appointed for a term of three years. Members
12 shall serve a maximum of three terms or nine years,
13 whichever is less. Vacancies occurring in the member-
14 ship of the board for any cause shall be filled in
15 the same manner by the governor for the unexpired
16 term [and shall be subject to senate confirmation].
17 The public members of the board of accountancy shall
18 not participate in devising, administering or grading
19 of examinations referred to in section 116.5.

20 A member of the board whose term has expired shall
21 continue to serve until [his] a successor is appointed
22 and qualified.

23 The governor shall remove from the board any member
24 whose certificate as a certified public accountant
25 has been revoked or suspended.

26 Sec. Section one hundred seventeen point
27 eight (117.8), Code 1975, is amended to read as
28 follows:

29 117.8 COMMISSION ESTABLISHED. There is established
30 the Iowa real estate commission which shall consist
31 of three members licensed under this chapter and two
32 members not licensed under this chapter and who shall
33 represent the general public. At least one of the
34 licensed members shall be a licensed real estate
35 [salesman] *salesperson*, except that if the licensed
36 real estate [salesman] *salesperson* becomes a licensed
37 real estate broker during his or her term of office,
38 he or she shall be allowed to complete [his] the term,
39 but shall not be eligible for reappointment on the
40 commission as a licensed real estate [salesman]
41 *salesperson*. A licensed member shall be actively
42 engaged in the real estate business and shall have
43 been so engaged for five years preceding [his] appoint-
44 ment, the last two of which shall have been in Iowa.
45 Professional associations or societies of real estate
46 brokers or real estate [salesmen] *salespersons* may
47 recommend the names of potential commission members
48 to the governor, but the governor shall not be bound
49 by their recommendations. A commission member shall
50 not be required to be a member of any professional

Page 3

1 association or society composed of real estate brokers
2 or [salesmen] *salespersons*. Commissioners shall be
3 appointed by the governor [subject to the approval
4 of two-thirds of the members of the senate].
5 Appointments shall be for three-year terms and shall
6 commence on July 1 of the year in which the appointment
7 is made. A commissioner shall serve no more than
8 three terms or nine years, whichever is less. No
9 more than one commissioner shall be appointed from
10 a county. A commissioner shall not hold any other
11 elective or appointive state or federal office.
12 Vacancies shall be filled for the unexpired term by

13 appointment of the governor [and shall be subject to
14 senate confirmation]. A majority of the commissioners
15 shall constitute a quorum.

16 Sec. Section one hundred eighteen point one
17 (118.1), Code 1975, is amended to read as follows:

18 118.1 APPOINTMENT OF BOARD. There is established
19 the board of architectural examiners which shall
20 consist of five members who possess a certificate
21 of registration issued under section 118.9 and who
22 have been in active practice of architecture for not
23 less than five years, the last two of which shall
24 have been in Iowa, and two members who do not possess
25 a certificate of registration issued under section
26 118.9 and who shall represent the general public.
27 Members shall be appointed by the governor [subject
28 to the approval of two-thirds of the members of the
29 senate].

30 Professional associations or societies composed
31 of registered architects may recommend the names of
32 potential board members to the governor but the
33 governor shall not be bound by the recommendations.
34 A board member shall not be required to be a mem-
35 ber of any professional association or society composed
36 of registered architects. Appointments shall be for
37 three-year terms and shall commence on July 1 of the
38 year in which the appointment is made. Vacancies
39 shall be filled for the unexpired term by appoint-
40 ment of the governor [and shall require senate
41 confirmation]. Members shall serve no more than three
42 terms or nine years, whichever is less.

43 Sec. Section one hundred eighteen A point
44 three (118A.3), unnumbered paragraphs one (1) and
45 two (2), Code 1975, is amended to read as follows:

46 118A.3 ESTABLISHMENT OF BOARD. There is
47 established a board of landscape architectural
48 examiners which shall consist of five members who
49 are registered landscape architects and two members
50 who are not registered landscape architects and who

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1 shall represent the general public. Members shall
2 be appointed by the governor[, subject to the approval
3 of two-thirds of the members of the senate]. A regis-
4 tered member shall be actively engaged in the practice
5 of landscape architecture or the teaching of landscape
6 architecture in an accredited college or university,
7 and shall have been so engaged for five years preceding
8 [his] appointment, the last two of which shall have
9 been in Iowa. Professional associations or societies
10 composed of registered landscape architects may
11 recommend the names of potential board members to
12 the governor, but the governor shall not be bound
13 by the recommendations. A board member shall not
14 be required to be a member of any professional
15 association or society composed of professional

16 landscape architects.

17 Appointments shall be for three-year terms and
18 shall commence on July 1 of the year in which the
19 appointment is made. Vacancies shall be filled for
20 the unexpired term by appointment of the governor
21 [and shall be subject to senate confirmation]. Members
22 shall serve no more than three terms or nine years,
23 whichever is less.

24 Sec. Section one hundred twenty point three
25 (120.3), subsection one (1), Code 1975, is amended
26 to read as follows:

27 1. There is established a board of watchmaking
28 examiners which shall consist of five members who
29 possess certificates of registration as watchmakers
30 and two members who do not possess certificates of
31 registration as watchmakers and who shall represent
32 the general public. Members shall be appointed by
33 the governor[, subject to the approval of two-thirds
34 of the members of the senate]. A registered member
35 shall be actively engaged in the practice of
36 watchmaking and shall have been so engaged for five
37 years preceding [his] appointment, the last two of which
38 shall have been in Iowa. Professional associations
39 or societies composed of registered watchmakers may
40 recommend the names of potential board members to
41 the governor, but the governor shall not be bound
42 by the recommendations. A board member shall not
43 be required to be a member of any professional
44 association or society composed of professional
45 watchmakers.

46 Appointments shall be for three-year terms and
47 shall commence on July 1 of the year in which the
48 appointment is made. Vacancies shall be filled for
49 the unexpired term by appointment of the governor
50 [and shall be subject to senate confirmation]. Members

Page 5

1 shall serve a maximum of three terms or nine years,
2 whichever is less."

3 2. Page 7, by inserting after line 13 the fol-
4 lowing:

5 "Sec. Section one hundred forty-seven point
6 twelve (147.12), Code 1975, is amended to read as
7 follows:

8 147.12 EXAMINING BOARDS. For the purpose of
9 giving examinations to applicants for licenses to
10 practice the professions for which a license is
11 required by this title, the governor shall appoint[,
12 subject to the approval of two-thirds of the members
13 of the senate,] a board of examiners for each of the
14 professions. The board members shall not be required
15 to be members of professional societies or associations
16 composed of members of their professions.

17 Sec. Section one hundred forty-seven point
18 nineteen (147.19), Code 1975, is amended to read as

19 follows:

20 147.19 TERMS OF OFFICE. The board members shall
21 serve three-year terms, which shall commence on July
22 1 of the year in which the appointment is made. Any
23 vacancy in the membership of an examining board shall
24 be filled by appointment of the governor [and shall
25 be subject to senate confirmation]. A member shall
26 serve no more than three terms or nine years."

27 3. Page 7, lines 20 and 21, by striking the words
28 "subject to the approval of two-thirds of the members
29 of the senate" and inserting in lieu thereof the words
30 "[subject to the approval of two-thirds of the members
31 of the senate]".

32 4. Page 7, by inserting after line 29, the
33 following:

34 "Sec. Section one hundred forty-seven point
35 one hundred nineteen (147.119), unnumbered paragraph
36 nine (9), Code 1975, is amended to read as follows:

37 Appointments shall be for three-year terms and
38 shall commence on July 1 of the year in which the
39 appointment is made. Vacancies shall be filled for
40 the unexpired term by appointment of the governor
41 [and shall be subject to senate confirmation]. Members
42 shall serve no more than three terms or nine years,
43 whichever is least.

44 Sec. Section one hundred fifty-four A point
45 two (154A.2), unnumbered paragraph one (1), Code 1975,
46 is amended to read as follows:

47 A board for the licensing and regulation of hearing
48 aid dealers is established. The board shall consist
49 of three licensed hearing aid dealers and two members
50 who are not licensed hearing aid dealers who shall

Page 6

1 represent the general public. Members, who shall
2 be residents of the state of Iowa, shall be appointed
3 by the governor[, subject to the approval of two-thirds
4 of the members of the senate]. A licensed member shall
5 be actively employed as a hearing aid dealer and shall
6 have been so engaged for five years preceding [his]
7 appointment, the last two of which shall have been
8 in Iowa. However, hearing aid dealers appointed to
9 the initial board shall have not less than five years
10 experience and shall fulfill the qualifications
11 relating to experience for licensure as provided in
12 this chapter.

13 Sec. Section one hundred fifty-four A point
14 three (154A.3), Code 1975, is amended to read as
15 follows:

16 154A.3 TERM OF OFFICE. Appointments shall be
17 for three-year terms and shall commence on July 1
18 of the year in which the appointment is made.
19 Vacancies shall be filled for the unexpired term by
20 appointment of the governor [and shall be subject to
21 senate confirmation]. Members shall serve a maximum

22 of three terms or nine years, whichever is least.
23 For members appointed to the initial board, the
24 governor shall appoint one hearing aid dealer for
25 a one-year term, one hearing aid dealer for a two-
26 year term, and one hearing aid dealer for a three-
27 year term; one member representing the general public
28 for a one-year term and one member representing the
29 general public for a three-year term.

30 Sec. Section one hundred sixty-nine point
31 fifteen (169.15), Code 1975, is amended to read as
32 follows:

33 169.15 EXAMINING BOARD For the purpose of
34 administering examinations to applicants for license
35 to practice veterinary medicine, the governor shall
36 appoint[, subject to the approval of two-thirds of
37 the members of the senate,] a board of five examiners,
38 three who shall be licensed veterinarians and two
39 who shall not be licensed veterinarians and who shall
40 represent the general public. Such board shall be
41 known as the board of veterinary medical examiners.
42 Each licensed examiner shall be actively engaged in
43 veterinary medicine and shall have been so engaged
44 for a period of five years just preceding [his]
45 appointment, the last two of which shall have been
46 in Iowa. No member of the board shall be employed
47 by any wholesale or jobbing house dealing in supplies,
48 equipment or instruments used or useful in the practice
49 of veterinary medicine. The chief of the division
50 of animal industry of the department shall serve as

Page 7

- 1 secretary to the board of veterinary medical examiners.
- 2 Professional associations or societies composed
- 3 of licensed veterinarians may recommend the names
- 4 of potential board members to the governor, but the
- 5 governor shall not be bound by the recommendations."
- 6 5. By renumbering the sections in accord with
- 7 this amendment.

GENE W. GLENN

S—5243

- 1 Amend the judiciary committee amendment, S—5234,
- 2 to House File 584, as amended and passed by the
- 3 House, as follows:
- 4 1. Page 5, line 42, by inserting after the
- 5 word "fifty" the word "thousand".

GENE W. GLENN

S—5241

- 1 Amend the Burroughs amendment, S—4081, to House
- 2 File 628, as amended and passed by the House as
- 3 follows:
- 4 1. Page 1, line 28 by striking the words "*one*
- 5 *thousand*" and inserting in lieu thereof the words
- 6 "*five hundred*".
- 7 2. Page 1, line 29, by striking the words "*one*

8 *thousand*" and inserting in lieu thereof the words
9 *"five hundred"*.

CLIFF BURROUGHS

S—5247

1 Amend House File 1011, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 27, by inserting after line 25 the
4 following new section:

5 "Sec. Section sixty-two point eighteen,
6 (62.18), Code 1975, is amended to read as follows:

7 62.18 JUDGMENT. The court shall pronounce
8 judgment whether the incumbent or any other person
9 was duly elected, and adjudge that the person so de-
10 clared elected will be entitled to his certificate.

11 If the judgment be against the incumbent, and he has
12 already received the certificate, the judgment shall
13 annul it. If the court [find that no person was
14 elected] *finds that one or more of the causes of con-*
15 *test alleged pursuant to section 62.5 of the Code*
16 *have been substantiated, and that the tainted votes*
17 *cannot be identified and excluded, it shall exclude*
18 *all votes cast for the contested office in the pre-*
19 *cinct or precincts in question. If by so doing the*
20 *apparent outcome of the election is reversed, the*
21 *judgment shall be that the election in that precinct*
22 *or precincts be set aside, and a new election held*
23 *in that precinct or precincts. No person who was*
24 *not a qualified elector in that precinct at the time*
25 *of the election which was set aside shall be allowed to*
26 *vote at the new election."*

27 2. Title, page 1a, line 13, by inserting after
28 the word "measures," the words "clarifying when a
29 contested election may be set aside,".

JAMES M. REDMOND

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30
p.m., until 9:30 a.m., Tuesday, March 2, 1976.

JOURNAL OF THE SENATE

FIFTY-FIRST DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MARCH 2, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Thomas Carpe, pastor of the Exira Christian Church, Exira, Iowa.

The Journal of Monday, March 1, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S. M. Haugland, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Junkins for the day on request of Senator Kinley; Senator Rabedaux for the day on request of Senator Lamborn.

DISTINGUISHED VISITOR

President Neu welcomed the Honorable Fred Schwengel, former United States Congressman from the First Congressional District and former member of the House of Representatives from Scott County.

PETITIONS

The following petitions were presented and placed on file:

By Senator Norpel from ninety-one residents of Dubuque County opposing the relocation and construction of the National Guard Armory on Kennedy Road in Dubuque.

By Senator Rodgers from forty-one residents of Polk County opposing Senate File 1161, relating to the taking of fish and game and subjecting violators to a penalty.

INTRODUCTION OF BILL

Senate File 1232, by Senators Robinson and Schwengels, a bill for an act relating to the state archaeologist and providing a penalty.

Read first time and passed on file.

BILLS RETURNED TO PRE-SESSION STATUS

Senator Kinley asked and received unanimous consent that Senate Rule 4 be suspended for the following purposes:

To return **Senate Concurrent Resolution 6** to the second conference committee appointed June 9, 1975;

To return **Senate File 507** to the conference committee appointed June 11, 1975;

To return **House File 352** to its place on the Senate Calendar under "House Refused to Concur in Senate Amendment";

To return **Senate File 489** to its place on the Senate Calendar under "Senate Files Amended by the House."

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Rodgers called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Julie Zelenka of Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN RODGERS, Chairperson

MINNETTE F. DODERER

W. R. RABEDEAUX

RICHARD R. RAMSEY

KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator Rodgers moved the appointment of Julie Zelenka as a member of the Iowa Real Estate Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Sovern
Coleman	Kelly	Nystrom	Taylor
Culver	Kinley	Orr	Tieden
Curtis	Lamborn	Palmer	Van Gilst
DeKoster	Merritt	Priebe	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, none.

Absent or not voting, 8:

Doderer	Junkins	Plymat	Shaff
Hultman	Nolin	Rabedeaux	Shaw

President Neu declared the appointment of Julie Zelenka as a member of Iowa Real Estate Commission confirmed for an initial term ending June 30, 1978.

Senator Rodgers called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Robert L. Moore, D.D.S., of Hampton, Franklin County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN RODGERS, Chairperson
HILARIUS L. HEYING
CLOYD E. ROBINSON
ROGER J. SHAFF
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Rodgers moved the appointment of Robert L. Moore, D.D.S., as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Coleman	Glenn	Hill of Jasper
Bergman	Culver	Gluba	Hill of Polk
Briles	Curtis	Griffin	Kelly
Burroughs	DeKoster	Hansen	Kinley
Carr	Gallagher	Heying	Lamborn

Merritt
Miller of
Des Moines
Miller of
Marshall
Murray

Nolting
Norpel
Nystrom
Palmer
Priebe
Ramsey

Redmond
Rodgers
Schwengels
Scott
Sovern

Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 10:

Doderer
Hultman
Junkins

Nolin
Orr
Plymat

Rabedeaux
Robinson

Shaff
Shaw

President Neu declared the appointment of Robert L. Moore, D.D.S., as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1977.

UNFINISHED BUSINESS

Senate File 1123

On motion of Senator Hill of Jasper, Senate File 1123, a bill for an act to establish a department of employment security, prescribe its duties, and to abolish the employment security commission, was taken up for further consideration.

Senator Robinson withdrew amendment S—5253 filed by him on March 1, 1976, and found on pages 666 and 667 of the Senate Journal.

Senator Robinson offered amendment S—5254 filed by him and moved its adoption:

S—5254

- 1 Amend Senate File 1123 as follows:
- 2 1. Page 17, lines 29 and 30, by striking the
- 3 words “, hereafter referred to as the [commission]
- 4 department” and inserting in lieu thereof the words
- 5 “[, hereafter referred as to the commission]”.
- 6 2. Page 18, lines 12 and 13, by striking the
- 7 words “, hereinafter called the [commission] department,”
- 8 and inserting in lieu thereof the words “[, hereinafter
- 9 called the commission,]”.
- 10 3. Page 30, by inserting after line 10 the
- 11 following new section:
- 12 “Sec. The Code editor is directed to strike
- 13 the word ‘department’, wherever that term means the
- 14 Iowa employment security department, and the words
- 15 ‘Iowa employment security department’ wherever those
- 16 titles appear in the Act, and insert in lieu thereof the
- 17 words ‘job service of Iowa.’”
- 18 4. By redesignating the sections as necessary.

Amendment S—5254 was adopted.

Senator Robinson withdrew amendment S—5248 filed by him on March 1, 1976, and found on page 667 of the Senate Journal.

Action on Senate File 1123 was temporarily deferred.

CONSIDERATION OF BILLS

Senate File 1221

On motion of Senator Willits, Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer law-makers and the occupational safety and health review commission, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1221) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Priebe	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 7:

Doderer	Nolin	Rabedeaux	Van Gilst
Junkins	Plymat	Shaw	

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

Senate File 1222

On motion of Senator Willits, Senate File 1222, a bill for an act appropriating funds to the department of general services for capital improvements, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1222) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Robinson
Burroughs	Heying	Marshall	Rodgers
Carr	Hill of Jasper	Murray	Schwengels
Coleman	Hultman	Nolting	Scott
Culver	Kelly	Norpel	Sovern
Curtis	Kinley	Nystrom	Taylor
DeKoster	Lamborn	Orr	Tieden
Gallagher	Merritt	Palmer	Willits
Glenn		Priebe	Winkelman

Nays, 1:

Hill of Polk

Absent or not voting, 8:

Doderer	Nolin	Rabedaux	Shaw
Junkins	Plymat	Shaff	Van Gilst

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

Senate File 1223

On motion of Senator Willits, Senate File 1223, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1223) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Robinson
Burroughs	Heying	Marshall	Rodgers
Carr	Hill of Jasper	Murray	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Hultman	Norpel	Sovern
Curtis	Kelly	Nystrom	Taylor
DeKoster	Kinley	Orr	Tieden
Gallagher	Lamborn	Palmer	Van Gilst
Glenn	Merritt	Priebe	Willits

Nays, none.**Absent or not voting, 8:**

Doderer	Nolin	Rabedaux	Shaw
Junkins	Plymat	Shaff	Winkelman

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

Senate File 1224

On motion of Senator Priebe, Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1224) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Doderer	Nolin	Rabedaux	Shaw
Junkins	Plymat		

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

Senate File 1225

On motion of Senator DeKoster, Senate File 1225, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1225) the vote was:

Ayes, 41:

Andersen	Culver	Griffin	Kinley
Bergman	Curtis	Hansen	Lamborn
Briles	DeKoster	Hill of Jasper	Merritt
Burroughs	Gallagher	Hill of Polk	Miller of
Carr	Glenn	Hultman	Marshall
Coleman	Gluba	Kelly	Murray

Nolting	Priebe	Schwengels	Tieden
Norpel	Ramsey	Scott	Van Gilst
Nystrom	Redmond	Sovern	Willits
Orr	Robinson	Taylor	Winkelman
Palmer	Rodgers		

Nays, none.

Absent or not voting, 9:

Doderer	Miller of	Plymat	Shaff
Heying	Des Moines	Rabedaux	Shaw
Junkins	Nolin		

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

Senate File 1226

On motion of Senator Willits, Senate File 1226, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1226) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba		Robinson	

Nays, 1:

Hill of Polk

Absent or not voting, 5:

Doderer	Nolin	Plymat	Rabedaux
Junkins			

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

Senate File 1123

The Senate resumed consideration of Senate File 1123.

Senator Hultman offered amendment S—5250 filed by Senators Hultman, Rabedaux and Robinson:

S—5250

1 Amend Senate File 1123 as follows:

2 1. Page 4, by striking lines 20 through 35.

3 2. Page 5, by striking lines 1 through 26 and

4 inserting in lieu thereof the following:

5 "4. APPEAL BOARD. To hear and decide disputed
6 claims, there is established an appeal board. The
7 appeal board shall consist of three members appointed
8 by the governor with the approval of two-thirds of
9 the members of the senate. One member shall be a
10 representative of employers, one member shall be a
11 representative of employees, and one member who shall
12 be impartial and shall represent the general public.
13 The members shall serve six-year terms beginning on
14 July first. For the initial board, the member
15 representing employers shall serve a two-year term,
16 the member representing employees shall serve a four-
17 year term, and the member representing the general
18 public shall serve a term of six years. No more than
19 two members of the appeal board shall be members of
20 the same political party. Any vacancy in the
21 membership occurring during a session of the general
22 assembly shall be filled in the same manner as the
23 original appointment. Any vacancy in the member-
24 ship occurring while the general assembly is not in
25 session shall be filled by appointment by the governor
26 which appointment shall expire thirty days after the
27 general assembly next convenes. Within the thirty-
28 day period, the governor shall transmit an appointment
29 to the senate.

30 The members of the appeal board shall select a
31 chairperson and vice chairperson from their membership.

32 The appeal board shall meet as often as deemed
33 necessary, but not less than one time per month.
34 Meetings shall be set by a majority of the appeal
35 board or upon the call of the chairperson and vice
36 chairperson.

37 Members of the appeal board shall be paid forty
38 dollars per day for each day of official business
39 of the appeal board and shall receive actual and
40 necessary expenses, including travel, from funds
41 appropriated to the department."

Senator Robinson offered amendment S—5255 to amendment
S—5250:

S—5255

1 Amend the Hultman, et al., amendment, S—5250 to
2 Senate File 1123 as follows:

3 1. Page 1, line 37, by inserting after the

4 word "shall" the words "each be paid twenty-one

5 thousand seven hundred fifty dollars until July 1,

6 1978 and shall receive actual and necessary expenses.

7 Thereafter each member shall".

Senator Robinson asked and received unanimous consent to
withdraw amendment S—5255 to amendment S—5250.

Action on Senate File 1123 was temporarily deferred.

Senate File 1141

On motion of Senator Coleman, Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties, was taken up for consideration.

Senator Hill of Polk offered amendment S—5185 filed by him:

S—5185

1 Amend Senate File 1141 as follows:

Division S—5185A

- 2 1. Page 2, line 25, by striking the word "An"
- 3 and inserting in lieu thereof the figure and word
- 4 "1. An".
- 5 2. Page 2, line 28, by striking the figure "1"
- 6 and inserting in lieu thereof the letter "a".
- 7 3. Page 2, line 32, by striking the figure "2"
- 8 and inserting in lieu thereof the letter "b".
- 9 4. Page 3, line 1, by striking the figure "3"
- 10 and inserting in lieu thereof the letter "c".
- 11 5. Page 3, line 2, by striking the figure "4"
- 12 and inserting in lieu thereof the letter "d".
- 13 6. Page 3, by inserting after line 5 the following:
- 14 "2. Notwithstanding the provisions of subsection one (1) of this section, any person who completes the application form prescribed by the board and
- 15 who submits satisfactory proof of having practiced
- 16 cosmetology in another state for at least twelve
- 17 months in the twenty-four month period preceding the
- 18 submission of the application shall be allowed to
- 19 take the examination for a license to practice
- 20 cosmetology. However, the examination requirement
- 21 shall be waived for those persons who submit evidence
- 22 of licensure in another state together with proof
- 23 of graduation from a school of cosmetology in the
- 24 state in which the person was licensed."
- 25 7. Page 3, line 25, by inserting after the word
- 26 "process" the words "indicating that the applicant
- 27 has successfully completed the special course,".
- 28 8. Page 6, line 15, by striking the word "It"
- 29 and inserting in lieu thereof the figure and word
- 30 "1. It".
- 31 9. Page 6, by inserting after line 27 the
- 32 following:
- 33 "2. If the owner or manager of a beauty salon
- 34 does not comply with the sanitary rules adopted under
- 35 the provisions of section six (6) of this Act or fails
- 36 to maintain the beauty salon as prescribed by rules
- 37 of the state department of health, the department
- 38 may notify the owner or manager in writing of the
- 39 failure to comply. If the rules are not complied
- 40
- 41

42 with within five days after receipt of the written
43 notice by the owner or manager, the department shall
44 in writing order the beauty salon closed until the
45 rules are complied with. It is unlawful for a person
46 to practice cosmetology in a shop which has been
47 closed under the provisions of this section. The
48 county attorney in each county shall assist the depart-
49 ment in enforcing the provisions of this section."
50 10. Page 10, line 8, by inserting after the word

Page 2

1 "barbering." the words "However, the examination
2 requirement shall be waived for those persons who
3 submit evidence of licensure in another state together
4 with proof of graduation from a barber school in the
5 state in which the person was licensed."
6 11. Page 10, lines 32 and 33, by striking the
7 words "Barbering shall not be practiced in the living
8 quarters of any person." and inserting in lieu thereof
9 the words "Subject to local zoning ordinances, a
10 barbershop may be established in a residence if a
11 room other than the living quarters is equipped for
12 that purpose."
13 12. Page 11, line 12, by inserting after the word
14 "board." the words "Any person employed as a barbering
15 instructor in a licensed barber school shall be a
16 licensed barber and shall possess a separate
17 instructor's license which shall be renewed annually.
18 An instructor shall file an application with the
19 department on forms prescribed by the board."

Division S—5185B

20 13. Page 12, by striking lines 22 through 35.
21 14. Page 13, by striking lines 1, 2, and 3.

Division S—5185A (Cont'd)

22 15. By renumbering sections as necessary.

Senator Coleman offered amendment S—5192 to amendment S—5185:

S—5192

1 Amend the Hill of Polk amendment S—5185, to Senate
2 File 1141, as follows:

Division S—5192A

3 1. Page 1, lines 17 and 18, by striking the words
4 "practiced cosmetology" and inserting in lieu thereof
5 the words "been a licensed cosmetologist".
6 2. Page 1, line 24, by striking the words "to-
7 gether with proof".
8 3. Page 1, by striking lines 25 and 26 and
9 inserting in lieu thereof the words "which has a
10 reciprocal agreement with the state of Iowa under
11 the provisions of sections one hundred forty-seven point
12 forty-four (147.44) through one hundred forty-seven

13 point forty-nine (147.49) of the Code."
14 4. Page 1, line 46, by striking the word "shop"
15 and inserting in lieu thereof the word "salon".
16 5. Page 2, line 3, by striking the word "together".
17 6. Page 2, by striking lines 4 and 5 and inserting
18 in lieu thereof the words "which has a reciprocal
19 agreement with the state of Iowa under the provisions
20 of sections one hundred forty-seven point forty-four
21 (147.44) through one hundred forty-seven point forty-
22 nine (147.49) of the Code."

Division S—5192B

23 7. Page 2, by striking lines 13 through 22.

Senator Hill of Polk called for a division of amendment S—5192 to amendment S—5185, sections 1 through 6 to be considered as division S—5192A; section 7 to be considered as division S—5192B.

On motion of Senator Coleman, division S—5192A of the amendment to amendment S—5185 was adopted.

Senator Coleman asked and received unanimous consent to withdraw division S—5192B of the amendment to amendment S—5185.

Senator Coleman called for a division of amendment S—5185 as amended, sections 13 and 14 to be considered as division S—5185B, and the remainder of the amendment to be considered as division S—5185A.

On motion of Senator Hill of Polk, division S—5185A of the amendment as amended was adopted.

Senator Hill of Polk moved the adoption of division S—5185B of the amendment and requested a non-record roll call.

The ayes were 31, nays 12.

Division S—5185B of the amendment was adopted.

Senator Kelly offered amendment S—5237 filed by him and moved its adoption:

S—5237

1 Amend Senate File 1141 as follows:

2 1. Page 6, by inserting after line 9 the following:

3 "A licensed salon shall not employ more than one
4 licensed cosmetology assistant for each five licensed
5 cosmetologists."

6 2. Page 6, by inserting after line 11 the follow-
7 ing section:

8 "Sec. *NEW SECTION. COSMETOLOGY ASSISTANTS.*

9 The department shall issue a license to practice as

10 a cosmetology assistant to any person who submits
11 proof of completion of a course of not less than one
12 hundred sixty hours in a licensed school of cosmetology
13 or licensed barber school. The board shall adopt
14 rules defining the course of study of a cosmetology
15 assistant and the practices which a cosmetology
16 assistant may perform. The course of study shall
17 include but not be limited to demonstrations, lectures,
18 and supervised practical instruction in scalp care,
19 rinses, hair treatments, anatomy of scalp and hair
20 and their common disorders, and sanitation and
21 sterilization. A cosmetology assistant shall work
22 under the direct supervision of a licensed
23 cosmetologist. The fee for the license shall be
24 established by the board as provided in section one
25 hundred forty-seven point eighty (147.80) of the
26 Code."

27 3. Page 13, by inserting after line 13 the follow-
28 ing:

29 "A licensed barber shop shall not employ more than
30 one licensed barber assistant for each five licensed
31 barbers."

32 4. Page 13, by inserting after line 18, the follow-
33 ing section:

34 "Sec. **NEW SECTION. BARBER ASSISTANTS.** The
35 department shall issue a license to practice as a
36 barber assistant to any person who submits proof of
37 completion of a course of not less than one hundred
38 sixty hours in a licensed barber school or licensed
39 school of cosmetology. The board shall adopt rules
40 defining the course of study of a barber assistant
41 and the practices which a barber assistant may perform.
42 The course of study shall include but not be limited
43 to demonstrations, lectures and supervised practical
44 instruction in scalp care, rinses, hair treatments,
45 anatomy of scalp and hair and their common disorders,
46 and sanitation and sterilization. A barber assistant
47 shall work under the direct supervision of a licensed
48 barber. The fee for the license shall be established
49 by the board as provided in section one hundred forty-
50 seven point eighty (147.80) of the Code".

Page 2

1 5. By renumbering sections as necessary.

Amendment S—5237 was adopted.

Senator Hill of Polk offered amendment S—5184 filed by him
and moved its adoption:

S—5184

1 Amend Senate File 1141 as follows:

2 1. Page 10, line 4 by inserting after the
3 word "board" the word "and".

Amendment S—5184 was adopted.

Senator Coleman offered amendment S—5193 filed by him and moved its adoption:

S—5193

- 1 Amend Senate File 1141, page 10, line 5, by striking
- 2 the words "practiced barbering" and inserting in lieu
- 3 thereof the words "been a licensed barber".

Amendment S—5193 was adopted.

Senator Taylor took the chair at 11:30 a.m.

President Neu took the chair at 11:35 a.m.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1141) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, 1:

Merritt

Absent or not voting, 6:

Gallagher	Nolin	Rabedeaux	Shaff
Junkins	Plymat		

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

On motion of Senator Kinley, the Senate recessed until 2.30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on February 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1009, a bill for an act relating to the effective date of special assessments.

Also: That the House has on February 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1026, a bill for an act relating to the appointment of conservators for veterans.

Also: That the House has on January 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

Also: That the House has on February 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1256, a bill for an act relating to flammable or combustible liquid storage containers.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1009, a bill for an act relating to the effective date of special assessments.

Read first time and passed on file.

House File 1026, a bill for an act relating to the appointment of conservators for veterans.

Read first time and passed on file.

House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

Read first time and passed on file.

House File 1256, a bill for an act relating to flammable or combustible liquid storage containers and prohibiting certain conduct under penalty of law.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 1123

The Senate resumed consideration of Senate File 1123, and the Hultman, et al., amendment S—5250.

Senator Robinson offered amendment S—5256 to amendment S—5250, moved its adoption and requested a record roll call:

S—5256

- 1 Amend the Hultman, et al., amendment S—5250 to
- 2 Senate File 1123 as follows:
- 3 1. Page 1, line 37, by inserting after the
- 4 word "shall" the words "each be paid twenty-one
- 5 thousand seven hundred fifty dollars annually until
- 6 July 1, 1978 and shall receive actual and necessary
- 7 expenses. Thereafter each member shall".

On the question "Shall amendment S—5256 to amendment S—5250 be adopted?" (S.F. 1123) the vote was:

Rule 25 was invoked.

Ayes, 24:

Andersen	Glenn	Nolting	Shaw
Burroughs	Hultman	Norpel	Sovern
Carr	Kinley	Palmer	Taylor
Coleman	Miller of	Robinson	Van Gilst
DeKoster	Des Moines	Rodgers	Willits
Doderer	Miller of	Schwengels	Winkelman
Gallagher	Marshall		

Nays, 21:

Bergman	Heying	Merritt	Priebe
Briles	Hill of Jasper	Murray	Ramsey
Culver	Hill of Polk	Nystrom	Redmond
Curtis	Kelly	Orr	Scott
Griffin	Lamborn	Plymat	Tieden
Hansen			

Absent or not voting, 5:

Gluba	Nolin	Rabedeaux	Shaff
Junkins			

Amendment S—5256 to amendment S—5250 was adopted.

Senator Redmond raised the point of order that the bill should be referred to the committee on appropriations, under Senate Rule 38.

The Chair ruled the point not well taken.

Senator Hultman moved the adoption of amendment S—5250 as amended.

A record roll call was requested.

On the question "Shall amendment S—5250 as amended be adopted?" (S.F. 1123) the vote was:

Ayes, 32:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Marshall	Schwengels
Briles	Hansen	Murray	Shaff
Burroughs	Hill of Polk	Nolting	Shaw
Carr	Hultman	Norpel	Sovern
Coleman	Lamborn	Nystrom	Taylor
Curtis	Miller of	Palmer	Tieden
DeKoster	Des Moines	Plymat	Van Gilst
Gallagher		Ramsey	

Nays, 15:

Culver	Hill of Jasper	Orr	Scott
Doderer	Kelly	Priebe	Willits
Griffin	Kinley	Redmond	Winkelman
Heying	Merritt	Rodgers	

Absent or not voting, 3:

Junkins	Nolin	Rabedeaux
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Amendment S—5250 as amended was adopted.

Senator Redmond offered amendment S—5257:

S—5257

1 Amend Senate File 1123 as follows:
 2 1. Page 20, by inserting after line 5 the following
 3 section:
 4 "Sec. Section ninety-seven B point eight
 5 (97B.8), Code 1975, is amended to read as follows:
 6 97B.8 ADVISORY INVESTMENT BOARD. A board shall
 7 be established to be known as the 'Advisory Invest-
 8 ment Board of the Iowa Public Employees' Retirement
 9 System', hereinafter called the 'board', whose duties
 10 shall be to advise and confer with the [commission]
 11 director in matters relating to the investment of
 12 the trust funds of the Iowa public employees'
 13 retirement system. The powers of the board shall
 14 be purely advisory and the [commission] director shall
 15 not be bound in the making of any investment by the
 16 recommendations of the board. The board shall consist
 17 of [seven] five members. [Five of the] The members shall
 18 be appointed by the governor, one of whom shall be
 19 an executive of a domestic life insurance company,
 20 one an executive of a state or national bank operat-
 21 ing within the state of Iowa, the third shall be an
 22 executive of a major industrial corporation located
 23 within the state of Iowa, and two shall be active
 24 members of the system, one of whom shall be an employee
 25 of a school district, [county school system, joint
 26 county system] area education agency, or merged area
 27 and one of whom shall not be an employee of a school
 28 district, [county school system, joint county system]
 29 area education agency, or merged area. [The president

30 of the senate shall appoint one member from the
31 membership of the senate and the speaker of the house
32 of representatives shall appoint one member from the
33 membership of the house. The two members appointed
34 by the president of the senate and the speaker of
35 the house of representatives and the] The two active
36 members of the system appointed by the governor shall
37 be ex officio members of the board. The members who
38 are executives of a domestic life insurance company,
39 a state or national bank and a major industrial
40 corporation shall be paid their actual expenses
41 incurred in performance of their duties and shall
42 receive in addition thereto the sum of forty dollars
43 for each day of service not exceeding forty days per
44 year. [Legislative members shall receive the sum of
45 forty dollars for each day of service and their actual
46 expenses incurred in the performance of their duties.
47 The per diem and expenses of the legislative members
48 shall be paid from funds appropriated under section
49 2.12.] The members who are active members of the
50 system shall be paid their actual expenses incurred

Page 2

1 in the performance of their duties as members of the
2 board and performance of their duties as members of
3 the board shall not affect their salaries, vacation
4 or leaves of absence for sickness or injury. The
5 appointive terms of the members appointed by the
6 governor shall be for a period of six years dating
7 from July [1] first of the year in which they are
8 appointed. In the event of vacancy, through
9 resignation or any other cause, in the membership
10 of the board, the governor shall have the power of
11 appointment. Appointees to this board shall be subject
12 to confirmation by a two-thirds vote of the senate,
13 but in the event of interim appointments, such
14 confirmation shall be necessary at the next session
15 of the senate."

16 2. By correcting internal references and renum-
17 bering sections as necessary.

Senator Redmond offered amendment S—5263 to amendment S—5257 and moved its adoption:

S—5263

- 1 Amend the Redmond amendment, S—5257 to Senate
- 2 File 1123 as follows:
- 3 1. Page 1, line 2, by striking the figure
- 4 "20" and inserting in lieu thereof the figure "18".
- 5 2. Page 1, line 2, by striking the figure
- 6 "5" and inserting in lieu thereof the figure "29".

Amendment S—5263 to amendment S—5257 was adopted.

Senator Redmond withdrew amendment S—5261 to amendment S—5257:

S—5261

- 1 Amend the Redmond amendment, S—5257 to Senate
- 2 File 1123 as follows:
- 3 1. Page 1, line 2, by striking the figure
- 4 "20" and inserting in lieu thereof the figure "18".
- 5 2. Page 1, line 2, by striking the figure
- 6 "5" and inserting in lieu thereof the figure "30".

Action on Senate File 1123 and amendment S—5257 was temporarily deferred.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1150

Senate File 1150

On motion of Senator Ramsey, Senate File 1150, a bill for an act relating to the insanity of a defendant during trial, was taken up for consideration.

Senator Curtis took the chair at 4:15 p.m.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1150) the vote was:

Ayes, 42:

Andersen	Gluba	Murray	Rodgers
Bergman	Griffin	Nolting	Schwengels
Briles	Hansen	Norpel	Scott
Burroughs	Heying	Nystrom	Shaff
Carr	Hill of Polk	Orr	Shaw
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	

Nays, 2:

Coleman Hill of Jasper

Absent or not voting, 6:

Hultman	Miller of	Nolin	Sovern
Junkins	Marshall	Rabedeaux	

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

Senate File 1123

The Senate resumed consideration of Senate File 1123 and amendment S—5257.

Senator Redmond offered amendment S—5264 to amendment S—5257 and moved its adoption:

S—5264

- 1 Amend the Redmond amendment S—5257 to Senate
- 2 File 1123 as follows:
- 3 1. Page 1, line 17, by striking the words
- 4 "[seven] five" and inserting in lieu thereof the word
- 5 "seven".
- 6 2. Page 1, line 23, after the word "Iowa,"
- 7 the words "two of whom shall be impartial and repre-
- 8 sent the public,".

A record roll call was requested.

On the question "Shall amendment S—5264 to amendment S—5257 be adopted?" (S.F. 1123) the vote was:

Ayes, 10:

DeKoster	Hill of Polk	Orr	Shaw
Doderer	Murray	Redmond	Sovern
Gluba	Nolting		

Nays, 35:

Andersen	Glenn	Merritt	Schwengels
Bergman	Griffin	Norpel	Scott
Briles	Hansen	Nystrom	Shaff
Burroughs	Heying	Palmer	Taylor
Carr	Hill of Jasper	Plymat	Tieden
Coleman	Hultman	Priebe	Van Gilst
Culver	Kelly	Ramsey	Willits
Curtis	Kinley	Robinson	Winkelman
Gallagher	Lamborn	Rodgers	

Absent or not voting, 5:

Junkins	Miller of	Miller of	Nolin
	Des Moines	Marshall	Rabedeaux

Amendment S—5264 to amendment S—5257 lost.

Senator Redmond moved the adoption of amendment S—5257 as amended and requested a record roll call:

On the question "Shall amendment S—5257 as amended be adopted?" (S.F. 1123) the vote was:

Ayes, 15:

Coleman	Hill of Jasper	Palmer	Sovern
Doderer	Hill of Polk	Redmond	Van Gilst
Glenn	Kinley	Robinson	Willits
Gluba	Orr	Rodgers	

Nays, 31:

Andersen	Carr	Gallagher	Hultman
Bergman	Culver	Griffin	Kelly
Briles	Curtis	Hansen	Lamborn
Burroughs	DeKoster	Heying	Merritt

Miller of Des Moines	Norpel Nystrom	Ramsey Schwengels	Shaw Taylor
Murray	Plymat	Scott	Tieden
Nolting	Priebe	Shaff	Winkelman

Absent or not voting, 4:

Junkins	Miller of Marshall	Nolin	Rabedeaux
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Amendment S—5257 as amended lost.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1123) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Hill of Polk	Nystrom	Shaw
Culver	Hultman	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn		Redmond	Winkelman

Nays, none.

Absent or not voting, 4:

Junkins	Miller of Marshall	Nolin	Rabedeaux
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 1086

On motion of Senator Doderer, Senate File 1086, a bill for an act to require that local civil service commissions determine the physical requirements for police and fire personnel, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5158 by the committee on cities and moved its adoption:

S—5158

- 1 Amend Senate File 1086 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing new section:
- 4 "Sec. Section four hundred point two (400.2),
- 5 Code 1975, is amended to read as follows:

- 6 400.2 QUALIFICATIONS. The commissioners must
 7 be citizens of Iowa, *eligible electors as defined*
 8 *in chapter thirty-nine (39) of the Code*, and residents
 9 of the city for more than five years next preceding
 10 their appointment, and shall serve without compensa-
 11 tion. No person while on said commission, shall hold
 12 or be a candidate for any office of public trust.
 13 Provided, this section notwithstanding, when a human
 14 rights commission has been established by any city,
 15 the director thereof shall ex officio be a member,
 16 without vote, of the civil service commission."
 17 2. Page 1, line 14, by striking the word "he"
 18 and inserting in lieu thereof the words "[he] the
 19 applicant".
 20 3. Renumber the sections and correct internal
 21 references in conformance with this amendment.
 22 4. Amend the title, line 1, by striking the words
 23 "to require that" and inserting in lieu thereof the
 24 words "relating to".
 25 5. Amend the title, line 1, by inserting after
 26 the word "commissions" the words "providing for changes
 27 in qualification requirements and requiring that the
 28 commission".

Amendment S—5158 was adopted.

Amendment S—5124 filed by Senators Redmond and Hansen was ruled out of order with the adoption of amendment S—5158.

Senator Doderer offered amendment S—5174 filed by her and moved its adoption:

S—5174

- 1 Amend Senate File 1086 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following: "*Reasonable rules may be prescribed*
 4 *relating to strength, agility, and general health*
 5 *of applicants.*"

Amendment S—5174 was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1086) the vote was:

Ayes, 44:

Andersen	DeKoster	Hill of Polk	Murray
Bergman	Doderer	Hultman	Nolting
Briles	Gallagher	Kelly	Norpel
Burroughs	Glenn	Kinley	Nystrom
Carr	Gluba	Lamborn	Orr
Coleman	Griffin	Merritt	Palmer
Culver	Hansen	Miller of	Plymat
Curtis	Heying	Des Moines	Priebe

Ramsey
Redmond
Robinson
Rodgers

Schwengels
Shaff
Scott

Shaw
Sovern
Taylor

Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Hill of Jasper
Junkins

Miller of
Marshall

Nolin
Rabedeaux

Tieden

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

Senator Kinley asked and received unanimous consent that **Senate File 1086** be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1172.

Senate File 1172

On motion of Senator Willits, Senate File 1172, a bill for an act relating to gambling, and providing penalties, was taken up for consideration.

Senator Willits offered amendment S—5252 filed by him and called for a division of the amendment, as follows:

S—5252

1 Amend Senate File 1172 as follows:

Division S—5252A

2 1. Page 3, line 9, by adding after the word
3 "Code." the words "A licensee who refuses to allow
4 any authorized peace officer to enter the premises
5 to inspect the location or any gambling device com-
6 mits a misdemeanor punishable as provided in Acts of
7 the Sixty-sixth General Assembly, 1975 session,
8 chapter ninety-nine (99), section twenty-three (23).
9 Such refusal shall also be grounds for revocation of
10 a license issued under section ninety-nine B point
11 three (99B.3) of the Code."

Division S—5252B

12 2. Page 7 by inserting after line 20 the follow-
13 ing:

14 "Sec. Chapter ninety-nine B (99B), section
15 six (6), subsection two (2), Code 1975, as amended
16 by Acts of the Sixty-sixth General Assembly, 1975
17 session, chapter ninety-nine (99), section eight
18 (8) is amended to read as follows:

19 2. The holder of a license issued pursuant to
20 this section shall be strictly accountable for main-
21 taining compliance with subsection one (1) of this

22 section. Proof of any acts constituting a violation
23 shall be grounds for revocation of the license issued
24 pursuant to this section if the holder of the license
25 permitted the violation to occur when the licensee
26 knew or had reasonable cause to know of the acts
27 constituting the violation. [The holder of a license
28 issued pursuant to this section which has its license
29 revoked shall not be issued another license within
30 six months of the date of revocation]."

DEFERRED

Senator Willits asked and received unanimous consent that further action on **Senate File 1172** be deferred and that the bill be placed on the calendar under **unfinished business**.

INTRODUCTION OF BILLS

Senate File 1233, by committee on judiciary, a bill for an act making a correction to **Senate File one thousand one hundred two (1102)** enacted by the 1976 Session of the Sixty-sixth General Assembly.

Read first time and **placed on calendar**.

Senate File 1234, by Senator Sovern, a bill for an act relating to fraudulent drawing of checks, drafts, written orders and providing a penalty.

Read first time and **passed on file**.

Senate File 1235, by Senator Priebe, a bill for an act relating to the powers of the administrative rules review committee.

Read first time and **passed on file**.

Senate File 1236, by Senator Kelly, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.J.R. 1007 Judiciary

S. F. 1227 Agriculture

S. F. 1228 Judiciary

S. F. 1231 State government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James B. Sinatra, of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
CALVIN O. HULTMAN
CHARLES P. MILLER
JOHN S. MURRAY
BASS VAN GILST

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber, Monday, March 1, 1976, when the vote was taken on Senate File 1014. Had I been present, I would have voted "aye."

FRED W. NOLTING

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of March, 1976: Senate File 443.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION

The following communication was placed on file with the Secretary of the Senate:

Mr. Steven C. Cross
Secretary of Senate
State House
Local

Dear Mr. Cross:

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

These include thirty-four (34) claims of a general nature. This supplements our filing on January 13, 1976.

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

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

Receipt of the above is hereby acknowledged.

STEVEN C. CROSS
 Secretary of the Senate

OFFICE OF STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
306-65-25	Wilbur Wienert Holstein, Iowa License fee refund	\$ 65.95	Disapproved
318-65-25	The Wahl Moving and Transfer Co. Cleveland, Ohio Permit fee refund	46.00	Disapproved
493-65-25	Hicklin G. M. Diesel Des Moines, Iowa Fine refund	70.00	Disapproved
831-65-25	George H. Wyant West Des Moines, Iowa License fee refund	35.00	Disapproved
919-65-25	A. J. Haverhals Hawarden, Iowa Registration fee refund	174.94	Disapproved
991-65-25	William Granstra Sheldon, Iowa License fee refund	90.00	Disapproved
2000-65-25	Strunk Brothers Company Tiskilwa, Illinois License fee refund	192.00	Disapproved
2220-65-25	Richardson Transfer & Storage Co., Inc. Salina, Kansas Trip permit refund	75.00	Disapproved
2234-65-25	John R. Hoffman Lamoni, Iowa License fee refund	469.05	Disapproved
2236-65-25	Leonard Olson, Olson Transfer Cherokee, Iowa License fee refund	192.54	Disapproved
2397-65-25	Harold Dickey Transport, Inc. Packwood, Iowa License fee refund	421.06	Disapproved
2398-65-25	Harold Dickey Transport, Inc. Packwood, Iowa License fee refund	318.66	Disapproved
2506-65-25	Iowa Steel & Wire Centerville, Iowa License fee refund	Undetermined	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2508-65-25	American Beef Packers, Inc. Oakland, Iowa License fee refund	814.56	Disapproved
2614-65-25	Sather Cookie Company Round Lake, Minnesota License fee refund	719.76	Disapproved
2625-65-25	Kenneth Nurnberg Arispe, Iowa Prorate refund	325.62	Disapproved
1863-66-25	David Bach Des Moines, Iowa Property damage	2.50	Disapproved
1878-66-25	Vernon E. Leverson Des Moines, Iowa Wages and expenses	473.47	Disapproved
1897-66-25	Clark Limestone Company Denison, Iowa Outdated invoice	15.97	Disapproved
2167-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2168-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	21.01	Disapproved
2169-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2171-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	12.60	Disapproved
2173-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2174-66-25	Bruce Transfer & Storage Co. Kansas City, Missouri License fee refund	23.11	Disapproved
2176-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	19.47	Disapproved
2178-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	30.60	Disapproved
2179-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2181-66-25	Merchants Transfer & Storage Co. Kansas City, Missouri License fee refund	27.82	Disapproved
2291-66-25	Colleen P. Shearer Carlisle, Iowa Personal property reimbursement	25.75	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
2409-67-25	Linda R. Laffoon Cedar Falls, Iowa Property damage	2.84	Disapproved
2410-67-25	Gary Knott Cedar Rapids, Iowa Stolen property	535.00	Disapproved
2416-67-25	Donald J. Hardy Toledo, Iowa Medical reimbursement	20.00	Disapproved
2495-67-25	Northwestern Bell Telephone Co. Des Moines, Iowa Outdated invoice	32.40	Disapproved

AMENDMENTS FILED

S—5258

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106 as follows:
- 3 1. Page 1, lines 22 through 24, by striking the
- 4 words "where smoking is not prohibited by any statute,
- 5 ordinance, or lawful rule of this state or any of
- 6 its political subdivisions and".
- 7 2. Page 1, lines 30 through 33, by striking the
- 8 words "where smoking is not prohibited by any other
- 9 statute, ordinance, or lawful rule of the United
- 10 States, this state, or any of its political
- 11 subdivisions and".
- 12 3. Page 2, by inserting before line 20 the
- 13 following section:
- 14 "Sec. **NEW SECTION. DESIGNATION OF SMOKING**
- 15 **AREAS.** The person or persons authorized to designate
- 16 smoking areas pursuant to section two (2) of this
- 17 Act shall not designate any area where smoking is
- 18 prohibited by any other statute, ordinance, or lawful
- 19 rule of the United States, this state, or any of its
- 20 political subdivisions."

KENNETH D. SCOTT

S—5262

- 1 Amend Senate File 1191, page 1, line 12, by
- 2 striking the figure "\$149,947" and inserting in
- 3 lieu thereof the figure "\$161,663".

ELIZABETH SHAW
LUCAS J. DeKOSTER

S—5265

- 1 Amend Senate File 1219 as follows:
- 2 1. Page 6, by striking lines 18 through 25.

NORMAN RODGERS

S—5260

- 1 Amend House File 207, as passed by the House, as
- 2 follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing new section:

5 "Section 1. Section three hundred six point twenty-
6 two (306.22), unnumbered paragraphs one (1) and two
7 (2), Code 1975, are amended to read as follows:

8 When title to any tract of land has been or may
9 be acquired for the construction or improvement of
10 any highway, and when in the judgment of the agency
11 in control of the highway, the tract will not be used
12 in connection with or for the improvement, maintenance,
13 or use of the highway, the agency in control of the
14 highway may sell the tract for cash. If the tract
15 of land is held or used in connection with any primary
16 road, or state park or institutional road, the sale
17 shall be subject to approval of the executive council
18 of the state. *Before any unused land acquired by*
19 *the department for the construction or improvement*
20 *of any highway shall be offered for sale, the*
21 *department shall offer the person who owned the*
22 *property at the time it was acquired the right to*
23 *purchase the unused land proposed to be sold for the*
24 *original acquisition price less the price of the used*
25 *portion. If the owner of the property from which*
26 *the right-of-way was acquired fails to purchase the*
27 *unused right-of-way within sixty days, the department*
28 *shall offer the unused land for public sale.*

29 The department may contract for the sale of any
30 tract of land *not resold to the person who owned the*
31 *property at the time it was acquired*, subject to the
32 following terms and conditions:"

33 2. Renumber sections and correct internal
34 references as may be necessary in accordance with
35 this amendment.

36 3. Amend the title, line 5, by inserting after
37 the word "assessment" the words "and providing for
38 the sale of unused right-of-way by the state depart-
39 ment of transportation".

RAY TAYLOR

S—5259

1 Amend the committee on judiciary amendment, S—5234,
2 to House File 584, as amended and passed by the House
3 and reprinted, as follows:

4 1. Page 3, line 50, by striking the words "However,
5 the".

6 2. Page 4, by striking lines 1 through 4.

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30
p.m., until 9:30 a.m., Wednesday, March 3, 1976.

JOURNAL OF THE SENATE

FIFTY-SECOND DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 3, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Clyde Norrgard, former pastor of the Messiah Lutheran Church, Burlington, Iowa.

The Journal of Tuesday, March 2, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. H. Osten, Northwood, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Junkins for the morning session and Senator Rabedeaux for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five students from Hanawalt Elementary School, Des Moines, Iowa, accompanied by their instructors Mrs. Cronin, Mrs. Renaud and Mrs. Winterberg. Senator Hill of Polk.

PETITION

The following petition was presented and placed on file:

By Senator Rodgers from twenty-four residents of O'Brien County requesting a change in the school finance formula to reduce the basic school district tax levy and raise the foundation level to seventy-six percent.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Taylor called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herman W. Thompson of Cedar Rapids, Linn County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners under the provisions of Section 118A.3, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
EUGENE M. HILL
RICHARD J. NORPEL, SR.
JAMES M. REDMOND
DALE L. TIEDEN

The motion prevailed and the report was adopted.

Senator Taylor moved the appointment of Herman W. Thompson as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	
Gluba			

Nays, none.

Absent or not voting, 4:

Junkins	Nolin	Palmer	Rabedaux
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President Neu declared the appointment of Herman W. Thompson as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1976.

Senator Taylor called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Samuel D. Linn of Humboldt, Humboldt County, Iowa, for appointment to the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for an initial term

beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RAY TAYLOR, Chairperson
C. JOSEPH COLEMAN
ELIZABETH R. MILLER
RICHARD J. NORPEL, SR.
NORMAN G. RODGERS

The motion prevailed and the report was adopted.

Senator Taylor moved the appointment of Samuel D. Linn as a member of the State Board of Veterinary Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Kelly	Nystrom	Taylor
DeKoster	Kinley	Orr	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn		Ramsey	Winkelman

Nays, none.

Absent or not voting, 5:

Junkins	Palmer	Rabedaux	Redmond
Nolin			

President Neu declared the appointment of Samuel D. Linn as a member of the State Board of Veterinary Medical Examiners confirmed for an initial term ending June 30, 1976.

DEFERRED

Senator Kinley asked unanimous consent that action on Senate File 368 be deferred and that the Senate take up for consideration Senate File 106.

Objection was raised.

Senator Kinley moved that action on Senate File 368 be deferred and that the Senate take up for consideration Senate File 106.

A record roll call was requested.

On the question "Shall the motion to defer Senate File 368 and take up Senate File 106 be adopted?" the vote was:

Ayes, 39:

Andersen	Griffin	Murray	Scott
Bergman	Hansen	Nolting	Shaff
Burroughs	Heying	Nystrom	Shaw
Carr	Hill of Jasper	Orr	Sovern
Culver	Hill of Polk	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Ramsey	Van Gilst
Doderer	Miller of	Robinson	Willits
Gallagher	Des Moines	Rodgers	Winkelman
Glenn	Miller of	Schwengels	
Gluba	Marshall		

Nays, 5:

Briles	Kelly	Merritt	Norpel
Coleman			

Voting present, 1:

Hultman

Absent or not voting, 5:

Junkins	Palmer	Rabedeaux	Redmond
Nolin			

The motion prevailed, and action on Senate File 368 was deferred and the bill retained its place on the calendar.

*** CONSIDERATION OF BILLS**

Senate File 106

On motion of Senator Scott, Senate File 106, a bill for an act prohibiting smoking in certain public areas, and providing a penalty, with reports of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Gluba asked and received unanimous consent to withdraw amendment S—3313 filed by the committee on human resources on March 12, 1975, and found on pages 630-632, inclusive, of the 1975 Senate Journal.

The following amendments to amendment S—3313 were ruled out of order:

Amendment S—3373 to amendment S—3313 filed March 25, 1975, by Senator Plymat.

Amendment S—3781 to amendment S—3313 filed May 9, 1975, by Senators Taylor and Scott.

Amendment S—3330 to amendment S—3313 filed May 13, 1975, by Senator Gluba.

Amendment S—3331 to amendment S—3313 filed March 13, 1975, by Senator Gluba.

Amendment S—3397 to amendment S—3313 filed March 27, 1975, by Senator Gluba.

Amendment S—3789 to amendment S—3313 filed May 12, 1975, by Senator Redmond.

Senator Gluba offered amendment S—5105 by the committee on human resources:

S—5105

- 1 Amend Senate File 106 by striking everything after
- 2 the enacting clause and inserting in lieu thereof
- 3 the following:
- 4 "Section 1. **NEW SECTION. SMOKING DEFINED. As**
- 5 used in this Act, the word 'smoking' means inhaling
- 6 or exhaling the smoke of, or the possession or control
- 7 of, a lighted cigarette, pipe, cigar, or little cigar
- 8 as defined in section ninety-eight point forty-two
- 9 (98.42), subsection sixteen (16) of the Code.
- 10 Sec. 2. **NEW SECTION. SMOKING PROHIBITED IN CERTAIN**
- 11 **AREAS.** Smoking is prohibited in:
- 12 1. Any elevator, indoor theater, library, art
- 13 museum, concert hall, auditorium, or other similar
- 14 facility which is open to the public. However, those
- 15 in custody of buildings or facilities housing indoor
- 16 theaters, libraries, art museums, concert halls, and
- 17 other similar facilities open to the public may permit
- 18 smoking by persons seated at any table provided for
- 19 the purpose of consuming food or beverages served
- 20 or provided on the premises and may make available
- 21 smoking areas adjacent to such facilities within the
- 22 same structure where smoking is not prohibited by
- 23 any statute, ordinance, or lawful rule of this state
- 24 or any of its political subdivisions and where the
- 25 words 'smoking permitted' are posted.
- 26 2. Any railroad passenger coach, passenger bus,
- 27 passenger airplane, or other common carrier which
- 28 provides departures originating in this state, except
- 29 in those areas, not exceeding fifty percent of the
- 30 passenger seating capacity, where smoking is not
- 31 prohibited by any other statute, ordinance, or lawful
- 32 rule of the United States, this state, or any of its
- 33 political subdivisions and where the words 'smoking
- 34 permitted' are posted.
- 35 3. Any waiting room, rest room, lobby, or hallway
- 36 of any hospital, clinic, medical laboratory, or other
- 37 similar facility, except in areas designated by the
- 38 person in custody or control of the facility as smoking
- 39 areas.
- 40 4. Any room of a health care facility as defined
- 41 in section one hundred thirty-five C point one (135C.1)

42 of the Code, hospital, clinic, or other medical
43 facility used for the recuperation or care of patients,
44 except in rooms designated by the person in custody
45 or control of the facility as smoking rooms. The
46 person in custody or control of the facility shall
47 provide a sufficient number of rooms in which smoking
48 is not permitted to accommodate those persons who
49 desire such rooms.

50 5. Any public building owned by or under the

Page 2

1 control of this state or any of its political
2 subdivisions, except in areas designated by the
3 controlling governmental body, officer, or agency
4 as smoking areas.

5 6. Any waiting room of the office of any physician
6 and surgeon, osteopath, osteopathic physician and
7 surgeon, nurse, dentist, dental hygienist,
8 psychologist, physical therapist, podiatrist,
9 chiropractor, optometrist, or optician if the
10 practitioner or group of practitioners in custody
11 or control of the waiting room elect to be covered
12 by the prohibition and penalties prescribed by this
13 Act.

14 7. Any building or portion of a building occupied
15 by any business engaged in the retail sale of tangible
16 personal property or taxable services if the person
17 in custody or control of that building or portion
18 of a building elects to have applied to it the
19 prohibition and penalties prescribed by this Act.

20 Sec. 3. **NEW SECTION. NO SMOKING AREAS POSTED.**

21 The person or persons having custody or control of
22 any of the facilities in which smoking is prohibited
23 under section two (2) of this Act shall cause to be
24 posted within the facility, or within the area or
25 areas of the facility where the prohibition against
26 smoking is in effect, one or more conspicuous signs
27 bearing the words 'smoking prohibited by law' or words
28 or any symbol of similar effect.

29 Sec. 4. **NEW SECTION. ENFORCEMENT OF SMOKING**

30 **PROHIBITION.** The person in custody or control of
31 any of the facilities in which smoking is prohibited
32 under section two (2) of this Act, or any employee
33 of any such facility who is on duty therein, who
34 observes any person smoking in that facility in
35 violation of this Act shall inform that person that
36 smoking is prohibited by law in that facility or that
37 area of the facility, as the case may be.

38 Sec. 5. **NEW SECTION. PENALTY FOR VIOLATION.**

39 Any person who violates section two (2), three (3),
40 or four (4) of this Act is guilty of a misdemeanor
41 and, upon conviction, shall be fined not less than
42 ten nor more than one hundred dollars."

Senator Hultman offered amendment S—5267 to amendment
S—5105, moved its adoption and requested a record roll call:

S—5267

1 Amend the committee on human resources amendment

2 S—5105 to Senate File 106, page 1, by striking lines

3 4 through 50, and page 2, by striking lines 1 through

4 42, and inserting in lieu thereof the following:

5 "Section 1. *NEW SECTION. SMOKING DEFINED.* As

6 used in this Act, the word 'smoking' means inhaling

7 or exhaling the smoke of, or the possession or control

8 of, a lighted cigarette, pipe, cigar, or little cigar

9 as defined in section ninety-eight point forty-two

10 (98.42), subsection sixteen (16) of the Code.

11 Sec. 2. *NEW SECTION. SMOKING PROHIBITED IN CERTAIN*

12 *AREAS.* Smoking is prohibited in:

13 1. Any elevator, indoor theater, library, art

14 museum, concert hall, auditorium, or other similar

15 facility, which is open to the public. However, those

16 in custody of buildings or facilities housing indoor

17 theaters, libraries, art museums, concert halls, and

18 other similar facilities open to the public may permit

19 smoking by persons on the premises and may make

20 available smoking areas in such facilities within

21 the same structure where smoking is not prohibited

22 by any statute, ordinance, or lawful rule of this

23 state or any of its political subdivisions and where

24 the words 'smoking permitted' are posted.

25 2. Those portions of any railroad passenger coach,

26 passenger bus, passenger airplane or other common

27 carrier providing departures originating in this

28 state, which portions are set aside by the person

29 in custody or control of the carrier as nonsmoking

30 areas. Such areas shall be of sufficient capacity

31 to accommodate all persons who do not wish to be

32 seated in a smoking area.

33 3. Any waiting room, rest room, lobby, or hallway

34 of any hospital, clinic, medical laboratory, or other

35 similar facility, except in areas designated by the

36 person in custody or control of the facility as smoking

37 areas.

38 4. Any room of a health care facility as defined

39 in section one hundred thirty-five C point one (135C.1)

40 of the Code, hospital, clinic, or other medical

41 facility used for the recuperation or care of patients,

42 except in rooms designated by the person in custody

43 or control of the facility as smoking rooms. The

44 person in custody or control of the facility shall

45 provide a sufficient number of rooms in which smoking

46 is not permitted to accommodate those persons who

47 desire such rooms.

48 5. Any public building owned by or under the

49 control of this state or any of its political

50 subdivisions, except in areas designated by the

Page 2

1 controlling governmental body, officer, or agency

2 as smoking areas.

3 6. Any waiting room of the office of any physician

4 and surgeon, osteopath, osteopathic physician and
5 surgeon, nurse, dentist, dental hygienist,
6 psychologist, physical therapist, podiatrist,
7 chiropractor, optometrist, or optician if the
8 practitioner or group of practitioners in custody
9 or control of the waiting room elect to be covered
10 by the prohibition and penalties prescribed by this
11 Act.

12 7. Any building or portion of a building occupied
13 by any business engaged in the retail sale of tangible
14 personal property, except businesses licensed pursuant
15 to chapter ninety-eight (98) of the Code, if the
16 person in custody or control of that business elects
17 to have applied to such building or portion of a
18 building the prohibition and penalties prescribed
19 by this Act.

20 Sec. 3. **NEW SECTION. NO SMOKING AREAS POSTED.**

21 The person or persons having custody or control of
22 any of the facilities in which smoking is prohibited
23 under section two (2) of this Act shall cause to be
24 posted within the facility, or within the area or
25 areas of the facility where the prohibition against
26 smoking is in effect, one or more conspicuous signs
27 bearing the words 'smoking prohibited by law' or words
28 or any symbol of similar effect. Unless such signs
29 are posted and kept on display in a business which
30 may elect coverage under subsection seven (7) of
31 section two (2) of this Act, it shall be conclusively
32 presumed that the person in custody or control of
33 that business has not so elected.

34 Sec. 4. **NEW SECTION. ENFORCEMENT OF SMOKING**

35 **PROHIBITION.** The person in custody or control of
36 any of the facilities in which smoking is prohibited
37 under section two (2) of this Act, or any employee
38 of any such facility who is on duty therein, who
39 observes any person smoking in that facility in
40 violation of this Act shall inform that person that
41 smoking is prohibited by law in that facility or that
42 area of the facility, as the case may be.

43 Sec. 5. **NEW SECTION. PENALTY FOR VIOLATION.**

44 Any person who violates section two (2), three (3),
45 or four (4) of this Act is guilty of a misdemeanor
46 and, upon conviction, shall be fined not less than
47 ten nor more than one hundred dollars. If a person
48 charged with a violation of this Act is acquitted,
49 the prosecuting witness shall pay all court costs,
50 including reasonable attorney fees for the defendant

Page 3

1 which shall be taxed as costs in the case.

2 Sec. 6. Section two hundred seventy-nine point
3 nine (279.9), Code 1975, is amended to read as follows:

4 279.9 **USE OF TOBACCO, ALCOHOL AND CONTROLLED**
5 **SUBSTANCES.** Such rules [shall] *may* prohibit the use of
6 tobacco, *or may regulate its use in the manner*
7 *contemplated by sections two (2) through five (5)*

8 of this Act, and shall prohibit the use or possession
 9 of alcoholic liquor or beer or any controlled substance
 10 as defined in section 204.101, subsection 6, by any
 11 student of such schools and the board may suspend
 12 or expel, or provide for other appropriate disciplinary
 13 measures to be taken against, any student for any
 14 violation of [such rules] *these rules.*"

On the question "Shall amendment S—5267 to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 21:

Briles	Hultman	Nolting	Redmond
Burroughs	Kelly	Norpel	Rodgers
Coleman	Kinley	Nystrom	Schwengels
Culver	Lamborn	Palmer	Tieden
Griffin	Merritt	Ramsey	Winkelman
Hansen			

Nays, 26:

Andersen	Glenn	Miller of	Scott
Bergman	Gluba	Marshall	Shaff
Carr	Heying	Murray	Shaw
Curtis	Hill of Jasper	Orr	Sovern
DeKoster	Hill of Polk	Plymat	Taylor
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Robinson	Willits

Absent or not voting, 3:

Junkins	Nolin	Rabedaux
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Amendment S—5267 to amendment S—5105 lost.

Senator Scott offered amendment S—5258 to amendment S—5105 filed by him and moved its adoption:

S—5258

1 Amend the committee on human resources amendment,
 2 S—5105, to Senate File 106 as follows:
 3 1. Page 1, lines 22 through 24, by striking the
 4 words "where smoking is not prohibited by any statute,
 5 ordinance, or lawful rule of this state or any of
 6 its political subdivisions and".
 7 2. Page 1, lines 30 through 33, by striking the
 8 words "where smoking is not prohibited by any other
 9 statute, ordinance, or lawful rule of the United
 10 States, this state, or any of its political
 11 subdivisions and".
 12 3. Page 2, by inserting before line 20 the
 13 following section:
 14 "Sec. **NEW SECTION. DESIGNATION OF SMOKING**
 15 **AREAS.** The person or persons authorized to designate
 16 smoking areas pursuant to section two (2) of this
 17 Act shall not designate any area where smoking is
 18 prohibited by any other statute, ordinance, or lawful
 19 rule of the United States, this state, or any of its
 20 political subdivisions."

Amendment S—5258 to amendment S—5105 was adopted.

Senator Norpel offered amendment S—5270 to amendment S—5105, moved its adoption and requested a record roll call:

S—5270

- 1 Amend the committee on human resources amendment
- 2 S—5105 to Senate File 106 as follows:
- 3 1. Page 1, by striking line 50.
- 4 2. Page 2, by striking lines 1 through 4.

On the question “Shall amendment S—5270 to amendment S—5105 be adopted?” (S.F. 106) the vote was:

Ayes, 16:

Briles	Hansen	Kinley	Norpel
Coleman	Hill of Polk	Lamborn	Ramsey
Culver	Hultman	Merritt	Rodgers
Griffin	Kelly	Nolting	Schwengels

Nays, 29:

Andersen	Glenn	Murray	Shaff
Bergman	Gluba	Nystrom	Shaw
Burroughs	Heying	Orr	Sovern
Carr	Hill of Jasper	Plymat	Taylor
Curtis	Miller of	Priebe	Van Gilst
DeKoster	Des Moines	Redmond	Willits
Doderer	Miller of	Robinson	Winkelman
Gallagher	Marshall	Scott	

Absent or not voting, 5:

Junkins	Palmer	Rabedaux	Tieden
Nolin			

Amendment S—5270 to amendment S—5105 lost.

Senator Hill of Polk offered amendment S—5150 to amendment S—5105 filed by him:

S—5150

- 1 Amend the amendment, S—5105, to Senate File 106
- 2 as follows:

Division S—5150A

- 3 1. Page 2, by striking lines 5 through 13.

Division S—5150B

- 4 2. Page 2, lines 16 through 19, by striking the
- 5 words “or taxable services if the person in custody
- 6 or control of that building or portion of a building
- 7 elects to have applied to it the prohibition and
- 8 penalties prescribed by this Act”.
- 9 3. By renumbering the remaining sections and
- 10 subsections to accord with this amendment.

Senator Plymat called for a division of the amendment, section 1 to be considered as division S—5150A, and sections 2 and 3 to be considered as division S—5150B.

Senator Hill of Polk moved the adoption of division S—5150A of the amendment to amendment S—5105.

A record roll call was requested.

On the question "Shall division S—5150A of the amendment to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 26:

Briles	Griffin	Merritt	Redmond
Burroughs	Hansen	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Shaw
Culver	Hultman	Nystrom	Tieden
Curtis	Kelly	Palmer	Willits
DeKoster	Kinley	Ramsey	Winkelman
Glenn	Lamborn		

Nays, 18:

Andersen	Hill of Jasper	Orr	Shaff
Bergman	Miller of	Plymat	Sovern
Coleman	Des Moines	Priebe	Taylor
Doderer	Miller of	Rodgers	Van Gilst
Gallagher	Marshall	Scott	
Gluba			

Absent or not voting, 6:

Heying	Murray	Rabedaux	Robinson
Junkins	Nolin		

Division S—5150A of the amendment to amendment S—5105 was adopted.

Senator Hill of Polk moved the adoption of division S—5150B of the amendment to amendment S—5105.

A record roll call was requested.

On the question "Shall division S—5150B of the amendment to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 14:

Briles	Hill of Polk	Nolting	Rodgers
Burroughs	Hultman	Norpel	Schwengels
Coleman	Lamborn	Ramsey	Shaw
Griffin	Merritt		

Nays, 31:

Andersen	Gluba	Miller of	Scott
Bergman	Hansen	Marshall	Shaff
Carr	Heying	Nystrom	Sovern
Culver	Hill of Jasper	Orr	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Miller of	Redmond	Willits
Gallagher	Des Moines	Robinson	Winkelman
Glenn			

Absent or not voting, 5:Junkins
Murray

Nolin

Palmer

Rabedeaux

Division S—5150B of the amendment to amendment S—5105 lost.

Senator Rodgers moved to strike the enacting clause from Senate File 106.

President pro tempore Doderer took the chair at 11:45 a.m.

Senator Hultman moved that the motion to strike the enacting clause be laid on the table.

Senator Palmer rose to a parliamentary inquiry as to the effect of laying the motion to strike the enacting clause on the table.

The Chair ruled that under the provisions of Sec. 338.1, Mason's Manual of Legislative Procedure, if the Hultman motion to lay the motion to strike the enacting clause on the table prevailed, Senate File 106 and all amendments and motions incidental thereto would be laid on the table with it.

A record roll call was requested on the Hultman motion.

On the question "Shall the motion to strike the enacting clause be laid on the table?" (S.F. 106) the vote was:

Ayes, 10:Briles
Coleman
GriffinHansen
Hill of Polk
HultmanKelly
MerrittRodgers
Tieden**Nays, 36:**Andersen
Bergman
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Gallagher
GlennGluba
Heying
Hill of Jasper
Kinley
Lamborn
Miller of
Des Moines
Miller of
Marshall
MurrayNolting
Norpe
Nystrom
Orr
Palmer
Plymat
Priebe
Redmond
RobinsonSchwengels
Scott
Shaff
Shaw
Sovern
Taylor
Van Gilst
Willits
Winkelman**Absent or not voting, 4:**

Junkins

Nolin

Rabedeaux

Ramsey

The motion lost.

Senator Rodgers withdrew his motion to strike the enacting clause.

(Senate File 106 and amendment S—5105 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Glenn presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1021, a bill for an act relating to the alienation of preserves.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1151, a bill for an act relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1051, a bill for an act relating to farm tenants.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1278, a bill for an act relating to certain reporting, licensing and confidentiality requirements pertaining to the Iowa drug abuse authority.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1281, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1237, by Senator Shaff, a bill for an act providing a pay adjustment for persons under the merit system and the executive council exempt pay plans and other exempt positions included in the comptroller's central payroll system, the department of transportation payroll system and the state board of regents and making an appropriation.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1051, a bill for an act relating to farm tenants.

Read first time and passed on file.

House File 1278, a bill for an act relating to certain reporting, licensing and confidentiality requirements pertaining to the Iowa drug abuse authority.

Read first time and **passed on file**.

House File 1281, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

Read first time and **passed on file**.

BUSINESS PENDING

Senate File 106

The Senate resumed consideration of Senate File 106 and amendment S—5105.

Senator Scott offered amendment S—5251 to amendment S—5105 filed by him and called for a division of the amendment as follows:

S—5251

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106 as follows:

Division S—5251A

- 3 1. Page 2, lines 9 through 13, by striking the
- 4 words "if the practitioner or group of practitioners
- 5 in custody or control of the waiting room elect to
- 6 be covered by the prohibition and penalties prescribed
- 7 by this Act" and inserting in lieu thereof the words
- 8 " , except in areas designated by the practitioner
- 9 or group of practitioners in custody or control of
- 10 the waiting room as smoking areas".

Division S—5251B

- 11 2. Page 2, lines 16 through 19, by striking the
- 12 words "if the person in custody or control of that
- 13 building or portion of a building elects to have
- 14 applied to it the prohibition and penalties prescribed
- 15 by this Act" and inserting in lieu thereof the words
- 16 " , except in areas designated by the person in custody
- 17 or control of that building or portion of a building
- 18 as smoking areas".

Senator Scott withdrew division S—5251A of the amendment to amendment S—5105.

On motion of Senator Scott, division S—5251B of the amendment to amendment S—5105 was adopted.

Senator Scott offered amendment S—5249 to amendment S—5105 filed by him and moved its adoption:

S—5249

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106, page 2, by inserting
- 3 after line 19 the following subsection:
- 4 "..... Any restaurant as that term is defined in
- 5 section one hundred seventy point one (170.1) of the
- 6 Code, except in areas designated by the person who
- 7 owns or is in custody or control of that restaurant
- 8 as smoking areas."

Amendment S—5249 to amendment S—5105 was adopted.

Senator Gluba withdrew amendment S—5196 to amendment S—5105 filed by him on February 23, 1976, and found on pages 573 and 574 of the Senate Journal.

Senator Hultman offered amendment S—5274 to amendment S—5105 and moved its adoption:

S—5274

- 1 Amend the committee on human resources amendment
- 2 S—5105 to Senate File 106, page 2, by inserting after
- 3 line 19 the following: "However, no person shall
- 4 be convicted of a misdemeanor nor fined for a violation
- 5 of this Act by reason of smoking in any building or
- 6 portion of a building to which this Act has been made
- 7 applicable as permitted by this subsection, until
- 8 the signs required by section three (3) of this Act
- 9 have been conspicuously posted in that building or
- 10 portion of a building for at least thirty days."

On the question "Shall amendment S—5274 to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 35:

Bergman	Griffin	Miller of	Priebe
Briles	Hansen	Marshall	Ramsey
Burroughs	Heying	Murray	Robinson
Carr	Hill of Jasper	Nolting	Scott
Culver	Hill of Polk	Norpel	Shaff
Curtis	Hultman	Nystrom	Shaw
DeKoster	Kelly	Orr	Van Gilst
Gallagher	Kinley	Palmer	Willits
Gluba	Merritt	Plymat	Winkelman

Nays, 4:

Glenn	Miller of	Redmond	Sovern
	Des Moines		

Absent or not voting, 11:

Andersen	Junkins	Rabedaux	Taylor
Coleman	Lamborn	Rodgers	Tieden
Doderer	Nolin	Schwengels	

Amendment S—5274 to amendment S—5105 was adopted.

Senator Norpel offered amendment S—5269 to amendment S—5105 and moved its adoption:

S—5269

- 1 Amend the committee on human resources amendment
- 2 S—5105 to Senate File 106, page 2, by inserting in
- 3 line 28 after the word "effect." the words "Any
- 4 facility or area so posted shall be furnished with
- 5 at least one brass spittoon, having a value of not
- 6 less than fifty dollars, accessible to persons who
- 7 elect to chew tobacco in lieu of smoking."

Amendment S—5269 to amendment S—5105 lost.

Senator Hultman offered amendment S—5276 to amendment S—5105 and moved its adoption:

S—5276

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106, page 2, by striking lines
- 3 38 through 42.

A non-record roll call was requested.

The ayes were 15, nays 25.

Amendment S—5276 to amendment S—5105 lost.

Senator Schwengels offered amendment S—5273 to amendment S—5105, moved its adoption and requested a record roll call:

S—5273

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106 as follows:
- 3 1. Page 2, lines 41 and 42 by striking the
- 4 words "not less than ten nor more than one hundred
- 5 dollars" and inserting in lieu thereof the following:
- 6 "five dollars for the first offense, and not less
- 7 than ten nor more than one hundred dollars for
- 8 subsequent offenses".

On the question "Shall amendment S—5273 to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 24:

Bergman
Briles
Burroughs
Curtis
DeKoster
Griffin

Hansen
Heying
Hill of Polk
Hultman
Kelly
Merritt

Murray
Nolting
Norpel
Nystrom
Orr
Palmer

Ramsey
Redmond
Schwengels
Shaw
Willits
Winkelman

Nays, 19:

Andersen	Gluba	Miller of	Scott
Carr	Hill of Jasper	Marshall	Shaff
Culver	Kinley	Plymat	Sovern
Doderer	Miller of	Priebe	Taylor
Gallagher	Des Moines	Robinson	Van Gilst
Glenn			

Absent or not voting, 7:

Coleman	Lamborn	Rabedeaux	Tieden
Junkins	Nolin	Rodgers	

Amendment S—5273 to amendment S—5105 was adopted.

Senator Hultman offered amendment S—5275 to amendment S—5105:

S—5275

- 1 Amend the committee on human resources amendment,
- 2 S—5105, to Senate File 106, page 2, line 42, by
- 3 inserting after the word "dollars." the words "If
- 4 the person accused of violating the provisions of
- 5 this Act is found not guilty, the person filing the
- 6 charges shall pay all court costs, including reasonable
- 7 attorneys fees."

Senator Norpel raised the point of order that Senate File 106 should be referred to the committee on appropriations under Senate Rule 38.

The Chair ruled the point not well taken.

Senator Hultman moved the adoption of amendment S—5275 to amendment S—5105 and requested a non-record roll call.

The ayes were 13, nays 30.

Amendment S—5275 to amendment S—5105 lost.

Senator Redmond withdrew amendment S—5191 to amendment S—5105 filed by him on February 23, 1976, and found on page 574 of the Senate Journal.

Senator Redmond offered amendment S—5277 to amendment S—5105:

S—5277

- 1 Amend the committee on human resources amend-
- 2 ment S—5105 to Senate File 106 as follows:
- 3 1. Page 2, by inserting after line 42 the fol-
- 4 lowing section:
- 5 "Sec. 6. Section two hundred seventy-nine point
- 6 nine (279.9), Code 1975, is amended to read as fol-
- 7 lows:
- 8 279.9 USE OF TOBACCO, ALCOHOL AND CONTROLLED

9 **SUBSTANCES.** Such rules [shall] *may* prohibit the use of
 10 tobacco, *or may regulate its use in the manner*
 11 *contemplated by sections two (2) through five (5)*
 12 *of this Act, and shall prohibit the use or possession*
 13 *of alcoholic liquor or beer or any controlled sub-*
 14 *stance as defined in section 204.101, subsection 6,*
 15 *by any student of such schools and the board may*
 16 *suspend or expel, or provide for other appropriate*
 17 *disciplinary measures to be taken against, any stu-*
 18 *dent for any violation of [such rule] these rules."*

Senator Griffin raised the point of order that amendment S—5277 to amendment S—5105 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5277 to amendment S—5105 in order.

President Neu took the chair at 4:23 p.m.

Senator Redmond moved the adoption of amendment S—5277 to amendment S—5105.

A record roll call was requested.

On the question "Shall amendment S—5277 to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Rule 25 was invoked.

Ayes, 20:

Carr	Heying	Nolting	Plymat
DeKoster	Hill of Polk	Norpel	Redmond
Doderer	Junkins	Nystrom	Robinson
Gluba	Kelly	Orr	Sovern
Hansen	Lamborn	Palmer	Willits

Nays, 23:

Andersen	Hill of Jasper	Murray	Shaff
Bergman	Kinley	Priebe	Shaw
Briles	Merritt	Ramsey	Taylor
Burroughs	Miller of	Rodgers	Van Gilst
Culver	Des Moines	Schwengels	Winkelman
Curtis	Miller of	Scott	
Glenn	Marshall		

Absent or not voting, 7:

Coleman	Griffin	Nolin	Tieden
Gallagher	Hultman	Rabedeaux	

Amendment S—5277 to amendment S—5105 lost.

Senator Hansen offered amendment S—5280 to amendment S—5105:

S—5280

- 1 Amend the committee on human resources amend-
- 2 ment, S—5105 to Senate File 106 as follows:

3 1. Page 2, by inserting after line 42 the fol-
4 lowing:
5 "Section *NEW SECTION.* Any person entering an
6 elevator, indoor theater, library, art museum, concert hall,
7 auditorium, or similar facility which is open to the public
8 shall have adequately, and with such frequency, bathed his
9 or herself so as to preclude body odors from emitting from his
10 or her person or in the alternative made appropriate application
11 of any artificial substances which produces an aroma sufficient
12 to subjugate any body odors.
13 Every person entering the above described premises shall
14 also have at least daily, and more frequently when required,
15 cleansed his or her teeth or in the absence thereof, appro-
16 priately cleansed the inanimate replacement thereof, and
17 subsequently shall have gargled with any commercially sold
18 substance of sufficient strength so as to subjugate any un-
19 pleasant odors emitting from the oral cavity."

Senator Scott raised the point of order that amendment S—5280 to amendment S—5105 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5280 to amendment S—5105 out of order.

Senator Redmond offered amendment S—5278 to amendment S—5105 and moved its adoption:

S—5278

1 Amend the committee on human resources amendment,
2 S—5105, to Senate File 106 as follows:
3 1. Page 1, by striking lines 26 through 34
4 and inserting in lieu thereof:
5 "2. Those portions of any railroad passenger
6 coach, passenger bus, passenger airplane or other
7 common carrier providing departures originating in
8 this state, which portions are set aside by the
9 person in custody or control of the carrier as non-
10 smoking areas. Such areas shall be of sufficient
11 capacity to accommodate all persons who do not wish
12 to be seated in a smoking area."

Amendment S—5278 to amendment S—5105 was adopted.

Senator Hultman withdrew amendment S—5283 to amendment S—5105:

S—5283

1 Amend the committee on human resources amend-
2 ment, S—5105 to Senate File 106, as follows:
3 1. Page 1, line 7, by inserting after the word
4 "of," the word "marijuana,".

Senator Norpel asked and received unanimous consent to withdraw amendment S—5279 to amendment S—5105 by Senators Norpel and Coleman:

S—5279

- 1 Amend the committee on human resources amend-
- 2 ment, S—5105 to Senate File 106 as follows:
- 3 1. Page 2, by inserting after line 4 the fol-
- 4 lowing: "Persons employed in or using the buildings
- 5 mentioned in this section who do not smoke shall not
- 6 enter areas designated as smoking areas."

Senator Hansen offered amendment S—5284 to amendment S—5105 by Senators Hansen, Gluba and Plymat, moved its adoption, and requested a record roll call:

S—5284

- 1 Amend the committee on human resources amend-
- 2 ment, S—5105, to Senate File 106, as follows:
- 3 1. Page 2, lines 39 and 40 by striking the
- 4 words "violates section two (2), three (3), or four
- 5 (4)", and inserting in lieu thereof "smokes in those
- 6 areas covered by section two (2) and who violates
- 7 section three (3)".

On the question "Shall amendment S—5284 to amendment S—5105 be adopted?" (S.F. 106) the vote was:

Ayes, 38:

Andersen	Gluba	Nolting	Robinson
Briles	Griffin	Norpel	Rodgers
Burroughs	Hansen	Nystrom	Scott
Carr	Hill of Polk	Orr	Shaff
Coleman	Hultman	Palmer	Shaw
Culver	Junkins	Plymat	Sovern
Curtis	Kelly	Priebe	Tieden
DeKoster	Kinley	Ramsey	Willits
Gallagher	Lamborn	Redmond	Winkelman
Glenn	Murray		

Nays, 10:

Bergman	Merritt	Miller of	Taylor
Doderer	Miller of	Marshall	Van Gilst
Heying	Des Moines	Schwengels	
Hill of Jasper			

Absent or not voting, 2:

Nolin	Rabedeaux
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Amendment S—5284 to amendment S—5105 was adopted.

Senator Plymat moved the adoption of amendment S—5105 as amended.

A record roll call was requested.

On the question "Shall amendment S—5105 as amended be adopted?" (S.F. 106) the vote was:

Ayes, 35:

Andersen	Gluba	Murray	Schwengels
Bergman	Hansen	Nystrom	Scott
Burroughs	Heying	Orr	Shaff
Carr	Hill of Jasper	Palmer	Shaw
Culver	Junkins	Plymat	Sovern
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Miller of	Ramsey	Willits
Doderer	Des Moines	Redmond	Winkelman
Gallagher	Miller of	Robinson	
Glenn	Marshall		

Nays, 12:

Briles	Hill of Polk	Lamborn	Norpel
Coleman	Hultman	Merritt	Rodgers
Griffin	Kelly	Nolting	Tieden

Absent or not voting, 3:

Nolin	Rabedeaux	Taylor
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Amendment S—5105 as amended was adopted.

Senator Rodgers withdrew amendment S—5272:

S—5272

- 1 Amend Senate File 106 by striking everything after
- 2 the enacting clause.

Senator Scott withdrew amendment S—3085 filed by him on February 11, 1975, and found on page 285 of the 1975 Senate Journal.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 106) the vote was:

Ayes, 35:

Andersen	Hansen	Murray	Scott
Bergman	Heying	Nystrom	Shaff
Burroughs	Hill of Jasper	Orr	Shaw
Carr	Junkins	Palmer	Sovern
Curtis	Kelly	Plymat	Taylor
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Miller of	Redmond	Willits
Gallagher	Des Moines	Robinson	Winkelman
Glenn	Miller of	Schwengels	
Gluba	Marshall		

Nays, 13:

Briles	Hill of Polk	Merritt	Ramsey
Coleman	Hultman	Nolting	Rodgers
Culver	Lamborn	Norpel	Tieden
Griffin			

Absent or not voting, 2:

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 106 passed the Senate on March 3, 1976.

E. KEVIN KELLY

WITHDRAWN

Senator Shaw asked and received unanimous consent that Senate File 278 be withdrawn from further consideration of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 200, a bill for an act relating to the labeling of prescription drugs.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

Also: That the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 200, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state.

Read first time and passed on file.

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

Read first time and passed on file.

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1232 State government

S. F. 1234 Judiciary

S. F. 1235 State government

S. F. 1236 Judiciary

H. F. 1009 Ways and means

H. F. 1026 Judiciary

H. F. 1036 Appropriations

H. F. 1256 Energy

REPORTS OF COMMITTEES

Senator Willits submitted the following report:

MR. PRESIDENT: Your committee on cities to which was referred House File 1362, a bill for an act relating to payment of judgments by cities, begs leave to report it has had the same under consideration and recommends the same do pass.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on energy to which was referred Senate File 1084, a bill for an act providing an exemption from taxation for property purchased and used to convert solar energy, wind or water into mechanical, electrical or heat energy, begs leave to report it has had the same under consideration and recommends the same do pass.

JAMES V. GALLAGHER, Chairperson

Senate File 1084 referred to the committee on ways and means, under Senate Rule 38.

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred Senate File 7, a bill for an act relating to the use of reflectorized materials

on bicycles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 1017**, a bill for an act to provide for the voluntary registration of bicycles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5281

- 1 Amend Senate File 356 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "city," the words "A self-supported municipal
- 4 improvement district shall not be comprised of the
- 5 line on which railroad tracks are located or twenty
- 6 feet on either side."
- 7 2. Page 7, line 30, by inserting after the word
- 8 "ordinance" the words "amending the ordinance".

ELIZABETH SHAW

S—5266

- 1 Amend Senate File 1161, as follows:
- 2 1. Page 1, by striking lines 1 through 35.
- 3 2. Page 2, by striking lines 1 through 35.
- 4 3. Page 3, by striking lines 1 through 5.

NORMAN RODGERS

S—5271

- 1 Amend Senate File 1172 as follows:
- 2 1. Page 7, by inserting after line 20 the follow-
- 3 ing:
- 4 "Sec. Chapter ninety-nine B (99B), Code
- 5 1975, as amended by Acts of the Sixty-sixth General
- 6 Assembly, 1975 Session, chapter ninety-nine (99),
- 7 section fifteen (15), unnumbered new section two (2),
- 8 unnumbered paragraph two (2) is amended to read as
- 9 follows:
- 10 Revocation proceedings shall be held only after
- 11 giving notice and an opportunity for hearing to the
- 12 licensee. Notice shall be given at least ten days in
- 13 advance of the date set for hearing. If the depart-
- 14 ment finds cause for revocation, the license shall be
- 15 revoked and thereafter [no] *another* license may *not* be
- 16 issued *within six months of the date of revocation* to
- 17 the person, or to the agent of the person found to be
- 18 in violation of this Act."

EARL M. WILLITS
GENE W. GLENN

S—5268

- 1 Amend the Willits amendment S—5252 to Senate
- 2 File 1172, by striking lines 3 through 9 and
- 3 inserting in lieu thereof the words: " 'Code.' the
- 4 words 'A licensee shall not refuse to allow any peace
- 5 officer authorized under this section to enter the
- 6 premises to inspect the location or any gambling
- 7 device. Refusal to allow such inspection shall be
- 8 grounds for revocation of'."

LUCAS J. DeKOSTER
GENE W. GLENN

S—5282

- 1 Amend Senate File 1216 as follows:
- 2 1. Page 3, line 13, by inserting after the word
- 3 "body." the words "If none of the duly approved
- 4 depositories will accept said deposits under the
- 5 conditions herein prescribed or authorized, said funds
- 6 may be deposited in any approved depository or
- 7 depositories located within the state."
- 8 2. Page 5, line 5, by inserting after the word
- 9 "*imposed*" the words "*on such funds to be invested*".

COMMITTEE ON CITIES
EARL M. WILLITS, Chairperson

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:50 p.m., until 9:30 a.m., Thursday, March 4, 1976.

JOURNAL OF THE SENATE

FIFTY-THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MARCH 4, 1976

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend Artic S. Harris, pastor of the St. Paul African Methodist Episcopal Church, Des Moines, Iowa.

The Journal of Wednesday, March 3, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Greg Hoekstra, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Miller of Marshall for the day on request of Senator Taylor; Senator Rodgers for the morning session and Senator Rabedaux for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-five students from Willard Elementary School, Des Moines, Iowa, accompanied by Mrs. McMahon and Mrs. Melhado. Senators Palmer and Kinley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Nolting from thirty-one residents of Black Hawk County protesting against taking Iowa Public Employees' Retirement System investment money out of the Employment Security Commission.

By Senator Doderer from thirty residents of Johnson County favoring Senate File 1074, relating to elections conducted for certification of an employee organization.

By Senator Curtis from twenty-two residents of O'Brien County, requesting a change in the school finance formula to reduce the basic school district tax levy and raise the foundation level to seventy-six percent.

INTRODUCTION OF BILLS

Senate File 1238, by committee on transportation, a bill for an act providing for the issuance of a warning ticket for defective light equipment.

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

Senate File 1239, by Senator Winkelman, a bill for an act relating to restitution to the victims of crimes.

Read first time and **passed on file**.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Nolting called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lester E. Calvert of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson

PHILIP B. HILL

CALVIN O. HULTMAN

EUGENE M. HILL

GENE W. GLENN

The motion prevailed and the report was adopted.

Senator Nolting moved the appointment of Lester E. Calvert as a member of the Iowa Real Estate Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Gluba	Murray	Schwengels
Bergman	Heying	Nolting	Scott
Briles	Hill of Jasper	Norpel	Shaff
Burroughs	Hill of Polk	Nystrom	Shaw
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Lamborn	Redmond	Willits
Doderer	Merritt	Robinson	Winkelman
Glenn			

Nays, none.**Absent or not voting, 9:**

Gallagher	Miller of	Miller of	Rabedeaux
Griffin	Des Moines	Marshall	Ramsey
Hansen		Nolin	Rodgers

The Chair declared the appointment of Lester E. Calvert as a member of the Iowa Real Estate Commission confirmed for an initial term ending June 30, 1976.

Senator Tieden called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Blaine L. Donaldson of Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
 WARREN E. CURTIS
 JAMES V. GALLAGHER
 MILO MERRITT
 NORMAN G. RODGERS

President pro tempore Doderer took the chair at 9:40 a.m.

The motion prevailed and the report was adopted.

Senator Tieden moved the appointment of Blaine L. Donaldson as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Burroughs	Culver	Doderer
Bergman	Carr	Curtis	Glenn
Briles	Coleman	DeKoster	Gluba

Griffin	Merritt	Palmer	Shaff
Heying	Miller of	Plymat	Shaw
Hill of Jasper	Des Moines	Priebe	Sovern
Hill of Polk	Murray	Ramsey	Taylor
Hultman	Nolting	Redmond	Tieden
Junkins	Norpel	Robinson	Van Gilst
Kelly	Nystrom	Schwengels	Willits
Kinley	Orr	Scott	Winkelman
Lamborn			

Nays, none.

Absent or not voting, 6:

Gallagher	Miller of	Nolin	Rodgers
Hansen	Marshall	Rabedeaux	

President pro tempore Doderer declared the appointment of Blaine L. Donaldson as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1977.

UNFINISHED BUSINESS

Senate File 1172

On motion of Senator Willits, Senate File 1172, a bill for an act relating to gambling, and providing penalties, was taken up for further consideration.

The Senate resumed consideration of amendment S—5252, offered and divided on March 2, 1976:

S—5252

1 Amend Senate File 1172 as follows:

Division S—5252A

2 1. Page 3, line 9, by adding after the word
 3 "Code." the words "A licensee who refuses to allow
 4 any authorized peace officer to enter the premises
 5 to inspect the location or any gambling device com-
 6 mits a misdemeanor punishable as provided in Acts of
 7 the Sixty-sixth General Assembly, 1975 session,
 8 chapter ninety-nine (99), section twenty-three (23).
 9 Such refusal shall also be grounds for revocation of
 10 a license issued under section ninety-nine B point
 11 three (99B.3) of the Code."

Division S—5252B

12 2. Page 7 by inserting after line 20 the follow-
 13 ing:
 14 "Sec. Chapter ninety-nine B (99B), section
 15 six (6), subsection two (2), Code 1975, as amended
 16 by Acts of the Sixty-sixth General Assembly, 1975
 17 session, chapter ninety-nine (99), section eight
 18 (8) is amended to read as follows:
 19 2. The holder of a license issued pursuant to

20 this section shall be strictly accountable for main-
21 taining compliance with subsection one (1) of this
22 section. Proof of any acts constituting a violation
23 shall be grounds for revocation of the license issued
24 pursuant to this section if the holder of the license
25 permitted the violation to occur when the licensee
26 knew or had reasonable cause to know of the acts
27 constituting the violation. [The holder of a license
28 issued pursuant to this section which has its license
29 revoked shall not be issued another license within
30 six months of the date of revocation]."

Senator DeKoster offered amendment S—5268 to division S—5252A of the amendment filed by Senators DeKoster and Glenn and moved its adoption:

S—5268

1 Amend the Willits amendment S—5252 to Senate
2 File 1172, by striking lines 3 through 9 and
3 inserting in lieu thereof the words: "'Code,' the
4 words 'A licensee shall not refuse to allow any peace
5 officer authorized under this section to enter the
6 premises to inspect the location or any gambling
7 device. Refusal to allow such inspection shall be
8 grounds for revocation of.'"

Amendment S—5268 to division S—5252A of the amendment was adopted.

On motion of Senator Willits, division S—5252A of the amendment as amended was adopted.

Action on division S—5252B of the amendment was temporarily deferred.

Senator Willits offered amendment S—5271 filed by Senators Willits and Glenn and moved its adoption:

S—5271

1 Amend Senate File 1172 as follows:
2 1. Page 7, by inserting after line 20 the follow-
3 ing:
4 "Sec. Chapter ninety-nine B (99B), Code
5 1975, as amended by Acts of the Sixty-sixth General
6 Assembly, 1975 Session, chapter ninety-nine (99),
7 section fifteen (15), unnumbered new section two (2),
8 unnumbered paragraph two (2) is amended to read as
9 follows:
10 Revocation proceedings shall be held only after
11 giving notice and an opportunity for hearing to the
12 licensee. Notice shall be given at least ten days in
13 advance of the date set for hearing. If the depart-
14 ment finds cause for revocation, the license shall be
15 revoked and thereafter [no] *another* license may *not* be

16 issued *within six months of the date of revocation* to
17 the person, or to the agent of the person found to be
18 in violation of this Act."

Amendment S—5271 was adopted.

The Senate resumed consideration of division S—5252B of the amendment.

On motion of Senator Willits, division S—5252B of the amendment was adopted.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on Senate File 1172 be deferred and that the bill retain its place on the calendar under unfinished business.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1157.

Senate File 1157

On motion of Senator Heying, Senate File 1157, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission, was taken up for consideration.

President Neu took the chair at 10:10 a.m.

Senator Heying offered amendment S—5228 filed by him and moved its adoption:

S—5228

- 1 Amend Senate File 1157 as follows:
- 2 1. Page 1, by striking lines 14 through 20.

Amendment S—5228 was adopted.

DEFERRED

Senator Kelly asked and received unanimous consent that further action on Senate File 1157 be deferred and that the bill be placed on the calendar under unfinished business.

HOUSE AMENDMENT CONSIDERED

Senate File 524

Senator Ramsey called up for consideration Senate File 524, a bill for an act relating to business corporations, amended by

the House, and moved that the Senate concur in House amendment S—5213 found on pages 595-600, inclusive, of the Senate Journal.

Senator Winkelman took the chair at 10:59 a.m.

The motion prevailed and the Senate concurred in House amendment S—5213.

Senator Ramsey moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 524) the vote was:

Ayes, 44:

Andersen	Hansen	Murray	Schwengels
Bergman	Heying	Nolting	Scott
Briles	Hill of Jasper	Norpel	Shaff
Burroughs	Hill of Polk	Nystrom	Shaw
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Lamborn	Ramsey	Willits
Doderer	Merritt	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Gallagher	Miller of	Nolin	Rodgers
Griffin	Marshall	Rabedeaux	

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 442, a bill for an act relating to permissible investments by a state bank acting in a fiduciary capacity.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1089, a bill for an act making an appropriation to the moneys and credits replacement fund.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1090, a bill for an act relating to the appropriation for the department of public safety.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1106, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1123, a bill for an act relating to noxious weeds.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1327, a bill for an act relating to public improvements bond and conditions.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1367, a bill for an act relating to loans by a state bank to its officers.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1401, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1106, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.

Read first time and **passed on file.**

House File 1123, a bill for an act relating to noxious weeds.

Read first time and **passed on file.**

House File 1327, a bill for an act relating to public improvements bond and conditions.

Read first time and **passed on file.**

House File 1367, a bill for an act relating to loans by a state bank to its officers.

Read first time and **passed on file**.

House File 1401, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Nystrom called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Susan M. Wilson of Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976, and ending January 2, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
FRED W. NOLTING
JOHN N. NYSTROM
CLOYD E. ROBINSON
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Nystrom moved the appointment of Susan M. Wilson as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen
Bergman
Briles
Burroughs

Carr
Coleman
Culver
Curtis

DeKoster
Doderer
Glenn
Gluba

Griffin
Heying
Hill of Jasper
Hill of Polk

Hultman	Murray	Priebe	Shaff
Junkins	Nolting	Ramsey	Shaw
Kelly	Norpel	Redmond	Sovern
Kinley	Nystrom	Robinson	Taylor
Lamborn	Orr	Rodgers	Tieden
Merritt	Palmer	Schwengels	Van Gilst
Miller of Des Moines	Plymat	Scott	Winkelman

Nays, none.

Absent or not voting, 6:

Gallagher	Miller of	Nolin	Willits
Hansen	Marshall	Rabedeaux	

President Neu declared the appointment of Susan M. Wilson as a member of the State Board of Public Instruction confirmed for the regular six-year term ending January 2, 1982.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1200.

Senate File 1200

On motion of Senator Sovern, Senate File 1200, a bill for an act relating to the regulation of bicycles by the state board of regents, was taken up for consideration.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1200) the vote was:

Ayes, 45:

Andersen	Griffin	Murray	Rodgers
Bergman	Heying	Nolting	Schwengels
Briles	Hill of Jasper	Norpel	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Ramsey	Van Gilst
Doderer	Merritt	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 5:

Gallagher	Miller of	Nolin	Rabedeaux
Hansen	Marshall		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1203.

Senate File 1203

On motion of Senator Merritt, Senate File 1203, a bill for an act relating to bids for maintenance or construction of county buildings, was taken up for consideration.

Senator Merritt moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1203) the vote was:

Ayes, 39:

Andersen	Griffin	Murray	Robinson
Bergman	Heying	Nolting	Rodgers
Briles	Hill of Jasper	Norpel	Schwengels
Carr	Hultman	Nystrom	Scott
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
Doderer	Merritt	Priebe	Tieden
Glenn	Miller of	Ramsey	Van Gilst
Gluba	Des Moines	Redmond	Willits

Nays, 6:

Burroughs	Hill of Polk	Shaff	Winkelman
DeKoster	Lamborn		

Absent or not voting, 5:

Gallagher	Miller of	Nolin	Rabedaux
Hansen	Marshall		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 28.

Senate File 28

On motion of Senator Griffin, Senate File 28, a bill for an act repealing the prohibition which disallows a person to hold more than one class of beer permit, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Griffin moved that the bill be read that last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 28) the vote was:

Ayes, 43:

Andersen	Griffin	Murray	Rodgers
Bergman	Heying	Nolting	Scott
Briles	Hill of Polk	Norpel	Shaff
Burroughs	Hultman	Nystrom	Shaw
Carr	Junkins	Orr	Sovern
Coleman	Kelly	Palmer	Taylor
Culver	Kinley	Plymat	Tieden
Curtis	Lamborn	Priebe	Van Gilst
DeKoster	Merritt	Ramsey	Willits
Doderer	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	
Gluba			

Nays, none.

Absent or not voting, 7:

Gallagher	Miller of	Nolin	Schwengels
Hansen	Marshall	Rabedaux	
Hill of Jasper			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1209.

Senate File 1209

On motion of Senator Norpel, Senate File 1209, a bill for an act relating to the hearing on a suspension of a driver's license, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1209) the vote was:

Ayes, 42:

Andersen	Gluba	Nolting	Rodgers
Bergman	Griffin	Norpel	Scott
Briles	Heying	Nystrom	Shaff
Burroughs	Hill of Polk	Orr	Shaw
Carr	Hultman	Palmer	Sovern
Coleman	Junkins	Plymat	Taylor
Culver	Kelly	Priebe	Tieden
Curtis	Kinley	Ramsey	Van Gilst
DeKoster	Lamborn	Redmond	Willits
Doderer	Merritt	Robinson	Winkelman
Glenn	Murray		

Nays, none.

Absent or not voting, 8:

Gallagher	Miller of	Rabedaux
Hansen	Des Moines	Schwengels
Hill of Jasper		
	Marshall	
	Nolin	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1095.

Senate File 1095

On motion of Senator DeKoster, Senate File 1095, a bill for an act to remove participation of nonaccredited private institutions of higher education from the state tuition grant program, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1095) the vote was:

Ayes, 34:

Andersen	Griffin	Murray	Ramsey
Briles	Hansen	Nolting	Redmond
Carr	Hill of Polk	Norpel	Rodgers
Coleman	Hultman	Nystrom	Schwengels
Curtis	Junkins	Orr	Shaff
DeKoster	Kelly	Palmer	Shaw
Doderer	Kinley	Plymat	Sovern
Glenn	Lamborn	Priebe	Tieden
Gluba	Merritt		

Nays, 11:

Bergman	Hill of Jasper	Robinson	Van Gilst
Culver	Miller of	Scott	Willits
Heying	Des Moines	Taylor	Winkelman

Absent or not voting, 5:

Burroughs	Miller of	Nolin	Rabedaux
Gallagher	Marshall		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1216.

Senate File 1216

On motion of Senator Carr, Senate File 1216, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds,

or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due, was taken up for consideration.

Senator Willits offered amendment S—5282 filed by the committee on cities and moved its adoption:

S—5882

1 Amend Senate File 1216 as follows:

- 2 1. Page 3, line 13, by inserting after the word
3 "body," the words "If none of the duly approved
4 depositories will accept said deposits under the
5 conditions herein prescribed or authorized, said funds
6 may be deposited in any approved depository or
7 depositories located within the state."
8 2. Page 5, line 5, by inserting after the word
9 "imposed" the words "*on such funds to be invested*".

Amendment S—5282 was adopted.

Senator Carr offered amendment S—5287 by Senators Carr, Willits and Andersen and moved its adoption:

S—5287

- 1 Amend Senate File 1216, page 5, lines 8 through
2 11, by striking the words "*The interest rate paid*
3 *upon these public funds may be greater than the rate*
4 *set for state funds under this section, but such*
5 *interest rate shall not be more than one percent be-*
6 *low the rate set for state funds.*" and inserting in
7 lieu thereof the words "*The interest rate paid upon*
8 *these public funds may be higher than the rate set*
9 *for state funds under this section, but such interest*
10 *rate shall not be higher than the maximum interest*
11 *rate that banks are allowed by the federal reserve*
12 *board to pay on time deposits. Such interest rate*
13 *shall not be lower than one percentage point below*
14 *the interest rate set for state funds under this sec-*
15 *tion.*
16 *The interest rate paid upon all public funds de-*
17 *posited in savings accounts shall not be higher than*
18 *the maximum interest rate that banks are allowed by*
19 *the federal reserve board to pay on deposits in savings*
20 *accounts.*"

Senator Andersen took the chair at 4:25 p.m.

Amendment S—5287 was adopted.

(Senate File 1216 pending on adjournment.)

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1237 Appropriations
- H. F. 200 Human resources
- H. F. 1051 Judiciary
- H. F. 1063 Judiciary
- H. F. 1277 County government
- H. F. 1278 Human resources
- H. F. 1281 Energy

EXPLANATION OF VOTE

MR. PRESIDENT: I was absent from the Senate one-half of the day on February 26 and all of February 27 because I was in San Francisco as a member of the Midwestern Conference on the Council of State Governments attending a joint meeting between the Midwestern Conference and the Western Conference on the Council of State Governments. Had I been present during the afternoon session on February 26 I would have voted as follows: (1) "Aye" on the confirmations of Constance C. Foster as a member of the Iowa Housing Finance Authority and Dawn E. Chapman as a member of the State Board of Engineering Examiners. (2) "Aye" on final passage of Senate Joint Resolution 1006; Senate Files 1167, 1065, 1105 and 1179; House Files 1003, 744 and 739.

Had I been present on February 27, I would have voted "aye" on final passage of Senate Files 423, 300 and 1061; House Files 1044 and 835.

On March 1, March 2 and part of March 3, I was absent from the Senate because of illness. Had I been present on March 1, I would have voted as follows: (1) "Aye" on the confirmations of Robert E. McKone as a member of the State Board of Funeral Directors and Martha H. Peck as a member of the State Board of Optometry Examiners. (2) "Aye" on final passage of Senate File 1014; "aye" on amendments S—5227 and S—5180 to Senate File 1123 and "nay" on amendments S—5181 and S—5155 to Senate File 1123.

Had I been present on March 2, I would have voted as follows: (1) "Aye" on the confirmations of Julie Zelenka as a member of the Iowa Real Estate Commission and Robert L. Moore, D.D.S., as a member of the State Board of Dental Examiners. (2) "Aye" on final passage of Senate Files 1221, 1222, 1223, 1224, 1225, 1226, 1141, 1150, 1086 and 1123. (3) "Aye" on amendments S—5256 and S—5250 to Senate File 1123 and "nay" on amendments S—5264 and S—5257 to Senate File 1123.

Had I been present on March 3, when the votes were taken on the following, I would have voted: (1) "Aye" on the confirmations of Herman W. Thompson as a member of the State Board of Landscape Architectural Examiners and Samuel D. Linn as a member of the State Board of Veterinary Medical Examiners. (2) "Aye" on the motion to defer Senate File

368 and take up Senate File 106. (3) "Nay" on amendments S—5267, S—5270, S—5150A, S—5150B to Senate File 106; "nay" on the motion to lay the motion to strike the enacting clause on the table on Senate File 106; "aye" on amendments S—5274 and S—5273 to Senate File 106.

LOWELL JUNKINS

REPORTS OF COMMITTEE

Senator Orr submitted the following reports:

MR. PRESIDENT: Your committee on education to which was referred **Senate File 534**, a bill for an act relating to rules of the board of director of an area school, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on education to which was referred **House File 1098**, a bill for an act relating to clarifying the power of the board of regents to administer trusts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5285

- 1 Amend the Shaw amendment, S—5281, to Senate
- 2 File 356, page 1, line 4, by striking the words "be
- 3 comprised of" and insert in lieu thereof the word
- 4 "include".

ELIZABETH SHAW

S—5286

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 3, line 8, by striking the words
- 3 "[five] six", and inserting in lieu thereof the word
- 4 "five".
- 5 2. Page 3, line 9, by striking the words "[ten]
- 6 eleven", and inserting in lieu thereof the word
- 7 "ten".
- 8 3. Page 3, line 11, by striking the words "[ten]
- 9 eleven", and inserting in lieu thereof the word
- 10 "ten".
- 11 4. Page 3, line 12, by striking the words
- 12 "[twenty] twenty-one", and inserting in lieu thereof
- 13 the word "twenty".
- 14 5. Page 3, line 14, by striking the words
- 15 "[three] four", and inserting in lieu thereof the
- 16 word "three".

- 17 6. Page 3, line 15, by striking the words
18 "[five] *six*", and inserting in lieu thereof the word
19 "five".
20 7. Page 3, line 23, by striking the words
21 "[two] *three*", and inserting in lieu thereof the word
22 "two".
23 8. Page 3, line 24, by striking the word
24 "*two*", and inserting in lieu thereof the word "*one*".
25 9. Page 3, lines 28 through 30, by striking
26 the words "*A fee of one dollar shall be charged for*
27 *the voluntary replacement of an instruction permit*
28 *or an operator's or chauffeur's license.*"

CLOYD ROBINSON
BERL E. PRIEBE

S—5288

- 1 Amend Senate File 1157 as follows:
2 1. Page 1, by striking all after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section one hundred eleven point seven
5 (111.7), Code 1975, is amended to read as follows:
6 111.7 EMINENT DOMAIN. The [executive council may,
7 upon the recommendation of the] commission[,] *may* purchase
8 or condemn lands for public parks. No contract for
9 the purchase of such public parks shall be made to
10 an amount in excess of funds appropriated therefor
11 by the general assembly.
12 Sec. 2. Section one hundred eleven point seventy-
13 five (111.75), Code 1975, is amended to read as
14 follows:
15 111.75 CONDEMNATION OF LAND. Whenever a permit
16 has been granted as provided in section 111.70 and
17 the state conservation commission finds that the
18 municipality or corporation owning such permit cannot
19 acquire at a reasonable cost any necessary land or
20 interest therein, the state conservation commission[,
21 with the approval of the executive council,] may condemn
22 such land or interest therein as provided in chapter
23 472. However, such condemnation shall be limited
24 to land and interests therein which will be permanently
25 subject to and available for free public access and
26 use, as provided in section 111.71, or which will
27 be required for a dam or other facilities necessary
28 for the water recreational area. All costs of such
29 condemnation, including all costs occasioned by appeal
30 as set out in section 472.33, and including the award
31 and compensation for such land or interest therein,
32 shall be paid by such municipality or corporation.
33 The state conservation commission may permit such
34 municipality or corporation to use such land or
35 interest therein for the purposes of this division,
36 upon such terms, conditions and restrictions as the
37 state conservation commission shall determine to be
38 just and proper and for free public access and use.
39 Title to such land or interest therein shall remain

40 in the state of Iowa."

41 2. Amend the title, line 1, by striking the word

42 "restricting" and inserting in lieu thereof the words

43 "relating to".

E. KEVIN KELLY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

Senator Kinley moved that the Senate adjourn until 9:30 a.m.,
Friday, March 5, 1976.

Senator Ramsey moved that the motion be amended and that
the Senate adjourn until 10:00 a.m., Monday, March 8, 1976.

A record roll call was requested.

On the question "Shall the Senate adjourn until 10:00 a.m.,
Monday, March 8, 1976?" the vote was:

Ayes, 4:

Hansen	Kelly	Ramsey	Taylor
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Nays, 35:

Andersen	Gluba	Nolting	Scott
Bergman	Griffin	Norpel	Shaff
Carr	Heying	Orr	Shaw
Coleman	Hill of Jasper	Palmer	Sovern
Culver	Hill of Polk	Plymat	Tieden
Curtis	Hultman	Priebe	Van Gilst
DeKoster	Junkins	Redmond	Willits
Doderer	Kinley	Robinson	Winkelman
Glenn	Merritt	Schwengels	

Absent or not voting, 11:

Briles	Miller of	Murray	Rabedaux
Burroughs	Des Moines	Nolin	Rodgers
Gallagher	Miller of	Nystrom	
Lamborn	Marshall		

The motion lost.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 9:30 a.m. Friday, March 5, 1976.

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MARCH 5, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Calvin French, pastor of the Central Church, Reorganized Church of Jesus Christ of Latter Day Saints, Des Moines, Iowa.

The Journal of Thursday, March 4, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hess, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rabedaux for the day on request of Senator Kinley; Senator Burroughs for the day on request of Senator Miller of Marshall.

SPECIAL GUESTS

President Neu welcomed the Honorable Regis F. Groff, the Honorable Bill Hughes, and the Honorable Harold L. McCormick, members of the Senate from the state of Colorado who were present in the Senate chamber.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty students from Sacred Heart Elementary School, West Des Moines, Iowa, accompanied by Patsy Woodall. Senator Hill of Polk.

Sixty-seven students from Bunger Junior High School, Evans-

dale, Iowa, accompanied by Mr. and Mrs. White. Senator Gallagher.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Merritt called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James B. Morris, Jr., of Des Moines, Polk County, Iowa, for reappointment as a member of the Merit Employment Commission under the provisions of Section 19A.6, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
JOAN ORR
WILLIAM N. PLYMAT
BERL E. PRIEBE
FORREST SCHWENGELS

The motion prevailed and the report was adopted.

Senator Merritt moved the appointment of James B. Morris, Jr., as a member of the Merit Employment Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Burroughs	Kelly	Rabedeaux	Willits
Hansen	Nolin	Schwengels	

President pro tempore Doderer declared the appointment of James B. Morris, Jr., as a member of the Merit Employment Commission confirmed for the regular six-year term ending June 30, 1981.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1362.

House File 1362

On motion of Senator Andersen, House File 1362, a bill for an act relating to payment of judgments by cities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 9:50 a.m.

Senator Andersen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1362) the vote was:

Ayes, 39:

Andersen	Hansen	Miller of	Ramsey
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Scott
Carr	Hultman	Nolting	Shaff
Coleman	Junkins	Norpel	Sovern
Culver	Kinley	Nystrom	Taylor
Curtis	Lamborn	Orr	Tieden
DeKoster	Merritt	Palmer	Van Gilst
Gallagher	Miller of	Plymat	Willits
Glenn	Des Moines	Priebe	Winkelman
Gluba			

Nays, 2:

Redmond Shaw

Absent or not voting, 9:

Burroughs	Hill of Polk	Nolin	Robinson
Doderer	Kelly	Rabedeaux	Schwengels
Griffin			

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

HOUSE AMENDMENT CONSIDERED

Senate File 53

Senator Gluba called up for consideration Senate File 53, a bill for an act to establish the license and qualifications of real estate apprentice salesmen, amended by the House, and moved that the Senate concur in the following amendment:

S—5232

- 1 Amend Senate File 53, as amended and passed by
- 2 the Senate, as follows:

- 3 1. Page 8, line 4, by inserting after the word
 4 "fees" the words "*except renewal fees which need*
 5 *not be annual*,".
 6 2. Page 8, line 22, by striking the word
 7 "annually" and inserting in lieu thereof the word
 8 "[annually]".
 9 3. Page 8, line 28, by striking the word
 10 "annual" and inserting in lieu thereof the word
 11 "[annual]".

The motion prevailed and the Senate concurred in House amendment S—5232.

Senator Gluba moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 53) the vote was:

Ayes, 39:

Andersen	Griffin	Murray	Rodgers
Bergman	Heying	Nolting	Shaff
Briles	Hultman	Norpel	Shaw
Carr	Junkins	Nystrom	Sovern
Coleman	Kinley	Orr	Taylor
Culver	Lamborn	Plymat	Tieden
Curtis	Merritt	Priebe	Van Gilst
DeKoster	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Marshall		

Nays, 5:

Doderer	Hill of Polk	Palmer	Scott
Hill of Jasper			

Absent or not voting, 6:

Burroughs	Kelly	Rabedeaux	Schwengels
Hansen	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1230.

Senate File 1230

On motion of Senator Murray, Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965, was taken up for consideration.

DEFERRED

Senator Hultman asked and received unanimous consent that

further action on **Senate File 1230** be deferred and that the bill be placed on the calendar under **unfinished business**.

SENATE INSISTS

House File 352

Senator Shaw called up for consideration House File 352, a bill for an act relating to dissolution of marriage, amended by the Senate on June 14, 1975, and moved that the Senate insist on its amendment.

President pro tempore Doderer took the chair at 10:15 a.m.

The motion prevailed and the Senate insisted on its amendment to **House File 352**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1017.

Senate File 1017

On motion of Senator Shaw, Senate File 1017, a bill for an act to provide for the voluntary registration of bicycles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1017) the vote was:

Ayes, 41:

Bergman	Hansen	Murray	Schwengels
Briles	Heying	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
DeKoster	Merritt	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall	Robinson	

Nays, 1:

Hill of Jasper

Absent or not voting, 8:

Andersen	Griffin	Kelly	Rabedeaux
Burroughs	Hill of Polk	Nolin	Rodgers

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1196.

Senate File 1196

On motion of Senator Ramsey, Senate File 1196, a bill for an act relating to the inclusion of an accommodation offense under a charge of delivering or possessing with the intent to deliver marijuana and providing a penalty, was taken up for consideration.

DEFERRED

Senator Coleman asked and received unanimous consent that further action on Senate File 1196 be deferred and that the bill be placed on the calendar under unfinished business.

HOUSE AMENDMENT CONSIDERED

Senate File 387

Senator Sovern called up for consideration Senate File 387, a bill for an act relating to liability for the performance of or refusal to perform abortions, amended by the House, as follows:

S—5097

- 1 Amend Senate File 387, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 15B through 15D
- 4 and inserting in lieu thereof the following:
- 5 "the treatment of a serious physical condition
- 6 requiring emergency medical treatment necessary to
- 7 save the life of a mother."

Senator Van Gilst took the chair at 10:30 a.m.

Senator Hill of Polk moved that the Senate refuse to concur in House amendment S—5097.

Senator Hill of Polk withdrew his motion to refuse to concur.

President pro tempore Doderer took the chair at 10:50 a.m.

Senator Orr took the chair at 10:55 a.m.

Senator Sovern moved that the Senate concur in House amendment S—5097.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S—5097?" (S.F. 387) the vote was:

Rule 25 was invoked.

Ayes, 36:

Andersen	Heying	Nolting	Schwengels
Bergman	Hill of Jasper	Norpel	Scott
Briles	Hultman	Nystrom	Shaff
Carr	Junkins	Palmer	Shaw
Coleman	Kinley	Plymat	Sovern
Culver	Lamborn	Priebe	Taylor
Curtis	Miller of	Ramsey	Tieden
DeKoster	Des Moines	Robinson	Willits
Gallagher	Miller of	Rodgers	Winkelman
Gluba	Marshall		

Nays, 7:

Doderer	Hansen	Murray	Redmond
Glenn	Hill of Polk	Orr	

Absent or not voting, 7:

Burroughs	Kelly	Nolin	Van Gilst
Griffin	Merritt	Rabedeaux	

The motion prevailed and the Senate concurred in House amendment S—5097.

Senator Sovern moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 387) the vote was:

Ayes, 40:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Carr	Hultman	Nolting	Shaff
Coleman	Junkins	Norpel	Shaw
Culver	Kinley	Nystrom	Sovern
Curtis	Lamborn	Palmer	Taylor
DeKoster	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Robinson	

Nays, 5:

Doderer	Hill of Polk	Orr	Redmond
Hansen			

Absent or not voting, 5:

Burroughs	Nolin	Rabedeaux	Van Gilst
Kelly			

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1976, concurred in lines 1 through 50, page 1; lines 1 through 29 and 33 through 50, page 2; lines 1 through 23 and 26 through 50, page 3; lines 1 through 39 and 44 through 50, page 4 and lines 1 through 4 and 9 through 49, page 5 and refused to concur in lines 30, 31 and 32, page 2; lines 24 and 25, page 3; lines 40 through 43, page 4; and lines 5 through 8, page 5 of Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 292, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

Also: That the House has on March 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1190, a bill for an act relating to state department of health inspectors.

Also: That the House has on March 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1329, a bill for an act relating to corporate status for the area education agencies.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1240, by committee on agriculture, a bill for an act relating to registration fees for truck mounted manure spreaders and for hay or silage wagons.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1190, a bill for an act relating to state department of health inspectors.

Read first time and passed on file.

House File 1329, a bill for an act relating to corporate status for the area education agencies.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1239 Judiciary
H. F. 1106 State government
H. F. 1123 Agriculture
H. F. 1327 Natural resources
H. F. 1367 Commerce
H. F. 1401 Ways and means

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of March, 1976: Senate Files 1021 and 1151.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 5, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 443—Relating to loans on residential property by state banks.
H. F. 774—Relating to the contents of a certificate of marriage.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Alice A. McKee, of Des Moines, Polk County, Iowa, for appointment as a member of the Merit Employment Commission under the provisions of Section 19A.6, Code 1975, for the regular six-year term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
PHILIP B. HILL
LOWELL L. JUNKINS
E. KEVIN KELLY
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gary L. Sliefert, of Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1978,

begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
 WARREN E. CURTIS
 CALVIN O. HULTMAN
 CHARLES P. MILLER
 WILLIAM D. PALMER

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE OF NEBRASKA

A copy of Legislative Resolution 106, adopted by the Eighty-fourth Legislature of Nebraska, Second Session, on February 23, 1976, urging Congress to prepare and submit to the several states an amendment to the Congress of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber Thursday, March 4, 1976, when the votes were taken on Senate Files 1200, 1203, 28 and 1209. Had I been present, I would have voted "aye" on these bills.

WILLARD R. HANSEN

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 1007	Senate File 1171	Senate File 1199
Judiciary	Appropriations	State Government
DeKoster,	Human Resources	Hill of Jasper,
Chairperson	Senate File 1180	Chairperson
Doderer	Appropriations	Coleman
Willits	Human Resources	Miller of Marshall
Senate File 1163	Senate File 1193	Senate File 1201
Appropriations	State Government	State Government
Van Gilst,	Gluba, Chairperson	Doderer, Chairperson
Chairperson	Redmond	Redmond
Culver	Schwengels	Nystrom
Andersen	Senate File 1197	Senate File 1204
Senate File 1165	State Government	Appropriations
Appropriations	Glenn, Chairperson	Human Resources
Hill of Jasper	Coleman	Senate File 1205
Chairperson	Winkelman	Judiciary
Willits	Senate File 1198	Miller of Des Moines,
Plymat	Appropriations	Chairperson
	Natural Resources	Willits
		DeKoster

Senate File 1206 Appropriations Education	Senate File 1214 Ways and Means Rodgers, Chairperson	Senate File 1234 Judiciary Kelly, Chairperson
Senate File 1207 State Government Glenn, Chairperson	Junkins Shaff	Hill of Polk Carr
Redmond Curtis	Senate File 1215 Judiciary DeKoster, Chairperson	Senate File 1236 Judiciary Redmond, Chairperson
Senate File 1208 Appropriations Hill of Jasper, Chairperson	Redmond Coleman	DeKoster Coleman
Robinson Plymat	Senate File 1217 Rules and Administration	House File 845 Judiciary Doderer, Chairperson
Senate File 1210 Ways and Means Schwengels, Chairperson	Van Gilst, Chairperson	Miller of Des Moines Shaw
Junkins Nolting	Rabedeaux Kinley	House File 1026 Judiciary Rodgers, Chairperson
Senate File 1211 State Government Coleman, Chairperson	Senate File 1220 State Government Doderer, Chairperson	Miller of Des Moines Ramsey
Hill of Jasper Andersen	Glenn Nystrom	House File 1131 Judiciary Doderer, Chairperson
Senate File 1212 Human Resources Murray, Chairperson	Senate File 1228 Judiciary Willits, Chairperson	Hill of Polk Shaw
Miller of Des Moines Sovern	Shaw Rodgers	House File 1162 Judiciary Carr, Chairperson
Senate File 1213 Education Hansen, Chairperson	Senate File 1231 State Government Kinley, Chairperson	Doderer Kelly
Sovern Orr Shaw Willits	Glenn Winkelman	House File 1313 Appropriations State Departments

REPORTS OF COMMITTEE

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 369**, a bill for an act relating to the search warrant and bonding authority of the Iowa natural resources council and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 1119**, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state, begs leave

to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 1143**, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg Community school district relating to the sale of certain property, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1245**, a bill for an act to legalize and validate the proceedings of the City of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa, begs leave to report it has had the same under consideration and **returns the bill without recommendation**.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5291

- 1 Amend the Kelly amendment, S—5288, to Senate
- 2 File 1157 as follows:
- 3 1. Page 1, by inserting after line 40 the
- 4 following:
- 5 "Sec. 3. Notwithstanding the provisions of this
- 6 Act, the agricultural use or potential agricultural
- 7 use of privately owned land subject to commission
- 8 condemnation proceedings shall be given priority over
- 9 the use for such land as public parks and recreation-
- 10 al areas."

HILARIUS L. HEYING

S—5293

- 1 Amend Senate File 1172 as follows:
- 2 1. Page 7, by inserting after line 12 the fol-
- 3 lowing:
- 4 "Sec. Section ninety-nine B point seven
- 5 (99B.7), Code 1975, as amended by Acts of the Sixty-
- 6 sixth General Assembly, 1975 Session, chapter ninety-
- 7 nine (99), section nine (9), subsection three (3),
- 8 paragraph b, is amended to read as follows:
- 9 b. A person or the agent of a person submitting

10 application to conduct games pursuant to this section
11 as a qualified organization shall certify as a part
12 of that application that the net receipts of all games
13 either shall be distributed as prizes to participants
14 or shall be dedicated and distributed to educational,
15 civic, public, charitable, patriotic or religious
16 uses in this state. 'Educational, civic, public,
17 charitable, patriotic, or religious uses' means uses
18 benefiting a society for the prevention of cruelty
19 to animals or animal rescue league or uses benefiting
20 an indefinite number of persons *other than persons*
21 *who are members or employees of the qualified*
22 *organization* either by bringing them under the
23 influence of education or religion or relieving them
24 from disease, suffering, or constraint, or by erecting
25 or maintaining public buildings or works, or otherwise
26 lessening the burden of government but do not in-
27 clude the erection, acquisition, improvement, main-
28 tenance, or repair of real, personal or mixed property
29 unless it is used exclusively for one or more of the
30 uses stated. 'Public uses' specifically includes
31 dedication of net receipts to political parties as
32 defined in section 43.2. 'Charitable uses' includes
33 uses benefiting a definite number of persons who are
34 the victims of loss of home or household possessions
35 through explosion, fire, flood, or storm and the loss
36 is uncompensated by insurance, and uses benefiting
37 a definite number of persons suffering from a seriously
38 disabling disease or injury, causing severe loss of
39 income or incurring extraordinary medical expense,
40 which is uncompensated by insurance."
41 2. By renumbering sections as necessary.

LOWELL L. JUNKINS

S-5290

1 Amend Senate File 1172 as follows:

2 1. Page 6, by inserting after line 19 the
3 following:

4 "Sec. Section ninety-nine B point eight
5 (99B.8), Code 1975, as amended by Acts of the Sixty-
6 sixth General Assembly, 1975 Session, chapter ninety-
7 nine (99), section ten (10), subsection one (1),
8 unnumbered paragraph one (1), is amended to read as
9 follows:

10 1. Games of skill, games of chance, card games,
11 *games customarily played in gambling casinos and in*
12 *which the house customarily provides a banker, dealer*
13 *or croupier to operate the game*, and raffles lawfully
14 may be conducted during a period of twelve consecutive
15 hours once each year at any location, or by any person,
16 except one for which a license is required pursuant
17 to section five (5) or section seven (7) of this Act,
18 or except a location covered by a class 'C', or class
19 'D' liquor control license, or any beer permit unless
20 such location has been licensed pursuant to section

21 eight (8) of this Act as premises upon which gambling
22 is allowed, but only if all of the following are
23 complied with:"

24 2. By renumbering sections as necessary.

LOWELL L. JUNKINS
GEORGE R. KINLEY
CLIFTON C. LAMBORN

S—5294

1 Amend the committee on judiciary amendment, S—5234,
2 to House File 584, as amended and passed by the House
3 and reprinted, as follows:

4 1. Page 1, by striking lines 20 through 50 and
5 inserting in lieu thereof the following:

6 "1. 'Agreement' means any contract, combination,
7 conspiracy, understanding, or arrangement, express
8 or implied.

9 2. 'Commodity' means tangible or intangible prop-
10 erty, real, personal, or mixed.

11 3. 'Economic activity' means business, trade or
12 commerce, or other activity performed for economic
13 gain.

14 4. 'Enterprise' means a business, commercial,
15 or professional entity, including a corporation,
16 partnership, limited partnership, professional
17 corporation, proprietorship, incorporated or
18 unincorporated association, or other form of
19 organization.

20 5. 'Government agency' means the state, its poli-
21 tical subdivisions, and any public agency supported
22 in whole or in part by taxation.

23 6. 'Person' means a natural person, estate, trust,
24 enterprise or government agency.

25 7. 'Price' includes the terms and conditions of
26 sale, rental, rate, fee, or any other form of payment
27 for a commodity or service.

28 8. 'Relevant market' means the geographical area
29 of effective competition between competing products
30 or services, wholly or partially within this state.

31 9. 'Service' means an activity performed or benefit
32 conferred for the purpose of economic gain.

33 Sec. **NEW SECTION. RESTRAINT OF ECONOMIC AC-**
34 **TIVITY PROHIBITED—UNREASONABLENESS.**

35 1. An agreement shall not unreasonably restrain
36 economic activity in the state. An agreement affecting
37 economic activity in this state is unreasonable if
38 its purpose or effect in a relevant market is
39 substantially to lessen, limit, or suppress competition
40 or to create or maintain a monopoly.

41 2. The following agreements are examples of ac-
42 tivities that generally have the purpose or effect
43 stated in subsection one (1) of this section when
44 they affect economic activity in this state:

45 a. Conditioning the purchase, rental, or sale

46 of a commodity or service produced, rented, bought,
47 or sold by these persons or the price or other contract
48 term upon an agreement that a person party to this
49 agreement shall purchase an additional commodity or
50 service;

Page 2

1 b. Conditioning the purchase, rental, or sale
2 of a commodity or service produced, bought, rented,
3 or sold by these persons or the price or other contract
4 term upon the agreement that a person party to this
5 agreement shall not purchase, rent or sell a commodity
6 or service to or from another person;

7 c. Conditioning the purchase, rental, or sale
8 of a commodity or service produced, bought, rented,
9 or sold by these persons or the price or other contract
10 term upon an agreement that a person party to this
11 agreement shall not purchase, rent, or sell a commodity
12 or service in a geographical area;

13 Sec. **NEW SECTION. AGREEMENTS UNREASONABLE**
14 **PER SE.**

15 1. An agreement between two or more persons who
16 are in competition is conclusively presumed to be
17 unreasonable if, with respect to a commodity or service
18 bought, rented, or sold to or from others by these
19 persons, it has the purpose or effect of:

20 a. Establishing, maintaining, or regulating the
21 price of this commodity or service;

22 b. Establishing, maintaining, or regulating the
23 quantity of this commodity or service produced, bought,
24 rented, or sold;

25 c. Establishing, maintaining, or regulating the
26 share or portion of the total supply or demand for
27 this commodity or service produced, bought, rented,
28 or sold by any person;

29 d. Establishing, limiting, or allocating the geo-
30 graphical area in which any person may produce, buy,
31 rent, or sell this commodity or service; or

32 e. Limiting or allocating the identity or number
33 of producers, purchasers, renters, or suppliers, ac-
34 tual or potential with whom any person may deal, or
35 of transactions in which any person may participate.

36 2. An agreement between a person who sells a com-
37 modity or service and a person by whom this commodity
38 or service is bought for resale is conclusively pre-
39 sumed to be unreasonable if this agreement has the
40 purpose of establishing, maintaining, or regulating
41 the price at which this commodity is resold.

42 Sec. **NEW SECTION. MONOPOLIES PROHIBITED.**

43 A person shall not attempt to establish or establish,
44 maintain, or use a monopoly of economic activity in
45 a relevant market for the purpose of excluding competi-
46 tion or of controlling, fixing, or maintaining prices.

47 Sec. **NEW SECTION. ANCILLARY RESTRAINTS.**

48 Notwithstanding the provisions of sections four (4),
49 five (5), and six (6) of this Act, an agreement which
50 restrains economic activity is not unreasonable if

Page 3

1 it is ancillary to an otherwise lawful objective,
2 and lessens, limits or suppresses competition no more
3 than is reasonably necessary to achieve that
4 objective."

5 2. Page 2, by striking lines 1 through 4.

6 3. Renumber the bill sections accordingly.

JAMES M. REDMOND

S—5296

1 Amend the committee on judiciary amendment, S—5234,
2 to House File 584, as amended and passed by the House
3 and reprinted, as follows:

4 1. Page 4, by inserting after line 7 the following:

5 "5. No information or evidence provided the attorney
6 general by a person pursuant to this section shall be
7 admitted in evidence, or used in any manner whatsoever,
8 in any criminal prosecution. If a criminal prosecution
9 under the provisions of this Act is initiated in a state
10 court against a person who has provided information
11 pursuant to this section, the state shall have the burden
12 of proof that the information so provided was not used in
13 any manner to further the criminal investigation or
14 prosecution."

15 2. Page 5, by inserting after line 46 the following:

16 "Sec. **NEW SECTION. CRIMINAL PENALTIES—FINES**
17 **AND IMPRISONMENT.**

18 (1) Any natural person who shall violate any of the
19 provisions of this Act is guilty of a misdemeanor and shall
20 be punished by a fine not to exceed ten thousand dollars or
21 by imprisonment in the county jail for not more than six
22 months, or by both such fine and imprisonment.

23 (2) Any natural person who shall willfully and know-
24 ingly violate any of the provisions of this Act is guilty
25 of a misdemeanor and shall be punished by a fine not to
26 exceed fifty thousand dollars or by imprisonment in the
27 state penitentiary for not more than two years, or by both
28 such fine and imprisonment.

29 Sec. **NEW SECTION. ELECTION OF REMEDIES.**

30 The bringing of suit to assess a civil penalty against a
31 person by filing a petition shall be an election of remedies
32 to not bring a criminal prosecution against this person.
33 The bringing of a criminal prosecution against a person by
34 filing an information or returning an indictment shall be
35 an election of remedies to not bring suit to assess a civil
36 penalty against this person."

37 3. Page 5, lines 48 and 49, by striking the words
38 "under section thirteen (13) of" and inserting in lieu
39 thereof the words "to assess a civil penalty or to obtain
40 a criminal conviction under".

- 41 4. Page 6, lines 15 and 16, by striking the words
42 "sections twelve (12) and thirteen (13) of".

JAMES M. REDMOND

S—5292

- 1 Amend the committee on judiciary amendment, S—5234,
2 to House File 584, as amended and passed by the House
3 and reprinted, as follows:
4 1. Page 5, by striking lines 12 through 19 and
5 inserting in lieu thereof the following: "this Act
6 and remove the conduct's effect by:
7 a. Injunction.
8 b. Divestiture.
9 c. Divorcement.
10 d. Dissolution of a domestic enterprise.
11 e. Forfeiture or restraint of:
12 (1) The issuance of a certificate of incorporation.
13 (2) A permit to transact business.
14 (3) A license.
15 (4) A franchise.
16 f. Other appropriate equitable relief."
17 2. Page 5, by inserting after line 30 the
18 following:
19 "The state may bring suit under this section with-
20 out posting bond."

JAMES M. REDMOND

S—5289

- 1 Amend House File 628 as follows:
2 1. Page 2, by inserting after line 6 the fol-
3 lowing:
4 "Sec. Section two hundred eighty-five point
5 eleven (285.11), subsection seven (7), Code 1975, is
6 amended to read as follows:
7 7. No bus shall leave the public highway to
8 receive or discharge pupils *unless their safety is*
9 *enhanced thereby, and the private road is maintained*
10 *in the same manner as a public roadway. Vehicles*
11 *transporting physically handicapped pupils are ex-*
12 *empt from the requirement that the private roadway*
13 *be comparable in width and construction to a public*
14 *roadway."*

MINNETTE F. DODERER
DALE L. TIEDEN
JOAN ORR

S—5295

- 1 Amend House File 1003, as passed by the House,
2 as follows:
3 1. Page 1, by inserting after line 11 the fol-
4 lowing section:
5 "Sec. Acts of the Sixty-sixth General As-
6 sembly, 1975 Session, chapter one hundred thirty-three
7 (133), section four (4), subsection three (3), is

8 amended to read as follows:

9 3. Agricultural land acquired by a nonprofit
10 corporation organized under the provisions of chapters
11 five hundred four (504) and five hundred four A (504A)
12 of the Code *or agricultural land acquired by a*
13 *nonprofit corporation qualified under the provisions*
14 *of chapters five hundred four (504) and five hundred*
15 *four A (504A) of the Code that hold land as the*
16 *remainderman under an annuity trust or unitrust*
17 *authorized by section six hundred sixty-four (664)*
18 *of the Internal Revenue Code of 1954 as amended to*
19 *July 1, 1976."*

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:10
p.m., until 10:00 a.m., Monday, March 8, 1976.

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MARCH 8, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by Mr. Dan Beck, Loras College, Dubuque, Iowa.

The Journal of Friday, March 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Eckstat, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Rabedaux for the day and Senator Sovern for the morning session on request of Senator Kinley; Senator Griffin for the day and Senator Curtis for the day on request of Senator Lamborn.

DISTINGUISHED GUEST

President Neu welcomed to the Senate the Honorable Robert D. Fulton who served as Lieutenant Governor from 1965 through 1968 and as Governor in 1969. He also served as a member of the Senate and House of Representatives from Black Hawk County.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students, members of the Distributive Education Clubs of America, from Decorah High School, Decorah, Iowa, North High School, West Union, Iowa, Waukon High School, Waukon, Iowa and Waverly-Shell Rock High School, Waverly, Iowa,

accompanied by their instructors, Rich Gaard, Dennis Wubenna, Don Pothost and Mike Black. Senator Heying.

PETITION

The following petition was presented and placed on file:

By Senator Tieden from nineteen residents of Clayton and Allamakee Counties opposing pari-mutuel betting.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1326, a bill for an act relating to the licensing, fees for licenses, exemptions from licenses, and possession of fish and game by hunting, fishing, and trapping.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1326, a bill for an act relating to the licensing, fees for licenses, exemptions from licenses, and possession of fish and game by hunting, fishing, and trapping and subjecting violators to a penalty.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Heying called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Richard N. Lepird, D.P.M., Estherville, Emmet County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

HILARIUS L. HEYING, Chairperson
IRVIN L. BERGMAN
JAMES W. GRIFFIN, SR.
JOAN ORR
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Heying moved the appointment of Richard N. Lepird, D.P.M., as a member of the State Board of Podiatry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Polk	Nystrom	Shaff
Coleman	Hultman	Orr	Shaw
Culver	Junkins	Palmer	Tieden
Curtis	Kelly	Priebe	Van Gilst
DeKoster	Kinley	Ramsey	Willits
Doderer	Lamborn	Redmond	Winkelman
Gallagher	Merritt		

Nays, none.

Absent or not voting, 9:

Griffin	Miller of	Norpel	Sovern
Hill of Jasper	Des Moines	Plymat	Taylor
	Nolin	Rabedeaux	

President Neu declared the appointment of Richard N. Lepird, D.P.M., as a member of the State Board of Podiatry Examiners confirmed for an initial term ending June 30, 1977.

Senator Junkins called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald H. Shaw of Davenport, Scott County, Iowa, for reappointment as a member of the State Board of Regents under the provisions of Section 262.3, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL JUNKINS, Chairperson
CLIFF BURROUGHS
C. JOSEPH COLEMAN
NORMAN RODGERS
DALE TIEDEN

The motion prevailed and the report was adopted.

Senator Junkins moved the appointment of Donald H. Shaw as a member of the State Board of Regents be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Redmond
Bergman	Hansen	Des Moines	Robinson
Briles	Heying	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Junkins	Norpel	Taylor
Curtis	Kelly	Nystrom	Tieden
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Lamborn	Plymat	Willits
Gallagher	Merritt	Priebe	Winkelman
Glenn		Ramsey	

Nays, none.

Absent or not voting, 6:

Griffin	Orr	Shaw	Sovern
Nolin	Rabedaux		

President Neu declared the appointment of Donald H. Shaw as a member of the State Board of Regents confirmed for the regular six-year term ending June 30, 1981.

UNFINISHED BUSINESS**Senate File 1157**

On motion of Senator Heying, Senate File 1157, a bill for an act restricting the exercise of the right of eminent domain by the Iowa state conservation commission, was taken up for further consideration.

Senator Kelly offered amendment S—5288 filed by him:

S—5288

- 1 Amend Senate File 1157 as follows:
- 2 1. Page 1, by striking all after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred eleven point seven
- 5 (111.7), Code 1975, is amended to read as follows:
- 6 111.7 EMINENT DOMAIN. The [executive council may,
- 7 upon the recommendation of the] commission[,] may purchase
- 8 or condemn lands for public parks. No contract for
- 9 the purchase of such public parks shall be made to
- 10 an amount in excess of funds appropriated therefor
- 11 by the general assembly.
- 12 Sec. 2. Section one hundred eleven point seventy-
- 13 five (111.75), Code 1975, is amended to read as
- 14 follows:
- 15 111.75 CONDEMNATION OF LAND. Whenever a permit
- 16 has been granted as provided in section 111.70 and
- 17 the state conservation commission finds that the
- 18 municipality or corporation owning such permit cannot
- 19 acquire at a reasonable cost any necessary land or
- 20 interest therein, the state conservation commission[, .

21 with the approval of the executive council,] may condemn
 22 such land or interest therein as provided in chapter
 23 472. However, such condemnation shall be limited
 24 to land and interests therein which will be permanently
 25 subject to and available for free public access and
 26 use, as provided in section 111.71, or which will
 27 be required for a dam or other facilities necessary
 28 for the water recreational area. All costs of such
 29 condemnation, including all costs occasioned by appeal
 30 as set out in section 472.33, and including the award
 31 and compensation for such land or interest therein,
 32 shall be paid by such municipality or corporation.
 33 The state conservation commission may permit such
 34 municipality or corporation to use such land or
 35 interest therein for the purposes of this division,
 36 upon such terms, conditions and restrictions as the
 37 state conservation commission shall determine to be
 38 just and proper and for free public access and use.
 39 Title to such land or interest therein shall remain
 40 in the state of Iowa."
 41 2. Amend the title, line 1, by striking the word
 42 "restricting" and inserting in lieu thereof the words
 43 "relating to".

Senator Heying offered amendment S—5291 to amendment
 S—5288 filed by him and moved its adoption:

S—5291

1 Amend the Kelly amendment, S—5288, to Senate
 2 File 1157 as follows:
 3 1. Page 1, by inserting after line 40 the
 4 following:
 5 "Sec. 3. Notwithstanding the provisions of this
 6 Act, the agricultural use or potential agricultural
 7 use of privately owned land subject to commission
 8 condemnation proceedings shall be given priority over
 9 the use for such land as public parks and recreation-
 10 al areas."

A non-record roll call was requested.

The ayes were 34, nays 11.

Amendment S—5291 to amendment S—5288 was adopted.

Senator Kelly moved the adoption of amendment S—5288 as
 amended and requested a record roll call.

On the question "Shall amendment S—5288 as amended be
 adopted?" (S.F. 1157) the vote was:

Ayes, 19:

Briles	Hill of Jasper	Miller of	Plymat
Carr	Hill of Polk	Des Moines	Priebe
DeKoster	Junkins	Murray	Redmond
Doderer	Kelly	Nystrom	Shaw
Hansen	Kinley	Palmer	Willits

Nays, 26:

Andersen	Gluba	Nolting	Scott
Bergman	Heying	Norpel	Shaff
Burroughs	Hultman	Orr	Taylor
Coleman	Lamborn	Ramsey	Tieden
Culver	Merritt	Robinson	Van Gilst
Gallagher	Miller of	Rodgers	Winkelman
Glenn	Marshall	Schwengels	

Absent or not voting, 5:

Curtis	Nolin	Rabedeaux	Sovern
Griffin			

Amendment S—5288 as amended lost.

Senator Heying moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1157) the vote was:

Ayes, 27:

Andersen	Heying	Nolting	Rodgers
Bergman	Hultman	Norpel	Scott
Burroughs	Lamborn	Nystrom	Shaff
Coleman	Merritt	Orr	Taylor
Culver	Miller of	Plymat	Tieden
Doderer	Des Moines	Priebe	Winkelman
Gallagher	Miller of	Ramsey	
Hansen	Marshall		

Nays, 18:

Briles	Hill of Jasper	Murray	Schwengels
Carr	Hill of Polk	Palmer	Shaw
DeKoster	Junkins	Redmond	Van Gilst
Glenn	Kelly	Robinson	Willits
Gluba	Kinley		

Absent or not voting, 5:

Curtis	Nolin	Rabedeaux	Sovern
Griffin			

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1233.

Senate File 1233

On motion of Senator Willits, Senate File 1233, a bill for an act making a correction to Senate File one thousand one hundred two (1102) enacted by the 1976 Session of the Sixty-sixth General Assembly, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1233) the vote was:

Ayes, 44:

Andersen	Heying	Miller of	Robinson
Bergman	Hill of Jasper	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Norpel	Shaff
Coleman	Kelly	Nystrom	Shaw
Culver	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Gallagher	Merritt	Plymat	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Ramsey	Winkelman
Hansen		Redmond	

Nays, none.

Absent or not voting, 6:

Curtis	Griffin	Rabedaux	Sovern
Doderer	Nolin		

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1245.

House File 1245

On motion of Senator DeKoster, House File 1245, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa, with report of committee without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Schwengels took the chair at 11:30 a.m.

DEFERRED

Senator Rodgers asked and received unanimous consent that further action on **House File 1245** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1143.

Senate File 1143

On motion of Senator Orr, Senate File 1143, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Orr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1143) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Taylor
Culver	Kelly	Palmer	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines		

Nays, 3:

Lamborn	Priebe	Shaff
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Absent or not voting, 7:

Curtis	Hill of Jasper	Nystrom	Sovern
Griffin	Nolin	Rabedaux	

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

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1119.

Senate File 1119

On motion of Senator Willits, Senate File 1119, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1119) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Hill of Polk	Murray	Rodgers
Burroughs	Hultman	Nolting	Schwengels
Carr	Junkins ,	Norpel	Scott
Coleman	Kelly	Nystrom	Shaw
Culver	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Miller of	Plymat	Van Gilst
Gallagher	Des Moines	Priebe	Willits
Glenn		Ramsey	Winkelman

Nays, none.

Absent or not voting, 9:

Curtis	Hill of Jasper	Nolin	Shaff
Griffin	Merritt	Rabedeaux	Sovern
Heying			

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

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

INTRODUCTION OF BILLS

Senate File 1241, by committee on agriculture, a bill for an act relating to the moisture sampling of grain or soybeans.

Read first time and **placed on calendar**.

Senate File 1242, by committee on human resources, a bill for an act making technical amendments to the Iowa housing finance authority.

Read first time and **placed on calendar**.

SENATE CONCURRENT RESOLUTION 105

By Winkelman

- 1 *Whereas*, The United States Congress frequently
- 2 passes legislation which requires conforming state
- 3 legislation as a condition of the receipt of the
- 4 federal funds appropriated or authorized by the federal
- 5 legislation; and
- 6 *Whereas*, this practice impinges on the rights
- 7 reserved to the state governments by the Tenth
- 8 Amendment to the United States Constitution; and

9 *Whereas*, under Article five (V) of the Constitution
10 of the United States, amendments to the United States
11 Constitution may be proposed by Congress whenever
12 two-thirds of both houses deem it necessary, or on
13 the application of the legislatures of two-thirds
14 of the several states the Congress shall call a
15 constitutional convention for the purpose of proposing
16 amendments; *Now, Therefore,*

17 *Be It Resolved by the Senate, the House Concurring,*
18 That the Iowa general assembly proposes to the Congress
19 of the United States that procedures be instituted
20 in Congress to add a new article to the Constitution
21 of the United States, and that the general assembly
22 of the state of Iowa requests the Congress to prepare
23 and submit to the several states an amendment to the
24 Constitution of the United States, prohibiting the
25 conditioning of federal funds upon conforming state
26 legislation;

27 *Be It Further Resolved*, That the Iowa general
28 assembly further requests that in the alternative
29 the Congress of the United States call a con-
30 stitutional convention for the specific and exclusive

Page 2

1 purpose of proposing an amendment to the United States
2 Constitution prohibiting the conditioning of federal
3 funds upon conforming state legislation;

4 *Be It Further Resolved*, That in addition the Iowa
5 general assembly also proposes that the legislatures
6 of each of the several states comprising the United
7 States apply to the Congress requesting the enactment
8 of an appropriate amendment to the United States
9 Constitution; or requiring the Congress to call a
10 constitutional convention for proposing such an
11 amendment to the United States Constitution; and

12 *Be It Further Resolved*, That copies of this
13 resolution shall be sent by the secretary of state
14 to each member of the Iowa congressional delegation
15 and to the secretary of state and presiding officers
16 of both houses of the legislatures of each of the
17 other states in the Union.

Read first time and passed on file.

SPECIAL ORDER OF BUSINESS

The hour having arrived, the Chair announced the special order of business for the consideration of House File 584.

House File 584

On motion of Senator Redmond, House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, with report of committee recommending

amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond offered amendment S—5234 filed by the committee on judiciary on February 27, 1976, and found on pages 638-643, inclusive, of the Senate Journal.

Senator Redmond offered amendment S—5294 to amendment S—5234 filed by him on March 5, 1976, and found on pages 762-764, inclusive, of the Senate Journal.

Senator Redmond moved the adoption of amendment S—5294 to amendment S—5234 and requested a record roll call.

On the question "Shall amendment S—5294 to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 14:

Carr	Gallagher	Kinley	Priebe
Coleman	Gluba	Nolting	Redmond
Culver	Heying	Orr	Willits
Doderer	Hill of Jasper		

Nays, 31:

Andersen	Junkins	Murray	Schwengels
Bergman	Kelly	Norpel	Scott
Briles	Lamborn	Nystrom	Shaw
Burroughs	Merritt	Palmer	Sovern
DeKoster	Miller of	Plymat	Taylor
Glenn	Des Moines	Ramsey	Tieden
Hansen	Miller of	Robinson	Van Gilst
Hill of Polk	Marshall	Rodgers	Winkelman
Hultman			

Absent or not voting, 5:

Curtis	Nolin	Rabedaux	Shaff
Griffin			

Amendment S—5294 to amendment S—5234 lost.

Senator Scott took the chair at 4:08 p.m.

Senator Shaw offered amendment S—5259 to amendment S—5234 filed by her:

S—5259

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, as follows:
- 4 1. Page 3, line 50, by striking the words "However,
- 5 the".
- 6 2. Page 4, by striking lines 1 through 4.

President pro tempore Doderer took the chair at 4:28 p.m.

Senator Shaw moved the adoption of amendment S—5259 to amendment S—5234 and requested a record roll call.

On the question "Shall amendment S—5259 to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 23:

Bergman	Hultman	Plymat	Shaff
Burroughs	Junkins	Priebe	Shaw
DeKoster	Lamborn	Ramsey	Taylor
Hansen	Murray	Robinson	Tieden
Hill of Jasper	Nolting	Rodgers	Winkelman
Hill of Polk	Nystrom	Schwengels	

Nays, 23:

Andersen	Glenn	Miller of	Palmer
Briles	Gluba	Des Moines	Redmond
Carr	Heying	Miller of	Scott
Coleman	Kelly	Marshall	Sovern
Culver	Kinley	Norpel	Van Gilst
Doderer	Merritt	Orr	Willits
Gallagher			

Absent or not voting, 4:

Curtis	Griffin	Nolin	Rabedaux
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Amendment S—5259 to amendment S—5234 lost.

Senator Redmond offered amendment S—5296 to amendment S—5234 filed by him:

S—5296

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, as follows:
- 4 1. Page 4, by inserting after line 7 the following:
- 5 "5. No information or evidence provided the attorney
- 6 general by a person pursuant to this section shall be
- 7 admitted in evidence, or used in any manner whatsoever,
- 8 in any criminal prosecution. If a criminal prosecution
- 9 under the provisions of this Act is initiated in a state
- 10 court against a person who has provided information
- 11 pursuant to this section, the state shall have the burden
- 12 of proof that the information so provided was not used in
- 13 any manner to further the criminal investigation or
- 14 prosecution."
- 15 2. Page 5, by inserting after line 46 the following:
- 16 "Sec. **NEW SECTIONS. CRIMINAL PENALTIES—FINES**
- 17 **AND IMPRISONMENT.**
- 18 (1) Any natural person who shall violate any of the
- 19 provisions of this Act is guilty of a misdemeanor and shall
- 20 be punished by a fine not to exceed ten thousand dollars or
- 21 by imprisonment in the county jail for not more than six
- 22 months, or by both such fine and imprisonment.
- 23 (2) Any natural person who shall willfully and know-
- 24 ingly violate any of the provisions of this Act is guilty
- 25 of a misdemeanor and shall be punished by a fine not to
- 26 exceed fifty thousand dollars or by imprisonment in the
- 27 state penitentiary for not more than two years, or by both

28 such fine and imprisonment.

29 Sec. **NEW SECTION. ELECTION OF REMEDIES.**

30 The bringing of suit to assess a civil penalty against a
31 person by filing a petition shall be an election of remedies
32 to not bring a criminal prosecution against this person.
33 The bringing of a criminal prosecution against a person by
34 filing an information or returning an indictment shall be
35 an election of remedies to not bring suit to assess a civil
36 penalty against this person."

37 3. Page 5, lines 48 and 49, by striking the words
38 "under section thirteen (13) of" and inserting in lieu
39 thereof the words "to assess a civil penalty or to obtain
40 a criminal conviction under".

41 4. Page 6, lines 15 and 16, by striking the words
42 "sections twelve (12) and thirteen (13) of".

Senator Redmond asked unanimous consent that action on amendment S—5296 to amendment S—5234 be temporarily deferred.

Objection was raised.

Senator Redmond moved that action on amendment S—5296 to amendment S—5234 be temporarily deferred, and requested a record roll call.

On the question "Shall the motion to defer action on amendment S—5296 to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 25:

Andersen	Heying	Nolting	Redmond
Carr	Hill of Jasper	Norpel	Robinson
Coleman	Junkins	Orr	Scott
Culver	Kelly	Palmer	Sovern
Doderer	Kinley	Plymat	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines		

Nays, 18:

Bergman	Hansen	Murray	Shaw
Briles	Hill of Polk	Ramsey	Taylor
Burroughs	Lamborn	Rodgers	Tieden
Curtis	Miller of	Schwengels	Winkelman
DeKoster	Marshall	Shaff	

Absent or not voting, 7:

Gallagher	Hultman	Nolin	Rabedeaux
Griffin	Merritt	Nystrom	

The motion prevailed and action on amendment S—5296 to amendment S—5234 was temporarily deferred.

Senator Redmond withdrew amendment S—5292 to amendment S—5234 filed by him on March 5, 1976, and found on page 765 of the Senate Journal.

Senator Redmond offered amendment S—5303 to amendment S—5234 and moved its adoption:

S—5303

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, as follows:
- 4 1. Page 5, line 14, after word “enterprises”, insert
- 5 word “right”.
- 6 2. Page 5, line 35 by adding after the word “Act.” the
- 7 following: “The suit may be tried to the jury and the
- 8 civil penalty provided for in this section shall be
- 9 imposed by the court.”

Amendment S—5303 to amendment S—5234 was adopted.

Senator Rodgers offered amendment S—5301 to amendment S—5234 and moved its adoption:

S—5301

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the
- 3 House and reprinted, as follows:
- 4 1. Page 5, line 36, by striking the words
- 5 “twenty-five” and inserting in lieu thereof the
- 6 word “ten”.

A record roll call was requested.

On the question “Shall amendment S—5301 to amendment S—5234 be adopted?” (H.F. 584) the vote was:

Ayes, 27:

Andersen	Hansen	Miller of	Schwengels
Bergman	Heying	Marshall	Shaff
Briles	Hill of Polk	Murray	Shaw
Burroughs	Hultman	Norpel	Taylor
Curtis	Junkins	Plymat	Tieden
DeKoster	Lamborn	Ramsey	Van Gilst
Gallagher	Merritt	Rodgers	Winkelman

Nays, 19:

Carr	Hill of Jasper	Nolting	Robinson
Coleman	Kelly	Orr	Scott
Culver	Kinley	Palmer	Sovern
Doderer	Miller of	Priebe	Willits
Glenn	Des Moines	Redmond	
Gluba			

Absent or not voting, 4:

Griffin	Nolin	Nystrom	Rabedeaux
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Amendment S—5301 to amendment S—5234 was adopted.

(House File 584 pending on adjournment.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5259 to House File 584 failed to be adopted by the Senate.

LEONARD C. ANDERSEN

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1190 State government

H. F. 1329 Education

EXPLANATION OF VOTE

MR. PRESIDENT: My vote was inadvertently recorded as being "absent" on Friday, March 5, 1976, when the vote was taken on Senate File 53. I would have voted "aye" on this bill.

WILLARD R. HANSEN

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of March, 1976: Senate Files 442, 1089 and 1090.

STEVEN C. CROSS
Secretary of the Senate

**REPORT BY THE SENATE RULES
AND ADMINISTRATION COMMITTEE**

Pursuant to House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following names of officers and employees of the Senate designated permanent and temporary and their respective step. All steps would be effective as of January 12, 1976.

Legal Counsel.....	(30).....	David B. Frost.....	1.....	Permanent
Administrative Assistant to				
Majority Leader.....	(25).....	Barton D. Rule.....	5.....	Permanent
Administrative Assistant to				
Minority Leader.....	(25).....	Ralph M. Kauffman.....	5.....	Permanent
Research Assistant to				
President Pro Tempore.....	(22).....	Jane Fowler.....	2.....	Temporary
Research Assistant to				
Majority Leader.....	(24).....	Martin H. Brown.....	3.....	Temporary
Research Assistant to				
Minority Leader.....	(24).....	Gary Thomas.....	3.....	Temporary
Research Assistant to Asst.				
Majority Leader.....	(22).....	Nicholas Needles.....	2.....	Temporary

Research Assistant to Asst.			
Majority Leader.....	(22)	Charles Riekema.....	2.....Temporary
Research Assistant to			
Majority Caucus.....	(22)	Robert Mulqueen.....	1.....Temporary
Research Assistant to			
Majority Caucus.....	(22)	Charles W. Reeves.....	1.....Temporary
Research Assistant to			
Minority Caucus.....	(22)	Kimberly J. Hudson.....	1.....Temporary
Enrolling Clerk/Terminal			
Operator	(19)	Cynthia A. Clingan.....	3.....Permanent
Assistant to the Legal			
Counsel	(17)	Jean Cook.....	1.....Temporary
Executive Secretary to the			
Secretary	(22)	K. Marie Thayer.....	6.....Permanent
Secretary to the			
Secretary	(18)	Joyce Horner.....	5.....Temporary
Journal Editor.....	(22)	Dorothy F. Nepstad	7.....Temporary
Journal Clerk.....	(16)	Suzanne Thomsen	3.....Temporary
Finance Clerk.....	(20)	Mary Ann Abbott.....	7.....Permanent
Engrossing Clerk.....	(17)	Elizabeth Ligouri.....	5.....Temporary
Records and Supply Clerk.....	(17)	Judy K. Iseminger.....	2.....Temporary
Special Clerk.....	(14)	Judith M. Rutledge.....	1.....Temporary
Bill Clerk.....	(12)	Caryll Wilbur.....	6.....Temporary
Assistant Bill Clerk.....	(11)	Janet Ellsworth.....	1.....Temporary
Control Board Operator.....	(10)	Elissa Weisner.....	1.....Temporary
Switchboard Operator.....	(13)	Betty M. Lawler.....	2.....Temporary
Switchboard Operator.....	(13)	Betty Schwengels.....	3.....Temporary
Postmaster	(10)	Dino Masolini.....	2.....Temporary
Sergeant-at-Arms	(15)	William C. Sloan.....	3.....Temporary
Assistant Sergeant-at-			
Arms	(13)	Byron Marshall.....	4.....Temporary
Chief Doorkeeper.....	(10)	Leonard A. Borg.....	3.....Temporary
Doorkeeper	(9)	Catherine L. DeHeck.....	1.....Temporary
Doorkeeper	(9)	Richard Dunker.....	4.....Temporary
Doorkeeper	(9)	Charles M. McCoun.....	2.....Temporary
Doorkeeper	(9)	Michael McDonald.....	2.....Temporary
Doorkeeper	(9)	Ray J. Prosperi.....	2.....Temporary
Doorkeeper	(9)	B. W. Rulon.....	5.....Temporary
Cloakroom Attendant.....	(8)	Gertrude Harris.....	4.....Temporary
Porter	(8)	James M. Sullivan.....	8.....Temporary
Senate Page.....	(6)	Amy Beattie.....	1.....Temporary
Senate Page.....	(6)	Kay Eason.....	1.....Temporary
Senate Page.....	(6)	Marci Kneeter.....	1.....Temporary
Senate Page.....	(6)	Karla Kruse.....	1.....Temporary
Senate Page.....	(6)	Bret Nilles.....	1.....Temporary
Senate Page.....	(6)	Gary Parker.....	1.....Temporary
Senate Page.....	(6)	Darnell Pettengill.....	1.....Temporary
Senate Page.....	(6)	Lu Ann Ray.....	1.....Temporary
Senate Page.....	(6)	Ann Shima.....	1.....Temporary
Senate Page.....	(6)	Lisa Sievers.....	1.....Temporary
Senate Page.....	(6)	Kevin Smith.....	1.....Temporary
Senate Page.....	(6)	William G. Stowe.....	1.....Temporary
Senate Page.....	(6)	Julie Street.....	1.....Temporary

The grade for each position, as set by House Concurrent Resolution 104, is indicated in parenthesis.

WILLIAM D. PALMER, Chairperson

REPORT BY THE SENATE RULES AND ADMINISTRATION COMMITTEE

Pursuant to House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following names of secretaries to Senators and their respective step. All steps would be effective as of January 12, 1976.

Senate Secretary.....	Charlotte O. Andersen.....	4.....	Temporary
Senate Secretary.....	Dorothy R. Bahls.....	4.....	Temporary
Senate Secretary.....	Golda Beals.....	7.....	Temporary
Senate Secretary.....	Vera Bergman.....	6.....	Temporary
Senate Secretary.....	Jane Bevington.....	8.....	Temporary
Senate Secretary.....	Norma Bliquez.....	4.....	Temporary
Senate Secretary.....	Kay Bolton.....	7.....	Permanent
Senate Secretary.....	Margaret Bruce.....	8.....	Temporary
Senate Secretary.....	Dwan L. Carter.....	7.....	Temporary
Senate Secretary.....	Louise Clarke.....	6.....	Temporary
Senate Secretary.....	Emily Curtis.....	5.....	Temporary
Senate Secretary.....	Loanne Dodge.....	7.....	Temporary
Senate Secretary.....	Katie Doyle.....	8.....	Temporary
Senate Secretary.....	Constance Eichhorn.....	8.....	Temporary
Senate Secretary.....	Theresa Gosek.....	4.....	Temporary
Senate Secretary.....	Vivian L. Haag.....	8.....	Temporary
Senate Secretary.....	Elsie L. Haun.....	9.....	Temporary
Senate Secretary.....	Sharon Helfrich.....	5.....	Temporary
Senate Secretary.....	Marjorie Helkenn.....	7.....	Temporary
Senate Secretary.....	Nancy Henter.....	3.....	Temporary
Senate Secretary.....	Josephine M. Heying.....	6.....	Temporary
Senate Secretary.....	Brenda Jotzke.....	6.....	Temporary
Senate Secretary.....	Bonnie King.....	10.....	Temporary
Senate Secretary.....	Bessie Lamb.....	3.....	Temporary
Senate Secretary.....	Geraldine McCarthy.....	9.....	Temporary
Senate Secretary.....	Rose McCauley.....	8.....	Temporary
Senate Secretary.....	Nanci Memmelaar.....	7.....	Temporary
Senate Secretary.....	Marjorie Merritt.....	2.....	Temporary
Senate Secretary.....	Virginia Miller.....	5.....	Temporary
Senate Secretary.....	Kathleen Needles.....	4.....	Temporary
Senate Secretary.....	Marcella Nelson.....	9.....	Permanent
Senate Secretary.....	Willa Nolin.....	5.....	Temporary
Senate Secretary.....	Billie Ore.....	8.....	Temporary
Senate Secretary.....	Rose Marie Pawlewski.....	6.....	Temporary
Senate Secretary.....	Linda Pearson.....	3.....	Temporary
Senate Secretary.....	Rosemary Randolph.....	5.....	Temporary
Senate Secretary.....	Carole J. Reeves.....	10.....	Temporary
Senate Secretary.....	Grace Rehnblom.....	7.....	Temporary
Senate Secretary.....	Dixie Risbeck.....	2.....	Temporary
Senate Secretary.....	Norma Santee.....	5.....	Temporary
Senate Secretary.....	Hazel Schroedel.....	5.....	Temporary
Senate Secretary.....	Nancy Smith.....	2.....	Temporary

Senate Secretary.....	Genevieve Snetselaar.....	9.....	Temporary
Senate Secretary.....	Betty Soncrant.....	3.....	Temporary
Senate Secretary.....	Betty Speagh.....	4.....	Temporary
Senate Secretary.....	Mildred Stewart.....	9.....	Temporary
Senate Secretary.....	Peggy Thomson.....	7.....	Temporary
Senate Secretary.....	Sylvia Tow.....	6.....	Temporary
Senate Secretary.....	Mary Wilcox.....	9.....	Temporary
Senate Secretary.....	Betty Wise.....	4.....	Temporary

All positions are in Grade 12.

WILLIAM D. PALMER, Chairperson

REPORT BY THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

Pursuant to the provisions of House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following names of the joint employees for the 1976 Session of the Sixty-sixth General Assembly and their respective step. All steps would be effective as of January 12, 1976.

LEGISLATIVE INDEXING

Supervisor of Legislative

Indexing (18).....Maxine Gunton.....8.....Permanent

Assistant Supervisor of

Legislative Indexing..... (16).....Juanita Swackhammer.8.....Permanent

Index Clerk..... (13).....Terry Pepper.....6.....Temporary

Assistant Index Clerk..... (11).....Wilma F. Zika.....1.....Temporary

LEGISLATIVE SERVICE BUREAU

Senior Bill Clerk..... (15).....Lois Carter.....5.....Temporary

Bill Clerk..... (13).....Lois Johnson.....2.....Temporary

Bill Clerk..... (13).....Janet Johnson.....4.....Temporary

Bill Clerk..... (13).....Susan Gurwell.....1.....Temporary

Proofreader (15).....D. Bartholomew.....3.....Temporary

Proofreader (15).....Dorothy Kelley.....5.....Temporary

Proofreader (15).....Patricia Ryan.....2.....Temporary

Proofreader (15).....Jean Shirbroun.....2.....Temporary

Mail Carrier..... (9).....Francis L. Burns.....2.....Temporary

Law Library Clerk..... (9).....Judy Neff.....1.....Temporary

BUILDINGS AND GROUNDS

Matron (9).....Mary Parker.....7.....Temporary

Elevator Operator..... (8).....Evelyn M. Seaney.....5.....Temporary

Elevator Operator..... (8).....Agnes Bertogli.....4.....Temporary

Parking Attendant..... (9).....John Jorgensen.....5.....Temporary

Parking Attendant..... (9).....Raymond Keeney.....7.....Temporary

Parking Attendant..... (9).....Frank Miller.....6.....Temporary

Parking Attendant..... (9).....Harold Missman.....3.....Temporary

Parking Attendant.....(9).....James Webb.....6.....Temporary
Night Watchman.....(7).....Donald E. Lewis.....1.....Temporary
Night Watchman.....(7).....Arvid B. Lundberg.....2.....Temporary

The Grade for each position, as set by House Concurrent Resolution 104, is indicated in parenthesis.

WILLIAM D. PALMER, Chairperson

COMMUNICATION FROM THE SECRETARY OF STATE

March 5, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1034 was published in the Iowa City Press-Citizen, Iowa City, Iowa, on February 21, 1976, and in the Bettendorf News, Bettendorf, Iowa, February 25, 1976.

I further certify that Senate File 1035 was published in the Highland Park News, Des Moines, Iowa, on February 26, 1976, and The Nashua Reporter, Nashua, Iowa, February 25, 1976.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 1047**, a bill for an act broadening the powers of a notary public, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5304

- 1 Amend Senate File 1047 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "oath" the words "or an acknowledgement".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "presence" the words "or the acknowledgement is taken
- 6 by the notary".

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5306

- 1 Amend the committee on agriculture amendment S—
- 2 5200, to Senate File 368, by striking everything after
- 3 line 3 on page 1, and inserting in lieu thereof the
- 4 following:

5 Section 1. Section two hundred eleven point one
6 (211.1), Code 1975, is amended by striking the sec-
7 tion and inserting in lieu thereof the following:

8 211.1 DEFINITIONS. As used in this chapter,
9 unless the context otherwise requires:

10 1. "Broker" means a compensated agent employed
11 to negotiate sales of livestock.

12 2. "Consignment" means the transfer of possession
13 of livestock to the care and custody of a livestock
14 agency for the purpose of sale.

15 3. "Livestock" means cattle, horses, swine, sheep
16 and poultry, but excluding any of those types of ani-
17 mals when bound for slaughter. "Livestock" does not
18 include any other type of animal or fowl.

19 4. "Livestock history" means the information
20 described in section three (3) of this Act.

21 5. "Livestock agency" means a person regularly
22 engaged in livestock transactions and includes sales-
23 yards, sales barns, auction markets, stockyards, order
24 buyers, commission agents, and livestock dealers.
25 A livestock agency is a merchant. A central public
26 market is not a livestock agency or merchant.

27 6. "Merchant" means merchant as defined in sec-
28 tion five hundred fifty-four point two thousand one
29 hundred four (554.2104) of the Code.

30 7. "Owner" means a person having title to live-
31 stock which are the subject of a transaction.

32 8. "Person" means person as defined in section
33 four point one (4.1) of the Code.

34 9. "Qualified livestock transaction" means as
35 provided in section two (2) of this Act.

36 10. "Transaction" means either the sale of live-
37 stock, the brokering of livestock, or the consignment
38 of livestock.

39 11. "Central public market" means a person who
40 owns and operates a place, establishment, or facility
41 which is registered as a stockyard, but who is not
42 registered as a commission agent or dealer, under
43 the United States Packers and Stockyards Act of 1921,
44 as amended, Title VII, sections one hundred eighty-
45 one (181) through two hundred thirty-one (231), United
46 States Code.

47 Sec. 2. Section two hundred eleven point two
48 (211.2), Code 1975, is amended by striking the section
49 and inserting in lieu thereof the following:

50 211.2 EXEMPTION OF TRANSACTIONS FROM IMPLIED
WAR-

Page 2

1 WARRANTIES. A transaction which complies with section
2 four (4) of this Act, as appropriate, is a qualified
3 livestock transaction. Livestock which are the subject
4 of a qualified livestock transaction shall be exempt
5 from the implied warranties of section five hundred
6 fifty-four point two thousand three hundred fourteen

7 (554.2314) and five hundred fifty-four point two
8 thousand three hundred fifteen (554.2315) of the Code
9 with respect to that transaction, notwithstanding
10 section five hundred fifty-four point two thousand
11 three hundred sixteen (554.2316) of the Code. However,
12 the exemption created by this section shall not be
13 deemed to impair or modify any actual exclusion or
14 modification of warranties as permitted by section
15 five hundred fifty-four point two thousand three
16 hundred sixteen (554.2316) of the Code.

17 Sec. 3. Section two hundred eleven point three
18 (211.3), Code 1975, is amended by striking the sec-
19 tion and inserting in lieu thereof the following:

20 211.3 LIVESTOCK HISTORY.

21 1. When a written livestock history is to be used
22 in a transaction, it shall be prepared on forms
23 approved by, or prescribed and furnished by the
24 department of agriculture. The form shall be signed
25 by the owner of the livestock or his or her authorized
26 agent, and shall state the names, mailing addresses,
27 and residence or business locations of the present
28 owner and all previous owners of the livestock within
29 the thirty days preceding the date of the transaction.

30 2. If the identities of all previous owners with-
31 in the preceding thirty days cannot be determined
32 due to transactions which occurred outside the state
33 of Iowa, the form shall so indicate and shall provide
34 full information concerning the out-of-state
35 transaction resulting in the transportation of the
36 livestock into Iowa.

37 3. If the livestock history is not available to
38 the owner or a livestock agency due to the refusal
39 of an owner to provide it, the owner or a livestock
40 agency may prepare a livestock history which shall
41 so indicate and which shall provide full information
42 concerning its receipt of the livestock which are
43 the subject of the transaction.

44 4. Except as provided in subsections two (2) and
45 three (3) of this section, if the identities of all
46 previous owners within the preceding thirty days are
47 not determined or cannot be determined for any other
48 reason, then the livestock shall not qualify for
49 exemption under this Act.

50 5. The form shall require a description of the

Page 3

1 livestock including their number, breed and sex, and
2 brands, tags, or other markings, if any.

3 6. The livestock history shall constitute an ex-
4 press warranty by the owner, or, by the livestock
5 agency acting under the provisions of subsection three
6 (3) of this section, as to the livestock which are
7 the subject of the transaction.

8 7. If the livestock history is not the same for
9 all livestock included in the transaction, a live-

10 stock history must be separately prepared and dis-
11 closed for all livestock included in the transaction.

12 8. Owners, and livestock agencies acting under
13 the provisions of subsection three (3) of this section,
14 shall retain one copy of each livestock history they
15 prepare for at least two years after the date of
16 the transactions to which it refers.

17 Sec. 4. Chapter two hundred eleven (211), Code
18 1975, is amended by adding the following new section:

19 **NEW SECTION. 211.4 COMPLIANCE.**

20 1. When selling livestock an owner who is not
21 a livestock agency is deemed to have participated
22 in a qualified livestock transaction if, prior to
23 making the contract of sale, that owner does any of
24 the following:

25 a. Delivers to the buyer a copy of the livestock
26 history subscribed by that owner; or

27 b. Otherwise discloses the information required
28 by the livestock history form; or

29 c. If the owner consigns the livestock to a
30 livestock agency, the owner delivers a written
31 livestock history to the livestock agency.

32 2. A livestock agency who participates in a
33 transaction as the owner of the livestock, and who
34 prepares a written livestock history as owner in
35 accordance with section three (3) of this Act, and
36 who discloses the history as provided for in subsection
37 three (3) of this section, is deemed to have
38 participated in a qualified livestock transaction.

39 3. A livestock agency either selling livestock
40 on consignment or brokering the sale of livestock
41 is deemed to have participated in a qualified livestock
42 transaction if it makes the livestock history form
43 available at the place of business of the livestock
44 agency for prospective buyers to see upon request
45 prior to the making of a sale. The duty of the
46 livestock agency in complying with this subsection
47 shall be limited to accurately disclosing the livestock
48 history as received by the livestock agency. If a
49 livestock agency acting as a consignee or broker
50 receives a written livestock history, the livestock

Page 4

1 agency shall retain the written history for two years
2 from the date of receipt, regardless of whether or
3 not the livestock agency participates in a qualified
4 livestock transaction.

5 Sec. 5. Chapter two hundred eleven (211), Code
6 1975, is amended by adding the following new sections:

7 **NEW SECTION. 211.5 EXEMPTION IS A DEFENSE.**

8 In any action or proceeding, the implied warranty
9 exemption which is created by section two (2) of this
10 Act shall be a defense, and the burden of pleading
11 the defense and of proving compliance with section
12 four (4) of this Act shall be on the person or

13 livestock agency asserting the defense. Proof of
14 a material error in or material omission from
15 information supplied shall defeat a claim of exemption,
16 except as otherwise provided in subsection three (3)
17 of section four (4) of this Act with respect to a
18 livestock agency.

19 **NEW SECTION. 211.6 NONCOMPLIANCE NOT EVIDENCE.**

20 The election by any owner or by any livestock agency
21 not to provide livestock history or not to make any
22 verbal declaration of the history of livestock
23 ownership in a transaction shall not be admissible
24 as evidence in any action brought by the buyer in
25 that transaction if offered by that buyer as proof
26 of, or as fact tending to prove, any allegation or
27 claim other than fraud or misrepresentation asserted
28 by the buyer in that action.

29 **NEW SECTION. 211.7 FALSE STATEMENT—PENALTY.**

30 Any person who knowingly furnishes, completes or
31 states false livestock history commits a misdemeanor,
32 punishable by a fine not exceeding one hundred dollars
33 or by imprisonment in the county jail for not more
34 than thirty days.

35 **NEW SECTION. 211.8 VETERINARY INSPECTION.**

36 1. **INSPECTIONS.** A marketing agency or central
37 public market operating under a permit issued by the
38 department of agriculture shall cause to be provided
39 veterinary inspections by a qualified veterinary
40 inspector who has been approved by the secretary
41 of agriculture. The veterinary inspector shall
42 visually inspect all livestock marketed and shall
43 issue certificates as to the apparent health of
44 livestock so inspected. The veterinary inspector
45 shall have other duties as determined by the secretary
46 of agriculture.

47 2. **CERTIFICATES.** A livestock agency or central
48 public market shall cause to be delivered with all
49 livestock sold a verified veterinarian's certificate,
50 on a form prescribed by the secretary of agriculture,

Page 5

1 which certifies that the health inspection of each
2 animal sold was made during the twenty-four hour
3 period immediately preceding the sale.

4 3. **PENALTIES.** A livestock agency or central
5 public market which fails to comply with a duty imposed
6 by this section commits a misdemeanor, and upon
7 conviction may be sentenced to a fine not to exceed
8 five hundred dollars, or to imprisonment in the county
9 jail for a term not to exceed one year, or to both
10 the fine and imprisonment.

11 4. **INSPECTION FEES.** The state department of
12 agriculture shall collect a veterinary inspection
13 fee agreed upon by the livestock agency or central
14 public market and a qualified veterinary inspector,
15 recommended by the livestock agency or central public

16 market and approved by the secretary of agriculture
17 plus a cost of administration not to exceed two dollars
18 per month per livestock agency or central public
19 market, on all livestock marketed through said live-
20 stock agency or central public market required to
21 hold permits issued by the department of agriculture.
22 Such fees, when collected, shall be placed by the
23 secretary of agriculture in an "inspection fee
24 revolving fund" under his or her jurisdiction. The
25 department shall pay fees to each approved veterinary
26 inspector for inspection services in accordance with
27 agreements between such veterinarian and the livestock
28 agency or central public market where inspections
29 are accomplished, reduced by the allowable amounts
30 for administration. Such fees shall be adjusted from
31 time to time so that the amount collected will not
32 exceed the costs of veterinary inspections and the
33 administration thereof. The provisions of this section
34 shall also apply to all livestock agencies or central
35 public markets receiving livestock moved into this
36 state for sale through said livestock agency or central
37 public markets, except meat processing establishments
38 or central public markets where full-time federal
39 inspections are required and such requirement is
40 complied with. Livestock agencies or central public
41 markets not handling livestock shipped into this state
42 for resale shall be exempt from the provisions of
43 this section, as well as livestock meeting federal
44 and state requirements for interstate shipment as
45 to health at the time of entry into Iowa.
46 **NEW SECTION. 211.9 NONCOMPLIANCE NOT EVIDENCE.**
47 The election by any owner or by any livestock agency
48 not to provide livestock history or not to make any
49 verbal declaration of the history of livestock owner-
50 ship in a transaction shall not be admissible as

Page 6

1 evidence in any action brought by the buyer in that
2 transaction, if offered by that buyer as proof of,
3 or as fact tending to prove any allegation or claim,
4 other than fraud or misrepresentation, asserted by
5 the buyer in that action. The prohibition contained
6 in this section shall apply, whether or not the
7 exemption created by section two (2) of this Act is
8 an issue in the action.
9 **NEW SECTION. 211.10 BONDING CERTAIN LIVESTOCK**
10 **AGENCIES.** The secretary of agriculture may require
11 reasonable bonds from every livestock agency operating
12 in this state which is not presently bonded under
13 the provisions of the United States Packers and
14 Stockyards Act of 1921, as amended, Title VII, sections
15 one hundred eighty-one (181) through two hundred
16 thirty-one (231), United States Code, under such rules
17 as he or she may prescribe to secure the performance

18 of their obligations, and whenever the secretary after
19 hearing under the Iowa Administrative Procedure Act
20 finds any such agency is insolvent or has violated
21 any provisions of this chapter he or she may suspend
22 operations of the livestock agency forthwith for a
23 reasonable specified period.

24 Sec. 6. Section five hundred fifty-four point
25 two thousand three hundred fourteen (554.2314), Code
26 1975, is amended by adding the following new subsec-
27 tion:

28 **NEW SUBSECTION.** This section does not apply to
29 livestock which are the subject of a qualified
30 livestock transaction as provided in section two
31 hundred eleven point two (211.2) of the Code.

32 Sec. 7. Section five hundred fifty-four point
33 two thousand three hundred fifteen (554.2315), Code
34 1975, is amended by adding the following new unnumbered
35 paragraph:

36 **NEW UNNUMBERED PARAGRAPH.** This section does not
37 apply to livestock which are the subject of a qualified
38 livestock transaction as provided in section two
39 hundred eleven point two (211.2) of the Code.

40 Sec. 8. Not later than September 30, 1976, the
41 secretary of agriculture shall prescribe and distribute
42 the forms to be used pursuant to this chapter. The
43 distribution initially may be restricted to livestock
44 agencies, veterinarians, and other outlets which in
45 the discretion of the secretary will provide the
46 widest practical dissemination and availability.

JAMES E. BRILES

S—5297

1 Amend Senate File 1114 as follows:

2 1. Page 1, by striking lines 17 through 20, and
3 inserting in lieu thereof the words: "3. 'Client'
4 includes a patient, customer and patron of a
5 professional who engages, utilizes or receives
6 the services of the professional."

7 2. Page 1, line 26, by inserting after the word
8 "by" the words "or on behalf of".

MINNETTE DODERER

S—5302

1 Amend Senate File 1161 as follows:

2 1. Page 1, line 7, by inserting after the
3 word "deer" the words "hunting with shotgun or muzzle
4 loading gun".

5 2. Page 1, by striking lines 8 through 12, and
6 inserting in lieu thereof the following: "The
7 open season for the fishing of small mouth bass in
8 the streams of Iowa shall be from June first to March
9 first. The minimum length of small mouth bass shall
10 be twelve inches."

DALE L. TIEDEN

S—5298

1 Amend Senate File 1172 as follows:

2 1. Page 7, by inserting after line 12 the fol-
3 lowing:

4 "Sec. Section ninety-nine B point seven
5 (99B.7), Code 1975, as amended by Acts of the Sixty-
6 sixth General Assembly, 1975 Session, chapter ninety-
7 nine (99), section nine (9), subsection three (3),
8 paragraph b, is amended to read as follows:

9 b. A person or the agent of a person submitting
10 application to conduct games pursuant to this section
11 as a qualified organization shall certify as a part
12 of that application that the net receipts of all games
13 either shall be distributed as prizes to participants
14 or shall be dedicated and distributed to educational,
15 civic, public, charitable, patriotic or religious
16 uses in this state. 'Educational, civic, public,
17 charitable, patriotic, or religious uses' means uses
18 benefiting a society for the prevention of cruelty
19 to animals or animal rescue league or uses benefiting
20 an indefinite number of persons *other than persons*
21 *who are members or employees of the qualified*
22 *organization* either by bringing them under the
23 influence of education or religion or relieving them
24 from disease, suffering, or constraint, or by erecting
25 or maintaining public buildings or works, or otherwise
26 lessening the burden of government but do not in-
27 clude the erection, acquisition, improvement, main-
28 tenance, or repair of real, personal or mixed property
29 unless it is used exclusively for one or more of the
30 uses stated. 'Public uses' specifically includes
31 dedication of net receipts to political parties as
32 defined in section 43.2. 'Charitable uses' includes
33 uses benefiting a definite number of persons who are
34 the victims of loss of home or household possessions
35 through explosion, fire, flood, or storm and the loss
36 is uncompensated by insurance, and uses benefiting
37 a definite number of persons suffering from a seriously
38 disabling disease or injury, causing severe loss of
39 income or incurring extraordinary medical expense,
40 which is uncompensated by insurance."

41 2. By renumbering sections as necessary.

LOWELL L. JUNKINS

S—5305

1 Amend Senate File 1227, page 1, by striking lines
2 13 through 16 and inserting in lieu thereof the
3 words "*the failure of payment.*"

ROGER J. SHAFF
E. KEVIN KELLY

S—5300

1 Amend Senate File 1230 as follows:

2 1. Page 1, by striking lines 20 through 28.
3 2. By renumbering the remaining sections.

JOHN S. MURRAY

S—5299

- 1 **Amend the committee on judiciary amendment, S—5234,**
- 2 **to House File 584, as amended and passed by the House**
- 3 **and reprinted, page 5, line 42, by striking the word**
- 4 **and figure "fifty (150,000)" and inserting in lieu**
- 5 **thereof the word and figure "thousand (100,000)".**

PHILIP B. HILL
NORMAN G. RODGERS

**Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.**

**On motion of Senator Kinley, the Senate adjourned at 5:35
p.m., until 10:00 a.m., Tuesday, March 9, 1976.**

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MARCH 9, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Monsignor Kenneth Ryan, pastor of the Sacred Heart Catholic Church, Waterloo, Iowa.

The Journal of Monday, March 8, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Altemeier, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Griffin for the morning session on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventeen students, members of the Andrew High School girls' basketball team, Andrew, Iowa, accompanied by their coach, Brian Goughnour. Senators Lamborn and Norpel.

Fifty-six students from Dyersville High School, Dyersville, Iowa, accompanied by Jim Engler. Senator Norpel.

PETITIONS

The following petitions were presented and placed on file:

By Senator Curtis from twelve residents of O'Brien County requesting a change in the school finance formula to reduce the

basic school district tax levy and raise the foundation level to seventy-six percent.

By Senator Hansen from twenty residents of Black Hawk County protesting against taking Iowa Public Employees' Retirement System investment money out of the Employment Security Commission.

By Senator Kinley from thirty-five residents of Polk County favoring Senate File 67 which would regulate the practice of massage.

By Senator Tieden from sixty-seven residents of Allamakee County, members of the Allamakee Community Education Association, favoring Senate File 205, relating to the issuance, continuation, and termination of teachers' contracts.

EXPRESSION OF THANKS

Senator Rabedeaux rose on a point of personal privilege to thank his fellow Senators and the officers and employees of the Senate for the kindnesses extended to him following his automobile accident on February 19, 1976, and his subsequent confinement in the Iowa Lutheran Hospital, Des Moines, and the University Hospital in Iowa City.

President pro tempore Doderer welcomed him back and the Senate received him with a round of applause.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Kelly called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kathryn L. Graf of Fairfield, Jefferson County, Iowa, for appointment as a member of the Iowa Real Estate Commission under the provisions of Section 117.8, Code 1975, for an initial term beginning July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
MILO MERRITT
FRED W. NOLTING
JOAN ORR
FORREST V. SCHWENGELS

The motion prevailed and the report was adopted.

Senator Kelly moved the appointment of Kathryn L. Graf as

a member of the Iowa Real Estate Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Junkins	Norpel	Scott
Culver	Kelly	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Priebe	Tieden
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines		

Nays, none.

Absent or not voting, 10:

Coleman	Hultman	Ramsey	Van Gilst
Gluba	Nolin	Shaff	Winkelman
Griffin	Plymat		

President pro tempore Doderer declared the appointment of Kathryn L. Graf as a member of the Iowa Real Estate Commission confirmed for an initial term ending June 30, 1976.

Senator Kelly called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marcia L. Wiedmeyer, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
EUGENE M. HILL
FRED W. NOLTING
WILLIAM N. PLYMAT
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Kelly moved the appointment of Marcia L. Wiedmeyer as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Andersen	Heying	Miller of	Ramsey
Bergman	Hill of Jasper	Marshall	Redmond
Briles	Hill of Polk	Murray	Robinson
Burroughs	Hultman	Nolting	Rodgers
Carr	Junkins	Norpel	Schwengels
Culver	Kelly	Nystrom	Scott
Curtis	Kinley	Orr	Shaw
DeKoster	Lamborn	Palmer	Sovern
Doderer	Merritt	Plymat	Taylor
Gallagher	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedaux	Willits
Hansen			

Nays, none.

Absent or not voting, 7:

Coleman	Griffin	Shaff	Winkelman
Gluba	Nolin	Van Gilst	

President pro tempore Doderer declared the appointment of Marcia L. Wiedmeyer as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1978.

MOTION TO RECONSIDER WITHDAWN**Senate File 106**

Senator Kelly withdrew the motion to reconsider the vote by which Senate File 106, a bill for an act prohibiting smoking in certain public areas, and providing a penalty, passed the Senate, filed by him on March 3, 1976.

UNFINISHED BUSINESS**SPECIAL ORDER CONTINUED****House File 584**

On motion of Senator Redmond, House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, was taken up for further consideration.

Senator Hill of Polk offered amendment S—5299 to amendment S—5234 filed by Senators Hill of Polk and Rodgers and moved its adoption:

S—5299

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, page 5, line 42, by striking the word

- 4 and figure "fifty (150,000)" and inserting in lieu
 5 thereof the word and figure "thousand (100,000)".

A record roll call was requested.

On the question "Shall amendment S—5299 to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 21:

Andersen	Hill of Polk	Murray	Ramsey
Bergman	Hultman	Norpel	Rodgers
Burroughs	Junkins	Nystrom	Schwengels
Curtis	Lamborn	Plymat	Shaw
Hansen	Miller of	Rabedeaux	Tieden
Heying	Marshall		

Nays, 24:

Carr	Gluba	Nolting	Scott
Coleman	Hill of Jasper	Orr	Sovern
Culver	Kelly	Palmer	Taylor
DeKoster	Kinley	Priebe	Willits
Doderer	Merritt	Redmond	Winkelman
Gallagher	Miller of	Robinson	
Glenn	Des Moines		

Absent or not voting, 5:

Briles	Nolin	Shaff	Van Gilst
Griffin			

Amendment S—5299 to amendment S—5234 lost.

Senator Glenn offered amendment S—5243 to amendment S—5234 filed by him and moved its adoption:

S—5243

- 1 Amend the judiciary committee amendment, S—5234,
- 2 to House File 584, as amended and passed by the
- 3 House, as follows:
- 4 1. Page 5, line 42, by inserting after the
- 5 word "fifty" the word "thousand".

Amendment S—5243 to amendment S—5234 was adopted.

Senator Rodgers offered amendment S—5308 to amendment S—5234:

S—5308

- 1 Amend the committee on judiciary amendment S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, as follows:

Division S—5308A

- 4 1. Page 6, by inserting after line 23 the
- 5 following:
- 6 "Sec. *NEW SECTION. DUTY OF ATTORNEY GENERAL.*
- 7 The Attorney General shall prepare a synopsis and
- 8 explanation of this Act as soon as practicable and,

9 not less than six months prior to the effective date
 10 of this Act, cause a copy of this Act, its synopsis
 11 and explanation to be mailed to each person holding
 12 a permit pursuant to Section four hundred twenty-two
 13 point fifty-three (422.53), Code 1975, to each
 14 domestic corporation, and to each foreign corpora-
 15 tion authorized to transact business in this state."

Division S—5308B

16 2. Page 6, by inserting after line 25 the
 17 following:
 18 "Sec. **NEW SECTION. EFFECTIVE DATE.** This Act
 19 shall take effect on July 1, 1977."

Division S—5308A (Cont'd)

20 3. By renumbering sections and internal references
 21 as necessary.

Senator Kelly called for a division of amendment S—5308 to amendment S—5234, sections 1 and 3 to be considered as division S—5308A; section 2 to be considered as division S—5308B.

Senator Rodgers moved the adoption of division S—5308A of the amendment to amendment S—5234 and requested a record roll call.

On the question "Shall division S—5308A of the amendment to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 11:

Bergman	Hultman	Miller of	Rabedeaux
Burroughs	Junkins	Marshall	Rodgers
Heying	Lamborn	Nystrom	Schwengels

Nays, 31:

Andersen	Gallagher	Murray	Scott
Briles	Glenn	Nolting	Shaw
Carr	Gluba	Orr	Sovern
Coleman	Hill of Jasper	Palmer	Taylor
Culver	Hill of Polk	Plymat	Tieden
Curtis	Kelly	Priebe	Willits
DeKoster	Kinley	Ramsey	Winkelman
Doderer	Merritt	Redmond	

Absent or not voting, 8:

Griffin	Miller of	Norpel	Shaff
Hansen	Des Moines	Robinson	Van Gilst
	Nolin		

Division S—5308A of the amendment to amendment S—5234 lost.

Senator Rodgers withdrew division S—5308B of the amendment to amendment S—5234.

Senator Rodgers offered amendment S—5309 to amendment S—5234 and moved its adoption:

S—5309

- 1 Amend the committee on judiciary amendment S—5234,
- 2 to House File 584, as amended and passed by the
- 3 House and reprinted, as follows:
- 4 1. Page 2, line 41, by striking the word
- 5 "required" and inserting in lieu thereof the word
- 6 "requested".

A record roll call was requested.

On the question "Shall amendment S—5309 to amendment S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 17:

Bergman	Heying	Miller of	Rodgers
Briles	Hill of Polk	Marshall	Schwengels
Burroughs	Hultman	Norpel	Tieden
Curtis	Lamborn	Nystrom	Winkelman
Gallagher		Rabedeaux	

Nays, 28:

Andersen	Hansen	Murray	Robinson
Carr	Hill of Jasper	Nolting	Scott
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
DeKoster	Kinley	Priebe	Taylor
Doderer	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Absent or not voting, 5:

Griffin	Plymat	Shaff	Van Gilst
Nolin			

Amendment S—5309 to amendment S—5234 lost.

The Senate resumed consideration of amendment S—5296 to amendment S—5234, offered and deferred on March 8, 1976.

Senator Redmond asked and received unanimous consent to withdraw amendment S—5296 to amendment S—5234.

Senator Redmond offered amendment S—5307 to amendment S—5234, moved its adoption and requested a record roll call:

S—5307

- 1 Amend the committee on judiciary amendment, S—5234,
- 2 to House File 584, as amended and passed by the House
- 3 and reprinted, as follows:
- 4 1. Page 4, by inserting after line 7 the following:
- 5 "5. Information or evidence obtained from a natural
- 6 person pursuant to the provisions of this section
- 7 shall not be admitted into evidence or otherwise used
- 8 in a criminal prosecution of this person under this
- 9 Act. If a criminal prosecution under this Act is
- 10 brought against a natural person who has given
- 11 information or evidence pursuant to the provisions

12 of this section, the state shall have the burden to
 13 prove that this information or evidence was not used
 14 in any manner to further this criminal prosecution
 15 or the investigation in preparation for it."

16 2. Page 5, by inserting after line 46 the
 17 following:

18 "Sec. **NEW SECTION. CRIMINAL PENALTIES.**

19 1. A natural person who engages in conduct
 20 prohibited by this Act shall be, upon conviction,
 21 punished by a fine not to exceed ten thousand dollars,
 22 by imprisonment in the county jail not to exceed six
 23 months, or by both such fine and imprisonment.

24 2. A natural person who willfully and knowingly
 25 engages in conduct prohibited by this Act shall be,
 26 upon conviction, punished by a fine not to exceed
 27 fifty thousand dollars, by imprisonment in the state
 28 penitentiary not to exceed two years, or by both such
 29 fine and imprisonment.

30 Sec. **NEW SECTION. ELECTION OF REMEDIES.**

31 The bringing of suit to assess a civil penalty against
 32 a person by filing a petition shall be an election
 33 of remedies to not bring a criminal prosecution against
 34 this person. The bringing of a criminal prosecution
 35 against a person by filing an information or returning
 36 an indictment shall be an election of remedies to
 37 not bring suit to assess a civil penalty against this
 38 person."

39 3. Page 5, lines 48 and 49, by striking the words
 40 "under section thirteen (13) of" and inserting in
 41 lieu thereof the words "to assess a civil penalty
 42 or to obtain a criminal conviction under".

43 4. Page 6, lines 15 and 16, by striking the words
 44 "sections twelve (12) and thirteen (13) of".

On the question "Shall amendment S—5307 to amendment
 S—5234 be adopted?" (H.F. 584) the vote was:

Ayes, 14:

Carr	Gluba	Nolting	Redmond
Coleman	Heying	Orr	Sovern
Culver	Kinley	Palmer	Willits
Doderer	Merritt		

Nays, 29:

Andersen	Hill of Polk	Norpel	Schwengels
Bergman	Hultman	Plymat	Scott
Burroughs	Junkins	Priebe	Shaw
Curtis	Kelly	Rabedeaux	Taylor
DeKoster	Lamborn	Ramsey	Tieden
Glenn	Miller of	Robinson	Van Gilst
Hansen	Marshall	Rodgers	Winkelman
Hill of Jasper	Murray		

Absent or not voting, 7:

Briles	Miller of	Nolin	Shaff
Gallagher	Des Moines	Nystrom	
Griffin			

Amendment S—5307 to amendment S—5234 lost.

(House File 584 pending on recess.)

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on House File 352, on the part of the Senate: Senators Doderer, chairperson; Hill of Polk, Coleman, Shaw, and Miller of Des Moines.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 392, a bill for an act relating to the definition of tax year for corporation and individual income tax returns.

Also: That the House has on March 8, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 744, a bill for an act relating to registration of travel trailers.

Also: That the House has on March 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1147, a bill for an act relating to elections conducted for certification of an employee organization.

Also: That the House has on March 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1217, a bill for an act appropriating funds to the general services department for a central energy plant.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1147, a bill for an act relating to elections conducted for certification of an employee organization.

Read first time and passed on file.

House File 1217, a bill for an act appropriating funds to the general services department for a central energy plant.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS

House File 584

The Senate resumed consideration of House File 584 and committee amendment S—5234.

Senator Hill of Polk offered amendment S—5310 to amendment S—5234 by Senators Hill of Polk, et al., moved its adoption and requested a non-record roll call:

S—5310

- 1 Amend the committee on judiciary amendment,
- 2 S—5234, to House File 584 as amended and passed by
- 3 the House and reprinted as follows:
- 4 1. Page 6, by inserting after line 25 the
- 5 following:
- 6 "Sec. *NEW SECTION. EFFECTIVE DATE.* This
- 7 Act shall take effect on January 1, 1977."

The ayes were 26, nays 19.

Amendment S—5310 to amendment S—5234 was adopted.

Senator Andersen moved to reconsider the vote by which amendment S—5259 to amendment S—5234 failed to be adopted by the Senate on March 8, 1976.

On the question "Shall the motion to reconsider be adopted?" (H.F. 584) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen	Hill of Polk	Nystrom	Schwengels
Bergman	Hultman	Plymat	Shaff
Burroughs	Lamborn	Rabedeaux	Shaw
Curtis	Murray	Ramsey	Tieden
DeKoster	Norpel	Rodgers	Winkelman
Hansen			

Nays, 26:

Carr	Hill of Jasper	Miller of	Robinson
Coleman	Junkins	Marshall	Scott
Culver	Kelly	Nolting	Sovern
Doderer	Kinley	Orr	Taylor
Gallagher	Merritt	Palmer	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Redmond	
Heying			

Absent or not voting, 3:

Briles	Griffin	Nolin
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The motion lost.

Senator Murray took the chair at 3:30 p.m.

On motion of Senator Redmond, amendment S—5234 as amended was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 584) the vote was:

Rule 25 was invoked.

Ayes, 37:

Andersen	Glenn	Miller of	Redmond
Bergman	Gluba	Des Moines	Robinson
Briles	Griffin	Murray	Scott
Carr	Hansen	Nolting	Sovern
Coleman	Hill of Jasper	Nystrom	Taylor
Culver	Junkins	Orr	Tieden
Curtis	Kelly	Palmer	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Merritt	Priebe	Winkelman
Gallagher		Ramsey	

Nays, 11:

Burroughs	Lamborn	Norpel	Shaff
Heying	Miller of	Rabedaux	Shaw
Hill of Polk	Marshall	Rodgers	
Hultman			

Absent or not voting, 2:

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1098.

House File 1098

On motion of Senator Sovern, House File 1098, a bill for an act relating to the authority of the board of regents to administer trusts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits took the chair at 4:00 p. m.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1098) the vote was:

Ayes, 43:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Heying	Norpel	Scott
Burroughs	Hill of Jasper	Nystrom	Shaw
Carr	Hill of Polk	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kinley	Priebe	Tieden
DeKoster	Merritt	Rabedaux	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Marshall		

Nays, 3:

Curtis	Kelly	Plymat
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Absent or not voting, 4:

Hultman	Lamborn	Nolin	Shaff
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

INTRODUCTION OF BILLS

Senate File 1243, by committee on agriculture, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology.

Read first time and referred to the committee on appropriations, under Senate Rule 38.

Senate File 1244, by committee on county government, a bill for an act authorizing the board of supervisors to establish and govern certain service districts.

Read first time and placed on calendar.

Senate File 1245, by committee on county government, a bill

for an act relating to compensation for local board of health employees.

Read first time and referred to the committee on appropriations, under Senate Rule 38.

Senate File 1246, by Senator Priebe, a bill for an act relating to the periodic billing of debtors in consumer credit transactions.

Read first time and passed on file.

Senate File 1247, by Senator Norpel, a bill for an act relating to the hours during which alcoholic liquor and beer may be sold.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.C.R. 105 Rules and administration

H. F. 1326 Natural resources

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 9, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 1021—Relating to the alienation of preserves.

S. F. 1151—Relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joyce Repp of Minburn, Dallas County, Iowa, for appointment as a member of the Natural Resources Council under the provisions of Section 455A.4, Code 1975, for the unexpired portion of the term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
LUCAS J. DeKOSTER
LOWELL L. JUNKINS
CLOYD E. ROBINSON
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles W. Toney of Davenport, Scott County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Chapter 601A, 1975 Code of Iowa, for the regular

four-year term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
WILLARD R. HANSEN
MILO MERRITT
ELIZABETH SHAW
STEVE SOVERN

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE OF NEW MEXICO

A copy of Senate Joint Resolution 1, adopted by the Thirty-second Legislature of New Mexico, Second Session, for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both houses or, upon 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 require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

REPORT BY THE SECRETARY OF THE SENATE

MR. PRESIDENT: Senate File 1207 was referred under Senate Rule 38 to the committee on state government on February 24, 1976. It provides for establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and provides penalties for violations. The committee has been in possession of the bill for ten legislative days after referral, without reporting it out to the Senate calendar. I have, therefore, pursuant to Senate Rule 38, returned it to the calendar with the same priority which it had immediately before referral.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred Senate File 1081, a bill for an act relating to the labeling of prescription drugs, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

On motion of Senator Kinley, the Senate adjourned at 4:25 p.m., until 9:30 a.m., Wednesday, March 10, 1976.

JOURNAL OF THE SENATE

FIFTY-NINTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 10, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Ivan C. Bys, pastor of the United Methodist Church, Osceola, Iowa.

The Journal of Tuesday, March 9, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lee Rosebrook, Ames, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-three students, members of the West Burlington Girls Basketball Team, West Burlington, Iowa, accompanied by their coach, Mr. Walker. Senator Miller of Des Moines.

PETITIONS

The following petitions were presented and placed on file:

By Senator Rodgers from eighty-four residents of Jasper County opposing Section 7 of Senate File 1219 which would give unlimited authority to condemn land.

By Senator Curtis from twenty-eight residents of O'Brien County requesting a change in the school finance formula to reduce the basic school district tax levy and raise the foundation level to seventy-six percent.

INTRODUCTION OF BILL

Senate File 1248, by committee on natural resources, a bill for an act to permit control of the operation of snowmobiles upon highways which are part of a state park road system or a county conservation parkway system.

Read first time and placed on calendar.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Glenn called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Alice A. McKee, of Des Moines, Polk County, Iowa, for appointment as a member of the Merit Employment Commission under the provisions of Section 19A.6, Code 1975, for the regular six-year term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
 PHILIP B. HILL
 LOWELL L. JUNKINS
 E. KEVIN KELLY
 BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Glenn moved the appointment of Alice A. McKee as a member of the Merit Employment Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	
Gluba			

Nays, none.

Absent or not voting, 4:

Hansen	Nolin	Nystrom	Ramsey
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President Neu declared the appointment of Alice A. McKee as a member of the Merit Employment Commission confirmed for the regular six-year term ending June 30, 1981.

Senator Scott called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jean A. Tester, Iowa City, Johnson County, Iowa, for appointment to the State Board of Dental Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

KENNETH SCOTT, Chairperson
MINNETTE DODERER
WILLIAM E. GLUBA
RICHARD R. RAMSEY
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Scott moved the appointment of Jean A. Tester as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Robinson	Winkelman
Glenn	Des Moines		
Gluba			

Nays, none.

Absent or not voting, 5:

Hansen	Nystrom	Ramsey	Redmond
Nolin			

President Neu declared the appointment of Jean A. Tester as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1976.

CONSIDERATION OF BILLS

Senate File 368

On motion of Senator Shaff, Senate File 368, a bill for an act relating to the marketing of livestock and providing penalties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Shaff offered amendment S—5200 filed by the committee on agriculture on February 24, 1976, and found on pages 585-590, inclusive, of the Senate Journal.

Senator Briles raised the point of order that amendment S—5200 was out of order because under Sec. 681.3 of Mason's Manual of Legislative Procedure after the committee report was filed on Senate File 368, the bill was no longer in the possession of the committee, and the committee had no authority to present a supplemental report.

The Chair ruled the point not well taken and the committee amendment S—5200 in order because under Sec. 682 of Mason's Manual of Legislative Procedure the committee was fully empowered to file any amendments and would not have to do so in connection with its report.

Senator Briles offered amendment S—5306 to amendment S—5200 filed by him on March 8, 1976, and found on pages 785-791, inclusive, of the Senate Journal, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5306 to amendment S—5200 be adopted?" (S.F. 368) the vote was:

Ayes, 20:

Andersen	Junkins	Miller of	Rabedeaux
Briles	Kelly	Marshall	Ramsey
Carr	Kinley	Nolting	Redmond
Culver	Merritt	Norpel	Robinson
Griffin	Miller of	Palmer	Rodgers
Hultman	Des Moines		

Nays, 27:

Bergman	Glenn	Orr	Sovern
Burroughs	Gluba	Plymat	Taylor
Coleman	Heying	Priebe	Tieden
Curtis	Hill of Jasper	Schwengels	Van Gilst
DeKoster	Hill of Polk	Scott	Willits
Doderer	Lamborn	Shaff	Winkelman
Gallagher	Murray	Shaw	

Absent or not voting, 3:

Hansen

Nolin

Nystrom

Amendment S—5306 to amendment S—5200 lost.

Senator Shaff offered amendment S—5205 to amendment S—5200 filed by him, moved its adoption and requested a record roll call:

S—5205

- 1 Amend the agriculture committee amendment
- 2 S—5200, to Senate File 368, page 2, by inserting
- 3 after line 39 the following:
- 4 “c. Any disease or illness with which the
- 5 livestock are known to be infected.
- 6 d. Any disease or illness to which the
- 7 livestock have been exposed within the thirty-day
- 8 period preceding the date of the transaction as
- 9 a result of the commingling with other livestock
- 10 known to be infected by an illness or disease.”

On the question “Shall amendment S—5205 to amendment S—5200 be adopted?” (S.F. 368) the vote was:

Ayes, 33:

Andersen	Gluba	Murray	Schwengels
Bergman	Griffin	Nolting	Scott
Burroughs	Heying	Norpel	Shaff
Carr	Hill of Jasper	Nystrom	Shaw
Coleman	Junkins	Orr	Taylor
Curtis	Kinley	Plymat	Van Gilst
DeKoster	Lamborn	Priebe	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Marshall		

Nays, 13:

Briles	Kelly	Palmer	Robinson
Culver	Merritt	Rabedaux	Rodgers
Hill of Polk	Miller of	Ramsey	Tieden
Hultman	Des Moines		

Absent or not voting, 4:

Doderer

Hansen

Nolin

Sovern

Amendment S—5205 to amendment S—5200 was adopted.

Senator Shaff offered amendment S—5223 to amendment S—5200 filed by Senators Shaff, Taylor and Priebe:

S—5223

- 1 Amend S—5200, the agriculture committee
- 2 amendment to Senate File 368, as follows:
- 3 1. Page 3, by striking lines 26 and 27
- 4 and inserting in lieu thereof the words “or the
- 5 receiving of other offers the name of the owner
- 6 of the livestock and the number of owners previous

- 7 thereto as reflected in the livestock history."
 8 2. Page 3, by striking lines 48 and 49 and
 9 inserting in lieu thereof the words "or the receiv-
 10 ing of other offers the name of the owner of the
 11 livestock and the number of owners previous
 12 thereto as reflected in the livestock history."

Senator Burroughs took the chair at 11:30 a.m.

Senator Shaff moved the adoption of amendment S—5223 to amendment S—5200 and requested a record roll call.

On the question "Shall amendment S—5223 to amendment S—5200 be adopted?" (S.F. 368) the vote was:

Ayes, 34:

Andersen	Heying	Norpel	Scott
Bergman	Hill of Jasper	Nystrom	Shaff
Burroughs	Hill of Polk	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Glenn	Marshall	Redmond	Willits
Gluba	Murray	Robinson	Winkelman
Griffin	Nolting	Rodgers	

Nays, 11:

Briles	Culver	Kelly	Ramsey
Carr	Gallagher	Merritt	Schwengels
Coleman	Hultman	Rabedaux	

Absent or not voting, 5:

Hansen	Miller of	Nolin	Shaw
Junkins	Des Moines		

Amendment S—5223 to amendment S—5200 was adopted.

DEFERRED

Senator Briles asked and received unanimous consent that further action on Senate File 368 be deferred and that the bill be placed on the calendar under unfinished business.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1047.

Senate File 1047

On motion of Senator Ramsey, Senate File 1047, a bill for an act broadening the powers of a notary public, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5304 by the committee on judiciary and moved its adoption:

S—5304

- 1 Amend Senate File 1047 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "oath" the words "or an acknowledgement".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "presence" the words "or the acknowledgement is taken
- 6 by the notary".

Amendment S—5304 was adopted.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1047) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 2:

Hansen Nolin

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

UNFINISHED BUSINESS

Senate File 1230

On motion of Senator Murray, Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965, was taken up for further consideration.

Senator Murray offered amendment S—5300 filed by him and moved its adoption:

S—5300

- 1 Amend Senate File 1230 as follows:

- 2 1. Page 1, by striking lines 20 through 28.
- 3 2. By renumbering the remaining sections.

Senator Gluba asked and received unanimous consent that further action on Senate File 1230 be temporarily deferred.

On motion of Senator Kinley, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

DISTINGUISHED GUEST

President pro tempore Doderer presented the Honorable Sylvester Barrett, a member of the Irish Parliament representing County Clare, Ireland, who will be the guest of honor of Emmetsburg, Iowa, during their St. Patrick's Day celebration.

Mr. Barrett addressed the Senate briefly about Ireland's agriculture and industry and welcomed all Americans to visit his country during the coming tourist season.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1008, a bill for an act relating to the sale of beer and alcoholic beverages.

Also: That the House has on March 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1280, a bill for an act to merge the division of alcoholism and the Iowa drug abuse authority.

Also: That the House has on March 8, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

Also: That the House has on March 8, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1403, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1008, a bill for an act relating to the sale of beer on Sundays; the legal age for purchase, sale and serving of beer and alcoholic beverages; and establishment of special distributorships.

Read first time and **passed on file.**

House File 1280, a bill for an act to merge the division of alcoholism and the Iowa drug abuse authority into a single state chemical substances abuse agency effective July 1, 1977, and to require that the governor submit by January 17, 1977, initial proposals relative to the statutory provisions under which the merged agency will function.

Read first time and **passed on file.**

House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

Read first time and **passed on file.**

House File 1403, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

Read first time and **passed on file.**

UNFINISHED BUSINESS

Senate File 1230

The Senate resumed consideration of Senate File 1230 and amendment S—5300.

On motion of Senator Murray, amendment S—5300 was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1230) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Burroughs	Heying	Murray	Rodgers
Carr	Hill of Jasper	Nolting	Schwengels
Coleman	Hill of Polk	Norpel	Scott
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Rabedeaux	Winkelman
Gluba	Des Moines		

Nays, 1:

Hultman

Absent or not voting, 5:

Briles	Ramsey	Shaff	Shaw
Nolin			

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

RETURNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that Senate File 1161 be returned to the committee on natural resources.

CONSIDERATION OF BILLS**House File 207**

On motion of Senator Rabedeaux, House File 207, a bill for an act to amend the eminent domain procedures relating to the appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests in land arising after service of notice of assessment, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Taylor offered amendment S—5260 filed by him:

S—5260

- 1 Amend House File 207, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing new section:
- 5 "Section 1. Section three hundred six point twenty-
- 6 two (306.22), unnumbered paragraphs one (1) and two
- 7 (2), Code 1975, are amended to read as follows:
- 8 When title to any tract of land has been or may
- 9 be acquired for the construction or improvement of
- 10 any highway, and when in the judgment of the agency
- 11 in control of the highway, the tract will not be used
- 12 in connection with or for the improvement, maintenance,

13 or use of the highway, the agency in control of the
14 highway may sell the tract for cash. If the tract
15 of land is held or used in connection with any primary
16 road, or state park or institutional road, the sale
17 shall be subject to approval of the executive council
18 of the state. *Before any unused land acquired by*
19 *the department for the construction or improvement*
20 *of any highway shall be offered for sale, the*
21 *department shall offer the person who owned the*
22 *property at the time it was acquired the right to*
23 *purchase the unused land proposed to be sold for the*
24 *original acquisition price less the price of the used*
25 *portion. If the owner of the property from which*
26 *the right-of-way was acquired fails to purchase the*
27 *unused right-of-way within sixty days, the department*
28 *shall offer the unused land for public sale.*

29 The department may contract for the sale of any
30 tract of land not resold to the person who owned the
31 property at the time it was acquired, subject to the
32 following terms and conditions:"

33 2. Renumber sections and correct internal
34 references as may be necessary in accordance with
35 this amendment.

36 3. Amend the title, line 5, by inserting after
37 the word "assessment" the words "and providing for
38 the sale of unused right-of-way by the state depart-
39 ment of transportation".

Senator Hill of Polk raised the point of order that amendment S—5260 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5260 out of order.

Senator DeKoster offered amendment S—3640 filed by him:

S—3640

- 1 Amend House File 207, page 1, line 12, by
- 2 striking the word "and" and inserting in lieu
- 3 thereof the words "[and] or".

Senator Rabedeaux asked and received unanimous consent that action on amendment S—3640 be deferred.

Senator Gallagher withdrew amendment S—3639 filed by him on April 30, 1975, and found on pages 1168 and 1169 of the 1975 Senate Journal.

Senator Priebe offered amendment S—4029 filed by him and moved its adoption:

S—4029

- 1 Amend House File 207, as passed by the House, as
- 2 follows:

- 3 1. Page 1, line 23, by striking the word "If".
 4 2. Page 1, by striking lines 24 and 25.

A record roll call was requested.

On the question "Shall amendment S—4029 be adopted?"
 (H.F. 207) the vote was:

Ayes, 22:

Burroughs	Kinley	Orr	Sovern
Coleman	Merritt	Priebe	Taylor
Doderer	Miller of	Ramsey	Tieden
Gallagher	Marshall	Redmond	Willits
Heying	Nolting	Rodgers	Winkelman
Hill of Jasper	Norpel	Scott	

Nays, 20:

Andersen	Griffin	Lamborn	Plymat
Bergman	Hansen	Miller of	Rabedaux
Carr	Hill of Polk	Des Moines	Robinson
Curtis	Junkins	Murray	Schwengels
DeKoster	Kelly	Nystrom	Van Gilst
Glenn			

Absent or not voting, 8:

Briles	Gluba	Nolin	Shaff
Culver	Hultman	Palmer	Shaw

Amendment S—4029 was adopted.

The Senate resumed consideration of amendment S—3640.

On motion of Senator DeKoster, amendment S—3640 was adopted.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on House File 207 be deferred and that the bill be placed on the calendar under unfinished business.

CONSIDERATION OF BILLS

Senate File 1145

On the motion of Senator Norpel, Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the state department of transportation and providing penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Coleman offered amendment S—5235 filed by him and moved its adoption:

S—5235

- 1 Amend Senate File 1145 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following unnumbered paragraph:

- 4 "The department shall use a process or processes
5 for issuance of a non-operator's identification card,
6 that prevents, as nearly as possible, the opportunity
7 for alteration or reproduction of, and the super-
8 imposition of a photograph on the non-operator's
9 identification card without ready detection."

The Chair requested a non-record roll call.

The ayes were 33, nays 4.

Amendment S—5235 was adopted.

Senator Norpel offered amendment S—5187 filed by him and moved its adoption:

S—5187

1 Amend Senate File 1145 as follows:

2 1. Page 2, by inserting after line 14 the following
3 section:

4 "Sec. Chapter three hundred twenty-one (321),
5 Code 1975, is amended by adding the following new
6 section:

7 **NEW SECTION. COLORED PHOTOGRAPH—PROCEDURES.**

8 The department shall in issuing licenses, permits
9 and nonoperator's identification cards bearing a
10 colored photograph of the licensee, permittee or card
11 holder use such processes that prevent to the maximum
12 extent possible, the alteration or reproduction of
13 the license, permit or card including the ability
14 to superimpose a photograph on a license, permit or
15 card without ready detection."

16 2. By renumbering the remaining sections and
17 correcting internal references in accordance with
18 this amendment.

Amendment S—5187 was adopted.

Senator Hill of Polk offered amendment S—5216 filed by him and moved its adoption:

S—5216

1 Amend Senate File 1145 as follows:

2 1. Page 2, line 21, by inserting after the word
3 "require." the words "The department shall not retain
4 a positive or negative photograph of the permittee."

5 2. Page 3, line 4, by inserting after the word
6 "licensee." the words "*The department shall not retain*
7 *a positive or negative photograph of the licensee.*"

Amendment S—5216 was adopted.

Senator Coleman offered amendment S—5224 filed by him and moved its adoption:

S—5224

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 2, by striking lines 32 through 35.
- 3 2. Page 3, by striking line 1 and inserting
- 4 in lieu thereof the following: "of the licensee.
- 5 *The department shall provide a space on every*
- 6 *license where the licensee may affix a decal or*
- 7 *sticker indicating that the licensee is a donor*
- 8 *under the Uniform Anatomical Gift Act. The".*
- 9 3. Page 3, by inserting after line 4 the
- 10 following:
- 11 *The licensee may affix a decal or sticker on*
- 12 *the license in the space provided which indicates*
- 13 *that the licensee is a donor under the Uniform Anato-*
- 14 *mical Gift Act. The decal shall not be larger than*
- 15 *one-half inch in diameter.*
- 16 *The use of the decal or sticker on the license*
- 17 *shall be authorized only if the licensee has com-*
- 18 *plied with the provisions for making a gift under*
- 19 *the Uniform Anatomical Gift Act and shall be ef-*
- 20 *fective only if the licensee carries on or about*
- 21 *the licensee's person a duly signed and executed*
- 22 *donor card as authorized by the Uniform Anatomical*
- 23 *Gift Act.*

Amendment S—5224 was adopted.

Senator Robinson offered amendment S—5286 filed by Senators Robinson and Priebe:

S—5286

- 1 Amend Senate File 1145 as follows:
- Division S—5286A**
- 2 1. Page 3, line 8, by striking the words
 - 3 "[five] six", and inserting in lieu thereof the word
 - 4 "five".
 - 5 2. Page 3, line 9, by striking the words "[ten]
 - 6 eleven", and inserting in lieu thereof the word
 - 7 "ten".
 - 8 3. Page 3, line 11, by striking the words "[ten]
 - 9 eleven", and inserting in lieu thereof the word
 - 10 "ten".
 - 11 4. Page 3, line 12, by striking the words
 - 12 "[twenty] twenty-one", and inserting in lieu thereof
 - 13 the word "twenty".
 - 14 5. Page 3, line 14, by striking the words
 - 15 "[three] four", and inserting in lieu thereof the
 - 16 word "three".
 - 17 6. Page 3, line 15, by striking the words
 - 18 "[five] six", and inserting in lieu thereof the word
 - 19 "five".
 - 20 7. Page 3, line 23, by striking the words
 - 21 "[two] three", and inserting in lieu thereof the word
 - 22 "two".

- 23 8. Page 3, line 24, by striking the word
 24 "*two*", and inserting in lieu thereof the word "*one*".

Division S—5286B

- 25 9. Page 3, lines 28 through 30, by striking
 26 the words "*A fee of one dollar shall be charged for*
 27 *the voluntary replacement of an instruction permit*
 28 *or an operator's or chauffeur's license.*"

Senator Coleman called for a division of amendment S—5286, sections 1 through 8 to be considered as division S—5286A; section 9 to be considered as division S—5286B.

President Neu took the chair at 5:05 p.m.

Senator Robinson moved the adoption of division S—5286B of the amendment.

The Chair called for a non-record roll call.

Rule 25 was invoked.

The ayes were 24, nays 22.

Division S—5286B of the amendment was adopted.

Senator Robinson moved the adoption of division S—5286A of the amendment.

A record roll call was requested.

On the question "Shall division S—5286A of the amendment be adopted?" (S.F. 1145) the vote was:

Ayes, 37:

Andersen	Gluba	Miller of	Rodgers
Bergman	Heying	Des Moines	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Curtis	Kelly	Priebe	Tieden
Doderer	Kinley	Ramsey	Willits
Gallagher	Lamborn	Robinson	Winkelman
Glenn	Merritt		

Nays, 8:

Culver	Griffin	Norpel	Redmond
DeKoster	Hansen	Rabedaux	Van Gilst

Absent or not voting, 5:

Miller of	Nolin	Plymat	Shaw
Marshall	Nystrom		

Division S—5286A of the amendment was adopted.

Senator Robinson withdrew amendment S—5312 by Senators Robinson and Priebe:

S—5312

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 3, by adding after line 34 the fol-
- 3 lowing:
- 4 "Sec. Chapter three hundred twenty-one
- 5 (321), Code 1975, is amended by adding the following
- 6 new section:
- 7 **NEW SECTION. COLOR PHOTOGRAPH OPTIONAL.** Not-
- 8 withstanding any other provision of this chapter,
- 9 the department shall not include a colored photo-
- 10 graph of a licensee on a nonoperator's identification
- 11 card, a temporary driver's permit, or a license
- 12 issued pursuant to section 321.189, if at the time
- 13 of their issuance, an applicant so requests."

Senator Hill of Polk offered amendment S—5317:

S—5317

- 1 Amend Senate File 1145 as follows:
- 2 1. Page 1, lines 22 and 23 by striking the
- 3 words "A fee of one dollar shall be charged for the
- 4 voluntary replacement of an identification card."

Senator Robinson asked and received unanimous consent that action on amendment S—5317 be deferred.

Senator Robinson moved to reconsider the vote by which division S—5286B of the Robinson-Priebe amendment was adopted by the Senate.

The motion prevailed and division S—5286B of the amendment was taken up for reconsideration.

Senator Robinson moved the adoption of division S—5286B of the amendment.

Division S—5286B of the amendment lost.

The Senate resumed consideration of amendment S—5317.

Senator Hill of Polk withdrew amendment S—5317.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1145) the vote was:

Ayes, 38:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Hill of Jasper	Orr	Scott
Burroughs	Hill of Polk	Palmer	Sovern
Coleman	Hultman	Priebe	Taylor
Culver	Junkins	Rabedaux	Tieden
Curtis	Kelly	Ramsey	Van Gilst
DeKoster	Kinley	Redmond	Willits
Glenn	Lamborn	Robinson	Winkelman
Gluba	Merritt		

Nays, 6:

Carr	Heying	Miller of	Nolting
Gallagher		Des Moines	Shaff

Absent or not voting, 6:

Doderer	Miller of	Nolin	Plymat
	Marshall	Nystrom	Shaw

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

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1246 Commerce
 S. F. 1247 State government
 H. F. 1147 State government
 H. F. 1217 Appropriations

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bill E. Algoood, Fort Dodge, Webster County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provision of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
 LEONARD C. ANDERSEN
 JAMES E. BRILES
 ROBERT M. CARR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ann Frenzen of Cedar Rapids, Linn County, Iowa, for appointment as a member of the Solid Waste Disposal Commission of

the Department of Environmental Quality under the provisions of Section 455B.4, Code 1975, for a term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
ELIZABETH MILLER
WILLIAM N. PLYMAT
JAMES M. REDMOND
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lois M. Sherman, Cedar Falls, Black Hawk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
WILLARD R. HANSEN
DALE L. TIEDEN
BASS VAN GILST
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sidney E. Wilcox, Missouri Valley, Harrison County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
C. JOSEPH COLEMAN
LOUIS P. CULVER
LUCAS J. DeKOSTER
JAMES W. GRIFFIN, SR.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of March, 1976: Senate File 524.

STEVEN C. CROSS
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 10,

1976, the Governor approved and transmitted to the Secretary of State the following bill:

H. F. 1362—Relating to payment of judgment by cities.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, March 10, 1976, when the vote was taken on Senate File 1047. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

REPORTS OF COMMITTEE

Senator Heying submitted the following reports:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1129**, a bill for an act relating to the joint financing of water supply systems by public agencies, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1327**, a bill for an act relating to public improvement bonds and conditions, begs leave to report it had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5318

- 1 Amend the committee on agriculture amendment, S—
- 2 5200 to Senate File 368 as follows:
- 3 1. Page 6, by inserting after line 13 the
- 4 following:
- 5 "NEW SECTION. 211.11 IMMUNITY OF AGENTS. A
- 6 livestock agency engaging or participating in a
- 7 livestock transaction other than as the owner of the
- 8 livestock which are the subject of the transaction
- 9 shall not be deemed the seller of those livestock
- 10 for purposes of Article 2 of chapter five hundred
- 11 fifty-four (554) of the Code, and shall not be subject
- 12 to any liability under sections five hundred fifty-
- 13 four point two thousand three hundred fourteen
- 14 (554.2314) or five hundred fifty-four point two
- 15 thousand three hundred fifteen (554.2315) of the Code

16 with respect to those livestock if the livestock
17 agency has placed and maintains on the sales area
18 of the premises at least four legible signs, one on
19 each side, reciting in letters not less than one inch
20 high the following statement:
21 'This livestock agency negotiates livestock
22 sales on behalf of the owner only and is not
23 legally liable for any implied warranties,
24 whether of merchantability or fitness for a
25 particular purpose.'
26 This section shall apply to a livestock transaction
27 whether or not the livestock agency discloses the
28 name of the owner of the livestock which are the
29 subject of that transaction. The fact that any buyer
30 did not observe the posted statement shall not defeat
31 the immunity of the livestock agency."

RICHARD R. RAMSEY

S—5313

1 Amend Senate File 1207 as follows:
2 1. Page 15, by striking lines 21 through 23 and
3 inserting in lieu thereof the following:
4 "Sec. 18. Section one hundred point one (100.1),
5 subsection four (4), paragraph d, and subsection five
6 (5), Code 1975, are amended to read as follows:
7 d. [The electric wiring and heating, and adequate]
8 Adequate means of exit in case of fire, from churches,
9 schools, hotels, theaters, amphitheaters, asylums,
10 hospitals, health care facilities as defined in section
11 135C.1, college buildings, lodge halls, public meeting
12 places, and all other structures in which persons
13 congregate from time to time, whether publicly or
14 privately owned[.].
15 5. To promulgate fire safety regulations. The
16 state fire marshal shall have exclusive right to
17 promulgate fire safety regulations as they apply to
18 enforcement or inspection requirements by the state
19 fire marshal, but such regulations shall be promulgated
20 only after public hearing. Wherever by any statute
21 the fire marshal or the department of public safety
22 is authorized or required to promulgate, proclaim,
23 or amend rules and minimum standards regarding fire
24 hazards or fire safety or protection in any
25 establishment, building or structure, such rules and
26 standards shall promote and enforce fire safety, fire
27 protection and the elimination of fire hazards as
28 the same may relate to the use[,] and occupancy [and
29 construction] of such buildings, establishments or
30 structures. [The word 'construction' shall include,
31 but is not limited to, electrical wiring, plumbing,
32 heating, lighting, ventilation, construction materials,]
33 These rules and standards shall relate to entrances
34 and exits, and all other physical conditions of the
35 building which may affect fire hazards, safety or
36 protection. Such rules and minimum standards shall

37 be in substantial compliance with the standards of
38 the National Fire Protection Association relating
39 to fire safety *and fire hazards which threaten life*
40 as published in the national fire codes."

JAMES W. GRIFFIN, SR.
EARL M. WILLITS

S—5311

- 1 Amend Senate File 1216 as follows:
- 2 1. Page 4, line 34 by striking the word
- 3 "Approved".
- 4 2. Page 4, by striking line 35.
- 5 3. Page 5, by striking lines 1 through 11.

JAMES E. BRILES

S—5315

- 1 Amend House File 207 as follows:
- 2 1. Page 1, line 2, by striking the words
- 3 "unnumbered paragraph one (1),".
- 4 2. Page 1, by adding after line 16 the fol-
- 5 lowing:
- 6 "The chief judge *or the acting chief judge* of the
- 7 judicial district shall select by lot six persons
- 8 from the list, two persons who are owner-operators
- 9 of agricultural property when the property to be con-
- 10 demned is agricultural property; two persons who are
- 11 the owners of city property when the property to be
- 12 condemned is other than agricultural property; and
- 13 two persons from each of the remaining two repre-
- 14 sentative groups, who shall constitute a compensation
- 15 commission to assess the damages to all property to
- 16 be taken by the applicant and located in the county,
- 17 and shall name a chairman from the persons selected.
- 18 No member of the compensation commission selected
- 19 shall possess any interest in the proceeding which
- 20 would cause such person to render a biased decision."
- 21 3. Page 1, line 20, by inserting after the
- 22 word "judge", the words "*or the acting chief judge*".
- 23 4. Page 1, line 24, by inserting after the
- 24 word "*judge*" the words "*or the acting chief judge*".

JAMES M. REDMOND

S—5316

- 1 Amend House File 207 as follows:
- 2 1. Page 2, by striking lines 12 through 22.

WILLIAM P. WINKELMAN

S—5314

- 1 Amend the Doderer, et al., amendment S—5289, to
- 2 House File 628, page 1, line 9, by striking the word
- 3 "and" and inserting in lieu thereof the word "or".

DALE L. TIEDEN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:05 p.m., until 9:30 a.m., Thursday, March 11, 1976.

JOURNAL OF THE SENATE

SIXTIETH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MARCH 11, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Harold Kammeraad, pastor of the Salem Reformed Church, Little Rock, Iowa.

The Journal of Wednesday, March 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Bell, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Gluba for the day and Senator Shaw for the day on request of Senator Kinley; Senator Plymat for the day on request of Senator Curtis.

PRESENTATION OF VISITOR

The Chair welcomed to the Senate Judy McCulloch of Kellerberrin, Western Australia, a foreign exchange student hosted by members of the West Union Rotary Club. Senator Heying.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Doderer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Paul A. Johns, Jr., D.P.M., of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an

initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
LEONARD C. ANDERSEN
GENE W. GLENN
PHILIP B. HILL
RICHARD J. NORPEL, SR.

The motion prevailed and the report was adopted.

Senator Doderer moved the appointment of Paul A. Johns, Jr., D.P.M., as a member of the State Board of Podiatry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Griffin			

Nays, none.

Absent or not voting, 4:

Gluba	Nolin	Plymat	Shaw
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President Neu declared the appointment of Paul A. Johns, Jr., D.P.M., as a member of the State Board of Podiatry Examiners confirmed for an initial term ending June 30, 1976.

Senator Doderer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gary L. Sliefert, of Storm Lake, Buena Vista County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975 and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
WARREN E. CURTIS
CALVIN O. HULTMAN
CHARLES P. MILLER
WILLIAM D. PALMER

The motion prevailed and the report was adopted.

Senator Doderer moved the appointment of Gary L. Sliefert as a member of the State Board of Funeral Director and Embalmer Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Des Moines	Robinson
Briles	Heying	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Junkins	Norpel	Sovern
Curtis	Kelly	Nystrom	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedeaux	Willits
Glenn		Ramsey	Winkelman

Nays, none.

Absent or not voting, 5:

Gluba	Orr	Plymat	Shaw
Nolin			

President Neu declared the appointment of Gary L. Sliefert as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for an initial term ending June 30, 1978.

Senator Doderer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Katherine R. Stroud, of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
WILLIAM E. GLUBA
PHILIP B. HILL
FRED W. NOLTING
WILLIAM N. PLYMAT

The motion prevailed and the report was adopted.

Senator Doderer moved the appointment of Katherine R. Stroud as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	

Nays, none.

Absent or not voting, 5:

Gluba	Nolin	Plymat	Shaw
Hill of Jasper			

President Neu declared the appointment of Katherine R. Stroud as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1978.

On motion of Senator Kinley, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1249, by committee on county government, a bill for an act relating to vehicles used by sheriffs and deputies.

Read first time and placed on calendar.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 10, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Albert A. Augustine, Des Moines, Polk County, Iowa, for reappointment as a member of the Appeal Board on State Institution Construction Contracts pursuant to Section 22.1, 1975 Code of Iowa, for a regular four-year term ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Sharon Woodley Nail, Iowa Falls, Hardin County, Iowa, for reappointment as a member of the City Development Board pursuant to Section 368.9, 1975 Code of Iowa, for a regular six-year term commencing July 1, 1976 and ending June 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Harry C. Jensen, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Ruth E. Kuney, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy pursuant to Section 116.3, 1975 Code of Iowa, for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 1250, by committee on appropriations, a bill for an act establishing the method for setting salaries of certain appointed, nonelected state officials and setting a salary range for certain appointed, nonelected state officials and designated appointed, nonelected employees of the state and providing for

the governor to set salaries within such ranges and expanding the use of funds appropriated by the general assembly.

Read first time and **placed on calendar.**

Senate File 1251, by committee on appropriations, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Read first time and **placed on calendar.**

Senate File 1252, by committee on appropriations, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department.

Read first time and **placed on calendar.**

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1240.

Senate File 1240

On motion of Senator Priebe, Senate File 1240, a bill for an act relating to registration fees for truck mounted manure spreaders and for hay or silage wagons, was taken up for consideration.

Senator Willits raised the point of order that a fiscal note was required on the bill, under Senate Rule 32.

The Chair ruled the point well taken.

(Senate File 1240 pending on adjournment.)

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1008 State government

H. F. 1280 Human resources

H. F. 1363 Cities

H. F. 1403 Cities

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gracie M. Ruden, Le Mars, Plymouth County, Iowa,

for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
LUCAS J. DeKOSTER
JAMES W. GRIFFIN, SR.
LOWELL L. JUNKINS
BERL E. PRIEBE

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 11, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 442—Relating to permissible investments by a state bank acting in a fiduciary capacity.
- S. F. 1089—Making an appropriation to the moneys and credits replacement fund.
- S. F. 1090—Relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975.

EXPLANATION

MR. PRESIDENT: As chairman of the Senate human resources committee and ranking member of the Senate appropriations subcommittee on human resources, I was excused from the Iowa Senate to represent Iowa on a National Welfare Reform Task Force of the National Conference of State Legislatures meeting in Washington, D. C., March 11, 12 and 13. The purpose of this National Task Force Conference is to recommend ways to overhaul and reform the existing welfare systems.

While in Washington, and in accordance with a request by the Iowa Legislative Council, I met with representatives of the Government Accounting Office (GAO) to discuss the possibility of their assistance to Iowa in the area of developing a contract with a private accounting firm to do a complete investigation and evaluation of the Title XIX program in Iowa.

WILLIAM E. GLUBA

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality, begs leave to report it has had the same under consideration and recommends the same do pass.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1094**, a bill for an act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1141**, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1218**, a bill for an act making an appropriation to the state board of regents for a seeds laboratory, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **House File 1277**, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5322

- 1 Amend House File 1277 as amended and passed by
- 2 the House by striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred twenty-five point
- 5 two (125.2), Code 1975, is amended by adding the
- 6 following new subsection:
- 7 **NEW SUBSECTION.** 'Residence' means the place where
- 8 a person resides. For the purpose of determining
- 9 which Iowa county, if any, is liable pursuant to this
- 10 chapter for payment of costs attributable to its
- 11 residents, the following rules shall apply:
- 12 a. If a person claims an Iowa homestead, then

13 the person's residence shall be in the county where
14 that homestead is claimed, irrespective of any other
15 factors.

16 b. If paragraph a does not apply, and the person
17 is provided or has obtained living quarters within
18 this state in a house, apartment, or room other than
19 one owned or operated as a transient facility,
20 including but not limited to a hotel or motel, then
21 the person's residence shall be in the county where
22 those living quarters are located, irrespective of
23 any other factors: However, this paragraph shall
24 not apply to unemancipated persons under eighteen
25 years of age who are wards of this state.

26 c. If paragraphs a and b do not apply, or, if
27 the person is under eighteen years of age, is
28 unemancipated, and is a ward of this state, then the
29 person shall be unclassified with respect to county
30 of residence, and payment of all costs shall be made
31 by the division as provided in this chapter.

32 d. An unemancipated person under eighteen years
33 of age who is not a ward of the state shall be deemed
34 to reside where the parent having legal custody, or
35 the legal guardian, or legal custodian of that person
36 has residence as determined according to this
37 subsection.

38 e. The provisions of this subsection shall not
39 be used in any case to which section one hundred
40 twenty-five point twenty-six (125.26) of the Code
41 is applicable.

42 Sec. 2. Section one hundred twenty-five point
43 thirteen (125.13), subsection four (4), Code 1975,
44 is amended by adding the following new unnumbered
45 paragraph:

46 **NEW UNNUMBERED PARAGRAPH.** The director may adopt,
47 amend and repeal rules pursuant to chapter seventeen
48 A (17A) of the Code prescribing record-keeping
49 requirements and accounting procedures to be used
50 by facilities. The director shall not approve any

Page 2

1 facility, and shall not contract with any facility
2 pursuant to section one hundred twenty-five point
3 twenty-seven (125.27) of the Code, unless that facility
4 agrees as a condition of such approval or such contract
5 to comply with rules issued pursuant to this paragraph.
6 However, rules issued pursuant to this paragraph shall
7 not apply to any facility referred to in sections
8 one hundred twenty-five point fourteen (125.14) or
9 one hundred twenty-five point twenty-six (125.26)
10 of the Code.

11 Sec. 3. Section one hundred twenty-five point
12 twenty-seven (125.27), unnumbered paragraph two (2),
13 Code 1975, is amended to read as follows:

14 The contract may be in such form and contain
15 provisions as agreed upon by the parties. Such

16 contract shall provide that the facility shall admit
17 and treat alcoholics [whose legal settlement is in
18 counties other than the contracting county] *regardless*
19 *of where they have residence*. If one payment for
20 care, maintenance, and treatment is not made by the
21 patient or those legally liable therefor within thirty
22 days after discharge the payment shall be made by
23 the division directly to the facility. Payments shall
24 be made each month and shall be based upon the
25 facility's average daily per patient charge.
26 Provisions of this section shall not pertain to
27 patients treated at the mental health institutes.

28 Sec. 4. Section one hundred twenty-five point
29 twenty-seven (125.27), Code 1975, is amended by adding
30 the following new unnumbered paragraph:

31 **NEW UNNUMBERED PARAGRAPH.** Contracting facilities
32 shall deliver to each patient upon discharge a
33 statement of the costs of the care, maintenance and
34 treatment for which that patient is liable, and shall
35 retain a carbon copy or other similar copy of that
36 statement for a period of not less than one year after
37 the date of discharge of the patient to whom the
38 statement refers. Every payment received by a
39 contracting facility from or on behalf of a patient,
40 whether received before or after costs have been
41 billed to the division or to a county, shall be
42 identified by the facility as to patient and invoice
43 or statement, and shall be reported to the division.
44 A contracting facility shall allow as a credit against
45 a future billing to the division or to a county,
46 payments received during each month from or on behalf
47 of a patient whose care, maintenance and treatment
48 theretofore has been billed to and paid by the division
49 or a county. Failure by a contracting facility to
50 comply with this paragraph, or with rules promulgated

Page 3

1 pursuant to subsection four (4) of section one hundred
2 twenty-five point thirteen (125.13) of the Code shall
3 constitute grounds for nonrenewal of the contract.

4 Sec. 5. Section one hundred twenty-five point
5 twenty-eight (125.28), Code 1975, is amended to read
6 as follows:

7 125.28 COUNTIES TO SHARE COST. Except as provided
8 in section 125.26, [counties] *each county* shall pay
9 for the remaining twenty-five percent of the cost
10 of the care, maintenance, and treatment *under this*
11 *chapter* of [an alcoholic] *residents of that county* from
12 the county mental health and institutions fund as
13 provided in section 444.12. The commission shall
14 establish guidelines for use by the counties in
15 estimating the amount of expense which the county
16 will incur each year. The facility shall certify
17 to the county of [the alcoholic's legal settlement]
18 *residence* once each month twenty-five percent of the

19 unpaid cost of the care, maintenance, and treatment
 20 of an alcoholic. Such county shall pay the cost so
 21 certified to the facility from its county mental
 22 health and institutions fund. However, the approval
 23 of the board of supervisors shall be required before
 24 payment is made by a county for costs incurred which
 25 exceed a total of five hundred dollars for one year
 26 for treatment provided to any one alcoholic or
 27 intoxicated person, except that such approval is not
 28 required for the cost of treatment provided to an
 29 alcoholic or intoxicated person who is committed
 30 pursuant to sections 125.18 and 125.19. A facility
 31 may, upon approval of the board of supervisors, submit
 32 to a county a billing for the aggregate amount of
 33 all care, maintenance, and treatment of alcoholics
 34 *who are residents of that county* for each month.
 35 The board of supervisors may demand an itemization
 36 of such billings at any time or may audit the same.

37 Sec. 6. Section one hundred twenty-five point
 38 twenty-nine (125.29), Code 1975, is amended to read
 39 as follows:

40 125.29 [LEGAL SETTLEMENT] *COUNTY OF RESIDENCE*
 41 DETERMINED. The facility shall, when an alcoholic
 42 is admitted, or as soon thereafter as it receives
 43 the proper information, determine and enter upon its
 44 records [whether] the [legal settlement] *Iowa county of*
 45 *residence* of such alcoholic [is in the county where
 46 the facility is located, or in some other county,
 47 state, or country, or is unknown], *or that the person*
 48 *resides in some other state or country, or that the*
 49 *person is unclassified with respect to residence.*

50 Sec. 7. Section one hundred twenty-five point

Page 4

1 thirty (125.30), Code 1975, is amended to read as
 2 follows:

3 125.30 [DISPUTED SETTLEMENT] *DISPUTES OVER PAY-*
MENT.

4 In the event any county to which certification of
 5 the cost of care, maintenance, and treatment of an
 6 alcoholic is made, disputes that such alcoholic has
 7 his [legal settlement] *residence* in that county, it
 8 shall immediately notify the facility that such dispute
 9 exists. The director shall immediately investigate
 10 the facts and determine in which county the patient
 11 has [legal settlement] *residence*. The director shall
 12 certify his determination to the county, *if any*,
 13 wherein it is found the patient has [legal settlement]
 14 *residence* and to the facility. [The] *A county certified*
 15 *by the director to be the county of [legal settlement]*
 16 *residence* shall reimburse the facility as provided
 17 in this chapter. If the director finds that the [legal
 18 settlement] *residence* of an alcoholic at the time of
 19 admission was in another state or country or [was
 20 unknown] *that the person is unclassified with respect*
 21 *to residence*, then the division shall pay for that

22 portion of his care, maintenance, and treatment that
23 his county of [legal settlement] *residence* would have
24 been liable to pay. For purposes of this section,
25 a 'facility' does not include a mental health institute
26 under the control of the department of social services.

27 Sec. 8. Section one hundred twenty-five point
28 thirty-one (125.31), Code 1975, is amended to read
29 as follows:

30 125.31 LEGAL LIABILITY FOR CARE. The alcoholic
31 and any person, firm, corporation, or insurance company
32 bound by contract to provide support, hospitalization,
33 or medical services for the alcoholic shall be legally
34 liable to the county of the alcoholic's [legal
35 settlement] *residence* for twenty-five percent of the
36 total amount and to the division for seventy-five
37 percent of the total amount of the cost of providing
38 care, maintenance, and treatment for the alcoholic
39 while a voluntary or committed patient in a facility,
40 except when the state pays the total cost of care
41 in which case liability of one hundred percent shall
42 be to the state. Nothing in this section shall
43 prohibit any individual from paying any portion of
44 the cost of treatment.

45 Sec. 9. Section one hundred twenty-five point
46 thirty-three (125.33), Code 1975, is amended to read
47 as follows:

48 125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The
49 auditor of each county shall keep an accurate account
50 of the total cost to the county of the care,

Page 5

1 maintenance, and treatment of any alcoholic and shall
2 keep an index of the names of the alcoholics [admitted
3 from such county] *for whose benefit county funds are*
4 *expended pursuant to section one hundred twenty-five*
5 *point twenty-eight (125.28) of the Code for those*
6 *services."*

CHARLES P. MILLER, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred House File 503, a bill for an act relating to transfer of prisoners of institutions administered by the department of social services, begs leave to report it has had the same under consideration and recommends the same do pass.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on state government to which was referred House File 1011, a bill for an act to amend the election laws of the

state of Iowa, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5321

1 Amend House File 1011 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 3, by striking lines 6 through 17 and
4 inserting in lieu thereof the words "without other
5 certificate[.], *except that a candidate whose*".

6 2. Page 4, by striking lines 10 and 11 and in-
7 serting in lieu thereof the following: "*Each can-*
8 *didate required to execute the foregoing affidavit*".

9 3. Page 4, by striking from lines 17 and 18 the
10 words "*comply with the applicable requirement of this*
11 *section*" and inserting in lieu thereof the words
12 "*execute and deliver the affidavit*".

13 4. Page 4, by inserting after line 22 the fol-
14 lowing new section:

15 "Sec. Section forty-three point seventy-three
16 (43.73), Code 1975, is amended by adding the following
17 new unnumbered paragraph:

18 **NEW UNNUMBERED PARAGRAPH.** The state commissioner
19 shall similarly certify to the appropriate commissioner
20 or commissioners at the earliest practicable time
21 the names of nominees for a special election, called
22 under section sixty-nine point fourteen (69.14) of
23 the Code, submitted to the state commissioner pursuant
24 to Acts of the Sixty-sixth General Assembly, 1976
25 Session, House File one thousand thirty-three (1033),
26 section one (1)."

27 5. Page 9, by inserting after line 8 the follow-
28 ing new sections:

29 "Sec. Section forty-seven point three (47.3),
30 unnumbered paragraph one (1), Code 1975, is amended
31 to read as follows:

32 The costs of conducting a special election called
33 by the governor *to fill a vacancy in the United States*
34 *house of representatives*, general election, and the
35 primary election held prior to the general election
36 shall be paid by the county.

37 Sec. Section forty-seven point three (47.3),
38 Code 1975, is amended by adding the following new
39 unnumbered paragraph:

40 **NEW UNNUMBERED PARAGRAPH.** After any special
41 election called by the governor to fill a vacancy
42 in the general assembly has been held, the commissioner
43 of each county in which voting occurred in that
44 election may submit to the state commissioner a
45 verified statement of the expense incurred by the
46 county in holding the special election. The expenses
47 reported may include the cost of preparing and printing
48 ballots, voting machine inserts, affidavits of

49 eligibility, election registers, and canvass materials,
50 publishing notice, mailing absentee ballots, preparing

Page 2

1 and installing voting machines and compensating
2 precinct election boards. The cost of renting any
3 precinct polling place may also be included if the
4 county ordinarily pays rent in the same amount for
5 use of that polling place for other elections. The
6 state commissioner shall certify the total amount
7 of expense so reported by each county to the state
8 comptroller, who shall draw a warrant in that amount
9 upon any money in the general fund not otherwise
10 appropriated payable to the treasurer of that county.
11 The county treasurer shall place the proceeds in the
12 county election expense fund."

13 6. Page 12, by inserting after line 20 the fol-
14 lowing new section:

15 "Sec. Section forty-nine point four (49.4),
16 subsection two (2), Code 1975, is amended to read
17 as follows:

18 2. Counties using alternative supervisor repre-
19 sentation plans two or three, as described in sec-
20 tion 331.8, shall be apportioned into single-member
21 supervisor districts on the basis of population.
22 [The] *In counties using representation plan three, the*
23 *boundaries of supervisor districts shall follow the*
24 *boundaries of election precincts."*

25 7. Page 27, by inserting after line 25 the fol-
26 lowing new section:

27 "Sec. Section sixty-nine point eight (69.8),
28 subsections one (1) and two (2), Code 1975, are amended
29 to read as follows:

30 1. United States senator. In the office of United
31 States senator, when the vacancy occurs when the sen-
32 ate of the United States is in session, or when such
33 senate will convene prior to the next general elec-
34 tion, by the governor. *An appointment made under*
35 *this subsection shall be for the period until the*
36 *vacancy is filled by election pursuant to law.*

37 2. State offices. In all state offices, judges
38 of courts of record, officers, trustees, inspectors,
39 and members of all boards or commissions, and all
40 persons filling any position of trust or profit in
41 the state, by the governor, except when some other
42 method is specially provided. *An appointment made*
43 *under this subsection to a state office subject to*
44 *Acts of the Sixty-sixth General Assembly, 1975 Session,*
45 *chapter eighty-one (81), section four (4), shall be*
46 *for the period until the vacancy is filled by election*
47 *pursuant to law."*

48 8. Page 29, by inserting after line 31 the fol-
49 lowing new section:

50 "Sec. Section two hundred seventy-seven point

Page 3

1 twenty (277.20), unnumbered paragraph one (1), Code
2 1975, is amended to read as follows:

3 On the next Friday after the *regular* school elec-
4 tion, the county board of supervisors shall canvass
5 the returns made to the county commissioner of elec-
6 tions from the several precinct polling places and
7 the absentee ballot counting board, ascertain the
8 result of the voting with regard to every matter voted
9 upon and cause a record to be made thereof as required
10 by section 50.24. *Special elections held in school*
11 *districts shall be canvassed at the time and in the*
12 *manner required by that section.* The board shall
13 declare the results of the voting for members of
14 boards of directors of school corporations nominated
15 pursuant to section 277.4, and the commissioner shall
16 at once issue a certificate of election to each person
17 declared elected. The board shall also declare the
18 results of the voting on any public question submitted
19 to the voters of a single school district, and the
20 commissioner shall certify the result as required
21 by section 50.27."

22 9. Page 30, by inserting after line 32 the fol-
23 lowing new section:

24 "Sec. Section three hundred thirty-one point
25 twenty-seven (331.27), Code 1975, is amended to read
26 as follows:

27 331.27 PLAN 'THREE.' If plan 'three' is selected
28 pursuant to section 331.8 or 331.9, the *supervisor*
29 *districts shall be drawn and members of the county*
30 board shall be elected as provided in section 331.26,
31 except that *boundaries of supervisor districts shall*
32 *follow voting precinct lines and each member of the*
33 board, and [candidates] *each candidate* for such office,
34 shall, at the primary and general elections, be elected
35 or *nominated* only by the electors of the district
36 which [he or they seek] *that candidate seeks* to
37 represent."

38 10. Page 33, by inserting after line 19 the fol-
39 lowing new section:

40 "Sec. Section three hundred seventy-two point
41 thirteen (372.13), subsection two (2), as amended
42 by Acts of the Sixty-sixth General Assembly, 1975
43 Session, chapter eighty-one (81), section one hundred
44 fifty (150), is amended by striking the subsection
45 and inserting in lieu thereof the following:

46 2. A vacancy in an elective city office during
47 a term of office shall be filled by the council, with-
48 in thirty days after the vacancy occurs, for the
49 balance of the unexpired term unless a special elec-
50 tion is sooner held to fill the office for the re-

Page 4

1 maining balance of the unexpired term. Such an elec-
2 tion shall be called if the council is presented with

3 a petition so requesting, signed by eligible electors
4 entitled to vote to fill the office in question.
5 The petition must bear signatures equal in number
6 to two percent of those who voted for candidates for
7 the office at the last preceding election at which
8 the office was on the ballot, but in no case fewer
9 than ten signatures. If the petition so requests
10 and is timely filed, the special election may be held
11 concurrently with any pending election as provided
12 by section sixty-nine point twelve (69.12) of the
13 Code. Otherwise, a special election to fill the
14 office shall be called at the earliest practicable
15 time after the petition is presented to the council."

16 11. Page 35, by striking lines 9 through 30 and
17 inserting in lieu thereof the following:

18 "Sec. Section three hundred seventy-six point
19 eight (376.8), Code 1975, is amended by striking
20 the section and inserting in lieu thereof the
21 following:

22 **376.8 PERSONS ELECTED IN CITY ELECTIONS.**

23 1. In a regular city election following a city
24 primary, the candidates receiving the greatest num-
25 ber of votes cast for each office on the ballot are
26 elected, to the extent necessary to fill the positions
27 open.

28 2. In a regular city election held for a city
29 where the council has chosen a runoff election in
30 lieu of a primary, candidates are elected as pro-
31 vided by subsection one (1) of this section, except
32 that no candidate is elected who fails to receive
33 a majority of the votes cast for the office in
34 question. In the case of at-large elections to a
35 multi-member body, a majority is one vote more than
36 half the quotient found by dividing the total num-
37 ber of votes cast for all candidates for that body
38 by the number of positions to be filled.

39 3. In a regular city election held for a city
40 where the council has chosen to have nominations made
41 in the manner provided by chapter forty-four (44)
42 or forty-five (45) of the Code, the candidates who
43 receive the greatest number of votes for each office
44 on the ballot are elected, to the extent necessary
45 to fill the positions open."

46 12. Page 37, by inserting after line 7 the fol-
47 lowing new section:

48 "Sec. Acts of the Sixty-sixth General Assembly,
49 1976 Session, House File one thousand thirty-three
50 (1033), section one (1), is amended to read as follows:

Page 5

1 **Section 1. Section forty-three point seventy-**
2 **eight (43.78), Code 1975, as amended by Acts of the**
3 **Sixty-sixth General Assembly, 1975 Session, chapter**
4 **eighty-one (81), section twenty-five (25), is amended**
5 **by adding the following new subsection:**

6 **NEW SUBSECTION.** Political party candidates for
7 a vacant seat in the [congress of the] United States
8 *house of representatives or the general assembly which*
9 is to be filled at a special election called pursuant
10 to section sixty-nine point fourteen (69.14) of the
11 Code shall be nominated in the manner provided by
12 subsection one (1) of this section for filling a
13 vacancy on the general election ballot for the same
14 office. The name of any candidate so nominated shall
15 be submitted in writing to the state commissioner,
16 as required by section forty-three point eighty-eight
17 (43.88) of the Code, at the earliest practicable
18 time."

19 13. Page 37, by inserting after line 28 the fol-
20 lowing:

21 "The state commissioner of elections shall ob-
22 tain from the department of environmental quality
23 a list of every sanitary district established or in
24 the process of establishment under chapter three
25 hundred fifty-eight (358) of the Code, and shall send
26 to each such district written notice of the amendment
27 to section three hundred fifty-eight point nine (358.9)
28 of the Code made by section forty-seven (47) of this
29 Act, and of the requirements of this section."

30 14. Title, page 1, by striking lines 10, 11 and
31 12 and inserting in lieu thereof the words "quiring
32 that".

33 15. Title, page 1, line 14, by inserting after
34 the word "candidacy," the words "specifying how
35 nominations for certain special elections are to be
36 certified,".

37 16. Title, page 1, line 21, by inserting after
38 the word "filed," the words "providing for the state
39 to reimburse counties for the cost of holding certain
40 special elections,".

41 17. Title, page 1, line 24, by inserting after
42 the word "address," the words "clarifying the re-
43 lationship between county supervisor district bound-
44 aries and election precincts,".

45 18. Title, page 1a, line 16, by inserting after
46 the word "withdraw," the words "clarifying the re-
47 quirements relative to canvassing of school elec-
48 tions,".

49 19. Title, page 1a, line 23, by inserting after
50 the word "board," the words "correcting a reference

Page 6

- 1 in Acts of the Sixty-sixth General Assembly, 1976
- 2 Session, House File 1033,".

EUGENE M. HILL, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on ways and means to which was

referred Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, begs leave to report it has had the same under consideration and recommends the same do pass.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5319

1 Amend the agriculture committee amendment, S—
2 5200, to Senate File 368, as follows:

3 1. Page 3, lines 24 and 25 by striking the
4 words "and verbally announces immediately", and in-
5 serting in lieu thereof the words "which shall in-
6 clude".

7 2. Page 3, line 28, by striking the words
8 "hear the announcement", and inserting in lieu there-
9 of the words "examine the livestock history".

10 3. Page 3, lines 46 and 47 by striking the
11 words "and verbally announces immediately", and in-
12 serting in lieu thereof the words "which shall in-
13 clude".

14 4. Page 3, line 50, by striking the words
15 "hear the announcement", and inserting in lieu
16 thereof the words "examine the livestock history".

17 5. Page 4, by inserting after line 4 the
18 following subsection:

19 "4. When a transaction involves a livestock
20 agency acting in a capacity pursuant to either sub-
21 section (2) or subsection (3) of this section, the
22 livestock agency shall post, prior to the making of
23 a sale, legible signs composed of letters not less
24 than two inches in height which shall read: 'Live-
25 stock History, when available, is maintained at'
26 and thereafter a designation of the specific lo-
27 cation on the premises where that information is
28 kept. The livestock agency shall post not less than
29 four signs, one on each side of the sales area, and
30 shall place them so that they are conspicuous to
31 persons entering the sales area. The fact that a
32 buyer did not see any of these signs shall not de-
33 feat the exemption claimed with respect to that
34 buyer."

35 6. Page 4, line 5 by striking the figure "4."
36 and inserting in lieu thereof the figure "5".

JAMES E. BRILES

S—5320

1 Amend the agriculture committee amendment,
2 S—5200, to Senate File 368, as follows:

3 1. Page 5, by striking lines 4 through 15.

JAMES E. BRILES

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:10 p.m., until 9:30 a.m., Friday, March 12, 1976.

JOURNAL OF THE SENATE

SIXTY-FIRST DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MARCH 12, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Ray Taylor, member of the Senate from Steamboat Rock, Hardin County, Iowa.

The Journal of Thursday, March 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Tesdall, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Gluba for the day, Senator Coleman for the day and Senator Van Gilst for the day on request of Senator Kinley; Senator Shaw for the day and Senator Hansen for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

President Neu welcomed twenty-seven members of the Taiwan Board of Foreign Trade Team accompanied by Robert H. Lounsberry, Secretary of Agriculture, who are in this country to investigate the purchase of soybeans.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-one students, members of the West Lyon Girls Basketball Team, West Lyon, Iowa, accompanied by their coach, Bill Lombard. Senator DeKoster.

Sixty students from Holy Trinity Elementary School, Des Moines, Iowa, accompanied by Pam Whitmore and Sandra Rouse. Senator Plymat.

PETITION

The following petition was presented and placed on file:

By Senator Palmer from one thousand seven hundred residents of Iowa opposing Senate File 1161, relating to the taking of fish and game and subjecting violators to a penalty.

BILL REASSIGNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that **House File 1008** be reassigned to the committee on **judiciary**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1129.

House File 1129

On motion of Senator Culver, House File 1129, a bill for an act relating to the joint financing of water supply systems by public agencies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Culver moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1129) the vote was:

Ayes, 38:

Andersen	Heying	Miller of	Redmond
Bergman	Hill of Jasper	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Culver	Junkins	Norpel	Shaff
Curtis	Kinley	Nystrom	Sovern
DeKoster	Lamborn	Orr	Taylor
Doderer	Merritt	Palmer	Tieden
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 12:

Carr	Griffin	Nolin	Robinson
Coleman	Hansen	Plymat	Shaw
Gluba	Kelly	Rabedeaux	Van Gilst

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1327.

House File 1327

On motion of Senator Bergman, House File 1327, a bill for an act relating to public improvements bond and conditions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bergman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1327) the vote was:

Ayes, 38:

Andersen	Griffin	Miller of	Redmond
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Culver	Junkins	Norpel	Shaff
Curtis	Kinley	Nystrom	Sovern
DeKoster	Lamborn	Orr	Taylor
Doderer	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman

Nays, 1:

Hill of Polk

Absent or not voting, 11:

Carr	Hansen	Palmer	Shaw
Coleman	Kelly	Rabedeaux	Van Gilst
Gluba	Nolin	Robinson	

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

President pro tempore Doderer took the chair at 9:50 a.m.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1241.

Senate File 1241

On motion of Senator Priebe, Senate File 1241, a bill for an act relating to the moisture sampling of grain or soybeans, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1241) the vote was:

Ayes, 43:

Andersen	Heying	Miller of	Robinson
Bergman	Hill of Jasper	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Norpel	Shaff
Culver	Kelly	Nystrom	Sovern
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Priebe	Winkelman
Glenn	Des Moines	Ramsey	
Griffin		Redmond	

Nays, none.

Absent or not voting, 7:

Coleman	Hansen	Rabedeaux	Van Gilst
Gluba	Nolin	Shaw	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 369.

Senate File 369

On motion of Senator Culver, Senate File 369, a bill for an act relating to the search warrant and bonding authority of the Iowa natural resources council and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Culver moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 369) the vote was:

Ayes, 35:

Andersen	Heying	Murray	Robinson
Bergman	Hultman	Nolting	Rodgers
Carr	Junkins	Norpel	Schwengels
Culver	Kelly	Nystrom	Shaff
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Gallagher	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Willits
Griffin	Marshall	Redmond	Winkelman

Nays, 6:

Burroughs	Hill of Jasper	Ramsey	Scott
Doderer	Hill of Polk		

Absent or not voting, 9:

Briles	Hansen	Nolin	Shaw
Coleman	Miller of	Rabedaux	Van Gilst
Gluba	Des Moines		

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

UNFINISHED BUSINESS

House File 1245

On motion of Senator DeKoster, House File 1245, a bill for an act to legalize and validate the proceedings of the city of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa, was taken up for further consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1245) the vote was:

Ayes, 33:

Andersen	Griffin	Miller of	Redmond
Bergman	Hill of Jasper	Marshall	Robinson
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Orr	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Merritt	Plymat	Tieden
DeKoster	Miller of	Ramsey	Willits
Doderer	Des Moines		
Glenn			

Nays, 8:

Kelly	Norpel	Priebe	Shaff
Lamborn	Nystrom	Rodgers	Winkelman

Absent or not voting, 9:

Coleman	Hansen	Nolin	Shaw
Gallagher	Heying	Rabedaux	Van Gilst
Gluba			

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

SENATE INSISTS

House File 292

Senator Miller of Des Moines called up for consideration House File 292, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of

charges for care and treatment at certain institutions for facilities, amended by the Senate, and moved that the Senate insist on lines 30, 31 and 32 on page 2; lines 24 and 25 on page 3; lines 40 through 43 on page 4, and lines 5 through 8 on page 5 of its amendment.

The motion prevailed and the Senate insisted on lines 30, 31 and 32 on page 2; lines 24 and 25 on page 3; lines 40 through 43 on page 4, and lines 5 through 8 on page 5 of its amendment to House File 292.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1207.

Senate File 1207

On motion of Senator Griffin, Senate File 1207, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations, was taken up for consideration.

Senator Hill of Polk raised the point of order that a fiscal note was required on the bill, under Senate Rule 32.

The Chair invoked Senate Rule 32 and Senate File 1207 was deferred and placed on the calendar under unfinished business.

SUBCOMMITTEE ASSIGNMENTS

Senate File 1084
Ways and Means
Rodgers, Chairperson
Gluba
Schwengels

Senate File 1232
State Government
Coleman, Chairperson
Glenn
Miller of Marshall

Senate File 1235
State Government
Hill of Jasper,
Chairperson
Kinley
Schwengels

Senate File 1239
Judiciary
Kelly, Chairperson
Redmond
Rodgers

House File 200
Human Resources
Gluba, Chairperson
Plymat
Miller of Des Moines

House File 1009
Ways and Means
Curtis, Chairperson
Junkins
Nolting

House File 1051
Judiciary
DeKoster, Chairperson
Coleman
Miller of Des Moines

House File 1063
Judiciary
Doderer, Chairperson
Willits
Shaw

House File 1256
Energy
Tieden, Chairperson
Gallagher
Scott

House File 1277
County Government
Heying, Chairperson
Ramsey
Taylor

House File 1278
Human Resources
Murray, Chairperson
Sovern
Miller of Des Moines

House File 1281
Energy
Hultman, Chairperson
Briles
Robinson

House File 1327

Natural Resources
Bergman, Chairperson
Norpel
Winkelman

House File 1367

Commerce
Bergman, Chairperson
Glenn
Briles

House File 1401

Ways and Means
Shaff, Chairperson
Culver
Burroughs

House File 1329

Education
Shaw, Chairperson
Orr
Sovern

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1063**, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5324

- 1 Amend the committee on agriculture amendment,
- 2 S—5200 to Senate File 368 as follows:
- 3 1. Page 4, line 31, by striking the word
- 4 "knowingly".
- 5 2. Page 4, line 32, after the word "history"
- 6 by inserting the words "knowing that said livestock
- 7 history is false".

RICHARD R. RAMSEY

S—5323

- 1 Amend Senate File 1242, page 2, by striking lines
- 2 3 through 7.

PHILIP B. HILL

On motion of Senator Kinley, the Senate adjourned at 11:10 a.m., until 10:00 a.m., Monday, March 15, 1976.

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MARCH 15, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Clemens Hartfield, pastor of the St. Paul's Lutheran Church, Council Bluffs, Iowa.

The Journal of Friday, March 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. A. S. Owca, Centerville, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Coleman for the day and Senator Orr for the day on request of Senator Kinley; Senator Rabedaux for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighteen students from Gateway Junior High School and Washington Junior High School, members of Girl Scout Troop 1296, Clinton, Iowa, accompanied by Jan Peterson, Edith Graham and Doris Carstensen. Senator Shaff.

Forty students from Rex Mathes Elementary School, West Des Moines, Iowa, accompanied by Mrs. Freed, Mrs. LaRue and Mrs. Manen. Senator Hill of Polk.

PETITIONS

The following petitions were presented and placed on file:

By Senator Taylor from sixty-six residents of Hancock County

supporting the use of a hearing officer instead of an outside arbitrator as proposed in Senate File 205.

By Senator Culver from fifteen residents of Pottawattamie County favoring Senate File 1048 relating to labor disputes.

By Senator Tieden from seven residents of Allamakee County favoring House File 1438 relating to legal aid for low income persons.

By Senator Van Gilst from sixteen residents of Mahaska County opposing Senate File 1161 relating to the taking of fish and game and subjecting violators to a penalty.

INTRODUCTION OF BILL

Senate File 1253, by committee on judiciary, a bill for an act relating to the use of probation by the court.

Read first time and placed on calendar.

MOTION TO SUSPEND RULES

Senator Redmond moved that Senate Rules 5, 6, 10, 39, 42 and 43 be suspended for the purpose of withdrawing **Senate Joint Resolution 1002** from the committee on rules and administration and bringing it up for immediate consideration.

The Senate stood at ease until the fall of the gavel.

The Senate reconvened, President Neu presiding.

Senator Hultman moved that action on the motion to suspend the rules for the purpose of taking up Senate Joint Resolution 1002 be deferred.

Senator Doderer raised the point of order that the motion to defer was out of order.

The Chair ruled the point well taken for the reason that under Sec. 283.6 of Mason's Manual of Legislative Procedure a motion to suspend the rules cannot be postponed.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to call the roll:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a

Call of the Senate on Senate Joint Resolution 1002 and all amendments and motions thereto.

CLIFTON C. LAMBORN
JAMES M. REDMOND
WILLIAM E. GLUBA
RICHARD R. RAMSEY
FORREST V. SCHWENGELS
CLIFF BURROUGHS
ELIZABETH SHAW
ROGER J. SHAFF
LUCAS J. DeKOSTER
WILLARD R. HANSEN

Roll call revealed all members present with the exception of Senators Nolin, Rabedaux, Coleman and Orr.

The Chair directed the Sergeant-at-arms to locate the absent Senators.

Senator Lamborn asked unanimous consent that Senators Nolin and Rabedaux be excused from the Call of the Senate.

Objection was raised.

Senator Glenn rose to a point of parliamentary inquiry on the effect of the leaves of absence for the day already granted by the Senate to Senators Nolin, Rabedaux, Coleman and Orr.

The Chair ruled the leaves of absence granted would not excuse the Senators from the Call of the Senate on a specific question.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Kinley asked unanimous consent that Senators Orr, Coleman, Nolin and Rabedaux be excused from the Call of the Senate.

Objection was raised.

Senator Kinley moved that Senators Orr, Coleman, Nolin and Rabedaux be excused from the Call of the Senate.

Senator Kelly moved to amend the motion by striking the names of Senators Orr and Coleman.

A non-record roll call was requested.

The ayes were 10, nays 36.

The motion lost.

Senator Kinley restated his motion that Senators Orr, Coleman, Nolin and Rabedeaux be excused from the Call of the Senate.

A non-record roll call was requested.

Rule 25 was invoked.

The ayes were 42, nays 4.

The motion prevailed.

PETITION

The Chair announced the following petition had been filed at the desk:

MR. PRESIDENT: Pursuant to Senate Rule 42 the undersigned members of the Senate request that Senate Joint Resolution 1002 be withdrawn from the rules and administration committee and placed on the Senate calendar for immediate action.

EUGENE M. HILL
CLIFTON C. LAMBORN
JAMES M. REDMOND
RICHARD R. RAMSEY
WILLIAM E. GLUBA
LUCAS J. DeKOSTER
PHILIP B. HILL
JOAN ORR
ROGER J. SHAFF
CLIFF BURROUGHS
FRED W. NOLTING
JAMES V. GALLAGHER
WILLIAM P. WINKELMAN
JOHN S. MURRAY
WILLARD R. HANSEN
MINNETTE DODERER
WARREN E. CURTIS
HILARIUS L. HEYING
GENE W. GLENN
BASS VAN GILST
JAMES W. GRIFFIN, SR.
ELIZABETH SHAW
WILLIAM N. PLYMAT
STEVE SOVERN
ROBERT M. CARR
KENNETH D. SCOTT

The Chair ruled that with the filing of the petition to withdraw Senate Joint Resolution 1002 from committee, the Redmond motion to suspend rules 5, 6, 10, 39, 42 and 43 and the Call of the Senate on that motion were out of order.

CONSIDERATION OF JOINT RESOLUTION

Senate Joint Resolution 1002

Pursuant to the petition filed by Senators Hill of Jasper, et al., Senate Joint Resolution 1002, a joint resolution to disapprove rules of the state department of transportation adopted pursuant to section three hundred seven point ten (307.10), subsection five (5), Code 1975, was taken up for immediate consideration.

Senator Rodgers moved that Senate Joint Resolution 1002 be rereferred to the committee on rules and administration.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to call the roll:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a Call of the Senate on Senate Joint Resolution 1002 and all amendments and motions thereto.

CLIFTON C. LAMBORN
RICHARD R. RAMSEY
FORREST V. SCHWENGELS
WARREN E. CURTIS
ELIZABETH SHAW
JAMES W. GRIFFIN, SR.
CALVIN O. HULTMAN
LUCAS J. DeKOSTER
ROGER J. SHAFF
WILLARD R. HANSEN

Roll call revealed all members present with the exception of Senators Orr, Coleman, Nolin, Rabedaux, Bergman and Briles.

The Chair directed the Sergeant-at-arms to locate the absent Senators.

Senator Kinley asked and received unanimous consent that Senators Orr, Coleman, Nolin and Rabedaux be excused from the Call of the Senate.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Rodgers withdrew his motion to rerefer Senate Joint Resolution 1002 to the committee on rules and administration.

Senator Rodgers moved that Senate Joint Resolution 1002 be referred to the committee on transportation.

A record roll call was requested.

On the question "Shall the motion to refer the resolution to the committee on transportation be adopted?" (S.J.R. 1002) the vote was:

Ayes, 22:

Andersen	Junkins	Miller of	Rodgers
Bergman	Kelly	Marshall	Schwengels
Briles	Kinley	Norpel	Scott
Burroughs	Merritt	Palmer	Taylor
Culver	Miller of	Priebe	Tieden
Griffin	Des Moines	Robinson	
Hultman			

Nays, 24:

Carr	Gluba	Murray	Shaff
Curtis	Hansen	Nolting	Shaw
DeKoster	Heying	Nystrom	Sovern
Doderer	Hill of Jasper	Plymat	Van Gilst
Gallagher	Hill of Polk	Ramsey	Willits
Glenn	Lamborn	Redmond	Winkelman

Absent or not voting, 4:

Coleman	Nolin	Orr	Rabedeaux
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The motion lost.

Senator Doderer offered amendment S—5327 by Senators Doderer and Lamborn:

S—5327

- 1 Amend Senate Joint Resolution 1002 as follows:
- 2 1. Page 1, by striking lines 1 through 7 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section three hundred seven point
- 5 ten (307.10), subsection five (5), Code 1975, is
- 6 amended by striking the subsection and inserting
- 7 in lieu thereof the following:
- 8 '5. Adopt rules in accordance with the pro-
- 9 visions of chapter 17A as it may deem necessary to
- 10 transact its business and for the administration
- 11 and exercise of its powers and duties.'
- 12 Sec. 2. The general assembly hereby acts to
- 13 rescind article F, chapter 6, of the motor vehicle
- 14 division of the department of transportation's
- 15 rules as printed on page 91 of the senate journal
- 16 for Friday, January 16, 1976. It is the intent
- 17 of the general assembly that this action will
- 18 prohibit vehicles with a total length in excess
- 19 of sixty feet from traveling on any highways within
- 20 Iowa under the rules promulgated by the department
- 21 of transportation at its meeting of January 13,
- 22 1976."
- 23 2. The Title, line 3 by inserting after the
- 24 figure "1975" the words "and amending that sub-
- 25 section".
- 26 3. The enacting clause, line 4, by striking the

27 word "RESOLVED" and inserting in lieu thereof the

28 word "ENACTED".

Senator Hultman raised the point of order that amendment S—5327 was not germane to the resolution.

The Chair ruled the point not well taken and amendment S—5327 in order.

Senator Kelly moved that the Call of the Senate be lifted.

A record roll call was requested.

On the question "Shall the Call of the Senate be lifted?" (S.J.R. 1002) the vote was:

Ayes, 27:

Andersen	Junkins	Murray	Rodgers
Briles	Kelly	Nolting	Scott
Carr	Kinley	Norpel	Sovern
Culver	Merritt	Nystrom	Taylor
Gallagher	Miller of	Palmer	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba	Miller of	Robinson	
Hultman	Marshall		

Nays, 19:

Bergman	Griffin	Lamborn	Shaff
Burroughs	Hansen	Plymat	Shaw
Curtis	Heying	Ramsey	Tieden
DeKoster	Hill of Jasper	Redmond	Winkelman
Doderer	Hill of Polk	Schwengels	

Absent or not voting, 4:

Coleman	Nolin	Orr	Rabedeaux
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The motion prevailed and the Call of the Senate was lifted.

Senator Taylor called for a division of the amendment, section 1 to be considered as division S—5327A; section 2 to be considered as division S—5327B, and section 3 to be considered as division S—5327C.

The Chair ruled that amendment S—5327 was not divisible.

Senator Doderer moved the adoption of amendment S—5327.

A record roll call was requested.

On the question "Shall amendment S—5327 be adopted?" (S.J.R. 1002) the vote was:

Ayes, 20:

Curtis	Hansen	Murray	Shaff
DeKoster	Heying	Nolting	Shaw
Doderer	Hill of Jasper	Ramsey	Sovern
Gallagher	Hill of Polk	Redmond	Van Gilst
Gluba	Lamborn	Scott	Winkelman

Nays, 26:

Andersen	Hultman	Miller of	Robinson
Bergman	Junkins	Marshall	Rodgers
Briles	Kelly	Norpel	Schwengels
Burroughs	Kinley	Nystrom	Taylor
Carr	Merritt	Palmer	Tieden
Culver	Miller of	Plymat	Willits
Glenn	Des Moines	Priebe	
Griffin			

Absent or not voting, 4:

Coleman	Nolin	Orr	Rabedaux
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Amendment S—5327 lost.

Senator Hill of Jasper moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 1002) the vote was:

Ayes, 22:

Carr	Gluba	Miller of	Shaff
Curtis	Hansen	Marshall	Shaw
DeKoster	Heying	Murray	Sovern
Doderer	Hill of Jasper	Nolting	Van Gilst
Gallagher	Hill of Polk	Ramsey	Winkelman
Glenn	Lamborn	Redmond	

Nays, 24:

Andersen	Junkins	Norpel	Rodgers
Bergman	Kelly	Nystrom	Schwengels
Briles	Kinley	Palmer	Scott
Burroughs	Merritt	Plymat	Taylor
Culver	Miller of	Priebe	Tieden
Griffin	Des Moines	Robinson	Willits
Hultman			

Absent or not voting, 4:

Coleman	Nolin	Orr	Rabedaux
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The resolution having failed to receive a constitutional majority was declared to have failed to have been adopted by the Senate.

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 1250 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1251

On motion of Senator Hill of Jasper, Senate File 1251, a bill

for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, was taken up for consideration.

President pro tempore Doderer took the chair at 4:05 p.m.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1251) the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		
Griffin			

Nays, none.

Absent or not voting, 5:

Coleman	Orr	Rabedeaux	Shaff
Nolin			

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

Senate File 1252

On motion of Senator Willits, Senate File 1252, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1252) the vote was:

Ayes, 44:

Andersen	Gallagher	Junkins	Nolting
Bergman	Glenn	Kelly	Norpel
Briles	Gluba	Kinley	Palmer
Burroughs	Griffin	Merritt	Plymat
Carr	Hansen	Miller of	Priebe
Culver	Heying	Des Moines	Ramsey
Curtis	Hill of Jasper	Miller of	Redmond
DeKoster	Hill of Polk	Marshall	Robinson
Doderer	Hultman	Murray	Rodgers

Schwengels
Scott
Shaff

Shaw
Sovern
Taylor

Tieden
Van Gilst

Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Coleman
Lamborn

Nolin
Nystrom

Orr

Rabedeaux

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

House File 1036

On motion of Senator Robinson, House File 1036, a bill for an act making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1036) the vote was:

Ayes, 43:

Andersen
Bergman
Briles
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt

Miller of
Des Moines
Miller of
Marshall
Murray
Nolting
Norpel
Palmer
Plymat
Priebe
Redmond

Robinson
Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Tieden
Van Gilst
Willits
Winkelman

Nays, 1:

Ramsey

Absent or not voting, 6:

Coleman
Nolin

Nystrom
Orr

Rabedeaux

Taylor

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

House File 1094

On motion of Senator Hultman, House File 1094, a bill for an

act making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1094) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Des Moines	Schwengels
Briles	Heying	Miller of	Scott
Burroughs	Hill of Jasper	Marshall	Shaff
Carr	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kelly	Plymat	Tieden
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Lamborn	Ramsey	Willits
Glenn	Merritt	Redmond	Winkelman
Gluba		Robinson	

Nays, none.

Absent or not voting, 6:

Coleman	Nolin	Orr	Rabedeaux
Murray	Nystrom		

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

House File 1141

On motion of Senator Kelly, House File 1141, a bill for an act appropriating funds to the state conservation commission to carry out various programs under the commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits took the chair at 4:45 p.m.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1141) the vote was:

Ayes, 48:

Andersen	Hansen	Miller of	Schwengels
Bergman	Heying	Marshall	Scott
Briles	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Culver	Hultman	Palmer	Sovern
Curtis	Junkins	Plymat	Taylor
DeKoster	Kelly	Priebe	Tieden
Doderer	Kinley	Ramsey	Van Gilst
Gallagher	Lamborn	Redmond	Willits
Glenn	Merritt	Robinson	Winkelman
Gluba	Miller of	Rodgers	
Griffin	Des Moines		

Nays, none.

Absent or not voting, 7:

Burroughs	Murray	Nystrom	Rabedeaux
Coleman	Nolin	Orr	

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

House File 1218

On motion of Senator Van Gilst, House File 1218, a bill for an act making an appropriation to the state board of regents for a seeds laboratory, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Doderer took the chair at 4:55 p.m.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1218) the vote was:

Ayes, 48:

Andersen	Hansen	Miller of	Schwengels
Bergman	Heying	Marshall	Scott
Briles	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Culver	Hultman	Palmer	Sovern
Curtis	Junkins	Plymat	Taylor
DeKoster	Kelly	Priebe	Tieden
Doderer	Kinley	Ramsey	Van Gilst
Gallagher	Lamborn	Redmond	Willits
Glenn	Merritt	Robinson	Winkelman
Gluba	Miller of	Rodgers	
Griffin	Des Moines		

Nays, none.

Absent or not voting, 7:

Burroughs	Murray	Nystrom	Rabedeaux
Coleman	Nolin	Orr	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1242.

Senate File 1242

On motion of Senator Gluba, Senate File 1242, a bill for an act making technical amendments to the Iowa housing finance authority, was taken up for consideration.

Senator Hill of Polk offered amendment S—5323 filed by him, moved its adoption, and requested a non-record roll call:

S—5323

- 1 Amend Senate File 1242, page 2, by striking lines
- 2 3 through 7.

The ayes were 27, nays 15.

Amendment S—5323 was adopted.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1242) the vote was:

Ayes, 37:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Robinson
Burroughs	Hansen	Miller of	Rodgers
Carr	Heying	Marshall	Schwengels
Culver	Hill of Jasper	Nolting	Scott
Curtis	Hill of Polk	Norpel	Shaff
DeKoster	Junkins	Palmer	Sovern
Doderer	Kelly	Plymat	Taylor
Gallagher	Kinley	Priebe	Van Gilst
Glenn	Merritt	Ramsey	

Nays, 4:

Hultman	Shaw	Tieden	Winkelman
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Absent or not voting, 9:

Briles	Murray	Nystrom	Rabedeaux
Coleman	Nolin	Orr	Willits
Lamborn			

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

Senator Kinley asked and received unanimous consent to take up out of order House File 503.

House File 503

On motion of Senator Kelly, House File 503, a bill for an act relating to transfer of prisoners of institutions administered by the department of social services, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 503) the vote was:

Ayes, 88:

Andersen	Gluba	Miller of	Schwengels
Bergman	Hansen	Des Moines	Scott
Burroughs	Heying	Nolting	Shaff
Carr	Hill of Jasper	Norpel	Shaw
Culver	Hill of Polk	Palmer	Sovern
Curtis	Hultman	Plymat	Taylor
DeKoster	Junkins	Priebe	Tieden
Doderer	Kelly	Ramsey	Van Gilst
Gallagher	Kinley	Redmond	Winkelman
Glenn	Merritt	Robinson	

Nays, none.**Absent or not voting, 12:**

Briles	Miller of	Nolin	Rabedeaux
Coleman	Marshall	Nystrom	Rodgers
Griffin	Murray	Orr	Willits
Lamborn			

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

SPECIAL ORDER

Senator Kinley asked and received unanimous consent that House File 1011 be made a special order of business for Monday, March 22, 1976, at 2:30 p.m.

MOTION TO REASSIGN BILL LOST

Senator Kinley asked unanimous consent that House File 1147 be reassigned to the committee on labor and industrial relations.

Objection was raised.

Senator Kinley moved that the rules be suspended for the purpose of reassigning House File 1147 to the committee on labor industrial relations.

A non-record roll call was requested.

The ayes were 21, nays 18.

The motion having failed to receive a constitutional majority was declared to have lost.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 11, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Carol A. Brown, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Barber Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an unexpired term ending June 30, 1976 and for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Alfred D. Wilson, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Barber Examiners pursuant to Section 147.12, 1975 Code of Iowa, for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1048, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter 321 of the Code.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1254, by committee on ways and means, a bill for

an act relating to the filing requirements for information returns for tax purposes.

Read first time and placed on calendar.

Senate File 1255, by committee on human resources, a bill for an act to appropriate funds for the purpose of providing and improving correctional programs.

Read first time and referred to the committee on **appropriations**, under Senate Rule 38.

Senate File 1256, by committee on energy, a bill for an act relating to the sale of aerosol sprays and providing a penalty.

Read first time and placed on calendar.

Senate File 1257, by committee on energy, a bill for an act relating to the state building code and providing energy conservation standards for certain buildings.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1048, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code.

Read first time and passed on file.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1241 passed the Senate on Friday, March 12, 1976.

DALE L. TIEDEN

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 12, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 524—Relating to business corporations.
- H. F. 739—Relating to the priority of secondary road assessment district projects in a secondary road construction program.
- H. F. 787—Relating to minimum percentages of plant nutrients in fertilizers.
- H. F. 835—Providing that certain ammunition and firearms shall be deposited with the state criminalistics laboratory.
- H. F. 1044—Relating to fire drills and tornado drills in schools.
- H. F. 1081—Relating to the funding of the Iowa state commerce com-

mission and the department of public defense and making appropriations.

H. F. 1142—Making appropriations to the state department of health for the funding of the state department of health and various programs under the department.

COMMUNICATIONS FROM THE SECRETARY OF STATE

March 12, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1102 was published in the Carroll Daily Times Herald, Carroll, Iowa, March 2, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, March 4, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 188 was published in the Marshalltown Times-Republican, Marshalltown, Iowa, March 5, 1976, and in the Eldora Herald-Ledger, Eldora, Iowa, March 9, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1010 was published in The Hawk Eye, Burlington, Iowa, March 8, 1976, and in the Muscatine Journal, Muscatine, Iowa, March 5, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 15, 1976, when the vote was taken on House File 1218 regarding an appropriation to the board of regents for a seeds laboratory. Had I been present, I would have voted "aye."

CLIFF BURROUGHS

MR. PRESIDENT: I was necessarily absent from the Senate chamber Friday, March 12, 1976, when the votes were taken on Senate Files 1241, 369 and House Files 1129, 1327 and 1245. Had I been present, I would have voted "aye" on these bills.

WILLARD R. HANSEN

AMENDMENTS FILED

S—5328

1 Amend Senate File 7 as follows:

2 1. Page 1, by striking lines 1 through 26 and
3 inserting in lieu thereof the following:

4 "Section 1. Chapter three hundred twenty-one
5 (321), Code 1975, as amended by Acts of the Sixty-
6 sixth General Assembly, 1975 Session, is amended by
7 adding the following new section:

8 *NEW SECTION.* A person shall not sell any bicycle
9 for use on any street or highway in this state unless
10 the bicycle is equipped with reflective surfaces
11 visible during the hours of darkness from a distance
12 of five hundred feet from the front, three hundred
13 feet from the rear and sides when viewed under lawful
14 low beam head lamps under normal atmospheric conditions
15 on a straight, level, unlighted roadway. The use
16 of reflectors on bicycles required under this Act
17 shall be in addition to lights required under section
18 three hundred twenty-one point three hundred ninety-
19 seven (321.397) of the Code.

20 This section shall not apply to a sidewalk bicycle
21 which is a bicycle with a maximum height of not more
22 than twenty-five inches, including the seat raised
23 to its maximum height unless being operated on the
24 streets or highways.

25 Subsequent to a citation for a violation of this
26 section for the operation of a bicycle, the operator
27 shall have forty-eight hours to present proof of the
28 correction of the deficiency or the bicycle shall
29 be impounded until proper reflective devices are
30 obtained for installation on the bicycle by the owner."

31 2. Amend the title, line 2, by inserting after
32 the word "bicycles" the words "and providing a
33 penalty".

RICHARD J. NORPEL, SR.

S—5329

1 Amend Senate File 1207 as follows:

2 1. Page 2, by striking lines 1 through 7,
3 and inserting in lieu thereof the following:

4 "3. The standards, requirements and specifi-
5 cations set forth in this Act shall not apply to
6 buildings in unincorporated areas which are used and
7 continue to be used primarily for agricultural pur-
8 poses, nor to farmhouses or other farm buildings which
9 are primarily adapted, by reason of nature and area,

- 10 for use for agricultural purposes, while so used or
- 11 while under construction for use, unless such build-
- 12 ings are dwellings which are factory built structures."

BERL E. PRIEBE
KENNETH D. SCOTT
FORREST SCHWENGELS
RAY TAYLOR

S—5325

- 1 Amend Senate File 1250, page 2, line 12, by striking
- 2 the figures, "\$18,000 to \$26,600" and inserting in lieu
- 3 thereof the figures "\$23,400 to \$29,050".

RICHARD J. NORPEL, SR.

S—5326

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 3, line 18 by striking "\$18,900 to
- 3 \$21,780" and inserting in lieu thereof the figures
- 4 "\$18,000 to \$26,600".

CALVIN O. HULTMAN
CLIFTON C. LAMBORN
CLOYD E. ROBINSON
FRED W. NOLTING

On motion of Senator Kinley, the Senate adjourned at 5:45 p.m., until 9:30 a.m., Tuesday, March 16, 1976.

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MARCH 16, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Herbert C. Hanson, pastor of the Good Hope Lutheran Church, Titonka, Iowa.

The Journal of Monday, March 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. E. Masters, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Orr for the day, Senator Nolin for the day and Senator Rabedaux for the day on request of Senator Kinley.

PETITION

The following petition was presented and placed on file:

By Senator Kinley from twenty-two residents of Clayton County opposing increased unemployment compensation.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1143, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers.

Also: That the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1390, a bill for an act relating to civil damages for the taking of game or fur-bearing animals.

Also: That the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1410, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

Also: That the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1456, a bill for an act authorizing counties to appropriate moneys for the purpose of making grants to rural water districts.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1143, a bill for an act relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

Read first time and **passed on file**.

House File 1390, a bill for an act relating to civil damages for the taking of game or fur-bearing animals.

Read first time and **passed on file**.

House File 1410, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

Read first time and **passed on file**.

House File 1456, a bill for an act authorizing counties to appropriate moneys for the purpose of making grants to rural water districts.

Read first time and **passed on file**.

UNFINISHED BUSINESS

Senate File 1207

On motion of Senator Griffin, Senate File 1207, a bill for an act establishing an Iowa building code, including a housing code, establishing a separate department of building codes, and providing penalties for violations, was taken up for further consideration.

Senator Priebe offered amendment S—5329 filed by Senators Priebe, et al., and moved its adoption:

S—5329

- 1 Amend Senate File 1207 as follows:
- 2 1. Page 2, by striking lines 1 through 7,
- 3 and inserting in lieu thereof the following:
- 4 "3. The standards, requirements and specifi-
- 5 cations set forth in this Act shall not apply to
- 6 buildings in unincorporated areas which are used and
- 7 continue to be used primarily for agricultural pur-
- 8 poses, nor to farmhouses or other farm buildings which
- 9 are primarily adapted, by reason of nature and area,
- 10 for use for agricultural purposes, while so used or
- 11 while under construction for such use, unless such build-
- 12 ings are dwellings which are factory built structures."

A non-record roll call was requested.

The ayes were 37, nays 7.

Amendment S—5329 was adopted.

Senator Griffin offered amendment S—5313 filed by Senators Griffin and Willits and moved its adoption:

S—5313

- 1 Amend Senate File 1207 as follows:
- 2 1. Page 15, by striking lines 21 through 23 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 18. Section one hundred point one (100.1),
- 5 subsection four (4), paragraph d, and subsection five
- 6 (5), Code 1975, are amended to read as follows:
- 7 d. [The electric wiring and heating, and adequate]
- 8 Adequate means of exit in case of fire, from churches,
- 9 schools, hotels, theaters, amphitheaters, asylums,
- 10 hospitals, health care facilities as defined in section
- 11 135C.1, college buildings, lodge halls, public meeting
- 12 places, and all other structures in which persons
- 13 congregate from time to time, whether publicly or
- 14 privately owned[.].
- 15 5. To promulgate fire safety regulations. The
- 16 state fire marshal shall have exclusive right to
- 17 promulgate fire safety regulations as they apply to
- 18 enforcement or inspection requirements by the state
- 19 fire marshal, but such regulations shall be promulgated
- 20 only after public hearing. Wherever by any statute
- 21 the fire marshal or the department of public safety
- 22 is authorized or required to promulgate, proclaim,
- 23 or amend rules and minimum standards regarding fire
- 24 hazards or fire safety or protection in any
- 25 establishment, building or structure, such rules and
- 26 standards shall promote and enforce fire safety, fire
- 27 protection and the elimination of fire hazards as
- 28 the same may relate to the use[,] and occupancy [and
- 29 construction] of such buildings, establishments or
- 30 structures. [The word 'construction' shall include,

31 but is not limited to, electrical wiring, plumbing,
32 heating, lighting, ventilation, construction materials,]
33 *These rules and standards shall relate to entrances*
34 *and exits, and all other physical conditions of the*
35 *building which may affect fire hazards, safety or*
36 *protection. Such rules and minimum standards shall*
37 *be in substantial compliance with the standards of*
38 *the National Fire Protection Association relating*
39 *to fire safety and fire hazards which threaten life*
40 *as published in the national fire codes."*

Amendment S—5313 was adopted.

(Senate File 1207 pending on recess.)

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

On motion of Senator Palmer, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1258, by committee on commerce, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission.

Read first time and placed on calendar.

WITHDRAWN

Senator Murray asked and received unanimous consent that Senate File 1127 be withdrawn from further consideration of the Senate.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

UNFINISHED BUSINESS

Senate File 1207

The Senate resumed consideration of Senate File 1207.

Senator Taylor offered amendment S—5330:

S—5330

- 1 Amend Senate File 1207, page 5, line 13, by
- 2 adding after the word "Act" the following:
- 3 "provided that at least three members of the
- 4 council shall be local government officials
- 5 directly responsible for the enforcement of
- 6 building regulations".

President pro tempore Doderer took the chair at 4:16 p.m.

Senator Taylor moved the adoption of amendment S—5330 and requested a non-record roll call.

The ayes were 15, nays 28.

Amendment S—5330 lost.

Senator Redmond offered amendment S—5334 and moved its adoption:

S—5334

- 1 Amend Senate File 1207 as follows:
- 2 Page 12, striking lines 3, 4 and 5 and inserting
- 3 in lieu thereof the following:
- 4 "The Department of Building Codes shall enforce
- 5 the state building code as it applies to all buildings
- 6 constructed by the state or on state property. A state
- 7 agency may contract with local enforcement agencies
- 8 with the approval of the commissioner to provide the
- 9 services enumerated in this section."

Amendment S—5334 was adopted.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1207) the vote was:

Ayes, 39:

Andersen	Glenn	Miller of	Priebe
Bergman	Gluba	Des Moines	Redmond
Briles	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Rodgers
Carr	Hill of Jasper	Murray	Schwengels
Coleman	Hill of Polk	Nolting	Shaff
Culver	Junkins	Norpel	Shaw
Curtis	Kelly	Nystrom	Sovern
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Lamborn	Plymat	Willits
Gallagher			

Nays, 7:

Heying	Merritt	Scott	Winkelman
Hultman	Ramsey	Taylor	

Absent or not voting, 4:

Nolin	Orr	Rabedeaux	Tieden
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 368

On motion of Senator Shaff, Senate File 368, a bill for an act relating to the marketing of livestock and providing penalties, was taken up for further consideration.

The Senate resumed consideration of committee amendment S—5200.

Senator Briles offered amendment S—5319 to amendment S—5200 filed by him:

S—5319

1 Amend the agriculture committee amendment, S—
2 5200, to Senate File 368, as follows:

3 1. Page 3, lines 24 and 25 by striking the
4 words "and verbally announces immediately", and in-
5 serting in lieu thereof the words "which shall in-
6 clude".

7 2. Page 3, line 28, by striking the words
8 "hear the announcement", and inserting in lieu there-
9 of the words "examine the livestock history".

10 3. Page 3, lines 46 and 47 by striking the
11 words "and verbally announces immediately", and in-
12 serting in lieu thereof the words "which shall in-
13 clude".

14 4. Page 3, line 50, by striking the words
15 "hear the announcement", and inserting in lieu
16 thereof the words "examine the livestock history".

17 5. Page 4, by inserting after line 4 the
18 following subsection:

19 "4. When a transaction involves a livestock
20 agency acting in a capacity pursuant to either sub-
21 section (2) or subsection (3) of this section, the
22 livestock agency shall post, prior to the making of
23 a sale, legible signs composed of letters not less
24 than two inches in height which shall read: 'Live-
25 stock History, when available, is maintained at'
26 and thereafter a designation of the specific lo-
27 cation on the premises where that information is
28 kept. The livestock agency shall post not less than
29 four signs, one on each side of the sales area, and
30 shall place them so that they are conspicuous to
31 persons entering the sales area. The fact that a
32 buyer did not see any of these signs shall not de-
33 feat the exemption claimed with respect to that
34 buyer."

35 6. Page 4, line 5 by striking the figure "4."
36 and inserting in lieu thereof the figure "5."

Senator Shaff raised the point of order that amendment S—5319 to amendment S—5200 was out of order because the subject matter contained therein had already been considered by the Senate.

The Chair ruled the point not well taken.

Senator Briles moved the adoption of amendment S—5319 to amendment S—5200 and requested a record roll call.

On the question “Shall amendment S—5319 to amendment S—5200 be adopted?” (S.F. 368) the vote was:

Ayes, 17:

Andersen	Doderer	Merritt	Nolting
Bergman	Hansen	Miller of	Nystrom
Briles	Hultman	Des Moines	Ramsey
Carr	Junkins	Murray	Schwengels
Culver	Kinley		

Nays, 25:

Coleman	Heying	Priebe	Shaw
Curtis	Hill of Polk	Redmond	Sovern
DeKoster	Lamborn	Robinson	Taylor
Gallagher	Miller of	Rodgers	Van Gilst
Glenn	Marshall	Scott	Willits
Gluba	Norpel	Shaff	Winkelman
Griffin	Plymat		

Absent or not voting, 8:

Burroughs	Kelly	Orr	Rabedaux
Hill of Jasper	Nolin	Palmer	Tieden

Amendment S—5319 to amendment S—5200 lost.

Senator Ramsey offered amendment S—5324 to amendment S—5200 filed by him and moved its adoption:

S—5324

- 1 Amend the committee on agriculture amendment,
- 2 S—5200 to Senate File 368 as follows:
- 3 1. Page 4, line 31, by striking the word
- 4 “knowingly”.
- 5 2. Page 4, line 32, after the word “history”
- 6 by inserting the words “knowing that said livestock
- 7 history is false”.

Amendment S—5324 to amendment S—5200 was adopted.

Senator Briles offered amendment S—5320 to amendment S—5200 filed by him, moved its adoption, and requested a non-record roll call:

S—5320

- 1 Amend the agriculture committee amendment,

2 S—5200, to Senate File 368, as follows:

3 1. Page 5, by striking lines 4 through 15.

The ayes were 17, nays 25.

Amendment S—5320 to amendment S—5200 lost.

Senator Ramsey withdrew amendment S—5318 filed by him on March 10, 1976, and found on pages 826 and 827 of the Senate Journal.

Senator Ramsey offered amendment S—5341 to amendment S—5200 and moved its adoption:

S—5341

1 Amend the committee on agriculture amendment, S—
2 5200, to Senate File 368 as follows:

3 1. Page 2, by inserting after line 39 the follow-
4 ing new paragraph:

5 "..... A veterinarian's certificate which certifies
6 that a health inspection of the animals was made by
7 a licensed veterinarian not earlier than twenty-four
8 hours prior to the time of sale or the time the owner
9 released possession of the livestock, and which
10 certifies that a visual inspection was made by that
11 veterinarian and which certifies as to the apparent
12 health of the livestock so inspected."

13 2. By relettering paragraphs as necessary.

A non-record roll call was requested.

The ayes were 11, nays 30.

Amendment S—5341 to amendment S—5200 lost.

Senator Ramsey withdrew the following amendment S—5340 to amendment S—5200:

S—5340

1 Amend the committee on agriculture amendment, S—
2 5200 to Senate File 368 by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

5 "Section. 1. *NEW SECTION. IMMUNITY OF AGENTS.*

6 A livestock agency engaging or participating in a
7 livestock transaction other than as the owner of the
8 livestock which are the subject of the transaction
9 shall not be deemed the seller of those livestock
10 for purposes of Article 2 of chapter five hundred
11 fifty-four (554) of the Code, and shall not be subject
12 to any liability under sections five hundred fifty-
13 four point two thousand three hundred fourteen
14 (554.2314) or five hundred fifty-four point two
15 thousand three hundred fifteen (554.2315) of the Code

16 with respect to those livestock if the livestock
17 agency has placed and maintains on the sales area
18 of the premises at least two signs which are visible
19 by persons occupying the sales area and which recite
20 in letters not less than one inch high the following
21 statement:

22 'This livestock agency negotiates livestock
23 sales on behalf of the owner only and is not
24 legally liable for any implied warranties,
25 whether of merchantability or fitness for a
26 particular purpose.'

27 This section shall apply to a livestock transaction
28 whether or not the livestock agency discloses the
29 name of the owner of the livestock which are the
30 subject of that transaction. The fact that any buyer
31 did not observe the posted statement shall not defeat
32 the immunity of the livestock agency."

Senator Ramsey offered amendment S—5344 to amendment
S—5200, moved its adoption and requested a record roll call:

S—5344

1 Amend the committee on agriculture amendment,
2 S—5200, to Senate File 368 by striking everything
3 after page 1, line 3, and inserting in lieu thereof
4 the following:

5 "Section. 1. *NEW SECTION. IMMUNITY OF AGENTS.*

6 A livestock agency engaging or participating in a
7 livestock transaction other than as the owner of the
8 livestock which are the subject of the transaction
9 shall not be deemed the seller of those livestock
10 for purposes of Article 2 of chapter five hundred
11 fifty-four (554) of the Code, and shall not be subject
12 to any liability under sections five hundred fifty-
13 four point two thousand three hundred fourteen
14 (554.2314) or five hundred fifty-four point two
15 thousand three hundred fifteen (554.2315) of the Code
16 with respect to those livestock if the livestock
17 agency has placed and maintains on the sales area
18 of the premises at least two signs which are visible
19 by persons occupying the sales area and which recite
20 in letters not less than one inch high the following
21 statement:

22 'This livestock agency negotiates livestock
23 sales on behalf of the owner only and is not
24 legally liable for any implied warranties,
25 whether of merchantability or fitness for a
26 particular purpose.'

27 This section shall apply to a livestock transaction
28 whether or not the livestock agency discloses the
29 name of the owner of the livestock which are the
30 subject of that transaction. The fact that any buyer
31 did not observe the posted statement shall not defeat
32 the immunity of the livestock agency."

On the question "Shall amendment S—5344 to amendment S—5200 be adopted?" (S.F. 368) the vote was:

Ayes, 9:

Briles	Kelly	Nolting	Ramsey
Carr	Merritt	Norpel	Redmond
Culver			

Nays, 31:

Andersen	Gluba	Miller of	Shaff
Bergman	Griffin	Marshall	Shaw
Burroughs	Hansen	Murray	Sovern
Coleman	Heying	Plymat	Taylor
Curtis	Hill of Polk	Priebe	Tieden
DeKoster	Hultman	Robinson	Van Gilst
Doderer	Junkins	Schwengels	Willits
Glenn	Kinley	Scott	Winkelman

Absent or not voting, 10:

Gallagher	Miller of	Nystrom	Rabedeaux
Hill of Jasper	Des Moines	Orr	Rodgers
Lamborn	Nolin	Palmer	

Amendment S—5344 to amendment S—5200 lost.

Senator Ramsey offered amendment S—5343 to amendment S—5200 and moved its adoption:

S—5343

- 1 Amend the committee on agriculture amendment,
- 2 S—5200 to Senate File 368 as follows:
- 3 1. Page 4, line 6, by inserting after the
- 4 word "the", the words "title of the".

Amendment S—5343 to amendment S—5200 lost.

Senator Ramsey offered amendment S—5342 to amendment S—5200 and moved its adoption:

S—5342

- 1 Amend the committee on agriculture amendment,
- 2 S—5200 to Senate File 368 as follows:
- 3 1. Page 4, line 17, by inserting after the
- 4 word "exemption" the words "as to the owner of the
- 5 livestock".

A non-record roll call was requested.

The ayes were 21, nays 21.

Amendment S—5342 to amendment S—5200 lost.

On motion of Senator Shaff, amendment S—5200 as amended was adopted.

Senator Shaff asked and received unanimous consent to withdraw amendment S—5044 filed by the committee on agriculture

on January 30, 1976, and found on pages 201-205, inclusive, of the Senate Journal.

Amendment S—5089 to amendment S—5044 filed by Senator Briles was ruled out of order.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 368) the vote was:

Rule 25 was invoked.

Ayes, 27:

Bergman	Hill of Polk	Palmer	Shaw
Burroughs	Junkins	Plymat	Sovern
Curtis	Kinley	Priebe	Taylor
Glenn	Merritt	Robinson	Tieden
Gluba	Miller of	Schwengels	Van Gilst
Hansen	Marshall	Scott	Willits
Heying	Murray	Shaff	Winkelman

Nays, 16:

Andersen	DeKoster	Kelly	Norpel
Briles	Doderer	Miller of	Ramsey
Carr	Hill of Jasper	Des Moines	Redmond
Coleman	Hultman	Nolting	Rodgers
Culver			

Absent or not voting, 7:

Gallagher	Lamborn	Nystrom	Rabedaux
Griffin	Nolin	Orr	

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

INTRODUCTION OF BILLS

Senate File 1259, by Senators Redmond, Priebe, Merritt, Norpel and Schwengels, a bill for an act to exempt from the sales and use tax certain tangible personal property purchased for rental purposes.

Read first time and **passed on file.**

Senate File 1260, by Senator Murray, a bill for an act relating to motor bicycles.

Read first time and **passed on file.**

Senate File 1261, by committee on appropriations, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Read first time and **placed in calendar.**

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

H. F. 1048 Judiciary

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to investigating committees:

As members of the State Board of Barber Examiners:

Carol A. Brown, Des Moines, Polk County, Iowa for an unexpired portion of a term ending June 30, 1976 and for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Senator Redmond, Chairperson
Senator Nolting
Senator Plymat
Senator Shaff
Senator Sovern

Alfred D. Wilson, Des Moines, Polk County, Iowa for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Senator Curtis, Chairperson
Senator Glenn
Senator Hill of Polk
Senator Orr
Senator Priebe

As a member of the Appeal Board on State Institution Construction Contracts:

Albert A. Augustine, Des Moines, Polk County, Iowa for a regular four-year term ending June 30, 1979.

Senator Gluba, Chairperson
Senator Culver
Senator Hill of Polk
Senator Norpel
Senator Shaw

As a member of the City Development Board:

Sharon Woodley Nail, Iowa Falls, Hardin County, Iowa for a regular six-year term commencing July 1, 1976 and ending June 30, 1982.

Senator Junkins, Chairperson
Senator Coleman
Senator Doderer
Senator Nystrom
Senator Taylor

As members of the State Board of Accountancy:

Harry C. Jensen, Des Moines, Polk County, Iowa for a regular three-year term commencing July 1, 1976 and ending June 30, 1979.

Senator Briles, Chairperson
Senator Carr
Senator **Heying**
Senator Palmer
Senator Tieden

Ruth E. Kuney, Des Moines, Polk County, Iowa for a regular three-year term commencing July 1, 1976, and ending June 30, 1979.

Senator Bergman, Chairperson
Senator Gallagher
Senator Miller of Des Moines
Senator Plymat
Senator Willits

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 16th day of March, 1976: Senate Files 53 and 387.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1367**, a bill for an act relating to loans by a state bank to its officers, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5333

- 1 Amend the amendment, S—5121, to Senate File 356,
- 2 page 1, by striking lines 1 through 10 and inserting
- 3 in lieu thereof the following:
- 4 "Amend Senate File 356 as follows:
- 5 1. Page 2, line 33, by striking the word 'affected'
- 6 and inserting in lieu thereof the word 'benefited'.
- 7 2. Page 2, line 34, by striking the words 'an
- 8 affect on' and inserting in lieu thereof the words
- 9 'a benefit from'.
- 10 3. Page 3, line 4, by striking the words 'interest
- 11 in' and inserting in lieu thereof the words 'benefit
- 12 from'."

ELIZABETH SHAW

S—5336

- 1 Amend Senate File 1081 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 words "drug and" the words ", if different than
- 4 the manufacturer,".

C. JOSEPH COLEMAN

S—5345

- 1 Amend the amendment, S—5311, to Senate File 1216,
- 2 by striking line 5 and inserting in lieu thereof the
- 3 following:
- 4 3. Page 5, by striking lines 1 through 7.
- 5 4. Page 5, line 8, by striking the words
- 6 "bid procedure.".

ROBERT M. CARR
JAMES E. BRILES

S—5332

- 1 Amend Senate File 1241 as follows:
- 2 1. Page 1, line 11, by striking the word "method."
- 3 and inserting in lieu thereof the word "method".
- 4 2. Page 1, line 12, by striking the words "A
- 5 sample" and inserting in lieu thereof the words "and
- 6 they".
- 7 3. Page 1, line 13, by striking the word "its"
- 8 and inserting in lieu thereof the word "their".

DALE L. TIEDEN

S—5338

- 1 Amend Senate File 1250, page 4, line 7, by striking
- 2 the figure "30,250" and inserting in lieu thereof
- 3 the figure "36,500".

BASS VAN GILST
EARL M. WILLITS

S—5339

- 1 Amend Senate File 1258 as follows:
- 2 1. Page 4, by striking lines 20 through 22, and
- 3 inserting in lieu thereof the following:
- 4 "d. All rights of cities under chapter four hundred
- 5 seventy-two (472) of the Code are preserved. However,
- 6 prior to the institution of condemnation proceedings,
- 7 the city shall obtain a certificate of authority from
- 8 the commission in accordance with this Act and the
- 9 commission's determination of price under this Act
- 10 shall be conclusive evidence of damages in these
- 11 condemnation proceedings."
- 12 2. Page 7, line 9, by striking the misspelled
- 13 word "prosecutive" and inserting in lieu thereof the
- 14 word "prospective".
- 15 3. Page 7, by striking lines 11 through 17.

COMMITTEE ON COMMERCE
LOWELL L. JUNKINS, Chairperson

S—5335

1 Amend House File 207, as passed by the House, page
2 3, by inserting after line 2 the following:
3 *"When real property is purchased or condemned for*
4 *highway purposes and the property is not used for*
5 *the purposes for which it was purchased or condemned,*
6 *any unused land acquired for the construction or*
7 *improvement of any highway shall be offered for sale.*
8 *The highway authority shall offer the person who owned*
9 *the property at the time it was acquired the right*
10 *to purchase the unused property proposed to be sold*
11 *for the original acquisition price less the price*
12 *of the used portion. If the original owner of the*
13 *property fails to purchase the unused property within*
14 *sixty days, the highway authority shall offer the*
15 *unused property for public sale as provided by law.*
16 *The provisions of this paragraph shall apply to all*
17 *property acquired by a highway authority on or after*
18 *July 1, 1969."*

RAY TAYLOR
C. JOSEPH COLEMAN

S—5331

1 Amend House File 504, as amended and passed by
2 the House, as follows:
3 1. Page 1, by inserting before line 1 the following
4 new sections:
5 "Sec. Section four hundred twenty-one point
6 seventeen (421.17), subsection six (6), unnumbered
7 paragraph two (2), Code 1975, is amended to read as
8 follows:
9 The director shall require all county recorders
10 and city and county assessors to prepare a quarterly
11 report in the manner and form to be prescribed by
12 the director showing for each warranty deed or contract
13 of sale of real estate, divided between rural and
14 urban, during the last completed quarter the amount
15 of revenue stamps, sale price or consideration *less*
16 *any commission, fee, salary, or other consideration*
17 *paid to a real estate broker or real estate salesman*
18 *included in the purchase price of the real property,*
19 *and the equalized value at which that property was*
20 *assessed that year. This report with such further*
21 *information as may be required by the director shall*
22 *be submitted to the department within sixty days after*
23 *the end of each quarter. The department shall prepare*
24 *annual summaries of such records of the ratio of*
25 *assessments to actual sales prices for all counties*
26 *and for cities having city assessors, and such*
27 *information for the preceding year shall be available*
28 *for public inspection by May 1.*
29 Sec. Section four hundred twenty-eight A
30 point one (428A.1), Code 1975, is amended to read
31 as follows:

32 428A.1 AMOUNT OF TAX ON TRANSFERS. There is
33 imposed on each deed, instrument, or writing by which
34 any lands, tenements, or other realty in this state
35 shall be granted, assigned, transferred, or otherwise
36 conveyed, a tax determined in the following manner:
37 When there is no consideration or when the deed
38 instrument or writing is executed and tendered for
39 recording as an instrument corrective of title, and
40 so states, there shall be no tax. When there is
41 consideration and the actual market value of the real
42 property transferred is in excess of five hundred
43 dollars, the tax shall be fifty-five cents for each
44 five hundred dollars or fractional part of five hundred
45 dollars in excess of five hundred dollars. The term
46 'consideration' as used in this chapter, means the
47 full amount of the actual sale price of the real
48 property involved *less any commission, fee, salary,*
49 *or other consideration paid to a real estate broker*
50 *or real estate salesman included in the purchase price*

Page 2

1 *of the real property, paid or to be paid, including*
2 *the amount of an incumbrance or lien on the property,*
3 *whether assumed or not by the grantee. It shall be*
4 *presumed that the sale price so stated shall include*
5 *the value of all personal property transferred as*
6 *part of the sale unless the dollar value of said*
7 *personal property is stated on the instrument of*
8 *conveyance. When the dollar value of the personal*
9 *property included in the sale is so stated, it shall*
10 *be deducted from the consideration shown on the*
11 *instrument for the purpose of determining the tax."*

12 2. Page 2, by inserting after line 34 the following
13 new section:

14 "Sec. Section four hundred forty-one point
15 twenty-one (441.21), subsection one (1), unnumbered
16 paragraph two (2), Code 1975, is amended to read as
17 follows:

18 The actual value of all property subject to
19 assessment and taxation shall be the fair and
20 reasonable market value of such property *less any*
21 *commission, fee, salary, or other consideration paid*
22 *to a real estate broker or real estate salesman*
23 *included in the purchase price of the real property.*
24 'Market value' is defined as the fair and reasonable
25 exchange in the year in which the property is listed
26 and valued between a willing buyer and a willing
27 seller, neither being under any compulsion to buy
28 or sell and each being familiar with all the facts
29 relating to the particular property. Sale prices
30 of the property or comparable property in normal
31 transactions reflecting market value, and the probable
32 availability or unavailability of persons interested
33 in purchasing the property, shall be taken into
34 consideration in arriving at its market value. In

35 arriving at market value, sale prices of property
36 in abnormal transactions not reflecting market value
37 shall not be taken into account, or shall be adjusted
38 to eliminate the effect of factors which distort
39 market value, including but not limited to sales to
40 immediate family of the seller, foreclosure or other
41 forced sales, contract sales, discounted purchase
42 transactions or purchase of adjoining land or other
43 land to be operated as a unit."
44 3. Renumber sections and correct internal
45 references as may be necessary by this amendment.

FORREST V. SCHWENGELS

S—5337

1 Amend House File 1403 as follows:
2 1. Page 2, line 2, by striking the words
3 "*by check*".

JAMES E. BRILES

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:00
p.m., until 9:30 a.m., Wednesday, March 17, 1976.

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 17, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Herbert G. Kohl, associate pastor of the Christian Churches of the Upper Midwest, Newton, Iowa.

The Journal of Tuesday, March 16, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. C. Weideman, Vinton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Ramsey for the day on request of Senator Hill of Polk; Senator Rabedaux for the day on request of Senator Lamborn; Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from the Iowa School for the Deaf, Council Bluffs, Iowa, accompanied by Mr. Clausen, Mr. Kruse and Mr. Hines. Senator Griffin.

Twenty-three students, members of the Maquoketa High School Boys' Basketball Team, Maquoketa, Iowa. Senators Lamborn and Norpel.

PETITIONS

The following petitions were presented and placed on file:

By Senator Bergman from one hundred twenty-five residents of Dickinson County favoring House File 1008 to raise the legal drinking age to nineteen.

By Senator Doderer from twenty-three residents of Hancock and Wright Counties favoring legislation to raise the legal drinking age to nineteen.

INTRODUCTION OF BILL

Senate File 1262, by Senator Taylor, a bill for an act relating to the funding of mandated duties or functions of political subdivisions of the state.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Senate File 1254

On motion of Senator Curtis, Senate File 1254, a bill for an act relating to the filing requirements for information returns for tax purposes, was taken up for consideration.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1254) the vote was:

Ayes, 39:

Andersen	Glenn	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Nolting	Shaff
Carr	Hill of Jasper	Norpel	Shaw
Culver	Hill of Polk	Nystrom	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kelly	Plymat	Tieden
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Merritt	Redmond	Winkelman

Nays, none.

Absent or not voting, 11:

Coleman	Lamborn	Nolin	Ramsey
Gluba	Miller of	Orr	Robinson
Hultman	Des Moines	Rabedaux	Willits

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1248.

Senate File 1248

On motion of Senator Sovern, Senate File 1248, a bill for an act to permit control of the operation of snowmobiles upon highways which are part of a state park road system or a county conservation parkway system, was taken up for consideration.

DEFERRED

Senator Priebe asked and received unanimous consent that further action on Senate File 1248 be deferred and that the bill be placed on the calendar under unfinished business.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1249.

Senate File 1249

On motion of Senator Briles, Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies, was taken up for consideration.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1249) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, 2:

Doderer Hill of Polk

Absent or not voting, 5:

Lamborn	Rabedeaux	Ramsey	Willits
Nolin			

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1249 passed the Senate on Wednesday, March 17, 1976.

FORREST V. SCHWENGELS

MOTION TO RECONSIDER ADOPTED**Senate File 1241**

Senator Tieden called up the following motion to reconsider filed by him on March 15, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1241 passed the Senate on Friday, March 12, 1976.

The ayes were 39, nays 1.

The motion prevailed.

Senator Tieden moved to reconsider the vote by which Senate File 1241 went to its last reading, which motion prevailed.

On motion of Senator Tieden, Senate File 1241, a bill for an act relating to moisture sampling of grain or soybeans, was taken up for reconsideration.

Senator Tieden offered amendment S—5332 filed by him and moved its adoption:

S—5332

- 1 Amend Senate File 1241 as follows:
- 2 1. Page 1, line 11, by striking the word "method."
- 3 and inserting in lieu thereof the word "method".
- 4 2. Page 1, line 12, by striking the words "A
- 5 sample" and inserting in lieu thereof the words "and
- 6 they".
- 7 3. Page 1, line 13, by striking the word "its"
- 8 and inserting in lieu thereof the word "their".

Amendment S—5332 was adopted.

Senator Nolting took the chair at 10:37 a.m.

DEFERRED

Senator Robinson asked and received unanimous consent that further action on Senate File 1241 be deferred and that the bill be placed on the calendar under unfinished business.

MOTION TO RECONSIDER WITHDRAWN**House File 1003**

Senator Shaff withdrew the motion to reconsider the vote by

which House File 1003, a bill for an act relating to restricting the ownership of farming land by corporations, passed the Senate, filed by him on February 26, 1976.

MOTION TO RECONSIDER ADOPTED

Senate File 356

Senator Robinson called up the following motion to reconsider filed by him on January 29, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 356 failed to pass the Senate on January 28, 1976.

On the question "Shall the motion to reconsider be adopted?" (S.F. 356) the vote was:

Ayes, 34:

Andersen	Glenn	Merritt	Robinson
Bergman	Gluba	Miller of	Schwengels
Briles	Hansen	Des Moines	Shaff
Burroughs	Heying	Miller of	Shaw
Carr	Hill of Polk	Marshall	Sovern
Curtis	Hultman	Murray	Taylor
DeKoster	Kelly	Nolting	Van Gilst
Doderer	Kinley	Nystrom	Willits
Gallagher	Lamborn	Plymat	Winkelman

Nays, 10:

Coleman	Norpel	Priebe	Scott
Culver	Orr	Redmond	Tieden
Hill of Jasper	Palmer		

Absent or not voting, 6:

Griffin	Nolin	Ramsey	Rodgers
Junkins	Rabedeaux		

The motion prevailed.

Senator Robinson moved to reconsider the vote by which Senate File 356 went to its last reading, which motion prevailed.

On motion of Senator Robinson, Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, was taken up for reconsideration.

Senator Redmond offered amendment S—5117 filed by Senators Redmond and Sovern:

S—5117

1 Amend Senate File 356 as follows:

Division S—5117A

2 1. Page 2, by inserting after line 14 the
3 following:

4 "9. 'Contiguous' means touching along a boundary
5 or boundaries for a considerable distance; connected;
6 in actual contact and not just near; meeting or joining
7 along a border or borders beyond a mere touching of
8 corners. It is intended that parcels of land composing
9 a self-supported municipal improvement district shall
10 together constitute one undivided body of land where
11 the parcels are more than slightly or tenuously
12 joined."

Division S—5117B

13 2. Page 2, line 26, by inserting after the word
14 "city." the words "A self-supported municipal im-
15 provement district shall not be comprised of any
16 property in districts which are zoned for any use
17 other than commercial or industrial."

Division S—5117C

18 3. Page 3, line 6, by inserting after the word
19 "district." the words "Only property which is or will
20 be specially benefited shall be included in the
21 district."

Division S—5117D

22 4. Page 3, lines 7 and 8, by striking the words
23 "call a hearing on the establishment of" and inserting
24 in lieu thereof the words "initiate proceedings for
25 establishing".

26 5. Page 3, by inserting after line 31 the following
27 subsection:

28 "3. The council shall notify the city planning
29 commission upon the receipt of a petition. It shall
30 be the duty of the city planning commission to make
31 recommendations to the council in regard to the
32 proposed district. The city planning commission
33 shall, with due diligence, prepare a preliminary
34 report and hold public hearings thereon, publishing
35 notice of a hearing as provided in section three
36 hundred sixty-two point three (362.3) of the Code,
37 before submitting its final report to the council.
38 The council shall not hold its public hearings or
39 take further action on the establishment of the
40 district until it has received the final report of
41 the city planning commission. In addition to its
42 final report, the commission may, from time to time,
43 recommend to the council amendments and changes
44 relating to the district.

45 If no city planning commission exists, the council
46 shall notify the metropolitan or regional planning
47 commission upon receipt of a petition, and such com-
48 mission shall have the same duties as the city planning
49 commission set forth in this subsection. If no
50 planning commission exists, the council shall notify

Page 2

1 the zoning commission upon receipt of a petition,

2 and such commission shall have the same duties as
3 the city planning commission set forth in this
4 subsection. If no planning or zoning commission
5 exists, the council shall call a hearing on the
6 establishment of a district upon receipt of a
7 petition."

8 6. Page 3, line 32, by striking the words "a
9 petition" and inserting in lieu thereof the words
10 "the commission's final report".

11 7. Page 7, line 11, by inserting after the word
12 "adding" the words "any eligible property".

13 8. Page 9, by striking lines 6 through 9 and in-
14 serting in lieu thereof the words "notify the city
15 planning commission, if one exists, the metropolitan
16 or regional planning commission, if one exists, or
17 the zoning commission, if one exists, in the order
18 set forth in subsection three (3) of section three
19 (3) of this Act. Upon notification by the council,
20 the commission shall prepare a preliminary report,
21 hold public hearings, submit a final report, and carry
22 out all other duties as set forth in subsection three
23 (3) of section three (3) of this Act.

24 3. Upon the receipt of the commission's final
25 report the council shall set a time and place of
26 meeting at which the council proposes to take action
27 on the proposed improvement and shall publish and
28 mail notice as provided in section three (3) of this
29 Act."

Division S—5117E

30 9. Page 10, by striking line 30 and inserting
31 in lieu thereof the words:

32 "1. Subsections one (1) through five (5)".

33 10. Renumber the sections, subsections, and
34 internal references to conform to this amendment.

Senator Shaw called for a division of amendment S—5117, as follows:

Division S—5117A—section 1.

Division S—5117B—section 2.

Division S—5117C—section 3.

Division S—5117D—sections 4 through 8.

Division S—5117E—sections 9 and 10.

Senator Redmond moved the adoption of division S—5117A of the amendment and requested a non-record roll call.

Rule 25 was invoked.

The ayes were 22, nays 23.

Division S—5117A of the amendment lost.

President pro tempore Doderer took the chair at 11:30 a.m.

On motion of Senator Redmond, division S—5117B of the amendment was adopted.

Senator Redmond asked and received unanimous consent to withdraw division S—5117C of the amendment.

Amendment S—5347 to division S—5117C of the amendment by Senator Shaw was ruled out of order:

S—5347

- 1 Amend the Redmond amendment S—5117 to Senate
- 2 File 356, page 1, line 20, by striking the word
- 3 "specially".

Senator Shaw offered amendment S—5134 to division S—5117D of the amendment filed by her, moved its adoption and requested a non-record roll call:

S—5134

- 1 Amend the Redmond amendment S—5117 to Senate File
- 2 356 as follows:
- 3 1. Page 1, line 33, by striking the words "a
- 4 preliminary".
- 5 2. Page 1, by striking lines 34 through 37 and
- 6 inserting in lieu thereof the words "an evaluative
- 7 report for the council on the merit and feasibility
- 8 of the project."
- 9 3. Page 1, line 40, by striking the word "final".
- 10 4. Page 1, line 42, by striking the word "final".
- 11 5. Page 1, line 44, by striking the word "district"
- 12 and inserting in lieu thereof the word "project".
- 13 6. Page 2, line 10, by striking the word "final".
- 14 7. Page 2, lines 20 and 21, by striking the words
- 15 "a preliminary report, hold public hearings, submit
- 16 a final report," and inserting in lieu thereof the words
- 17 "an evaluative report for the council on the merit
- 18 and feasibility of the improvement".
- 19 8. Page 2, line 24, by striking the word "final".

The ayes were 26, nays 17.

Amendment S—5134 to division S—5117D of the amendment was adopted.

On motion of Senator Redmond, division S—5117D as amended was adopted.

On motion of Senator Redmond, division S—5117E was adopted.

(Senate File 356 pending on recess.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1200, a bill for an act relating to the regulation of bicycles by the state board of regents.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1053, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1298, a bill for an act relating to the prohibition of toxic extinguishers.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1361, a bill for an act relating to short-term loans of cities.

Also: That the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1365, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations.

Also: That the House has on March 8, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1388, a bill for an act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1439, a bill for an act relating to birds of prey.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1460, a bill for an act striking references to the Iowa Annie Wittenmyer Home.

Also: That the House has on March 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1463, a bill for an act relating to the weighing of bulk commodities.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1053, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license.

Read first time and **passed on file**.

House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons.

Read first time and **passed on file**.

House File 1298, a bill for an act relating to the prohibition of toxic extinguishers.

Read first time and **passed on file**.

House File 1361, a bill for an act relating to short-term loans of cities.

Read first time and **passed on file**.

House File 1365, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations.

Read first time and **passed on file**.

House File 1388, a bill for an act amending certain provisions relating to the disposal of solid waste and the establishment of sanitary disposal projects and providing for the use of injunctions in the case of certain violations.

Read first time and **passed on file**.

House File 1439, a bill for an act relating to birds of prey.

Read first time and **passed on file**.

House File 1460, a bill for an act striking references to the Iowa Annie Wittenmyer Home.

Read first time and **passed on file**.

House File 1463, a bill for an act relating to the weighing of bulk commodities.

Read first time and **passed on file**.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

BUSINESS PENDING

Senate File 356

The Senate resumed reconsideration of Senate File 356.

Senator Shaw offered amendment S—5281 filed by her:

S—5281

- 1 Amend Senate File 356 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "city." the words "A self-supported municipal
- 4 improvement district shall not be comprised of the
- 5 line on which railroad tracks are located or twenty
- 6 feet on either side."
- 7 2. Page 7, line 30, by inserting after the word
- 8 "ordinance" the words "amending the ordinance".

Senator Shaw offered amendment S—5285 to amendment S—5281 filed by her and moved its adoption:

S—5285

- 1 Amend the Shaw amendment, S—5281, to Senate
- 2 File 356, page 1, line 4, by striking the words "be
- 3 comprised of" and insert in lieu thereof the word
- 4 "include".

Amendment S—5285 to amendment S—5281 was adopted.

Senator Shaw moved the adoption of amendment S—5281.

The Chair called for a non-record roll call.

Rule 25 was invoked.

The ayes were 20, nays 23.

Amendment S—5281 lost.

Senator Redmond offered amendment S—5121 filed by Senators Redmond and Sovern:

S—5121

- 1 Amend Senate File 356 as follows:
- 2 1. Page 2, line 33 by striking the word
- 3 "affected" and inserting in lieu thereof the
- 4 words "specially benefited".
- 5 2. Page 2, line 34 by striking the words
- 6 "an affect" and inserting in lieu thereof the
- 7 words "a special benefit".
- 8 3. Page 3, line 4 by striking the word
- 9 "interest" and inserting in lieu thereof the
- 10 words "special benefit from".

Senator Shaw offered amendment S—5333 to amendment S—5121 filed by her, moved its adoption and requested a record roll call:

S—5333

- 1 Amend the amendment, S—5121, to Senate File 356,
- 2 page 1, by striking lines 1 through 10 and inserting
- 3 in lieu thereof the following:
- 4 "Amend Senate File 356 as follows:
- 5 1. Page 2, line 33, by striking the word 'affected'
- 6 and inserting in lieu thereof the word 'benefited'.
- 7 2. Page 2, line 34, by striking the words 'an
- 8 affect on' and inserting in lieu thereof the words
- 9 'a benefit from'.
- 10 3. Page 3, line 4, by striking the words 'interest
- 11 in' and inserting in lieu thereof the words 'benefit
- 12 from'."

On the question "Shall amendment S—5333 to amendment S—5121 be adopted?" (S.F. 356) the vote was:

Ayes, 29:

Andersen	Griffin	Merritt	Plymat
Bergman	Hansen	Miller of	Robinson
Curtis	Hill of Polk	Des Moines	Shaw
DeKoster	Hultman	Miller of	Taylor
Doderer	Junkins	Marshall	Tieden
Gallagher	Kelly	Murray	Willits
Glenn	Kinley	Norpel	Winkelman
Gluba	Lamborn	Nystrom	

Nays, 14:

Burroughs	Heying	Palmer	Scott
Carr	Hill of Jasper	Priebe	Sovern
Coleman	Nolting	Redmond	Van Gilst
Culver	Orr		

Absent or not voting, 7:

Briles	Rabedaux	Rodgers	Shaff
Nolin	Ramsey	Schwengels	

Amendment S—5333 to amendment S—5121 was adopted.

On motion of Senator Redmond, amendment S—5121 as amended was adopted.

Senator Redmond offered amendment S—5348 and moved its adoption:

S—5348

- 1 Amend Senate File 356 as follows:
- 2 1. Page 3, by striking lines 10 through 13 and
- 3 inserting in lieu thereof the following:
- 4 "a. The signatures of at least twenty-five per-
- 5 cent of all owners of property within the proposed
- 6 district. These signatures must together represent
- 7 ownership of property with an assessed value of
- 8 twenty-five percent or more of the assessed value
- 9 of all of the property in the proposed district."
- 10 2. Page 5, by striking lines 11 through 15 and

11 inserting in lieu thereof the words "at least twenty-
12 five percent of all owners of property within the
13 proposed district representing ownership of property
14 with an assessed value of twenty-five percent or more
15 of the assessed value of all of the property in
16 the proposed district, the adoption of the ordinance
17 requires a unanimous vote of the council."

18 3. Page 5, by inserting after line 18 the
19 following subsection:

20 "..... At any time prior to adoption of an or-
21 dinance establishing a district, the entire matter
22 of establishing such district shall be withdrawn from
23 council consideration if a petition is filed with
24 its clerk containing the signatures of owners of
25 property within the proposed district which has an
26 assessed value of fifty percent or more of the
27 assessed value of all of the property in the proposed
28 district."

Amendment S—5348 was adopted.

Senator Redmond offered amendment S—5148 filed by him
and moved its adoption:

S—5148

1 Amend Senate File 356 as follows:

Division S—5148A

2 1. Page 8, lines 24 through 27, by striking
3 the words "Upon dissolution any funds of the dis-
4 trict, including the capital improvement fund, will
5 be held as a segregated fund by the city for use
6 only with respect to improvements within the area
7 of the district."

Division S—5148B

8 2. Page 8, lines 33 and 34, by striking the
9 words "may initiate proceedings to order the con-
10 struction of an improvement on its motion, and".

11 3. Page 9, lines 4 and 5, by striking the
12 words "or upon the council's motion to initiate
13 proceedings,".

Division S—5148C

14 4. Page 14, by striking line 35.

15 5. Page 15, by striking lines 1 through 15.

Senator Shaw called for a division of the amendment, section
1 to be considered as division S—5148A; sections 2 and 3 to be
considered as division S—5148B; sections 4 and 5, as division
S—5148C.

Senator Redmond moved the adoption of division S—5148A of
the amendment and requested a non-record roll call.

The ayes were 24, nays 21.

Division S—5148A of the amendment was adopted.

On motion of Senator Redmond, division S—5148B of the amendment was adopted.

Senator Redmond moved the adoption of division S—5148C of the amendment and requested a non-record roll call.

The ayes were 19, nays 26.

Division S—5148C of the amendment lost.

Senator Griffin offered amendment S—5179 filed by him and moved its adoption:

S—5179

- 1 Amend Senate File 356 as follows:
- 2 1. Page 9, line 27, by inserting after the word
- 3 "Code" the following: ", provided that 'improvement'
- 4 as used in this section means an improvement as de-
- 5 fined in section one (1), subsection two (2) of this
- 6 Act, not a 'public improvement' as defined in sec-
- 7 tion three hundred eighty-four point ninety-five
- 8 (384.95) of the Code".
- 9 2. Page 11, line 9 by inserting after the word
- 10 "Code" the following: ", provided that 'improvement'
- 11 as used in this section means an improvement as
- 12 defined in section one (1), subsection two (2)
- 13 of this Act, not a 'public improvement' as defined
- 14 in section three hundred eighty-four point ninety-
- 15 five (384.95) of the Code".

Senator Nolting took the chair at 3:45 p.m.

A non-record roll call was requested.

The ayes were 23, nays 20.

Amendment S—5179 was adopted.

Senator Coleman withdrew amendment S—5351:

S—5351

- 1 Amend Senate File 356 as follows:
- 2 1. Page 16, after line 17, by adding the follow-
- 3 ing:
- 4 "Sec. The provisions of this Act shall apply
- 5 to special charter cities having a population of
- 6 seventy-five thousand persons or more."

Senator Coleman offered amendment S—5352, moved its adoption and requested a non-record roll call:

S—5352

- 1 Amend Senate File 356 as follows:

- 2 1. Page 16, after line 17, by adding the fol-
 3 lowing:
 4 "Sec. The provisions of this Act shall apply
 5 only to special charter cities or cities having a
 6 population of seventy-five thousand persons or more."

The ayes were 11, nays 31.

Amendment S—5352 lost.

President pro tempore Doderer took the chair at 3:55 p.m.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 356) the vote was:

Ayes, 29:

Andersen	Gluba	Miller of	Schwengels
Bergman	Griffin	Des Moines	Shaff
Briles	Hansen	Miller of	Shaw
Carr	Hultman	Marshall	Sovern
Curtis	Junkins	Nolting	Taylor
DeKoster	Kelly	Nystrom	Tieden
Doderer	Lamborn	Plymat	Willits
Gallagher		Robinson	Winkelman

Nays, 16:

Burroughs	Heying	Norpel	Redmond
Coleman	Hill of Jasper	Orr	Rodgers
Culver	Hill of Polk	Palmer	Scott
Glenn	Kinley	Priebe	Van Gilst

Absent or not voting, 5:

Merriitt	Nolin	Rabedaux	Ramsey
Murray			

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Glenn presiding.

INTRODUCTION OF BILLS

Senate File 1263, by committee on agriculture, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

Read first time and placed on calendar.

Senate File 1264, by committee on agriculture, a bill for an act relating to licenses for meat and poultry, milk, and eggs.

Read first time and placed on calendar.

Senate File 1265, by committee on transportation, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 106

By Redmond

- 1 *Whereas*, the University of Iowa Hawkeye wrestling
- 2 team won its second consecutive national wrestling
- 3 team championship on March 13, 1975; and
- 4 *Whereas*, Mr. Chuck Yagla won his second consecu-
- 5 tive individual national wrestling championship; and
- 6 *Whereas*, Mr. Brad Smith and Mr. Chris Campbell
- 7 each won individual national wrestling championships;
- 8 and
- 9 *Whereas*, the Iowa State University Cyclone wrestling
- 10 team was runner-up to the University of Iowa Hawkeye
- 11 wrestling team in the national championship tourna-
- 12 ment; *Now, Therefore,*
- 13 *Be It Resolved by the Senate, the House Concurring,*
- 14 That the week of March 22nd through March 28th be
- 15 designated Iowa Wrestling Week to honor Coach Gary
- 16 Kurdelmeier and his National Champion Iowa Hawkeyes
- 17 and Coach Harold Nichols and his Iowa State Cyclones.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1259 Ways and means
- S. F. 1260 Transportation
- H. F. 1143 Human resources
- H. F. 1390 Natural resources
- H. F. 1410 Judiciary
- H. F. 1456 County government

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 368 passed the Senate on Tuesday, March 16, 1976.

MILO MERRITT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Fredine M. Branson of Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM N. PLYMAT, Chairperson
CLIFF BURROUGHS
C. JOSEPH COLEMAN
LOUIS P. CULVER
MINNETTE DODERER

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 1062**

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, respectfully submit the following report:

1. That the House recede from its amendment, S—5183, to Senate File 1062, as amended, passed, and reprinted by the Senate.

2. That Senate File 1062, as amended, passed, and reprinted by the Senate, be amended as follows:

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

DIVISION I**Budget Limitations for Fiscal Years 1976-77 and 1977-78**

Section 1. **DEFINITIONS.** As used in this division:

1. "Base year" means the preceding fiscal year.
2. "Political subdivision" means a county, a city having a population of more than five hundred persons or any other local public body or corporation having a property tax budget subject to limitation under sections two (2) through five (5) of this division.
3. "Total budget" means the budget including amendments for all funds or programs of a political subdivision.
4. "Property tax budget" means those parts of the total budget of a political subdivision to be derived from property taxation and subject to the maximum dollar levy limitations under sections two (2) through five (5) of this division.
5. "Person" means eligible elector as defined in section thirty-nine point three (39.3) of the Code.

6. "State appeal board" means the state appeal board created under section twenty-four point twenty-six (24.26) of the Code.

Sec. 2. CITY LEVY LIMITATION. The maximum amount in dollars which may be levied by a city with a population of more than five hundred over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977 for the following designated property tax levies, except as otherwise provided in this division:

1. The general fund levy authorized pursuant to section three hundred eighty-four point one (384.1) of the Code.

2. The tax levy for the purpose of carrying out the terms of a contract for the use of a bridge by a city situated on a river over which a bridge has been built authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eight (8), of the Code.

3. The tax levy for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection ten (10), of the Code.

4. The tax levy for the lease of a building or complex of buildings to be operated as a civic center authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eleven (11), of the Code.

5. The tax levy for operating and maintaining a civic center owned by a city authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection twelve (12), of the Code.

6. The tax levy for planning a sanitary disposal system authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection thirteen (13), of the Code.

7. The tax levy for an aviation authority authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

8. The tax levy for an authority for a joint city-county building authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection fifteen (15), of the Code.

9. The tax levy for a levee improvement fund authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the Code.

10. The tax levy to aid a railway authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

11. The tax levy to maintain an institution received by gift or devise authorized pursuant to section three hundred eighty-four point twelve (384.12), subsection eighteen (18), of the Code.

12. The tax levy for the emergency fund authorized pursuant to section three hundred eighty-four point eight (384.8) of the Code.

Sec. 3. COUNTY LEVY LIMITATION. The maximum amount in dollars which may be levied by a county over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977 for the following designated property tax levies, except as otherwise provided in this division:

1. The tax levy for the emergency fund authorized pursuant to section twenty-four point six (24.6) of the Code.

2. The tax levy for the development, operation, and maintenance of a memorial building or monument authorized pursuant to section thirty-seven point eight (37.8) of the Code.

3. The tax levy for the purchase of voting machines authorized pursuant to section fifty-two point three (52.3) of the Code.

4. The tax levy for the county conservation board authorized pursuant to section one hundred eleven A point six (111A.6) of the Code.

5. The tax levy for indemnity payments and the inspection and testing program relating to bovine brucellosis eradication authorized pursuant to section one hundred sixty-four point twenty-three (164.23) of the Code.

6. The tax levy for the bovine tuberculosis eradication fund authorized pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

7. The tax levy for the fairground fund authorized pursuant to sections one hundred seventy-four point thirteen (174.13) and one hundred seventy-four point seventeen (174.17) of the Code.

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section two hundred thirty-two point twenty-two (232.22) of the Code.

9. The tax levy for the veteran affairs fund authorized pursuant to section two hundred fifty point one (250.1) of the Code.

10. The tax levy for the poor fund authorized pursuant to sections two hundred fifty-two point forty-three (252.43) through two hundred fifty-two point forty-five (252.45) of the Code.

11. The tax levy for secondary road construction and maintenance authorized pursuant to section three hundred nine point seven (309.7) of the Code.

12. The tax levy for the road clearing fund authorized pursuant to section three hundred seventeen point nineteen (317.19) of the Code.

13. The tax levy for the purchase of weed eradicating equipment and materials authorized pursuant to section three hundred seventeen point twenty (317.20) of the Code.

14. The tax levy for an aviation authority authorized pursuant to section three hundred thirty A point fifteen (330A.15) of the Code.

15. The tax levy for the maintenance and improvement of cemeteries in the county authorized pursuant to section three hundred thirty-two point three (332.3) of the Code.

16. The tax levy for public disposal grounds authorized pursuant to section three hundred thirty-two point thirty-two (332.32) of the Code.

17. The tax levy for the operation, control, maintenance, and management of health centers authorized pursuant to section three hundred forty-six A point two (346A.2) of the Code.

18. The tax levy for the payment of claims for bounties on wild animals authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

19. The tax levy for the maintenance of a county library authorized pursuant to section three hundred fifty-eight B point thirteen (358B.13) of the Code.

20. The tax levy for the entering of contracts for the use of city libraries authorized pursuant to section three hundred fifty-eight B point eighteen (358B.18) of the Code.

21. The tax levy for ordinary county revenue and the election expense fund authorized pursuant to section four hundred forty-four point nine (444.9) of the Code.

22. The tax levy for the county orphan fund authorized pursuant to section four hundred forty-four point eleven (444.11) of the Code.

23. The tax levy for the purpose of planning a sanitary disposal project or of paying interest and principal on bonds issued pursuant to section three hundred forty-six point twenty-three (346.23) of the Code which levy is authorized pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the Code.

24. The tax levy for flood and erosion control projects authorized pursuant to section four hundred sixty-seven B point nine (467B.9) of the Code.

25. The tax levy for the maintenance of property received by a county by gift or devise authorized pursuant to section five hundred sixty-five point eight (565.8) of the Code.

Sec. 4. SPECIAL DISTRICT LEVY LIMITATION. The maximum amount in dollars which may be levied by a special purpose district over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977, for the following designated property tax levies, except as otherwise provided in this division:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point three (357B.3) of the Code and the levy authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads.

Sec. 5. **AGRICULTURAL EDUCATION LEVY LIMITATION.** The maximum amount in dollars which may be levied for the county agricultural extension education program authorized pursuant to section one hundred seventy-six A point ten (176A.10) of the Code over the amount in dollars levied for the base year shall be limited to an increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal year beginning July 1, 1977, except as otherwise provided in this division.

Sec. 6. **APPEAL TO STATE APPEAL BOARD—FISCAL YEARS 1976-1977 AND 1977-78.**

1. If the governing body of a political subdivision certifies a total budget for the fiscal year beginning July 1, 1976 or July 1, 1977, the property tax budget of which exceeds the property tax budget of such political subdivision for the base year by more than nine percent, such certified total budget shall be subject to approval of the state appeal board upon petition signed by the number of persons who are residents of such political subdivision as required under section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code. The petition shall include the objections to the property tax budget or part of such budgets and the grounds for the objections. A valid petition shall be filed with the county auditor of the county in which the political subdivision is located not later than ten days after the effective date of this division for the fiscal year beginning July 1, 1976 and not later than ten days after certification of the total budget to the county

auditor and the state comptroller for the fiscal year beginning July 1, 1977.

2. Upon receipt of a valid petition to appeal the certified total budget of a political subdivision under this section, the county auditor shall immediately prepare a copy of the petition and the certified total budget subject to appeal and transmit such information to the state appeal board. The county auditor shall also notify the governing body of the political subdivision of the petition for appeal.

3. Upon receipt of the notification of appeal from the county auditor, the governing body of a political subdivision shall immediately prepare and submit a written statement to the state appeal board citing the unusual circumstances as outlined in subsection four (4) of this section, which create the need for property tax budget expenditures in excess of nine percent of the base year's property tax budget expenditures. The statement shall be accompanied by such supporting documents as deemed appropriate by the governing body. The state appeal board shall conduct a public hearing on the petition in the county or in one of the counties in which the political subdivision is located and may request additional information.

4. If a political subdivision has unusual circumstances, creating a need for additional budget expenditures in excess of nine percent of the base year's property tax expenditures, the following unusual circumstances shall be the basis for justifying a property tax budget increase exceeding nine percent:

- a. Any unusual increase in population as determined by the preceding certified federal census.
- b. Natural disaster or other emergencies.
- c. Unusual problems relating to major new functions required by state law.
- d. Unusual staffing problems.
- e. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.
- f. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of necessary increased cost.
- g. Need for increased expenditures by a political subdivision having unusually low total budget expenditures for the base year because of property tax levy limitations otherwise provided by law.

5. The state appeal board may approve or modify the base year's total budget expenditures of any political subdivision which changes accounting procedures.

6. The state appeal board shall approve the property tax budget as requested or reduce the amount of increased expenditures. All decisions of the board under this division shall

be made in accordance with reasonable and uniform policies which shall be consistent to carry out the provisions of this division. The board shall take into account the intent of this division to provide property tax relief and to provide reasonable control of costs of the political subdivisions of this state.

7. Upon decision of the board, the state comptroller shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 7. ADDITIONAL PUBLIC HEARING—FISCAL YEAR 1977-78. If the governing body of a political subdivision approves a total budget for the fiscal year July 1, 1977, the property tax budget of which exceeds the property tax budget of such political subdivision for the base year by more than seven percent but not more than nine percent following a public hearing required under chapter twenty-four (24) or three hundred eighty-four (384), division two (II), of the Code, the governing body of such political subdivision shall withhold certification of such budget to the county auditor for at least ten days following such approval. If, during the ten days following approval of the total budget, a valid petition signed by the number of persons who are residents of such political subdivision as required under section twenty-four point twenty-seven (24.27) or three hundred eighty-four point nineteen (384.19) of the Code, is filed with the governing body of a political subdivision requesting a public hearing, the governing body shall publish notice of and conduct such public hearing not later than April fifth. The date, time and location of the public hearing and the information required to be published under section eight (8) of this division, shall be published in a newspaper having general circulation throughout the political subdivision not less than five days before the date specified for such hearing. Thereafter, the total budget shall be certified, with or without changes that may be made after the hearing, to the county auditor and the state comptroller not later than April fifth. If, after such hearing, the property tax budget of the certified total budget for the fiscal year beginning July 1, 1977 is increased to more than nine percent above the property tax budget of the base year, such total budget shall be subject to appeal to the state appeal board as provided in section six (6) of this division.

Sec. 8. BUDGET PROCESS—NOTICE OF PUBLIC HEARING. In addition to the requirements of chapters twenty-four (24) and three hundred eighty-four (384), division two (II), of the Code relating to the publication of notice and public hearing on a budget of a political subdivision, the public notice of a hearing on a total budget shall include the following information:

1. The percentage and the dollar amount increase or decrease for the total budget and the property tax budget of the political subdivision.

2. The percentage and the dollar amount increase or decrease of each fund included in the proposed total budget and the property tax budget.

3. A statement showing the allowable growth guideline established by the general assembly and the dollar amount of increase represented by such guideline for the proposed total budget and the property tax budget of the political subdivision.

4. A statement of the major reasons for the proposed increases in the proposed total budget and the property tax budget.

5. A comparison of the percentages and dollar amounts proposed to be expended with the percentages and dollar amounts expended or proposed to be expended during the current fiscal year as amended to the date of publication which information shall be displayed in the publication in the form of a pie graph. The graphs shall be prepared for both fiscal years with one pie graph for each fiscal year showing the sources of anticipated revenue and one pie graph for each fiscal year showing the proposed budget expenditures by category of services.

The provisions of this section shall not apply to publication of notice for a hearing on a total budget for the fiscal year beginning July 1, 1976 required under section twenty-four point nine (24.9) or three hundred eighty-four point sixteen (384.16) of the Code if the notice of hearing has been published before the effective date of this division, but it shall apply to any other notice for a hearing on a total budget or amendment to a total budget required by this division or other provision of law for the fiscal years beginning July 1, 1976 and July 1, 1977.

Sec. 9. EXCEPTION TO DATES FOR BUDGET APPEAL. Notwithstanding sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the Code, persons affected by a certified total budget of a political subdivision which conducts a public hearing as provided in section seven (7) of this division, shall have ten days following certification of such budget to file a petition to protest to the state appeal board and persons affected by a certified total budget of a political subdivision having a property tax budget exceeding a nine percent increase for the fiscal year beginning July 1, 1976, shall have ten days after the effective date of this division to file a petition to protest to the state appeal board. All other time limitations or dates specified in sections twenty-four point twenty-seven (24.27) through twenty-four point thirty-two (24.32), inclusive, and section three hundred eighty-four point nineteen (384.19) of the Code shall be correspondingly changed or extended to allow the same amount of time for the protest hearing and the decision of the state board that would exist had the appeal to the state appeal board been filed as provided in section twenty-four point twenty-seven (24.27)

or three hundred eighty-four point nineteen (384.19) of the Code.

Sec. 10. PROPERTY TAX CARRYOVER. If a political subdivision adopts a total budget for the fiscal year beginning July 1, 1976, which does not include an increase in the amount of the property tax levy computed in dollars which exceeds or is equal to nine percent, the political subdivision may levy property taxes for the fiscal year beginning July 1, 1977 in excess of a seven percent increase and be exempt from the provisions of section seven (7) of this division or in excess of a nine percent increase and be exempt from the provisions of section six (6) of this division. However, the exemption from the provisions of section six (6) or seven (7) of this division shall be applicable only if the additional property tax levy does not raise in dollars an amount which exceeds the seven percent increase or the nine percent increase, as the case may be, for the fiscal year beginning July 1, 1977 and the difference between the amount in dollars which the political subdivision levied during the base year and the amount in dollars which the political subdivision could have levied during the base year under this division.

Sec. 11. PROPERTY TAX LEVY LIMITATION NOT AFFECTED. The

provisions of this division shall not be construed as removing or otherwise affecting the property tax levy limitations otherwise provided by law for any fund, account, or program in the total budget of a political subdivision. However, for the fiscal year beginning July 1, 1977, the state appeal board may, upon appeal by a political subdivision, lift a property tax levy limitation where reductions in the assessed value of taxable property will cause a reduction in services providing substantial benefits to the residents of such political subdivision. For the purposes of this section, "political subdivision" means any city, county, or other local public body or corporation that has the power to levy or certify a property tax or sum of money to be collected by property taxation.

Sec. 12. BUDGET APPEAL NOT AFFECTED. The provisions of this division shall not be construed to prohibit or affect a protest filed with the state appeal board against a total budget of a political subdivision having a property tax budget which does not exceed the property tax budget of such political subdivision for the base year by more than nine percent.

Sec. 13. SPECIAL CHARTERED CITIES. It is the intention of the general assembly that the provisions of this division shall apply to special chartered cities. The state appeal board may adopt such rules relating to budget forms and procedures as the state appeal board deems necessary to carry out the provisions of this division regarding special chartered cities.

Sec. 14. DUTIES OF STATE COMPTROLLER. As soon as practicable after the effective date of this division, the state comptroller shall give notice of the requirements of this

division and distribute such forms as required to the governing bodies of the political subdivisions of this state.

Sec. 15. Section twenty-four point twenty-seven (24.27), Code 1975, is amended to read as follows:

24.27 PROTEST TO BUDGET. Not later than the first Tuesday in April, a number of persons in any municipality equal to one-fourth of one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than ten or more than one hundred, who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board, as the case may be, by filing with the county auditor of the county in which such municipal corporation is located, a written protest setting forth their objections to such budget, expenditure or tax levy, or to one or more items thereof, and the grounds for such objections[]; provided that at least three of such persons shall have filed a joint written objection, at or before the time of the meeting contemplated in section 24.11 which shall include a detailed statement of the objections to said budget, expenditures or tax levy for each and every fund, or the items therein to which objection is taken and an analysis of the fund or funds, or items therein showing grounds for such objections or shall have appeared and made objection, either general or specific, as provided by section 24.11]. Upon the filing of any such protest, the county auditor shall immediately prepare a true and complete copy of said written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit the same forthwith to the state board, and shall also send a copy of such protest to the certifying board or to the levying board, as the case may be.

Sec. 16. Section three hundred eighty-four point nineteen (384.19), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section twenty-eight (28), is amended to read as follows:

Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objections to the budget or any part of it. A protest must be signed by qualified electors equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but not less than ten persons[, and at least three of the signers must have filed a written objection or appeared and objected to the budget at the budget hearing held by the council] or more than one hundred persons.

DIVISION II

VALUATION OF AGRICULTURAL PROPERTY

Sec. 17. AGRICULTURAL PROPERTY VALUATION. Notwithstanding

the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the assessed value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists. If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976.

Sec. 18. EFFECTIVE DATE. The provisions of section seventeen (17) of this Act shall be effective to January 1, 1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive.

DIVISION III

CREDIT FOR RESIDENTIAL PROPERTY

Sec. 19. HOMESTEAD TAX CREDIT. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed and approved between January 1, 1975 and July 1, 1975.

Sec. 20. ADMINISTRATION. The county auditor shall recompute the amount of credit allowed on each eligible homestead under the provisions of this Act not later than August 1, 1976 and certify the amount of the homestead tax credits claimed in the county to the department of revenue. The department shall reimburse each county in the manner and at such time as is presently provided by law.

Sec. 21. EFFECTIVE DATE. The provisions of sections nineteen (19) and twenty (20) of this Act are effective to January 1, 1975 for credits claimed and approved under chapter four

hundred twenty-five (425) of the Code for a homestead tax credit on eligible homesteads which claims are payable during the fiscal year beginning June 1, 1976 ending June 30, 1977 and to this extent the provisions of sections nineteen (19) and twenty (20) of this Act are retroactive.

Sec. 22. HOMESTEAD EXEMPTION. There is granted an exemption against the 1976 assessed valuation and against which taxes are levied in 1977 to each homestead and for which a homestead tax credit was applied for and approved in 1976, an amount equal to three thousand two hundred fifty dollars of the taxable value of the property. The exemption allowed under the provisions of the section shall be computed after computation of the homestead tax credit allowed under chapter four hundred twenty-five (425) of the Code.

DIVISION IV

AGRICULTURAL LAND CREDIT FUND

Sec. 23. APPROPRIATION. There is appropriated for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the agricultural land credit fund the sum of twenty-four million (24,000,000) dollars which shall be in addition to moneys appropriated pursuant to section four hundred twenty-six point one (426.1) of the Code.

Sec. 24. ADMINISTRATION. Not later than May 1, 1976, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller on or before September 15, 1976.

DIVISION V

STATE SCHOOL FOUNDATION PROGRAM

Sec. 25. Section four hundred forty-two point three (442.3), Code 1975, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, [1972] 1977, is [seventy] *seventy-seven* percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 26. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), unnumbered paragraph one (1), amending section four hundred forty-two point seven (442.7), Code 1975, is amended to read as follows:

2. For school years subsequent to the school year beginning July 1, 1975, a state percent of growth for the budget year shall be computed by the state comptroller prior to

February fifteenth of each year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following [six] *four* percentages of growth.

Sec. 27. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79), section nineteen (19), subsection two (2), amending section four hundred forty-two point seven (442.7), Code 1975, is amended by striking paragraph b.

Sec. 28. The provisions of sections twenty-five (25), twenty-six (26), and twenty-seven (27) of this Act are effective July 1, 1976.

DIVISION VI

PROPERTY TAX REIMBURSEMENT

Sec. 29. Section four hundred twenty-five point seven-teen (425.17), subsection ten (10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section one (1), is amended to read as follows:

10. "PROPERTY TAXES PAID" means property taxes *including one-half of any special assessments, but* exclusive of [special assessments,] delinquent interest[,] and charges for services, paid on a claimant's homestead in this state, but includes only property taxes for which the claimant was liable and which were actually paid by the claimant. If the property taxes have actually been paid, they shall be deemed to have been paid when due, regardless of the date of actual payment. "Property taxes paid" shall be computed with no deduction for any credit under this division or for any homestead credit allowed under section 425.1. Claims for property tax reimbursement filed in 1974 shall be based upon the property taxes paid in 1973. Claims for property tax reimbursement filed in 1975 shall be limited to two-thirds of the property taxes paid in 1974 and the first one-half of 1975. Each year thereafter, each claim shall be based upon the taxes paid during the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are not a member of claimant's household, "property taxes paid" is that part of property taxes paid on the homestead which equals the ownership percentage of the claimant and his household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled or is a surviving spouse of such person who is over the age of fifty-five years of age, the person may be eligible for the credit allowed under this division. If a claimant changes his homestead, this shall not prevent him from filing a claim based on property taxes for which the claimant was liable and which were actually paid by the claimant, but duplication of claims shall not be allowed. If a homestead is an integral part of a farm, the claimant

may use the total property taxes paid for the larger unit, but not exceeding forty acres of land. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes paid for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 30. Section four hundred twenty-five point seventeen (425.17), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Special assessment" means special assessments made pursuant to sections three hundred eighty-four point thirty-seven (384.37) through three hundred eighty-four point seventy-nine (384.79) of the Code. The amount of a special assessment which may be included in the amount of property taxes paid for one year shall be an amount equal to one-twentieth of the total amount of the special assessment levied against the homestead of the claimant, if the claimant elected to pay the total amount of the special assessment in one payment. If the claimant elects to pay the special assessment in ten annual installments as provided by law, the claimant may include as a portion of the property taxes paid during the base year an amount equal to one-half of the special assessment, including interest, paid during that same base year.

Sec. 31. Section four hundred twenty-five point twenty-three (425.23), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirteen (213), section three (3), is amended by striking paragraph a and inserting in lieu thereof the following:

a. The amount shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes paid or rent constituting property taxes paid allowed as a reimbursement:
\$ 0 — 999.99	100%
1,000 — 1,999.99	95
2,000 — 2,999.99	85
3,000 — 3,999.99	70
4,000 — 4,999.99	55
5,000 — 5,999.99	45
6,000 — 6,999.99	35
7,000 — 7,999.99	30
8,000 — 8,999.99	25

Sec. 32. The provisions of sections twenty-nine (29), thirty (30), and thirty-one (31) of this Act shall become effective January 1, 1977 for all claims for property taxes paid and rent constituting property taxes paid filed on or after January 1, 1977.

DIVISION VII

TASK FORCE

Sec. 33. TASK FORCE CREATED. There is established a local government task force composed of sixteen members. The task force shall be composed of the chairman of the senate committee on ways and means, the minority party ranking member of the senate committee on ways and means, the chairman of the house committee on ways and means, the minority party ranking member of the house committee on ways and means, and twelve members appointed by the governor who are interested and knowledgeable in affairs of local government. The governor shall appoint two members from each congressional district, who shall not be members of the same political party. The members appointed by the governor shall serve at the pleasure of the governor. Any vacancy in the membership of the task force shall be filled by appointment in the same manner as the original appointments.

The members of the task force shall receive their actual and necessary expenses to be audited by the state comptroller.

Sec. 34. DUTIES. The local government task force shall conduct a study of local government services and finance. The following suggested study guidelines are provided for reference only and should not be considered in order of priority or inclusive of all matters that may be properly included in the research and study necessary to carry out the intent of this Act:

1. The nature of local government services.
2. Which level of government should provide specific services?
3. Who should pay for these services?
4. How should different types and kinds of property be valued and equalized for assessment purposes?
5. What budget limitations, if any, should be imposed?
6. Which local services, if any, should be financed by state aid?
7. The economics and effectiveness of the delivery of services to people.
8. The merits of local option taxation.
9. The budgeting procedures and mechanisms of local governments.
10. The development of a method of "recapturing" taxes on agricultural land if agricultural land is assessed at other than market value.

Sec. 35. STAFF. The governor may employ such professional, technical, and administrative assistance as shall be necessary to accomplish the purpose of this Act.

Sec. 36. REPORT. The governor shall transmit the recommendations of the local government task force, accompanied by proposed legislation necessary to carry out the recommendations, to the Sixty-seventh General Assembly not later than January 10, 1977. Copies of the recommendations

and of the recommended legislation shall be transmitted to the president of the senate and the speaker of the house of representatives who shall, within ten days after the date of receipt, assign the proposed legislation to the appropriate standing committee.

Sec. 37. ACQUIRING DATA. The state comptroller may request the county auditor, an assessor, or any other public official to provide the valuations of each class of property in each city, county, school district, or other political subdivision of the state, and any other information which the task force deems necessary to properly perform its duties. The county auditors, assessors, and other public officials shall cooperate with the state comptroller and provide such information as is requested.

Sec. 38. APPROPRIATION. There is appropriated from the general fund of the state to the office of the governor the sum of one hundred thousand (100,000) dollars, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1976 and ending June 30, 1977, for the purpose of the employment of such professional, technical and administrative staff and assistance on such basis as shall be determined by the governor and for such other expenses as shall be necessary to accomplish the purpose of this Act, including actual expenses incurred by task force members as provided in section thirty-three (33) of this Act.

Sec. 39. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Perry Daily Chief, a newspaper published in Perry, Iowa.

2. Amend the title by striking everything after the word "Act" in line 1 and inserting in lieu thereof the words "relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits and exemptions for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive, and making appropriations."

ON THE PART OF THE SENATE:
NORMAN RODGERS, Chairperson
LOWELL L. JUNKINS
GEORGE R. KINLEY

ON THE PART OF THE HOUSE:
LOWELL E. NORLAND, Chairperson
ROBERT F. BINA
C. W. HUTCHINS

POINT OF ORDER

MR. PRESIDENT: I object to the introduction of the Conference Committee Report on Senate File 1062 based on Section 770.2 of Mason's Legislative Manual.

The form of this Report is objectionable because the Conference Committee has not confined itself to differences of opinion between the houses.

Also, this Conference Committee Report violates Section 772 of Mason's Legislative Manual because a free conference committee is, by said Section, limited to proposing amendments within the scope of the issue between the houses, and this report covers matters beyond the scope of Senate File 1062 and the differences between the two houses on this legislation.

PHILIP B. HILL

REPORTS OF COMMITTEES

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 614**, a bill for an act relating to termination of parental rights and adoption and providing penalties, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5346

1 Amend House File 614, as amended and passed by
2 the House and reprinted, by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

DIVISION I

5
6 **Section 1. NEW SECTION. CONSTRUCTION.** This
7 division shall be construed liberally. The welfare
8 of the child subject to the proceedings of this
9 division shall be the paramount consideration in
10 interpreting this division. However, the interests
11 of the parents of this child or any natural person
12 standing in loco parentis to this child shall be given
13 due consideration in this interpretation.

14 **Sec. 2. NEW SECTION. DEFINITIONS.** As used in
15 this division:

16 1. "Child" means a son or daughter of a parent,
17 whether by birth or adoption.

18 2. "Parent" means a father or mother of a child,
19 whether by birth or adoption.

20 3. "Parent-child relationship" means the
21 relationship between a parent and a child recognized
22 by the law as conferring certain rights and privileges
23 and imposing certain duties. The term extends equally
24 to every child and every parent, regardless of the
25 marital status of the parents of the child. The
26 rights, duties, and privileges recognized in the
27 parent-child relationship include those which are
28 maintained by a guardian, custodian, and guardian
29 ad litem.

30 4. "Termination of parental rights" means a
31 complete severance and extinguishment of a parent-
32 child relationship between one or both living parents
33 and the child.

34 5. "Natural parent" means a parent who has been
35 a biological party to the procreation of the child.

36 6. "Stepparent" means a person who is the spouse

37 of a parent in a parent-child relationship, but who
38 is not a parent in that parent-child relationship.
39 7. "Guardian" means a person who is not the parent
40 of a minor child, but who has been appointed by a
41 court or juvenile court having jurisdiction over the
42 minor child to make important decisions which have
43 permanent effect on the life and development of that
44 child and to promote the general welfare of that
45 child. A guardian may be a court or a juvenile court.
46 Guardian does not mean conservator, as defined in
47 section six hundred thirty-three point three (633.3)
48 of the Code, although a person who is appointed to
49 be a guardian may also be appointed to be a
50 conservator.

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1 Unless otherwise enlarged or circumscribed by a
2 court or juvenile court having jurisdiction over the
3 minor child or by operation of law, the rights and
4 duties of a guardian with respect to a minor child
5 shall be as follows:
6 a. To consent to marriage, enlistment in the armed
7 forces of the United States, or medical, psychiatric,
8 or surgical treatment.
9 b. To serve as guardian ad litem, unless the
10 interests of the guardian conflict with the interests
11 of the minor child or unless another person has been
12 appointed guardian ad litem.
13 c. To serve as custodian, unless another person
14 has been appointed custodian.
15 d. To make reasonable visitations if the guardian
16 does not have physical possession or custody of the
17 minor child.
18 e. To consent to adoption and to make any other
19 decision that the parents could have made when the
20 parent-child relationship existed.
21 8. "Custodian" means a stepparent or a relative
22 within the fourth degree of consanguinity to a minor
23 child who has assumed responsibility for that child,
24 a person who has accepted a release of custody, or
25 a person appointed by a court or juvenile court having
26 jurisdiction over a child. The rights and duties
27 of a custodian with respect to a child shall be as
28 follows:
29 a. To maintain or transfer to another the physical
30 possession of that child.
31 b. To protect, train, and discipline that child.
32 c. To provide food, clothing, housing, and ordinary
33 medical care for that child.
34 d. To consent to emergency medical care, including
35 surgery.
36 e. To sign a release of medical information to
37 a health professional.
38 All rights and duties of a custodian shall be subject
39 to any residual rights and duties remaining in a

40 parent or guardian.

41 9. "Guardian ad litem" means a person appointed
42 by a court or juvenile court having jurisdiction over
43 the minor child to represent that child in a legal
44 action.

45 10. "Minor" means an unmarried person who is under
46 the age of eighteen years.

47 11. "Adult" means a person who is married or
48 eighteen years of age or older.

49 12. "Agency" means a child-placing agency as
50 defined in section two hundred thirty-eight point

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1 two (238.2) of the Code or the department.

2 13. "Department" means the state department of
3 social services or its subdivisions.

4 14. "Court" means a district court.

5 15. "Juvenile court" means a juvenile court as
6 established under section two hundred thirty-one point
7 one (231.1) of the Code.

8 16. "To abandon a minor child" means to permanently
9 relinquish or surrender, without reference to any
10 particular person, the parental rights, duties, or
11 privileges inherent in the parent-child relationship.
12 The term includes both the intention to abandon and
13 the acts by which the intention is evidenced. The
14 term does not require that the relinquishment or
15 surrender be over a long or any particular period
16 of time.

17 17. "Independent placement" means a placement
18 of a minor person in the home of a proposed parent
19 in anticipation of an ensuing adoption by a person
20 who is not an agency.

21 Sec. 3. **NEW SECTION. EXCLUSIVITY.** Termination
22 of parental rights shall be accomplished only according
23 to the provisions of this division. However,
24 termination of parental rights between an adult child
25 and the child's parents may be accomplished by a
26 decree of adoption establishing a new parent-child
27 relationship.

28 Sec. 4. **NEW SECTION. RELATIONSHIP UNALTERED—**
29 **RELEASE OF CUSTODY—VOLUNTARINESS OF RELEASE.**

30 1. A parent shall not permanently alter the parent-
31 child relationship, except as ordered by a juvenile
32 court or court. However, custody of a minor child
33 may be assumed by a stepparent or a relative of that
34 child within the fourth degree of consanguinity or
35 transferred by an acceptance of a release of custody.
36 A person who assumes custody or who accepts a release
37 of custody under this section becomes, upon assumption
38 or acceptance, the custodian of the minor child.

39 2. A release of custody:

40 a. Shall be accepted only by an agency or a person
41 making an independent placement.

42 b. Shall not be accepted by a person who in any
43 way intends to adopt the child who is the subject
44 of the release.

45 c. Shall be in writing.

46 d. Shall be signed, not less than seventy-two
47 hours after the birth of the child to be released,
48 by all living parents.

49 e. Shall be witnessed by two persons familiar
50 with the parent-child relationship.

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1 f. Shall name the person who is accepting the
2 release.

3 g. Shall be followed, within a reasonable time,
4 by the filing of a petition for termination of parental
5 rights under section five (5) of this Act.

6 3. Notwithstanding the provisions of subsection
7 two (2) of this section, an agency or a person making
8 an independent placement may assume custody of a minor
9 child upon the signature of the one living parent
10 who has possession of the minor child if the agency
11 or a person making an independent placement immediately
12 petitions the juvenile court designated in section
13 five (5) of this Act to be appointed custodian and
14 otherwise petitions, within a reasonable time, for
15 termination of parental rights under section five
16 (5) of this Act. Upon the custody petition, the
17 juvenile court may appoint a guardian as well as a
18 custodian. A nonsigning parent may be heard on the
19 custody petition at the hearing on termination of
20 parental rights provided in section six (6) of this
21 Act.

22 4. A parent who signs a release of custody may
23 petition, in the time prior to the filing of a petition
24 for termination of parental rights, or may request,
25 at the hearing on termination of parental rights,
26 the juvenile court designated in section five (5)
27 of this Act to order the release revoked for good
28 cause shown or because it was not obtained voluntarily
29 or with a full understanding of the material facts.
30 Upon the issue of voluntariness of the release, the
31 juvenile court shall consider all relevant factors,
32 including coercion exerted by any person, in
33 determining the voluntariness of the release.

34 **Sec. 5. NEW SECTION. PETITION FOR TERMINATION.**

35 1. The following persons may petition a juvenile
36 court for termination of parental rights if the child
37 of the parent-child relationship is born or expected
38 to be born within one hundred eighty days of the date
39 of petition filing:

40 a. A parent of the parent-child relationship.

41 b. A custodian or guardian of the child.

42 c. Any other person who has knowledge of
43 circumstances indicating that the parent-child
44 relationship should be terminated.

45 2. A petition for termination of parental rights
46 shall be filed with the juvenile court in which the
47 guardian or custodian of the child resides or the
48 child is domiciled. However, if a juvenile court
49 has made an order pertaining to a minor child under
50 section two hundred thirty-two point thirty-three

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1 (232.33) of the Code and that order is still in force,
2 the petition shall be filed with that juvenile court.

3 3. A petition for termination of parental rights
4 shall include the following:

5 a. The legal name, age, and domicile, if any,
6 of the child.

7 b. The names, residences, and domicile of any:

8 (1) Living parents of the child.

9 (2) Guardian of the child.

10 (3) Custodian of the child.

11 (4) Guardian ad litem of the child.

12 (5) Petitioner.

13 (6) Person standing in loco parentis to the child.

14 c. A plain statement of the facts and grounds
15 in section eight (8) of this Act which indicate that
16 the parent-child relationship should be terminated.

17 d. A plain statement explaining why the petitioner
18 does not know any of the information required under
19 paragraphs a and b of this subsection.

20 e. The signature and verification of the
21 petitioner.

22 Sec. 6. **NEW SECTION. NOTICE OF TERMINATION**
23 **HEARING.**

24 1. A termination of parental rights shall, unless
25 provided otherwise in this section, be effectuated
26 only after notice has been served on all necessary
27 parties and these parties have been given an oppor-
28 tunity to be heard before the juvenile court. A
29 "necessary party" includes any person whose name,
30 residence, and domicile is required to be included
31 on the petition under paragraphs a and b of subsection
32 three (3) of section five (5) of this Act. However,
33 a "necessary party" does not include a natural parent
34 who has been adjudicated to have raped the other
35 natural parent thereby producing the birth of the
36 child designated in paragraph a of subsection three
37 (3) of section five (5) of this Act.

38 2. Prior to the service of notice on the necessary
39 parties, the juvenile court shall appoint a guardian
40 ad litem for a minor child if the child does not have
41 a guardian or guardian ad litem or if the interests
42 of the guardian or guardian ad litem conflict with
43 the interests of the child. Such guardian ad litem
44 shall be a necessary party under subsection one (1)
45 of this section.

46 3. Notice under this section may be served
47 personally or constructively, as specified under

48 subsections four (4), five (5), and six (6) of this
49 section. This notice shall state:

50 a. The time and place of the hearing on termination

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1 of parental rights.

2 b. **A clear statement of the purpose of the action**
3 and hearing.

4 c. A clear statement of the possible consequences
5 to the parent and child.

6 d. The alleged factual basis which indicates that
7 the parent-child relationship should be terminated.

8 e. The grounds in section eight (8) of this Act
9 upon which termination may be ordered pursuant to
10 the factual basis alleged.

11 4. A necessary party whose identity and location
12 or last location is known shall be served by notice
13 personally delivered or sent by restricted certified
14 mail, whichever is determined to be the most effective
15 means of notification. Such notice shall be made
16 according to the rules of civil procedure relating
17 to an original notice where not inconsistent with
18 the provisions of this section. Notice by personal
19 **delivery shall be served not less than seven days**
20 **prior to the hearing on termination of parental rights.**
21 Notice by restricted certified mail shall be sent
22 not less than fourteen days prior to the hearing on
23 termination of parental rights. A notice by restricted
24 certified mail which is refused by the necessary party
25 being noticed shall be sufficient notice to that party
26 **under this section.**

27 5. A necessary party whose identity is known but
28 whose location or last location is unknown shall be
29 served by published notice. Such notice shall be
30 served according to the rules of civil procedure
31 relating to an original notice where not inconsistent
32 with the provisions of this section. In addition
33 to the requirements of subsection three (3) of this
34 section, such notice shall include only the name of
35 the unlocated necessary party being noticed. Notice
36 by publication shall be published once a week for
37 two consecutive weeks, the last publication to be
38 not less than seven days prior to the hearing on
39 termination of parental rights.

40 6. The juvenile court shall require that every
41 reasonable effort is made to identify, locate, and
42 notice an unidentified and unlocated necessary party.
43 If the court reasonably concludes, upon a proper
44 showing, that the identity and location of the necessary
45 party has not been determined, the court may, upon
46 proper findings and order entered of record, dispense
47 with notice to this necessary party.

48 7. Proof of service of notice in the manner
49 prescribed shall be filed with the juvenile court
50 **prior to the hearing on termination of parental rights**

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1 and approved by the juvenile court prior to issuance
2 of a termination order under section eight (8) of
3 this Act.

4 **Sec. 7. NEW SECTION. TERMINATION HEARING—FORUM**
5 **NON CONVENIENS.**

6 1. The hearing on termination of parental rights
7 shall be conducted in accordance to the provisions
8 of sections two hundred thirty-two point twenty-seven
9 (232.27), two hundred thirty-two point twenty-eight
10 (232.28), two hundred thirty-two point thirty (232.30),
11 and two hundred thirty-two point thirty-two (232.32)
12 of the Code and otherwise in accordance with the rules
13 of civil procedure. Such hearing shall be held not
14 less than one week after the child of the parent-child
15 relationship is born.

16 2. Relevant information, including that contained
17 in reports, studies, or examinations and testified
18 to by interested persons, may be admitted into evidence
19 at the hearing and relied upon to the extent of its
20 probative value. When such information is so admitted,
21 the person sponsoring it or testifying shall be subject
22 to both direct and cross-examination by a necessary
23 party.

24 3. If the juvenile court finds that in the interest
25 of substantial justice the hearing on termination
26 of parental rights should be heard by another juvenile
27 court, it may transfer, stay, or dismiss the
28 proceedings in whole or part on any conditions that
29 are just so long as a good faith attempt is made to
30 notify all necessary parties.

31 **Sec. 8. NEW SECTION. GROUNDS FOR TERMINATION.**

32 The juvenile court shall base its findings and order
33 under section nine (9) of this Act on clear and
34 convincing proof. The following shall be, either
35 separately or jointly, grounds for ordering termination
36 of parental rights:

37 1. A parent has signed a release of custody
38 pursuant to section four (4) of this Act and the
39 release has not been revoked.

40 2. A parent has petitioned for the parent's
41 termination of parental rights pursuant to section
42 five (5) of this Act.

43 3. A parent has abandoned the child.

44 4. A parent has substantially, continuously, or
45 repeatedly refused or neglected to comply with the
46 duties imposed upon that parent by the parent-child
47 relationship.

48 5. A parent is palpably unfit to be a party to
49 the parent-child relationship because of a consistent
50 pattern of specific conduct before the child or of

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1 specific conditions directly relating to the parent-
2 child relationship either of which are determined

3 by the juvenile court to be permanently detrimental
4 to the physical or mental health of the child.

5 6. If, following an adjudication that the child
6 is in need of assistance under chapter two hundred
7 thirty-two (232) of the Code, reasonable efforts under
8 the direction of the juvenile court have failed to
9 correct the conditions giving rise to this
10 adjudication.

11 7. A parent has been ordered to contribute to
12 the support of the child or financially aid in the
13 child's birth and has failed to do so without good
14 cause. This subsection shall not be construed so
15 as to state a grounds for termination of parental
16 rights of a noncustodial parent if that parent has
17 not been ordered to or cannot financially contribute
18 to the support of the child or aid in the child's
19 birth.

20 **Sec. 9. NEW SECTION. TERMINATION FINDINGS AND**
21 **ORDER—VACATION OF ORDER.**

22 1. Subsequent to the hearing on termination of
23 parental rights, the juvenile court shall make a
24 finding of facts and shall order that either:

25 a. The petition be dismissed;

26 b. The petition should not be granted at that
27 time, but that conditions indicating that the child
28 is in need of assistance exist, and an order to that
29 effect is issued pursuant to section two hundred
30 thirty-two point thirty-three (232.33) of the Code;
31 or,

32 c. The petition be granted. The juvenile court
33 shall appoint a guardian and a custodian or a guardian
34 only. An order issued under this paragraph shall
35 include the finding of facts. This finding shall
36 enumerate the factual basis which indicates that the
37 parent-child relationship should be terminated and
38 shall specify how this finding applies to the grounds
39 upon which the termination is ordered.

40 2. If an order is issued under paragraph c of
41 subsection one (1) of this section, the juvenile court
42 shall retain jurisdiction to change a guardian or
43 custodian and to allow a terminated parent to request
44 vacation of the termination order if:

45 a. The child is not on placement for adoption
46 or a petition for adoption of the child is not on
47 file; and,

48 b. The guardian consents in writing to the
49 vacation.

50 The juvenile court shall grant the vacation request

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1 if it is in the best interest of the child.

2 3. A copy of any findings of fact and order made
3 under this section shall be sent by the clerk of the
4 juvenile court to:

5 a. The department.

- 6 b. The petitioner.
- 7 c. The parents whose rights have been terminated
- 8 if they request such copies.
- 9 d. Any guardian, custodian, or guardian ad litem
- 10 of the child.

11 DIVISION II

12 Sec. 10. *NEW SECTION. CONSTRUCTION.* This division
13 shall be construed liberally. The welfare of the
14 person to be adopted shall be the paramount
15 consideration in interpreting this division. However,
16 the interests of the adopting parents shall be given
17 due consideration in this interpretation.

18 Sec. 11. *NEW SECTION. DEFINITIONS.*

19 1. "Child", "parent", "parent-child relationship",
20 "termination of parental rights", "natural parent",
21 "stepparent", "guardian", "custodian", "guardian ad
22 litem", "minor", "adult", "agency", "department",
23 "court", "juvenile court", "independent placement"
24 mean the same as defined in section two (2) of this
25 Act.

26 2. "Investigator" means a natural person who is
27 certified or approved by the department as being
28 capable of conducting an investigation under section
29 seventeen (17) of this Act.

30 Sec. 12. *NEW SECTION. COMMENCEMENT OF ADOPTION*
31 *ACTION—JURISDICTION—FORUM NON CONVENIENS.*

32 1. An action for the adoption of any natural
33 person shall be commenced by the filing of an adoption
34 petition, as prescribed in section fourteen (14) of
35 this Act, in the court of the county in which an adult
36 person to be adopted is domiciled or resides, or in
37 the court of the county in which the guardian of a
38 minor person to be adopted or the petitioner is
39 domiciled or resides.

40 2. Unless the person to be adopted is an adult,
41 an adoption petition shall not be filed until a
42 termination of parental rights has been accomplished.
43 However, this subsection shall not apply to the parent-
44 child relationship existing between a child and a
45 parent whose spouse is a petitioning stepparent of
46 that child.

47 3. If upon filing of the adoption petition or
48 at any later time in the adoption action the court
49 finds that in the interest of substantial justice
50 the adoption action should be conducted in another

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1 court, it may transfer, stay, or dismiss the adoption
2 action on any conditions that are just.

3 Sec. 13. *NEW SECTION. QUALIFICATIONS TO FILE*
4 *ADOPTION PETITION.* Any person who may adopt may file
5 an adoption petition under section twelve (12) of
6 this Act. The following persons may adopt:

- 7 1. An unmarried adult.
- 8 2. A husband and wife together.

9 3. A husband or wife separately if the person
10 to be adopted is not the other spouse and if the
11 adopting spouse:

12 a. Is the stepparent of the person to be adopted;
13 b. Has been separated from the other spouse by
14 reason of the other spouse's abandonment as prescribed
15 in section five hundred ninety-seven point ten (597.10)
16 of the Code; or

17 c. Is unable to petition with the other spouse
18 because of the prolonged and unexplained absence,
19 unavailability, or incapacity of the other spouse,
20 or because of an unreasonable withholding of joinder
21 by the other spouse, as determined by the court under
22 subsection seven (7) of section fourteen (14) of this
23 Act.

24 Sec. 14. *NEW SECTION. CONTENTS OF AN ADOPTION*
25 *PETITION.* An adoption petition shall be signed and
26 verified by the petitioner, shall be filed with the
27 court designated in section twelve (12) of this Act,
28 and shall state:

29 1. The name, as it appears on the birth certificate
30 or in a verified birth record or as it appears as
31 a result of marriage, and the residence or domicile of
32 the person to be adopted.

33 2. The date and place of birth of the person to
34 be adopted.

35 3. Any new name requested to be given the person
36 to be adopted.

37 4. The name, residence, and domicile of any
38 guardian, custodian, or guardian ad litem for the
39 person to be adopted.

40 5. The name, residence, and domicile of the
41 petitioner, if this is not required to be stated under
42 subsection four (4) of this section, and the date
43 or expected date on which the person to be adopted,
44 if a minor, began or begins living with the petitioner.

45 6. The name, residence, and domicile of any parent
46 of the person to be adopted.

47 7. A designation of the particular provision in
48 section thirteen (13) of this Act under which the
49 petitioner is qualified to adopt and, if under
50 paragraph c of subsection three (3) of section thirteen

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1 (13), a request that the court approve the petitioner's
2 qualification to adopt.

3 8. A description and estimate of the value of
4 any property owned by or held for the person to be
5 adopted.

6 9. A description of the facilities and resources,
7 including those provided under a subsidy agreement
8 pursuant to section six hundred point eleven (600.11)
9 through section six hundred point sixteen (600.16)
10 of the Code, that the petitioner is willing and able
11 to supply for the nurture and care of any minor person

12 to be adopted.

13 10. When and where termination of parental rights
14 pertaining to the person to be adopted have occurred,
15 if termination was required under section twelve (12)
16 of this Act.

17 **Sec. 15. NEW SECTION. ATTACHMENTS TO AN ADOPTION**
18 **PETITION.** An adoption petition shall have attached
19 to it the following:

20 1. A certified copy of the birth certificate
21 showing parentage of the person to be adopted or,
22 if such certificate is not available, a verified birth
23 record.

24 2. A copy of any order terminating parental rights
25 with respect to the person to be adopted.

26 3. Any written consent and verified statement
27 required under section sixteen (16) of this Act,
28 except the consent required under paragraph d of
29 subsection one (1) of that section.

30 4. Any pre-placement investigation report that
31 has been prepared at the time of filing pursuant to
32 section seventeen (17) of this Act.

33 **Sec. 16. NEW SECTION. CONSENTS TO THE ADOPTION.**

34 1. An adoption petition shall not be granted
35 unless the following persons consent to the adoption
36 or unless the court makes a determination under
37 subsection four (4) of this section:

38 a. Any guardian of the person to be adopted.

39 b. The spouse of a petitioner who is a stepparent.

40 c. The spouse of a petitioner who is separately
41 petitioning to adopt an adult person.

42 d. The person to be adopted if that person is
43 fourteen years of age or older.

44 2. A consent to the adoption shall be in writing,
45 shall name the person to be adopted and the petitioner,
46 shall be signed by the person consenting, and shall
47 be made in the following manner:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of
50 the court in which the adoption petition is filed.

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1 b. If by any adult person to be adopted, either
2 in the presence of the court in which the adoption
3 petition is filed or before a notary public.

4 c. If by any other person, before a notary public.

5 3. A consent to the adoption may be withdrawn
6 prior to the issuance of an adoption decree under
7 section twenty-two (22) by the filing of an affidavit
8 of consent withdrawal with the court. Such affidavit
9 shall be treated in the same manner as an attached
10 verified statement is treated under subsection four
11 (4) of this section.

12 4. If any person required to consent under this
13 section refuses to or cannot be located to give
14 consent, the petitioner may attach to the petition

15 a verified statement of such refusal or lack of
16 location. The court shall then determine, at the
17 adoption hearing prescribed in section twenty-one
18 (21) of this Act, whether, in the best interests of
19 the person to be adopted and the petitioner, any
20 particular consent shall be unnecessary to the granting
21 of an adoption petition.

22 **Sec. 17. NEW SECTION. PLACEMENT INVESTIGATIONS**
23 **AND REPORTS.**

24 1. a. A pre-placement investigation shall be
25 directed to and a report of this investigation shall
26 answer the following:

27 (1) Whether the home of the prospective adoption
28 petitioner is a suitable one for the placement of
29 a minor person to be adopted.

30 (2) How the prospective adoption petitioner's
31 emotional maturity, finances, health, relationships,
32 and any other relevant factor may affect the
33 petitioner's ability to accept, care, and provide
34 a minor person to be adopted with an adequate
35 environment as that person matures.

36 b. A post-placement investigation and a report
37 of this investigation shall:

38 (1) Verify the allegations of the adoption petition
39 and its attachments and of the report of expenditures
40 required under section eighteen (18) of this Act.

41 (2) Evaluate the progress of the placement of
42 the minor person to be adopted.

43 (3) Determine whether adoption by the adoption
44 petitioner may be in the best interests of the minor
45 person to be adopted.

46 c. A background information investigation and
47 a report of this investigation shall not disclose
48 the identity of the natural parents of the minor
49 person to be adopted and shall answer the following:

50 (1) What is the complete family medical history

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1 of the person to be adopted, including any known
2 genetic, metabolic, or familial disorders.

3 (2) What is the complete medical and developmental
4 history of the person to be adopted.

5 2. a. A pre-placement investigation and report
6 of the investigation shall be completed and the
7 prospective adoption petitioner approved for a
8 placement by the person making the investigation prior
9 to any agency or independent placement of a minor
10 person in the petitioner's home in anticipation of
11 an ensuing adoption. A report of a pre-placement
12 investigation that has approved a prospective adoption
13 petitioner for a placement shall not authorize
14 placement of a minor person with that petitioner
15 after one year from the date of the report's issuance.
16 However, if the prospective adoption petitioner is
17 a stepparent or a relative within the fourth degree

18 of consanguinity who has assumed custody of a minor
19 person to be adopted, a pre-placement investigation
20 of this petitioner and a report of the investigation
21 may be completed at a time established by the court.
22 Also, any investigation and report required under
23 this subsection may be waived by the court if the
24 prospective adoption petitioner is a stepparent or
25 a relative to the person to be adopted within the
26 fourth degree of consanguinity.

27 b. If the person making the investigation does
28 not approve a prospective adoption petitioner under
29 paragraph a of this subsection, the person investigated
30 may appeal the disapproval as a contested case to
31 the commissioner of social services. Judicial review
32 of any adverse decision by the commissioner may be
33 sought pursuant to chapter seventeen A (17A) of the
34 Code.

35 3. The agency making an agency placement shall
36 conduct the pre-placement investigation and report
37 required under subsection two (2) of this section.
38 The department or an investigator shall conduct all
39 other investigations and reports required under
40 subsection two (2) of this section.

41 4. A post-placement and a background information
42 investigation and the reports of these investigations
43 shall be completed and the reports filed with the
44 court prior to the holding of the adoption hearing
45 prescribed in section twenty-one (21) of this Act.
46 Upon the filing of an adoption petition pursuant to
47 section fourteen (14) of this Act, the court shall
48 immediately appoint the department, an agency, or
49 an investigator to conduct this investigation and
50 report. Any person, including a juvenile court, who

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1 has gained relevant background information concerning
2 a minor person subject to an adoption petition shall,
3 upon request, fully cooperate with the conducting
4 of the background information investigation and report
5 by disclosing any relevant background information,
6 whether contained in sealed records or not.

7 5. Any person conducting an investigation under
8 subsections three (3) and four (4) of this section
9 may, in the investigation or subsequent report,
10 include, utilize, or rely upon any reports, studies,
11 or examinations to the extent they are relevant.

12 6. Any person conducting an investigation under
13 subsections three (3) and four (4) may charge a fee
14 which does not exceed the reasonable cost of the
15 services rendered and which is based on a sliding
16 scale schedule relating to the investigated person's
17 ability to pay.

18 7. Any investigation or report required under
19 this section shall not apply when the person to be
20 adopted is an adult.

21 8. Any person designated to make an investigation
22 and report under this section may request an agency
23 or state agency, within or without this state, to
24 conduct a portion of the investigation or the report,
25 as may be appropriate, and to file a supplemental
26 report of such investigation or report with the court.

27 9. The department may investigate, on its own
28 initiative or on order of the court, any placement
29 made or adoption petition filed under this Act and
30 may report its resulting recommendation to the court.

31 10. The department or an agency may conduct any
32 investigations required for an interstate or
33 interagency placement.

34 11. Any person who assists in or impedes the
35 placement or adoption of a minor person in violation
36 of the provisions of this section shall be, upon
37 conviction, guilty of a misdemeanor, and shall be
38 fined not more than one hundred dollars or imprisoned
39 in the county jail for not more than thirty days.

40 **Sec. 18. NEW SECTION. REPORT OF EXPENDITURES.**

41 1. An adoption petitioner of a minor person shall
42 file with the court, prior to the adoption hearing,
43 a full accounting of all disbursements of anything
44 of value paid or agreed to be paid by or on behalf
45 of the petitioner in connection with the petitioned
46 adoption. This accounting shall be made by a report
47 prescribed by the court. The report shall be signed
48 and verified by the petitioner and shall show any
49 expenses incurred in connection with:

50 a. The birth of the minor person to be adopted.

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1 b. Placement of the minor person with the adoption
2 petitioner.

3 c. Medical care received by the natural parents
4 or the minor person during the pregnancy or delivery
5 of the minor person.

6 d. Any other services relating to the adoption
7 or to the placement of the minor person which were
8 received by or on behalf of the petitioner, the natural
9 parents, or any other person, including legal fees.
10 The provisions of this subsection do not apply in
11 a stepparent adoption.

12 2. A natural parent shall not receive any thing
13 of value as a result of the natural parent's child
14 or former child being placed with and adopted by
15 another person, unless that thing of value is
16 commensurate with some necessary service provided
17 the natural parent in relation to childbirth, child
18 raising, or delivering the child for adoption. Any
19 person assisting in any way with the placement or
20 adoption of a minor person shall not charge a fee
21 which is more than usual, necessary, and commensurate
22 with the services rendered. If the natural parent
23 receives any prohibited thing of value, if a person

24 gives a prohibited thing of value, or if a person
25 charges a prohibited fee under this subsection, each
26 such person shall be, upon conviction, guilty of a
27 misdemeanor, and shall be fined not more than one
28 hundred dollars or imprisoned in the county jail for
29 not more than thirty days.

30 Sec. 19. *NEW SECTION. MINIMUM RESIDENCE OF A*
31 *MINOR CHILD.* The adoption of a minor person shall
32 not be decreed until that person has lived with the
33 adoption petitioner for a minimum residence period
34 of one hundred eighty days. However, the court may
35 waive this period if the adoption petitioner is a
36 stepparent or related to the minor person within the
37 fourth degree of consanguinity or may shorten this
38 period upon good cause shown when the court is
39 satisfied that the adoption petitioner and the person
40 to be adopted are suited to each other.

41 Sec. 20. *NEW SECTION. NOTICE OF ADOPTION HEARING.*
42 1. The court shall set the time and place of the
43 adoption hearing prescribed in section twenty-one
44 (21) of this Act upon application of the petitioner.
45 The court may continue the adoption hearing if the
46 notice prescribed in subsections two (2) and three
47 (3) of this section is given, except that such notice
48 shall only be given at least ten days prior to the
49 date which has been set for the continuation of the
50 adoption hearing.

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1 2. At least sixty days before the adoption hearing,
2 a copy of the petition and its attachments and a
3 notice of the adoption hearing shall be given by the
4 adoption petitioner to:
5 a. A guardian, guardian ad litem, and custodian
6 of, and any person in a parent-child relationship
7 with the person to be adopted.
8 b. The person to be adopted who is an adult.
9 c. The department.
10 d. Any person who is designated to make an
11 investigation and report under section seventeen (17)
12 of this Act.
13 e. Any other person who is required to consent
14 under section sixteen (16) of this Act.
15 3. A notice of the adoption hearing shall state
16 the time, place, and purpose of the hearing and shall
17 be given according to the appropriate rules of civil
18 procedure. Proof of the giving of notice shall be
19 filed with the court prior to the adoption hearing
20 and approved by the court prior to issuance of an
21 adoption decree under section twenty-two (22) of this
22 Act.

23 Sec. 21. *NEW SECTION. ADOPTION HEARING.*
24 1. An adoption hearing shall be conducted
25 informally as a hearing in equity. The hearing shall
26 be reported.

27 2. Only those persons notified under section
28 twenty (20) of this Act and their witnesses and legal
29 counsel or persons requested by the court to be present
30 shall be admitted to the court chambers while an
31 adoption hearing is being conducted. The adoption
32 petitioner and the person to be adopted shall be
33 present at the hearing, unless the presence of either
34 is excused by the court.

35 3. Any person admitted to the hearing shall be
36 heard and allowed to present evidence upon request
37 and according to the manner in which the court conducts
38 the hearing.

39 Sec. 22. *NEW SECTION.* ADOPTION DECREES.

40 1. At the conclusion of the adoption hearing,
41 the court either shall:

- 42 a. Issue a final adoption decree;
- 43 b. Issue an interlocutory adoption decree; or,
- 44 c. Dismiss the adoption petition if the
45 requirements of this Act have not been met or if
46 dismissal of the adoption petition is in the best
47 interest of the person whose adoption has been
48 petitioned. Upon dismissal, the court shall determine
49 who is to be guardian or custodian of a minor child,
50 including the adoption petitioner if it is in the

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1 best interest of the minor person whose adoption has
2 been petitioned.

3 2. An interlocutory adoption decree automatically
4 becomes a final adoption decree at a date specified
5 by the court in the interlocutory adoption decree
6 which date shall not be less than one hundred eighty
7 days nor more than three hundred sixty days from the
8 date the interlocutory decree is issued. However,
9 an interlocutory adoption decree may be vacated sooner
10 than the date specified in it by the court for good
11 cause shown. Also, the court may provide in the
12 interlocutory adoption decree for further observation,
13 investigation, and report of the conditions of and
14 the relationships between the adoption petitioner
15 and the person petitioned to be adopted.

16 3. Except as enumerated in subsection two (2)
17 of this section, an interlocutory adoption decree
18 shall have the same legal effect as a final adoption
19 decree. If an interlocutory adoption decree is vacated
20 under subsection two (2) of this section, it shall
21 be void from the date of issuance and the rights,
22 duties, and liabilities of all persons affected by
23 it shall, unless they have become vested, be governed
24 accordingly. Upon vacation of an interlocutory
25 adoption decree, the court shall proceed under the
26 provisions of paragraph c of subsection one (1) of
27 this section.

28 4. A final adoption decree terminates any parental
29 rights, except those of a spouse of the adoption

30 petitioner, existing at the time of its issuance and
31 establishes the parent-child relationship between
32 the adoption petitioner and the person petitioned
33 to be adopted. Unless otherwise specified by law,
34 such parent-child relationship shall be deemed to
35 **have been created at the birth of the child. However,**
36 regardless of the parent-child relationship established
37 by a final adoption decree and of the provisions
38 of section six hundred thirty-three point two hundred
39 twenty-three (633.223) of the Code, if a parent of
40 a child dies and the child is then adopted, the child's
41 right of inheritance from and through the deceased
42 parent is unaffected by an interlocutory or final
43 adoption decree.

44 5. An interlocutory or a final adoption decree
45 shall be entered with the clerk of the court. Such
46 decree shall set forth any facts of the adoption
47 petition which have been proven to the satisfaction
48 of the court and any other facts considered to be
49 relevant by the court and shall grant the adoption
50 petition. **If so designated in the adoption decree,**

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1 the name of the adopted person shall be changed by
2 **issuance of that decree. The clerk of the court**
3 shall, within thirty days of issuance, deliver one
4 certified copy of any adoption decree to the
5 petitioner, one copy of any adoption abstract to the
6 department, and any agency or person making an
7 independent placement who placed a minor person for
8 adoption, and one certification of adoption as
9 prescribed in section one hundred forty-four point
10 nineteen (144.19) of the Code to the state registrar
11 of vital statistics. Upon receipt of the
12 certification, the state registrar shall prepare a
13 new birth certificate pursuant to section one hundred
14 forty-four point twenty-three (144.23) of the Code
15 and deliver to the parents named in the decree and
16 any adult person adopted by the decree a copy of the
17 new birth certificate. The parents shall pay the
18 fee prescribed in section one hundred forty-four point
19 **forty-six (144.46) of the Code. If the person adopted**
20 was born outside the state, the state registrar shall
21 forward the certification of adoption to the
22 appropriate agency in the state of birth. A copy
23 of any interlocutory adoption decree vacation shall
24 be delivered and another birth certificate shall be
25 prepared in the same manner as a certification of
26 adoption is delivered and the birth certificate was
27 **originally prepared.**

28 **Sec. 23. NEW SECTION. APPEAL.** An appeal from
29 any final order or decree rendered under this Act
30 shall be taken in the same manner as an appeal is
31 taken from a final judgment under the rules of civil
32 procedure. However, a rule of civil procedure

33 provision regarding a minimum amount of value in
34 controversy shall not bar an adoption appeal. The
35 supreme court shall review an adoption appeal de novo.

36 **Sec. 24. NEW SECTION. FOREIGN AND INTERNATIONAL**
37 **ADOPTIONS.**

38 1. A decree terminating a parent-child relationship
39 or establishing a parent-child relationship by adoption
40 which is issued pursuant to due process of law by
41 a court of any other jurisdiction, whether within
42 or without the United States, shall be recognized
43 in this state.

44 **2. If there is a proxy adoption in the minor**

45 person's country of origin, a further adoption must
46 occur in the state where the adopting parents reside
47 in accordance with the adoption laws of that state.

48 3. The department may provide necessary assistance
49 to an eligible citizen of Iowa who desires to, in
50 accordance with the immigration laws of the United

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1 States, make an international adoption. For any such
2 assistance the department may charge a fee which does
3 not exceed the reasonable cost of services rendered
4 and which is based on a sliding scale relating to
5 the investigated person's ability to pay.

6 4. Any rules of the department relating to
7 placement of a minor child for adoption which are
8 more restrictive than comparable rules of agencies
9 making international placements and laws of the United
10 States shall not be enforced by the department in
11 an international adoption.

12 **Sec. 25. NEW SECTION. TERMINATION AND ADOPTION**
13 **RECORD.**

14 1. Any information compiled under subparagraphs
15 one (1) and two (2) of paragraph c of subsection one
16 (1) of section seventeen (17) of this Act shall be
17 made available at any time by the clerk of the court,
18 the department, or any agency which made the placement
19 to:

20 a. The adopting parents.

21 b. The adopted person who is an adult.

22 c. Any person approved by the department if the
23 person uses this information solely for the purposes
24 of conducting a legitimate research project or of
25 treating a patient in a medical facility.

26 2. The permanent termination of parental rights
27 record of the juvenile court under division one (I)
28 of this Act and the permanent adoption record of the
29 court shall be sealed by the clerk of the juvenile
30 court and the clerk of court, as appropriate, when
31 they are complete and after the time for appeal has
32 expired. All papers and records pertaining to a
33 termination of parental rights under division one
34 (I) of this Act and to an adoption, whether a part
35 of the permanent termination and adoption records

36 of the juvenile court and of the court or on file
37 with a guardian, guardian ad litem, custodian, person
38 who placed a minor person, or the department shall
39 not be open to inspection and the identity of the
40 natural parents of an adopted person shall not be
41 revealed. However, an agency involved in placement
42 shall contact the adopting parents or the adult adopted
43 child regarding eligibility of the adopted child for
44 benefits base on entitlement of benefits or
45 inheritance from the terminated natural parents.
46 Also, the clerk of the court may, upon application
47 to and order of the court for good cause shown, open
48 the permanent adoption record of the court for the
49 adopted person who is an adult and reveal the names
50 of either or both of the natural parents, unless

Page 20

1 either or both of the natural parents have filed and
2 not withdrawn an affidavit denying such revelation
3 as to each parent's name. If the adopted person who
4 applies for revelation of the natural parents' name
5 has a sibling who is a minor and who has been adopted
6 by the same parents, the court shall deny such
7 application on the grounds that revelation to the
8 applicant may also indirectly and harmfully permit
9 the same revelation to the applicant's minor sibling.
10 To facilitate the natural parents in filing such
11 affidavit, the department shall, upon request of such
12 parent, file an affidavit in the court in which the
13 adoption records have been sealed.

14 3. Any person, other than the adopting parents
15 or the adopted person, who discloses information in
16 violation of the provisions of this section shall
17 be, upon conviction, guilty of a misdemeanor, and
18 shall be fined not more than one hundred dollars or
19 imprisoned in the county jail for not more than thirty
20 days.

DIVISION III

21
22 Sec. 26.

23 1. Any termination of parental rights or adoption
24 proceedings pending on the effective date of this
25 Act shall not be affected by the provisions of this
26 Act.

27 2. The department may allow access to adoption
28 records held by it or an agency if:

29 a. These records were compiled prior to the
30 effective date of this Act and do not or can be made
31 to not reveal the identity of the natural parents
32 of an adopted person; and,

33 b. The person gaining access to these records
34 uses them solely for the purposes of conducting a
35 legitimate research project or of treating a patient
36 in a medical facility.

37 3. This Act shall take effect on January 1, 1977.

38 Sec. 27. Section two hundred thirty-one point

39 three (231.3), unnumbered paragraph two (2), Code
40 1975, is amended to read as follows:

41 The judge of the juvenile court may appoint a
42 referee in juvenile court proceedings. The referee
43 shall be qualified for his duties by training and
44 experience and shall hold office at the pleasure of
45 the judge. The compensation of the referee shall
46 be fixed by the judge. The judge may direct that
47 any case or class of cases arising under chapter 232
48 *or division one (I) of this Act* shall be heard in
49 the first instance by the referee in the manner
50 provided for the hearing of cases by the court.

Page 21

1 Sec. 28. Section two hundred thirty-two point
2 two (232.2), subsections eight (8) and nine (9), Code
3 1975, are amended by striking the subsections and
4 inserting in lieu thereof the following:

5 8. "Guardian" means guardian as defined in
6 subsection seven (7) of section two (2) of this Act.

7 9. "Custodian" means custodian as defined in
8 subsection eight (8) of section two (2) of this Act.

9 Sec. 29. Section two hundred thirty-two point
10 twelve (232.12), Code 1975, is amended to read as
11 follows:

12 232.12 OTHER ISSUES ADJUDICATED. When it appears
13 during the course of any trial, hearing, or proceeding
14 that some action or remedy other than or in addition
15 to those indicated by the application or pleadings
16 appears appropriate, the court may, provided all
17 necessary parties consent, proceed to hear and
18 determine the additional or other issues as though
19 originally properly sought and pleaded. *However,*
20 *if termination of parental rights appears to be the*
21 *appropriate action or remedy, the provisions of*
22 *division one (I) of this Act must be followed.*

23 Sec. 30. Section two hundred thirty-two point
24 twenty-seven (232.27), Code 1975, is amended to read
25 as follows:

26 232.27 HEARINGS TO COURT. Hearings on any matter
27 shall be without a jury and may be conducted in an
28 informal manner. Hearings may be continued from time
29 to time and in the interim the court may make such
30 orders as it deems in the best interests of the child.
31 The court shall exclude the general public from
32 hearings and shall admit the news media, except in
33 those cases which in the opinion of the court the
34 best interest of the child and the public are served
35 by a private hearing. The court shall also admit
36 those persons who in the discretion of the court have
37 a direct interest in the case or in the work of the
38 court; except that if the hearing involves a child
39 charged by information or indictment with the
40 commission of a felony, persons having a legitimate
41 interest in the proceedings, including responsible

42 representatives of public information media, shall
43 not be excluded from such hearings. The court may
44 require the presence of witnesses deemed necessary
45 to the disposition of the petition. [Adoption hearings
46 shall be conducted in accordance with the provisions
47 of laws relating to adoption.]
48 Sec. 31. Section two hundred thirty-two point
49 twenty-nine (232.29), Code 1975, is amended to read
50 as follows:

Page 22

1 232.29 COUNTY ATTORNEY TO PRESENT EVIDENCE. The
2 county attorney shall present the evidence upon request
3 of the court in all proceedings [exception adoptions].

4 Sec. 32. Section two hundred thirty-two point
5 thirty-six (232.36), Code 1975, is amended to read
6 as follows:

7 232.36 ORDERS CONTINUE TO MAJORITY OF CHILD.

8 All orders for supervision, custody, or commitment
9 shall be enforced until the minor reaches the age
10 of eighteen years unless otherwise specified by the
11 court. All orders shall be reviewed by the court
12 at least annually unless the court's jurisdiction
13 has been terminated. The court may make on its own
14 motion or on the motion of an interested party and
15 after notice to the parties and a hearing some other
16 disposition of the case so long as the court retains
17 jurisdiction. *However, if termination of parental*
18 *rights is utilized as another disposition of the case,*
19 *the provisions of division one (1) of this Act must*
20 *be followed.*

21 Sec. 33. Section two hundred thirty-two point
22 fifty-one (232.51), unnumbered paragraph one (1),
23 Code 1975, is amended to read as follows:

24 Whenever legal custody of a minor is transferred
25 by the court or whenever the minor is placed by the
26 court with someone other than the parents or whenever
27 a minor is given physical or mental examinations
28 or treatment under order of the court and no provision
29 is otherwise made by law for payment for the care,
30 examination, or treatment of the minor, the costs
31 shall be charged upon the funds of the county in which
32 the proceedings are held upon certification of the
33 judge to the board of supervisors. [Except where the
34 parent-child relationship is terminated, the] *The* court
35 may inquire into the ability of the parents to support
36 the minor and after giving the parents a reasonable
37 opportunity to be heard may order the parents to pay
38 in the manner and to whom the court may direct, such
39 sums as will cover in whole or in part the cost of
40 care, examination, or treatment of the minor. If
41 the parents fail to pay the sum without good reason,
42 the parents may be proceeded against for contempt
43 or the court may inform the county attorney who shall
44 proceed against the parents to collect the unpaid

45 sums or both.

46 Sec. 34. Section two hundred thirty-two point
47 sixty-three (232.63), Code 1975, as amended by Acts
48 of the Sixty-sixth General Assembly, 1975 Session,
49 chapter one hundred forty-two (142), section ten (10),
50 is amended to read as follows:

Page 23

1 232.63 WHEN JURISDICTION IS EXCLUSIVE. The
2 juvenile court shall have exclusive original
3 jurisdiction, only, in proceedings concerning any
4 child alleged to be delinquent, or a child alleged
5 to be in need of assistance, and in proceedings for
6 termination of parental rights under [sections 232.41
7 through 232.50] *division one (1) of this Act*, and in
8 proceedings concerning any minor alleged to have been
9 a delinquent prior to having become eighteen years
10 of age except as otherwise provided by law.

11 Sec. 35. Section two hundred thirty-five point
12 three (235.3), subsection three (3), Code 1975, is
13 amended to read as follows:

14 3. Make such rules and regulations as may be
15 necessary or advisable for the supervision of the
16 private child-caring agencies or officers thereof
17 which the state director is empowered to license,
18 inspect and supervise[, which rules and regulations
19 shall provide that in dealing with any child, any
20 officer, employee or agency so dealing shall take
21 into consideration the religious faith or affili-
22 ations of the child or its parents, and that in placing
23 such child it shall be, as far as practicable, placed
24 in the home or the care and custody of some person
25 holding the same religious faith as the parents of
26 such child, or with or through some agency or
27 institution controlled by persons of like religious
28 faith with the parents of said child].

29 Sec. 36. Section two hundred thirty-eight point
30 twenty-four (238.24), unnumbered paragraph two (2),
31 Code 1975, is amended to read as follows:

32 Nothing herein shall prohibit the state director
33 from disclosing such facts to such proper persons
34 as may be in the interest of a child cared for by
35 such agency or in the interest of the child's parents
36 or foster parents and not inimical to the child, or
37 as may be necessary to protect the interests of the
38 child's prospective foster parents. *However,*
39 *disclosure of termination and adoption records shall*
40 *be governed by the provisions of section twenty-five*
41 *(25) of this Act.*

42 Sec. 37. Section two hundred thirty-eight point
43 thirty-two (238.32), subsection one (1), is amended
44 to read as follows:

45 1. Receive [neglected, dependent,] *children in need*
46 *of assistance* or delinquent children who are under

47 eighteen years of age, under commitment from the
48 juvenile court, and control and dispose of them subject
49 to the provisions of chapter 232 and of division one
50 (I) of this Act.

Page 24

1 Sec. 38. Sections two hundred thirty-two point
2 forty (232.40) through two hundred thirty-two point
3 fifty (232.50), inclusive, section two hundred thirty-
4 two point sixty (232.60), and sections two hundred
5 thirty-eight point twenty-five (238.25) through two
6 hundred thirty-eight point twenty-nine (238.29),
7 inclusive, Code 1975, are repealed.

8 Sec. 39. Section four hundred twenty-two point
9 nine (422.9), subsection two (2), paragraph d, Code
10 1975, is amended to read as follows:

11 d. Add the amount by which expenses paid or
12 incurred in connection with the adoption of a child
13 by the taxpayer exceed three percent of the net income
14 of the taxpayer, or of the taxpayer and spouse in
15 the case of a joint return. The expenses may include
16 medical and hospital expenses of the natural mother
17 which are incident to the child's birth and are paid
18 by the taxpayer, welfare agency fees, legal fees,
19 and all other fees and costs relating to the adoption
20 of a child if the child is placed by a child-placing
21 agency licensed under chapter 238 or by a person
22 making an independent placement according to the
23 provisions of chapter six hundred (600) of the Code.

24 Sec. 40. Section six hundred thirty-three point
25 two hundred twenty-three (633.223), subsections two
26 (2) and three (3), Code 1975, are amended by striking
27 the subsections.

28 Sec. 41. Sections six hundred point one (600.1)
29 through six hundred point ten (600.10), Code 1975,
30 are amended by striking the sections and inserting
31 in lieu thereof division two (II) of this Act.

32 Sec. 42. The Code editor shall codify division
33 one (I) of this Act as a separate chapter of the
34 Code.

WILLIAM GLUBA, Chairperson

Ordered passed on file.

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 324**, a bill for an act relating to abandoned vehicles, begs leave to report it has had the same under consideration and recommends the same be amended in accordance with the committee on transportation amendment S—3826 filed May 15, 1975, and found on page 1420 of the 1975 Senate Journal; and when so amended the bill do pass.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House Concurrent Resolution 38**, a resolution urging congress to continue adequate funding of the priority primary highway program, so as to allow the construction of proposed highway 520, begs leave to report it has had the same under consideration and recommends the same **be adopted**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5350

- 1 Amend Senate File 1132 as follows:
- 2 1. Page 1, line 19, by inserting after the figure
- 3 "1976" the words "*under this subsection*".
- 4 2. Page 1, by inserting after line 22 the follow-
- 5 ing section:
- 6 "Sec. Section ninety-seven B point forty-
- 7 nine (97B.49), Code 1975, as amended by Acts of the
- 8 Sixty-sixth General Assembly, 1975 Session, chapter
- 9 fifty (50), section eighteen (18), is amended by
- 10 adding the following new subsection:
- 11 **NEW SUBSECTION.** In addition to the benefit
- 12 increases granted under section one (1) of this Act,
- 13 the amount of regular monthly retirement allowance
- 14 attributable to membership service and prior service
- 15 that was payable to a member for December, 1975, is
- 16 increased in the amount of five percent on January
- 17 1, 1976. However, the total percent of benefit
- 18 increases granted under section one (1) of this Act
- 19 and this section shall not exceed one hundred percent.
- 20 The provisions of this subsection shall not apply
- 21 to any person receiving monthly benefits under the
- 22 provisions of subsection four (4) of this section."
- 23 3. By numbering and renumbering sections as
- 24 necessary.

MINNETTE F. DODERER
C. JOSEPH COLEMAN
RAY TAYLOR
CLIFF BURROUGHS
BERL E. PRIEBE
CHARLES P. MILLER
WILLARD HANSEN
JOHN N. NYSTROM

S—5355

- 1 Amend Senate File 1159 as follows:
- 2 Page 1, by striking lines 6 through 14 and inserting
- 3 in lieu thereof the following: "this section a
- 4 'fraternity' or a 'sorority' means the building and
- 5 grounds, owned by a non-profit corporation, near an
- 6 institution of higher learning where members of a

- 7 student organization live, so long as the student
8 organization was formed primarily for social and
9 educational purposes, is connected with and
10 recognized by the institution of higher learning,
11 and is not conducted for profit. Upon request by
12 the proper”.

JOHN S. MURRAY

S—5349

- 1 Amend Senate File 1241 as follows:
2 1. Page 1, line 10, by striking the word
3 “twenty” and inserting in lieu thereof the word
4 “ten”.

KENNETH D. SCOTT
BERL E. PRIEBE

S—5353

- 1 Amend Senate File 1241, page 1, line 29 by
2 striking the word “thirty” and inserting the word
3 “fifteen”.

RAY TAYLOR
BERL E. PRIEBE
KENNETH D. SCOTT

S—5354

- 1 Amend Senate File 1261, page 2, line 24, by
2 by striking the figure “9,000,000” and inserting
3 “9,600,000”.

RAY TAYLOR
ELIZABETH R. MILLER

S—5356

- 1 Amend Senate File 1261 as follows:
2 1. Page 12, by inserting after line 20 the
3 following section:
4 “Sec. Chapter two hundred seventy (270),
5 Code 1975, is amended by adding the following new
6 section:
7 **NEW SECTION.** There is appropriated from the general
8 fund of the state to the state board of regents the
9 sum of one hundred forty-eight thousand seven hundred
10 fifty (148,750) dollars, or so much thereof as is
11 necessary, to be distributed to the school for the
12 deaf and the Iowa braille and sight-saving school
13 for payments to the parents or guardians of pupils
14 in either institution as follows:
15 1. Transportation reimbursement at the rate
16 specified in section two hundred eighty-five point
17 one (285.1), subsection three (3), of the Code to
18 the parents or guardians of children who do not reside
19 in the institution, but are transported to the
20 institution on a daily basis.
21 2. Transportation reimbursement at the rate
22 specified in section two hundred eighty-five point
23 one (285.1), subsection three (3), of the Code to

- 24 the parents or guardians for not more than ten trips
25 per year from the institution to the residence of
26 the parent or guardian and return to the institution
27 for children who reside in the institution."
28 2. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.
JOHN N. NYSTROM
HILARIUS L. HEYING
IRVIN L. BERGMAN
DALE L. TIEDEN
JAMES V. GALLAGHER
LOUIS P. CULVER
C. JOSEPH COLEMAN
JAMES M. REDMOND
CLIFF BURROUGHS
RAY TAYLOR
MINNETTE DODERER
JOAN ORR
ROBERT M. CARR
RICHARD J. NORPEL, SR.
CHARLES P. MILLER
MILO MERRITT
ELIZABETH R. MILLER
JOHN S. MURRAY
CALVIN O. HULTMAN
WILLARD R. HANSEN
WARREN E. CURTIS

S—5357

- 1 Amend the committee on education amendment, S—5168,
2 to House File 628, as amended and passed by the House,
3 page 1, by inserting after line 28 the following:
4 *"The provisions of this subsection shall be*
5 *effective for transportation of children commencing*
6 *with the second semester of the school year beginning*
7 *July 1, 1975."*

ROBERT M. CARR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:55
p.m., until 9:30 a.m., Thursday, March 18, 1976.

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MARCH 18, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Eugene Kramer, pastor of the Immanuel Lutheran Church, Waterloo, Iowa.

The Journal of Wednesday, March 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rabedeaux for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty students from Christ the King School, Des Moines, Iowa, accompanied by Sister Marie Finnegan. Senator Kinley.

Twenty students, members of the Campfire Girls from Marion, Iowa, accompanied by Charlene Vigness. Senator Sovorn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hansen from twenty-seven residents of Black Hawk County opposing Senate File 1166 relating to possession and use of firearms and dangerous weapons.

By Senator Doderer from thirty-two residents of Henry County favoring Senate File 1114 providing that medical, legal and other professional records become property of the patient or client who pays for the services rendered.

By Senator Tieden from two residents of Allamakee County and adjoining counties favoring a moratorium on nuclear plant construction.

By Senator Tieden from five residents of Allamakee County and adjoining counties opposing a moratorium on nuclear plant construction.

By Senator Tieden from thirty-three residents of Allamakee County and adjoining counties opposing the reduction of state funds for special educational programs for handicapped children in Iowa's public schools.

CONSIDERATION OF BILLS

Senate File 1250

On motion of Senator Willits, Senate File 1250, a bill for an act establishing the method for setting salaries of certain appointed, nonelected state officials and setting a salary range for certain appointed, nonelected state officials and designated appointed, nonelected employees of the state and providing for the governor to set salaries within such ranges and expanding the use of funds appropriated by the general assembly, was taken up for consideration.

Senator Norpel offered amendment S—5325 filed by him:

S—5325

- 1 Amend Senate File 1250, page 2, line 12, by striking
- 2 the figures, "\$18,000 to \$26,600" and inserting in lieu
- 3 thereof the figures "\$23,400 to \$29,050".

(Senate File 1250 pending on recess.)

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1266, by committee on commerce, a bill for an act relating to the time of filing mechanic's liens by subcontractors.

Read first time and placed on calendar.

POINT OF ORDER

Senator Kelly raised the point of order that under the provisions of sections 761.6, 761.8, 768.7, 763 and 584-B of Mason's Manual of Legislative Procedure **Senate File 1062** should not have been transported out of the Senate and is improperly in possession of the House.

The Chair ruled the point well taken and that although Mason's Manual of Legislative Procedure states that a conference committee does have the authority to determine which house shall be the first to take up the report, the second conference committee on **Senate File 1062** has not made that decision, and the bill is improperly in the possession of the House and should be returned to the Senate.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

REPORT

MR. PRESIDENT: As chairperson on the part of the Senate on the second conference committee on **Senate File 1062**, a bill for an act to provide budget limitations for certain political subdivisions of the state, I respectfully report that at the meeting of March 18, 1976, the committee, by majority of both houses, voted that the House of Representatives should consider the report of the second conference committee first and that the House of Representatives be given physical custody of **Senate File 1062**.

NORMAN G. RODGERS, Chairperson

MOTION RULED OUT OF ORDER

Senator Lamborn moved that the present Senate members of the second conference committee, on **Senate Concurrent Resolution 6**, be dismissed.

Senator Glenn raised the point of order that the motion was out of order for the reason that consideration of **Senate File 1250** was pending on recess.

The Chair ruled the point well taken and the motion out of order.

BUSINESS PENDING

Senate File 1250

The Senate resumed consideration of Senate File 1250 and amendment S—5325.

Senator Norpel moved the adoption of amendment S—5325.

A record roll call was requested.

On the question "Shall amendment S—5325 be adopted?" (S.F. 1250) the vote was:

Ayes, 38:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Briles	Hultman	Norpel	Shaw
Burroughs	Junkins	Nystrom	Sovern
Carr	Kelly	Orr	Taylor
Coleman	Kinley	Palmer	Tieden
Culver	Miller of	Plymat	Van Gilst
Curtis	Des Moines	Priebe	Willits
DeKoster	Miller of	Ramsey	Winkelman
Glenn	Marshall	Redmond	
Gluba			

Nays, 8:

Doderer	Heying	Merritt	Scott
Gallagher	Lamborn	Schwengels	Shaff

Absent or not voting, 4:

Hill of Jasper	Hill of Polk	Nolin	Rabedeaux
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Amendment S—5325 was adopted.

Senator Hultman offered amendment S—5326 filed by Senators Hultman, et al., moved its adoption and requested a record roll call:

S—5326

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 3, line 18 by striking "\$18,900 to
- 3 \$21,780" and inserting in lieu thereof the figures
- 4 "\$18,000 to \$26,600".

On the question "Shall amendment S—5326 be adopted?" (S.F. 1250) the vote was:

Ayes, 36:

Andersen	Griffin	Murray	Schwengels
Bergman	Hansen	Norpel	Shaff
Briles	Heying	Nystrom	Shaw
Burroughs	Hultman	Orr	Sovern
Carr	Junkins	Palmer	Taylor
Coleman	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Miller of	Redmond	Willits
Doderer	Des Moines	Robinson	Winkelman
Glenn			

Nays, 7:

Culver	Hill of Jasper	Ramsey	Scott
Gallagher	Merritt	Rodgers	

Absent or not voting, 7:

Gluba	Miller of	Nolin	Rabedaux
Hill of Polk	Marshall	Nolting	
Lamborn			

Amendment S—5326 was adopted.

Senator Van Gilst offered amendment S—5338 filed by Senators Van Gilst and Willits and moved its adoption:

S—5338

- 1 Amend Senate File 1250, page 4, line 7, by striking
- 2 the figure "30,250" and inserting in lieu thereof
- 3 the figure "36,500".

A record roll call was requested.

On the question "Shall amendment S—5338 be adopted?" (S.F. 1250) the vote was:

Ayes, 23:

Briles	Junkins	Murray	Redmond
Curtis	Kelly	Nolting	Robinson
DeKoster	Kinley	Nystrom	Shaw
Doderer	Lamborn	Orr	Sovern
Hansen	Miller of	Palmer	Van Gilst
Hultman	Marshall	Plymat	Willits

Nays, 23:

Andersen	Gallagher	Merritt	Rodgers
Bergman	Glenn	Miller of	Schwengels
Burroughs	Gluba	Des Moines	Scott
Carr	Griffin	Norpel	Taylor
Coleman	Heying	Priebe	Tieden
Culver	Hill of Jasper	Ramsey	Winkelman

Absent or not voting, 4:

Hill of Polk	Nolin	Rabedaux	Shaff
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The Chair cast an "aye" vote to break the tie and declared amendment S—5338 adopted.

Senator Shaw offered amendment S—5359, moved its adoption and requested a non-record roll call:

S—5359

- 1 Amend Senate File 1250, page 5, by striking
- 2 lines 8 through 13.

Rule 25 was invoked.

The ayes were 22, nays 23.

Amendment S—5359 lost.

Senator Doderer offered amendment S—5361 and moved its adoption:

S—5361

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 5, lines 8 and 9, by striking the
- 3 words "fiscal bureau" and inserting in lieu thereof
- 4 the word "council".
- 5 2. Page 5, line 11, by striking the words
- 6 "fiscal bureau" and inserting in lieu thereof the
- 7 word "council".

A non-record roll call was requested.

The ayes were 29, nays 17.

Amendment S—5361 was adopted.

Senator Curtis offered amendment S—5360, moved its adoption and requested a record roll call:

S—5360

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 2, line 5, by striking the figure
- 3 "\$29,050" and inserting in lieu thereof the figure
- 4 "\$31,050".

On the question "Shall amendment S—5360 be adopted?" (S.F. 1250) the vote was:

Ayes, 32:

Andersen	Hansen	Miller of	Plymat
Bergman	Heying	Marshall	Redmond
Briles	Hultman	Murray	Robinson
Burroughs	Junkins	Nolting	Shaff
Coleman	Kelly	Norpel	Shaw
Culver	Kinley	Nystrom	Sovern
Curtis	Lamborn	Orr	Van Gilst
DeKoster	Miller of	Palmer	Willits
Glenn	Des Moines		

Nays, 14:

Carr	Hill of Jasper	Rodgers	Taylor
Gallagher	Merritt	Schwengels	Tieden
Gluba	Priebe	Scott	Winkelman
Griffin	Ramsey		

Absent or not voting, 4:

Doderer	Hill of Polk	Nolin	Rabedeaux
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Amendment S—5360 was adopted.

Action on Senate File 1250 was temporarily deferred for the preparation of an amendment.

UNFINISHED BUSINESS

Senate File 1248

On motion of Senator Sovern, Senate File 1248, a bill for an act to permit control of the operation of snowmobiles upon highways which are a part of a state park road system or a county conservation parkway system, was taken up for further consideration.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1248) the vote was:

Ayes, 29:

Andersen	Griffin	Kinley	Palmer
Bergman	Hansen	Lamborn	Redmond
Carr	Heying	Miller of	Shaw
DeKoster	Hill of Jasper	Des Moines	Sovern
Doderer	Hill of Polk	Murray	Taylor
Gallagher	Hultman	Nolting	Willits
Glenn	Junkins	Orr	Winkelman
Gluba	Kelly		

Nays, 18:

Briles	Merritt	Plymat	Schwengels
Burroughs	Miller of	Priebe	Scott
Coleman	Marshall	Ramsey	Tieden
Culver	Norpel	Robinson	Van Gilst
Curtis	Nystrom	Rodgers	

Absent or not voting, 3:

Nolin	Rabedeaux	Shaff
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 1250

The Senate resumed consideration of Senate File 1250.

Senator Priebe offered amendment S—5370 by Senators Priebe, et al., and moved its adoption:

S—5370

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 2, line 10, by striking the figure
- 3 "\$34,450" and inserting in lieu thereof the figure
- 4 "\$36,500".

Division was called for.

Amendment S—5370 was adopted.

Senator Priebe offered amendment S—5371 by Senators Priebe, et al.:

S—5371

- 1 Amend Senate File 1250 as follows:
- 2 1. Page 3, line 3, by striking the figure
- 3 "\$30,250" and inserting in lieu thereof the figure
- 4 "\$36,500".

Senator Murray took the chair at 5:40 p.m.

Senator Priebe moved the adoption of amendment S—5371.

A record roll call was requested.

On the question "Shall amendment S—5371 be adopted?" (S.F. 1250) the vote was:

Ayes, 18:

Bergman	Heying	Norpel	Scott
Burroughs	Hill of Jasper	Nystrom	Shaff
Coleman	Miller of	Plymat	Shaw
Culver	Marshall	Priebe	Tieden
Gluba	Murray	Robinson	

Nays, 26:

Andersen	Hansen	Merritt	Rodgers
Carr	Hill of Polk	Nolting	Sovern
Curtis	Hultman	Orr	Taylor
DeKoster	Junkins	Palmer	Van Gilst
Gallagher	Kelly	Ramsey	Willits
Glenn	Kinley	Redmond	Winkelman
Griffin	Lamborn		

Absent or not voting, 6:

Briles	Miller of	Nolin	Schwengels
Doderer	Des Moines	Rabedaux	

Amendment S—5371 lost.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1250) the vote was:

Rule 25 was invoked.

Ayes, 27:

Andersen	Doderer	Nolting	Rodgers
Bergman	Hansen	Norpel	Shaff
Burroughs	Junkins	Orr	Shaw
Carr	Kelly	Palmer	Sovern
Coleman	Kinley	Plymat	Van Gilst
Curtis	Lamborn	Redmond	Willits
DeKoster	Murray	Robinson	

Nays, 20:

Culver	Hill of Jasper	Miller of	Schwengels
Gallagher	Hill of Polk	Marshall	Scott
Glenn	Hultman	Nystrom	Taylor
Gluba	Merritt	Priebe	Tieden
Griffin	Miller of	Ramsey	Winkelman
Heying	Des Moines		

Absent or not voting, 3:

Briles	Nolin	Rabedaux
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

INTRODUCTION OF BILLS

Senate File 1267, by committee on state government, a bill for an act to establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.

Read first time and placed on calendar.

Senate File 1268, by Senators Gluba and Kinley, a bill for an act making an appropriation to the Iowa crime commission to be used for the purchase and installation of burglar alarms in the homes of persons sixty-five years of age or more who live in high crime areas.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1262	State government
H. F. 1053	Transportation
H. F. 1165	Human resources
H. F. 1298	State government
H. F. 1361	Cities
H. F. 1365	Commerce
H. F. 1388	Natural resources
H. F. 1439	Natural resources
H. F. 1460	Human resources
H. F. 1463	Agriculture

EXPLANATION OF VOTE

MR. PRESIDENT: I was absent from the Senate chamber attending a conference committee meeting on Senate File 1062 when the vote was taken on the motion to reconsider Senate File 356. Had I been present, I would have voted "aye."

LOWELL JUNKINS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clarence R. Hosford, D.D.S., Monticello, Jones County, Iowa, for appointment to the State Board of Dental Examiners, pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
LOUIS P. CULVER
JAMES V. GALLAGHER
RICHARD J. NORPEL, SR.
W. R. RABEDEAUX

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Burt R. Livingston, Newton, Jasper County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
EUGENE M. HILL
GEORGE R. KINLEY
WILLIAM N. PLYMAT
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sister Bernadine Pieper, Ottumwa, Wapello County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
GENE W. GLENN
EUGENE M. HILL
ELIZABETH R. MILLER
JOHN S. MURRAY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character

and qualifications of Joseph A. Graham, Jr., D.V.M., Milo, Warren County, Iowa, for appointment to the State Board of Veterinary Medical Examiners, pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
KARL NOLIN
JAMES M. REDMOND
ROGER J. SHAFF
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy Brown Showers of Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Judicial Nominating Commission under the provisions of Section 46.1, 1975 Code of Iowa, for a regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
WILLIAM E. GLUBA
JAMES W. GRIFFIN, SR.
FRED W. NOLTING

REPORTS OF COMMITTEES

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred Senate File 1195, a bill for an act to make an appropriation to the board of regents to finance removal of architectural barriers in buildings at the state universities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Senate File 1195 referred to the committee on appropriations, under Senate Rule 38.

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred Senate File 226, a bill for an act prohibiting the use of ice grips or tire studs on certain motor vehicles, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5367

- 1 Amend Senate File 226, page 1, lines 7, 8, and 9,
- 2 by striking the words "emergency, police and ambulance
- 3 vehicles, school buses, and rural mail carrier
- 4 vehicles" and inserting in lieu thereof the words
- 5 "any vehicle when the vehicle is operated at any speed
- 6 which does not exceed forty miles per hour".

S—5368

- 1 Amend Senate File 226 as follows:
- 2 1. Page 1, line 12 by striking the number "1976"
- 3 and inserting in lieu thereof the number "1977".

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 749**, a bill for an act relating to interest payments and interest penalties under the retail sales and income taxes, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1009**, a bill for an act relating to the effective date of special assessments, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5369

- 1 Amend Senate File 104 as follows:
- 2 1. Page 1, line 16, by striking the words "four
- 3 thousand two hundred fifty" and inserting in lieu
- 4 thereof the words "five thousand three hundred forty-
- 5 five".
- 6 2. Page 1, line 18, by striking the words "six
- 7 thousand five hundred" and inserting in lieu thereof
- 8 the words "eight thousand five".

LEONARD C. ANDERSEN

S—5373

- 1 Amend Senate File 188 as follows:
- 2 1. Page 1, by striking lines 1 through 28 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section four hundred eighty-nine point
- 5 five (489.5), Code 1975, is amended to read as fol-
- 6 lows:
- 7 489.5 NOTICE—OBJECTIONS FILED. Upon the filing
- 8 of such petition, the commission shall cause a notice,
- 9 addressed to the citizens of each county through which
- 10 the proposed line or lines will extend, to be published
- 11 in a newspaper located in each such county for two
- 12 consecutive weeks. Said notice shall contain a general
- 13 statement of the contents and purpose of the petition,
- 14 a general description of the lands and highways to
- 15 be traversed by the proposed line or lines, and shall

16 state that any objections thereto must be filed in
17 writing with the commission not later than twenty
18 days after the date of last publication of the notice.
19 Any person, company, city, *public agency*, or
20 corporation whose rights may be affected, shall have
21 the right to file written objections to the proposed
22 improvement or to the granting of such franchise;
23 such objections shall be filed with the commission
24 not later than twenty days after the date of last
25 publication and shall state the grounds therefor.
26 The commission may allow objections to be filed later
27 in which event the applicant must be given reasonable
28 time to meet such late objections.

29 Sec. 2. Section four hundred eighty-nine point
30 eighteen (489.18), Code 1975, is amended by striking
31 the section and inserting in lieu thereof the follow-
32 ing:

33 489.18 SUPERVISION OF CONSTRUCTION—LOCATION.

34 The commission shall have the authority to supervise
35 the construction, operation, and maintenance of
36 electric transmission lines. A transmission line
37 route shall be near and parallel to a railroad right-
38 of-way, or government survey land division line
39 wherever such a route is the most practicable and
40 reasonable. The commission may approve other routes
41 if it finds that adherence to a railway or land
42 division line will be impractical or unreasonable.
43 The commission shall not approve any route that will
44 unnecessarily interfere with the public use of highways
45 or streams, or with the use of private property.
46 If a dispute arises concerning the determination of
47 jurisdiction over public lands of the state, or a
48 county, township or school corporation, the dispute
49 shall be resolved by the executive council. The
50 determination of jurisdiction by the council shall

Page 2

1 be binding on all parties to the dispute."

2 2. Page 1, line 33, by inserting after the word
3 "[building]" the words "*occupied by natural persons*".

4 3. Renumber sections and correct internal refer-
5 ences as may be necessary in accordance with this
6 amendment.

RAY TAYLOR

S—5372

1 Amend Senate 1241 as follows:

2 1. Page 1, line 8, by inserting after the
3 word "test" the words "number two grade or higher on
4 grain and number one or higher on soybeans".

RAY TAYLOR
ELIZABETH R. MILLER
KENNETH D. SCOTT
BASS VAN GILST
BERL E. PRIEBE
C. JOSEPH COLEMAN

S—5363

- 1 Amend Senate File 1261, page 2, line 24, by
- 2 striking the figure "\$9,000,000" and inserting
- 3 in lieu thereof the figure "\$10,200,000".

LUCAS J. DeKOSTER

S—5365

- 1 Amend Senate File 1261, page 10, line 7, by
- 2 striking the figure ":" and inserting in lieu
- 3 thereof the words ", provided that, as a condition
- 4 for the appropriation of these funds and
- 5 notwithstanding any provision in chapter twenty (20),
- 6 Code 1975, to the contrary, the state board of
- 7 regents, for purposes of implementing collective
- 8 bargaining pursuant to chapter twenty (20), Code
- 9 1975, shall continue to act as a 'public employer'
- 10 for its academic, professional and scientific,
- 11 and other employees who are exempted from its
- 12 merit system by chapter nineteen A (19A), Code
- 13 1975, and who are defined as 'professional
- 14 employees' by section twenty point three (20.3),
- 15 subsection eleven (11), Code 1975."

JOHN S. MURRAY

S—5366

- 1 Amend Senate File 1261, page 10, by inserting
- 2 after line 23 the following:
- 3 "From funds appropriated by this paragraph there
- 4 shall be allocated not more than fifteen thousand
- 5 (15,000) dollars for use of the state archaeologist
- 6 for investigating, reporting upon, preserving, and
- 7 reinterring ancient human remains found in the
- 8 state. For the purposes of this Act ancient human
- 9 remains shall be those remains more than one
- 10 hundred fifty years old."

JOHN S. MURRAY

S—5358

- 1 Amend Senate File 1261, page 12, line 12, by
- 2 striking the figure "2,611,100" and inserting in
- 3 lieu thereof the figure "2,551,100".

JAMES W. GRIFFIN, SR.

S—5364

- 1 Amend Senate File 1261 as follows:
- 2 Page 12, line 22, by striking the word and figure
- 3 "eight (8)" and inserting in lieu thereof the word
- 4 and figure "nine (9)".

BASS VAN GILST

S—5374

- 1 Amend House File 1011 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 23, by inserting after line 5 the following
- 4 new section:

5 "Sec. Section fifty-three point eleven (53.11),
6 Code 1975, is amended to read as follows:
7 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The
8 commissioner shall deliver an absentee ballot to any
9 qualified elector applying in person at his office
10 not more than forty days before the date of the general
11 election and the primary election, and for all other
12 elections, as soon as the ballot is available. The
13 qualified elector shall immediately mark the ballot,
14 enclose it in a ballot envelope with proper affidavit,
15 and return the absentee ballot to the commissioner.
16 The commissioner shall record the numbers appearing
17 on the application and ballot envelope along with
18 the name of the qualified elector. The commissioner
19 of any county in which there is located a city of
20 [twenty-five] five thousand or more population, which
21 is not the county seat, may permit qualified electors
22 to appear in person at some designated place within
23 each such city and there cast an absentee ballot in
24 the manner prescribed by this section."
25 2. Title, page 1a, line 11, by inserting after
26 the word "clarifying" the words "and revising certain
27 requirements relative to".

JOAN ORR
JOHN N. NYSTROM
MINNETTE DODERER
KENNETH D. SCOTT
JAMES V. GALLAGHER
NORMAN RODGERS
HILARIUS L. HEYING
ELIZABETH SHAW
RAY TAYLOR
STEVE SOVERN
WILLARD R. HANSEN

S—5362

1 Amend House File 1165 as follows:
2 1. Page 1, lines 33 and 34, by striking the
3 words "[thirty days after its convening] *January 1, 1977*"
4 and inserting in lieu thereof the words "thirty days
5 after its convening".
6 2. Page 4, line 25, by striking the words "*The*
7 *state*".
8 3. Page 4, by striking lines 26, 27 and 28.
9 4. Page 4, line 29, by striking the words
10 "*Assembly not later than May 1, 1976.*"

WILLIAM E. GLUBA

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:20 p.m., until 9:30 a.m., Friday, March 19, 1976.

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MARCH 19, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Jack O. Boerigter, pastor of the First Reformed Church, Sioux Center, Iowa.

The Journal of Thursday, March 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hostetter, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Doderer for the day, Senator Rabedaux for the day and Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from St. John's School, Des Moines, Iowa. Senators Hill of Polk and Willits.

PETITION

The following petition was presented and placed on file:

By Senator Rodgers from two hundred two residents of Dallas and Boone Counties favoring legislation to prohibit the construction of nuclear power plants until it has been proven that waste material can be disposed of safely.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on March 18, 1976, adopted the second conference committee

report and passed Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state.

Also: That the House has on March 17, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1462, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate.

Also: That the House has on March 17, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1473, a bill for an act relating to gas, gasoline, and motor fuel inspectors.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1462, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate.

Read first time and passed on file.

House File 1473, a bill for an act relating to gas, gasoline, and motor fuel inspectors.

Read first time and passed on file.

MOTION TO RECONSIDER WITHDRAWN

Senate File 1249

Senator Schwengels withdrew the motion to reconsider the vote by which Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies, passed the Senate, filed by him on March 17, 1976.

Senator Merritt took the chair at 9:40 a.m.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Gluba called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Eugene O. Johnson of Davenport, Scott County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
CLIFTON C. LAMBORN
MILO MERRITT
WILLIAM D. PALMER
FORREST V. SCHWENGELS

The motion prevailed and the report was adopted.

Senator Gluba moved the appointment of Eugene O. Johnson as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpel	Scott
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
Gallagher	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Ramsey	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

DeKoster	Kelly	Rabedaux	Van Gilst
Doderer	Nolin	Shaff	

The Chair declared the appointment of Eugene O. Johnson as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1979.

Senator Schwengels called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Warren J. Rogers, Cedar Rapids, Linn County, Iowa, for appointment to the State Board of Physical Therapy Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
JAMES M. REDMOND
CLOYD E. ROBINSON
NORMAN RODGERS
ROGER J. SHAFF

The motion prevailed and the report was adopted.

Senator Schwengels moved the appointment of Warren J. Rogers as a member of the State Board of Physical Therapy Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Nolting	Schwengels
Briles	Hill of Polk	Norpel	Scott
Burroughs	Hultman	Nystrom	Shaff
Carr	Junkins	Orr	Shaw
Coleman	Kinley	Palmer	Sovern
Culver	Lamborn	Plymat	Taylor
Curtis	Merritt	Priebe	Tieden
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba	Miller of	Robinson	
Griffin	Marshall		

Nays, none.

Absent or not voting, 7:

DeKoster	Hansen	Nolin	Van Gilst
Doderer	Kelly	Rabedeaux	

The Chair declared the appointment of Warren J. Rogers as a member of the State Board of Physical Therapy Examiners confirmed for an initial term ending June 30, 1978.

Senator Miller of Des Moines called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John E. van der Linden of Sibley, Osceola County, Iowa, for reappointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1975 Code of Iowa, for a regular six-year term commencing January 3, 1976, and ending January 2, 1982, begs leave to report it has made investigation and recommends the reappointment be confirmed.

CHARLES P. MILLER, Chairperson
 IRVIN L. BERGMAN
 GEORGE R. KINLEY
 JOHN S. MURRAY
 JAMES M. REDMOND

The motion prevailed and the report was adopted.

Senator Miller of Des Moines moved the appointment of John E. van der Linden as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
Gallagher	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Ramsey	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

DeKoster	Kelly	Rabedaux	Van Gilst
Doderer	Nolin	Robinson	

The Chair declared the appointment of John E. van der Linden as a member of the State Board of Public Instruction confirmed for the regular six-year term ending January 2, 1982.

Senator Coleman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gracie M. Ruden, Le Mars, Plymouth County, Iowa, for appointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
 LUCAS J. DeKOSTER
 JAMES W. GRIFFIN, SR.
 LOWELL L. JUNKINS
 BERL E. PRIEBE

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Gracie M. Ruden as a member of the Iowa Real Estate Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Culver	Griffin	Junkins
Bergman	Curtis	Hansen	Kinley
Briles	DeKoster	Heying	Merritt
Burroughs	Gallagher	Hill of Jasper	Miller of
Carr	Glenn	Hill of Polk	Des Moines
Coleman	Gluba	Hultman	

Miller of
Marshall
Murray
Nolting
Norpe
Nystrom

Orr
Palmer
Plymat
Priebe
Redmond
Robinson

Rodgers
Schwengels
Scott
Shaw
Sovern

Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 7:

Doderer
Kelly

Lamborn
Nolin

Rabedeaux
Ramsey

Shaff

The Chair declared the appointment of Gracie M. Ruden as a member of the Iowa Real Estate Commission confirmed for an initial term ending June 30, 1978.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1367.

House File 1367

On motion of Senator Bergman, House File 1367, a bill for an act relating to loans by a state bank to its officers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bergman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1367) the vote was:

Ayes, 43:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Polk
Jenkins
Kinley
Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall

Murray
Nolting
Norpe
Nystrom
Orr
Palmer
Priebe
Ramsey
Redmond
Robinson
Rodgers

Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 7:

Doderer
Hill of Jasper

Hultman
Kelly

Nolin
Plymat

Rabedeaux

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

WITHDRAWN

Senator Rodgers asked and received unanimous consent that **Senate File 444** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 7.

Senate File 7

On motion of Senator Norpel, Senate File 7, a bill for an act relating to the use of reflectorized materials on bicycles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel withdrew amendment S—3182 filed by him on February 19, 1975, and found on page 400 of the 1975 Senate Journal.

Senator Norpel offered amendment S—5328 filed by him:

S—5328

- 1 Amend Senate File 7 as follows:
- 2 1. Page 1, by striking lines 1 through 26 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Chapter three hundred twenty-one
- 5 (321), Code 1975, as amended by Acts of the Sixty-
- 6 sixth General Assembly, 1975 Session, is amended by
- 7 adding the following new section:
- 8 **NEW SECTION.** A person shall not sell any bicycle
- 9 for use on any street or highway in this state unless
- 10 the bicycle is equipped with reflective surfaces
- 11 visible during the hours of darkness from a distance
- 12 of five hundred feet from the front, three hundred
- 13 feet from the rear and sides when viewed under lawful
- 14 low beam head lamps under normal atmospheric conditions
- 15 on a straight, level, unlighted roadway. The use
- 16 of reflectors on bicycles required under this Act
- 17 shall be in addition to lights required under section
- 18 three hundred twenty-one point three hundred ninety-
- 19 seven (321.397) of the Code.
- 20 This section shall not apply to a sidewalk bicycle
- 21 which is a bicycle with a maximum height of not more
- 22 than twenty-five inches, including the seat raised
- 23 to its maximum height unless being operated on the
- 24 streets or highways.
- 25 Subsequent to a citation for a violation of this
- 26 section for the operation of a bicycle, the operator
- 27 shall have forty-eight hours to present proof of the
- 28 correction of the deficiency or the bicycle shall
- 29 be impounded until proper reflective devices are

- 30 obtained for installation on the bicycle by the owner.”
31 2. Amend the title, line 2, by inserting after
32 the word “bicycles” the words “and providing a
33 penalty”.

Senator Ramsey offered amendment S—5378 to amendment S—5328 and moved its adoption:

S—5378

- 1 Amend the Norpel amendment, S—5328, to Senate
2 File 7 as follows:
3 1. Page 1, by striking lines 25 through 33.

A non-record roll call was requested.

The ayes were 27, nays 15.

Amendment S—5378 to amendment S—5328 was adopted.

Action on Senate File 7 was temporarily deferred for the preparation of an amendment.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Redmond offered amendment S—5379 to amendment S—5328 by Senators Redmond and Norpel:

S—5379

- 1 Amend the Norpel amendment, S—5328, to Senate
2 File 7, as follows:
3 1. Page 1, line 8, by inserting after the word
4 “sell” the words “or operate”.
5 2. Page 1, after line 24, by adding the follow-
6 ing:
7 “In lieu of a citation issued pursuant to section
8 three hundred twenty-one point four eighty two (321.482)
9 for the sale or operation of a bicycle, in violation of
10 this section the seller or operator shall have, after
11 apprehension for this violation, forty-eight hours to
12 present proof of the correction of the deficiency or
13 the bicycle shall be impounded until proper reflective
14 devices are obtained for installation on the bicycle
15 by the seller or owner.”
16 3. Amend the title, line 2, by inserting after
17 the word “bicycles” the words “and providing a penalty”.

DEFERRED

Senator Hill of Polk moved that further action on Senate File 7 be deferred and requested a non-record roll call.

Senator Hansen took the chair at 12:07 p.m.

The ayes were 34, nays 8.

The motion prevailed and Senate File 7 was deferred and placed on the calendar under unfinished business.

INTRODUCTION OF BILL

Senate File 1269, by committee on judiciary, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1268 Human resources

S.C.R. 106 Rules and administration

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of March, 1976: Senate File 1200.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 19, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 53—To establish the license and qualifications of real estate apprentice salesmen.

S. F. 387—Relating to liability for the performance of or refusal to perform abortions.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gretchen M. Bataille of Ames, Story County, Iowa, for appointment as a member of the Iowa Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for the regular four-year term

beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
MINNETTE F. DODERER
JOHN S. MURRAY
FRED W. NOLTING
RICHARD R. RAMSEY

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Alfred D. Wilson of Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Barber Examiners under the provisions of Section 147.12, Code 1975, for the regular three-year term beginning July 1, 1976 and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
GENE W. GLENN
PHILIP B. HILL
JOAN ORR
BERL E. PRIEBE

PROOF OF PUBLICATION

Published copy of Senate File 1269 and verified proof of publication of said bill in The Des Moines Register, a newspaper published in Des Moines, Iowa, on February 23, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS, Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

Senate File 1243	House File 1008	House File 1190
Appropriations	Judiciary	State Government
Education	Willits, Chairperson	Coleman, Chairperson
Senate File 1246	Doderer	Glenn
Commerce	Hill of Polk	Curtis
Rodgers, Chairperson	House File 1048	House File 1326
Curtis	Judiciary	Natural Resources
Junkins	Willits, Chairperson	Heying, Chairperson
Senate File 1247	DeKoster	Priebe
State Government	Redmond	Winkelman
Kinley, Chairperson	House File 1106	House File 1410
Glenn	State Government	Judiciary
Curtis	Redmond, Chairperson	Redmond, Chairperson
	Doderer	Kelly
	Curtis	Shaw

REPORTS OF COMMITTEES

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred **House File 1040**, a bill for an act relating to applications and fees for high school equivalency diplomas, begs leave to report it has had the same

under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5383

- 1 Amend House File 1040 as passed by the House,
- 2 as follows:
- 3 1. Page 1, line 9, by striking the words "ap-
- 4 plication fee and".

JOAN ORR, Chairperson

Ordered passed on file.

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **Senate File 1215**, a bill for an act relating to the number of district court judges per judicial election district, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5377

- 1 Amend Senate File 1215 as follows:
- 2 1. Page 1, line 19, by striking the words
- 3 "*or major fraction thereof*".

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1162**, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls, begs leave to report it has had the same under consideration and recommends the same **do pass.**

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5381

- 1 Amend the Norpel amendment, S—5328, to Senate
- 2 File 7, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "sell" the words "or operate".
- 5 2. Page 1, after line 24, by adding the fol-
- 6 lowing:
- 7 "In lieu of a citation issued pursuant to section
- 8 three hundred twenty-one point four hundred eighty-two (321.482)
- 9 for the operation of a bicycle, in violation of
- 10 this section the operator shall have, after appre-
- 11 hension for this violation, forty-eight hours to
- 12 present proof of the correction of the deficiency or
- 13 the bicycle shall be impounded until proper reflective
- 14 devices are obtained for installation on the bicycle
- 15 by the owner."

16 3. Amend the title, line 2, by inserting after
17 the word "bicycles" the words "and providing a penalty".

JAMES M. REDMOND
RICHARD J. NORPEL, SR.

S—5382

1 Amend Senate File 1261 as follows:

2 1. Page 2, by striking lines 4 through 35 and
3 inserting in lieu thereof the following:

4 "Sec. 2. There is appropriated from the general
5 fund of the state to the higher education facilities
6 commission for the fiscal year beginning July 1, 1976
7 and ending June 30, 1977 the sum of one hundred ninety-
8 three thousand (193,000) dollars, or so much thereof
9 as may be necessary, to be used for salaries, support,
10 maintenance and miscellaneous purposes.

11 Sec. 3. Tuition grant programs—creation of fund—
12 —appropriation.

13 1. There is created in the office of the treasurer
14 of state an educational assistance fund to be admin-
15 istered by the higher education facilities commission.

16 2. There is appropriated annually from the general
17 fund of the state to the educational assistance fund
18 for each fiscal year, the sum of ten million
19 (10,000,000) dollars to be used for the purpose of
20 funding higher education tuition grants as provided
21 in this section.

22 3. During each fiscal year the higher education
23 facilities commission may expend from the educational
24 assistance fund the following proportionately
25 designated amounts:

26 a. Three and twenty-five hundredths percent for
27 the scholarship program as authorized in section two
28 hundred sixty-one point two (261.2), subsection four
29 (4) of the Code.

30 b. Ninety-six percent for tuition grants to full-
31 time students who applied and were accepted as students
32 by accredited private institutions of higher education
33 in Iowa by February 1, 1976 for the purpose authorized
34 in sections two hundred sixty-one point nine (261.9)
35 through two hundred sixty-one point sixteen (261.16)
36 of the Code.

37 c. Seventy-five hundredths of one percent for
38 vocational technical grants as authorized in sec-
39 tion two hundred sixty-one point seventeen (261.17)
40 of the Code."

41 2. Page 3, by striking lines 1 through 3.

42 3. By renumbering the remaining sections
43 accordingly.

JOHN S. MURRAY

S—5375

1 Amend Senate File 1261 as follows:

2 1. Page 9, by inserting after line 26 the following
3 section:

4 "Sec. Section two hundred seventy-eight point
5 one (278.1), Code 1975, is amended by adding the
6 following new subsection:
7 *NEW SUBSECTION.* Direct a transfer of the school
8 district from one merged area to a contiguous merged
9 area which will include a change in the boundaries
10 of the merged areas for both area school and area
11 education agency purposes. The provisions of this
12 subsection are applicable only to those school
13 districts located on the boundary line of a merged
14 area."

CALVIN O. HULTMAN

S—5380

1 Amend Senate File 1261 as follows:
2 1. Page 9, by striking lines 27 through 35 and
3 inserting in lieu thereof the following:
4 "Sec. Section two hundred eighty A point
5 one (280A.1), Code 1975, is amended to read as follows:
6 280A.1 STATEMENT OF POLICY. It is hereby declared
7 to be the policy of the state of Iowa and the purpose
8 of this chapter to provide for the establishment of
9 not more than seventeen areas which shall include
10 all of the area of the state and which may operate
11 either area vocational schools or area community col-
12 leges [offering]. *The area vocational schools and area*
13 *community colleges shall offer, with emphasis on*
14 *vocational and technical training, to the greatest*
15 *extent possible, educational opportunities and services*
16 *in each of the following, when applicable, but not*
17 *necessarily limited to:*
18 [1. The first two years of college work including
19 preprofessional education.]
20 [2] 1. Vocational and technical training.
21 [3] 2. Programs for in-service training and
22 retraining of workers.
23 [4] 3. Programs for high school completion for
24 students of post-high school age.
25 [5] 4. Programs for all students of high school
26 age who may best serve themselves by enrolling for
27 vocational and technical training while also enrolled
28 in a local high school, public or private.
29 [6] 5. Student personnel services.
30 [7] 6. Community services.
31 [8] 7. Vocational education for persons who have
32 academic, socio-economic, or other handicaps which
33 prevent succeeding in regular vocational education
34 programs.
35 [9] 8. Training, retraining, and all necessary
36 preparation for productive employment of all citizens.
37 [10] 9. Vocational and technical training for persons
38 who are not enrolled in a high school and who have
39 not completed high school.
40 10. *The first two years of college work including*
41 *preprofessional education.*

42 *After July 1, 1976 an area vocational school shall*
 43 *not expand its course offerings to include the first*
 44 *two years of college work. Area community colleges*
 45 *existing on July 1, 1976 shall not expand their course*
 46 *offerings relating to the first two years of college*
 47 *work without the approval of the state board.*

48 Sec. Section two hundred eighty A point twenty-
 49 three (280A.23), subsection nine (9), Code 1975, as
 50 amended by Acts of the Sixty-sixth General Assembly,

Page 2

1 1975 Session, chapter one hundred fifty-nine (159),
 2 section one (1), is amended to read as follows:

3 9. Set the salary *and other emoluments of the*
 4 *area superintendent subject to the approval of the*
 5 *state board of public instruction.* In setting the
 6 salary, the board shall consider the salaries of
 7 administrators of educational institutions in the
 8 merged area, [and] the enrollment of the area school,
 9 *and the salaries of administrators of other post-*
 10 *secondary educational institutions in the state.*

11 Sec. Section two hundred eighty A point
 12 twenty-five (280A.25), Code 1975, is amended by adding
 13 the following new subsection:

14 **NEW SUBSECTION.** Approve or disapprove requests
 15 of area community colleges to expand their course
 16 offerings relating to the first two years of college
 17 work."

18 2. Page 10, by striking lines 1 and 2.

19 3. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.
 RICHARD J. NORPEL, SR.
 LUCAS J. DeKOSTER
 MINNETTE DODERER
 CLIFTON C. LAMBORN
 ROBERT M. CARR

S—5376

1 Amend House File 1063 as follows:

2 1. Page 1, by adding after line 13, the
 3 following:

4 "Sec. Section two hundred forty-five
 5 point one (245.1), Code 1975, is amended by striking
 6 unnumbered paragraph two (2)."

COMMITTEE ON JUDICIARY
 GENE W. GLENN, Chairperson

Note: For explanation of brackets and italics,
 see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:10
 p.m., until 10:00 a.m., Monday, March 22, 1976.

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, MARCH 22, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Doctor Roy Paslay, pastor of the First Baptist Church, Boone, Iowa.

The Journal of Friday, March 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald E. Boldt, Ackley, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Murray for the morning session and Senator Rabedaux for the day on request of Senator Lamborn; Senator Nolin for the day, Senator Junkins for the day and Senator Robinson for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eight students, members of the First Baptist Church, Boone, Iowa, accompanied by Dr. and Mrs. Roy Paslay. Senator Nystrom.

Eighty students from Greenwood Elementary School, Des Moines, Iowa, accompanied by Mrs. Hoffman, Mrs. Carlson and Mrs. Clausen. Senator Hill of Polk.

Sixty students from Valley High School at Clermont-Elgin, accompanied by Derryl Leonhart and William Ashby. Senators Heying and Tieden.

Twenty-two students from Trinity Lutheran School, Davenport, Iowa, accompanied by Walter Paul. Senators Gluba and Shaw.

INTRODUCTION OF BILL

Senate File 1270, by Senators Gluba and Orr, a bill for an act providing reimbursement for property taxes paid or for rent constituting property taxes paid for persons with household incomes of less than eighteen thousand.

Read first time and **passed on file**.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Taylor presiding.

On motion of Senator Van Gilst, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

SPECIAL ORDER OF BUSINESS

The hour having arrived, the Chair announced the special order of business for the consideration of House File 1011.

House File 1011

On motion of Senator Hill of Jasper, House File 1011, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that certain officeholders seeking other elective office resign from the office currently held to qualify for the general election ballot and that candidates nominated by write-in votes in certain elections affirm their candidacy, chang-

ing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper offered amendment S—5321 by the committee on state government, filed March 11, 1976, and found on pages 842-846, inclusive, of the Senate Journal.

Senator Taylor called for a division of amendment S—5321, sections 1, 2 and 3 to be considered as division S—5321A, and the remainder of the amendment to be considered as division S—5321B.

Senator Hill of Jasper moved the adoption of division S—5321A of the amendment.

A record roll call was requested.

On the question "Shall division S—5321A of the amendment be adopted?" (H.F. 1011) the vote was:

Ayes, 25:

Andersen	Gluba	Merritt	Plymat
Carr	Heying	Murray	Priebe
Coleman	Hill of Jasper	Nolting	Redmond
Culver	Hill of Polk	Norpel	Rodgers
Curtis	Kelly	Orr	Van Gilst
Gallagher	Kinley	Palmer	Willits
Glenn			

Nays, 18:

Bergman	Griffin	Nystrom	Sovern
Briles	Hansen	Ramsey	Taylor
Burroughs	Lamborn	Schwengels	Tieden
DeKoster	Miller of	Scott	Winkelman
Doderer	Marshall	Shaw	

Absent or not voting, 7:

Hultman	Miller of	Nolin	Robinson
Junkins	Des Moines	Rabedeaux	Shaff

Division S—5321A of the amendment was adopted.

On motion of Senator Hill of Jasper, division S—5321B of the amendment was adopted.

Senator Shaw offered amendment S—5163 filed by her and moved its adoption:

S—5163

- 1 Amend House File 1011, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 12, by inserting after line 18 the
- 4 following new section:
- 5 "Sec. Section forty-eight point twenty-seven
- 6 (48.27), subsection five (5), Code 1975, is amended
- 7 to read as follows:
- 8 5. [The] *Each mobile deputy registrar shall be*
- 9 *responsible to the county commissioner of registra-*
- 10 *tion for properly registering electors in accordance*
- 11 *with the requirements and the restrictions of this*
- 12 *section. The commissioner may terminate the appoint-*
- 13 *ment of a mobile deputy registrar who is not properly*
- 14 *registering electors, and shall immediately terminate*
- 15 *the appointment upon the written request of the county*
- 16 *[chairman] chairperson of the party from whose list*
- 17 *of nominees the mobile deputy registrar was selected.*
- 18 *When an appointment is terminated the county*
- 19 *commissioner of registration shall promptly notify*
- 20 *the county [chairman] chairperson of the political*
- 21 *party which nominated the mobile deputy registrar*
- 22 *whose appointment has been terminated, and shall*

23 appoint another person within five days from a list
24 of substitute nominees provided by that county [chairman]
25 *chairperson*. A mobile deputy registrar whose
26 appointment is terminated shall immediately return
27 all his or her supplies to the county commissioner
28 of registration. If a mobile deputy registrar's
29 appointment is terminated within thirty days of an
30 election, other than by request of the county [chair-
31 man] *chairperson* of the party from whose list of
32 nominees the mobile deputy registrar was appointed,
33 a replacement shall be appointed within twenty-four
34 hours from a list of substitute nominees provided
35 by the appropriate county [chairman] *chairperson*."

Amendment S—5163 was adopted.

Senator Orr offered amendment S—5384:

S—5384

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 29 the
4 following new section:
5 "Sec. Chapter forty-nine (49), Code 1975,
6 is amended by adding the following new section:
7 **NEW SECTION.** The precinct election officials shall
8 distribute to each person who votes in a general
9 election a certificate, in a postcard or other readily
10 mailable form, certifying that the named person voted
11 in a general election on that date, which certificate
12 shall be signed and validated by one of the officials.
13 The certificate shall clearly indicate that it may
14 be filed with the person's income tax return for the
15 tax year in which the general election was held, or
16 with the return of the person's spouse if married
17 persons file jointly, or with the return of another
18 taxpayer if the person is a dependent of that taxpayer,
19 and that if so filed it entitles the taxpayer to
20 receive a voter's incentive credit in the amount of
21 five dollars. It shall also indicate that, if the
22 person's net income for the tax year is less than
23 two thousand dollars and the person is not required
24 to file a federal income tax return for that tax year,
25 the person is entitled to direct payment of the five
26 dollars upon filing the certificate with the department
27 of revenue between January first and April thirtieth
28 of the year next following the election, and the
29 certificate shall include provision for the person
30 to sign a statement to this effect."
31 2. Page 37, by inserting after line 7 the following
32 new sections:
33 "Sec. Section four hundred twenty-two point
34 twelve (422.12), Code 1975, is amended by adding the
35 following new subsection:
36 **NEW SUBSECTION.** For each individual taxpayer,

37 spouse of the taxpayer if married persons file a joint
38 return, or dependent of the taxpayer, for whom a
39 certificate showing that the person voted in the
40 general election held during the tax year, as provided
41 for in section one (1) of this Act, is attached to
42 the return, a voter's incentive credit of five dollars.
43 To the extent that this credit exceeds the tax due,
44 the taxpayer is entitled to a refund.

45 Sec. Chapter four hundred twenty-two (422),
46 division two (II), Code 1975, is amended by adding
47 the following new section:

48 *NEW SECTION.* The director shall pay the amount
49 of five dollars to each person who files with the
50 department a certificate showing that the person voted

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1 in the general election held during a tax year, as
2 provided for in section one (1) of this Act, if the
3 certificate is filed between January first and April
4 thirtieth of the year next following the election,
5 and if the certificate includes the person's signed
6 statement that the person's net income for the tax
7 year in which the general election was held was less
8 than two thousand dollars, and that the person was
9 not required to file a federal income tax return for
10 that tax year.

11 An amount necessary to make the payments required
12 under this section is appropriated each biennium from
13 the general fund of the state to the department of
14 revenue."

15 3. Title, page 1a, line 10, by inserting after
16 the word "elections," the words "providing an income
17 tax credit or refund to each person who votes in a
18 general election,".

Senator Orr asked and received unanimous consent to withdraw amendment S—5384.

Senator Orr offered amendment S—5387 and moved its adoption:

S—5387

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 20, by inserting after line 29 the
4 following new section:

5 "Sec. Chapter forty-nine (49), Code 1975,
6 is amended by adding the following new section:

7 *NEW SECTION. ELECTION PARTICIPATION INCENTIVE.*

8 1. The precinct election officials shall distribute
9 to each person who votes in a general election a voting
10 certificate, printed on a paper or card not larger than
11 two inches by three and one-half inches, which shall
12 be signed and dated by one of the officials. Each
13 person who applies for an absentee ballot for the

14 general election shall be given or sent such a
 15 certificate, signed and dated by the commissioner
 16 or his or her designee, at the time the absentee
 17 ballot is delivered or mailed.

18 2. The state commissioner and the several county
 19 commissioners shall encourage, and may assist in any
 20 appropriate manner, organized efforts to promote
 21 voting in the general election. Such organized efforts
 22 shall not incur expense to the state or to any county,
 23 except as authorized in subsection one (1) of this
 24 section. These efforts may include but need not be
 25 limited to offers to redeem voting certificates as
 26 a portion of the purchase price of any item of tangible
 27 personal property or any service. The person making
 28 the offer shall have complete discretion to assign
 29 to each voting certificate such value in money as
 30 he or she sees fit."

31 2. Title, page 1a, line 10, by inserting after
 32 the word "elections," the words "authorizing efforts
 33 to promote voting in the general election,".

A record roll call was requested.

On the question "Shall amendment S—5387 be adopted?"
 (H.F. 1011) the vote was:

Ayes, 6:

Carr	Miller of	Orr	Redmond
Kinley	Des Moines	Palmer	

Nays, 38:

Andersen	Glenn	Miller of	Schwengels
Bergman	Gluba	Marshall	Shaff
Briles	Griffin	Murray	Shaw
Burroughs	Hansen	Nolting	Sovern
Coleman	Heying	Norpel	Taylor
Culver	Hill of Jasper	Nystrom	Tieden
Curtis	Hill of Polk	Plymat	Van Gilst
DeKoster	Kelly	Priebe	Willits
Doderer	Lamborn	Ramsey	Winkelman
Gallagher	Merritt	Rodgers	

Absent or not voting, 6:

Hultman	Nolin	Robinson	Scott
Junkins	Rabedeaux		

Amendment S—5387 lost.

Senator Orr offered amendment S—5374 filed by Senator Orr, et al., and moved its adoption:

S—5374

- 1 Amend House File 1011 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 23, by inserting after line 5 the following
- 4 new section:
- 5 "Sec. Section fifty-three point eleven (53.11),

6 Code 1975, is amended to read as follows:
7 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The
8 commissioner shall deliver an absentee ballot to any
9 qualified elector applying in person at his office
10 not more than forty days before the date of the general
11 election and the primary election, and for all other
12 elections, as soon as the ballot is available. The
13 qualified elector shall immediately mark the ballot,
14 enclose it in a ballot envelope with proper affidavit,
15 and return the absentee ballot to the commissioner.
16 The commissioner shall record the numbers appearing
17 on the application and ballot envelope along with
18 the name of the qualified elector. The commissioner
19 of any county in which there is located a city of
20 [twenty-five] *five* thousand or more population, which
21 is not the county seat, may permit qualified electors
22 to appear in person at some designated place within
23 each such city and there cast an absentee ballot in
24 the manner prescribed by this section.”
25 2. Title, page 1a, line 11, by inserting after
26 the word “clarifying” the words “and revising certain
27 requirements relative to”.

Amendment S—5374 was adopted.

Senator Redmond offered amendment S—5388:

S—5388

1 Amend House File 1011 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 24, by inserting after line 32 the fol-
4 lowing new sections:
5 “Sec. Section fifty-six point two (56.2),
6 subsection six (6), Code 1975, as amended by Acts
7 of the Sixty-sixth General Assembly, 1975 Session,
8 chapter fifty-seven (57), section five (5), is amended
9 to read as follows:
10 6. ‘Political committee’ means a committee, but
11 not a candidate’s committee, which shall consist of
12 persons organized for the purpose of accepting
13 contributions, making expenditures, or incurring
14 indebtedness in the aggregate of more than one hundred
15 dollars in any one calendar year for the purpose of
16 supporting or opposing a candidate for public office
17 [or ballot issue].
18 Sec. Section fifty-six point thirteen (56.13),
19 Code 1975, as amended by Acts of the Sixty-sixth
20 General Assembly, 1975 Session, chapter fifty-seven
21 (57), section fifteen (15), is amended by adding the
22 following new unnumbered paragraph:
23 **NEW UNNUMBERED PARAGRAPH.** Nothing in this section
24 shall be construed to restrain or abridge the freedom
25 of the press, or to prohibit or restrain the considera-
26 tion and discussion in the news media or other public
27 forums of candidacies, nominations, public officers

28 or public questions."

29 2. Page 37, by inserting after line 28 the follow-
30 ing new section:

31 "Sec. Sections fifty-six point fourteen
32 (56.14) and fifty-six point fifteen (56.15), Code
33 1975, are repealed."

34 3. Title, page 1a, line 12, by inserting after
35 the word "voters," the words "revising the scope of
36 the campaign disclosure—income tax checkoff Act in
37 accord with the recent decision of the United States
38 supreme court,".

Senator Hill of Jasper raised the point of order that amend-
ment S—5388 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5388
out of order for the reason that the bill relates to the election
laws and the amendment relates to campaign financing.

Senator Redmond offered amendment S—5247 filed by him and
moved its adoption:

S—5247

1 Amend House File 1011, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 27, by inserting after line 25 the
4 following new section:

5 "Sec. Section sixty-two point eighteen,
6 (62.18), Code 1975, is amended to read as follows:

7 62.18 JUDGMENT. The court shall pronounce
8 judgment whether the incumbent or any other person
9 was duly elected, and adjudge that the person so de-
10 clared elected will be entitled to his certificate.

11 If the judgment be against the incumbent, and he has
12 already received the certificate, the judgment shall
13 annul it. If the court [find that no person was
14 elected] *finds that one or more of the causes of con-*
15 *test alleged pursuant to section 62.5 of the Code*
16 *have been substantiated, and that the tainted votes*
17 *cannot be identified and excluded, it shall exclude*
18 *all votes cast for the contested office in the pre-*
19 *dict or precincts in question. If by so doing the*
20 *apparent outcome of the election is reversed, the*
21 *judgment shall be that the election in that precinct*
22 *or precincts be set aside, and a new election held*
23 *in that precinct or precincts. No person who was*
24 *not a qualified elector in that precinct at the time*
25 *of the election which was set aside shall be allowed to*
26 *vote at the new election."*

27 2. Title, page 1a, line 13, by inserting after
28 the words "measures," the words "clarifying when a
29 contested election may be set aside,".

Amendment S—5247 was adopted.

Senator Hill of Jasper offered amendment S—5389 and moved its adoption:

S—5389

- 1 Amend House File 1011, as amended, passed and re-
- 2 printed by the House, page 28, line 16, by striking
- 3 the word "its" and inserting in lieu thereof the
- 4 word "it".

Amendment S—5389 was adopted.

Senator Shaw offered amendment S—5164 filed by her, moved its adoption and requested a record roll call:

S—5164

- 1 Amend House File 1011, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 37, by inserting after line 7 the fol-
- 4 lowing new section:
- 5 "Sec. Acts of the Sixty-sixth General
- 6 Assembly, 1975 Session, chapter eighty-one (81),
- 7 section one hundred three (103), is amended by striking
- 8 subsection seven (7)."
- 9 2. Title, page 1a, line 23, by inserting after
- 10 the word "board," the words "revising the require-
- 11 ments relative to design of electronic voting systems
- 12 which may be approved for use in Iowa,".

On the question "Shall amendment S—5164 be adopted?" (H. F. 1011) the vote was:

Ayes, 20:

Andersen	Gluba	Lamborn	Shaff
Briles	Griffin	Miller of	Shaw
Carr	Hansen	Marshall	Sovern
DeKoster	Heying	Murray	Taylor
Doderer	Hill of Polk	Ramsey	Willits
Glenn			

Nays, 24:

Bergman	Kelly	Norpel	Rodgers
Burroughs	Kinley	Nystrom	Schwengels
Coleman	Merritt	Palmer	Scott
Culver	Miller of	Plymat	Tieden
Curtis	Des Moines	Priebe	Van Gilst
Gallagher	Nolting	Redmond	Winkelman
Hill of Jasper			

Absent or not voting, 6:

Hultman	Nolin	Rabedaux	Robinson
Junkins	Orr		

Amendment S—5164 lost.

Senator Griffin offered amendment S—5386:

S—5386

- 1 Amend House File 1011, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 37, by striking lines 29 through 33.

Senator Griffin asked and received unanimous consent to withdraw amendment S—5386.

Senator Hill of Polk offered amendment S—5390:

S—5390

- 1 Amend House File 1011 as amended, passed and re-
- 2 printed by the House, as follows:
- 3 1. Page 24, by adding after line 32 the follow-
- 4 ing:
- 5 "Sec. Acts of the Sixty-sixth General As-
- 6 sembly, 1975 Session, chapter fifty-
- 7 seven (57), section sixteen (16), the third new
- 8 section, unnumbered paragraph two (2), is amended
- 9 to read as follows:
- 10 It shall be unlawful for any member of any com-
- 11 mittee, or employee or representative thereof, or
- 12 candidate for any office or the representative of
- 13 such candidate, to solicit, request, or knowingly
- 14 receive from any insurance company, savings and loan
- 15 association, bank, and corporation organized pursuant
- 16 to the laws of this state or any other state, ter-
- 17 ritory, or foreign country, whether for profit or
- 18 not, or any officer, agent, or representative thereof,
- 19 any money, property, or thing of value belonging to
- 20 such insurance company, savings and loan association,
- 21 bank, or corporation for campaign expenses, or for
- 22 the purpose of influencing the vote of any elector.
- 23 Nothing in this section shall be construed to re-
- 24 strain or abridge the freedom of the press or pro-
- 25 hibit the consideration and discussion therein of
- 26 candidacies, nominations, public officers, or pub-
- 27 lic questions. *Nothing in this section shall pro-*
- 28 *hibit the persons enumerated in this section from*
- 29 *contributing money, property, labor, or things of*
- 30 *value to the league of women voters of Iowa or to*
- 31 *its local affiliates."*
- 32 2. First title page, after line 21, by insert-
- 33 ing the words "clarifying the campaign contribution
- 34 provisions by providing an exemption,".

Senator Redmond raised the point of order that amendment S—5390 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5390 out of order.

Senator Lamborn offered amendment S—5391 by Senators Lamborn, et al., and moved its adoption:

S—5391

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 25 the following
4 new section:

5 "Sec. Section thirty-nine point three (39.3),
6 Code 1975, is amended by adding the following new
7 subsection:

8 **NEW SUBSECTION.** 'Registrar' means the state
9 registrar of voters designated by section
10 of this Act."

11 2. Page 9, by inserting after line 8 the following
12 new sections:

13 "Sec. Section forty-seven point one (47.1),
14 Code 1975, as amended by Acts of the Sixty-sixth
15 General Assembly, 1975 Session, chapter eighty-one
16 (81), section forty-two (42), is amended to read as
17 follows:

18 **47.1 STATE COMMISSIONER OF ELECTIONS.** **The**
19 secretary of state is designated as the state
20 commissioner of elections and shall supervise the
21 activities of the county commissioners of elections.
22 There is established within the office of the secretary
23 of state a division of elections which shall be under
24 the direction of the state commissioner of elections.
25 The state commissioner of elections may appoint a
26 person to be in charge of the division of elections
27 who shall perform such duties as may be assigned by
28 the state commissioner of elections. The state
29 commissioner of elections shall prescribe uniform
30 election practices and procedures, shall prescribe
31 the necessary forms required for [voter registration
32 and] the conduct of elections, and shall adopt rules,
33 pursuant to chapter 17A, to carry out the provisions
34 of this section.

35 Sec. Section forty-seven point three (47.3),
36 Code 1975, is amended by adding the following new
37 unnumbered paragraph:

38 **NEW UNNUMBERED PARAGRAPH.** The cost of maintenance
39 of voter registration records and of preparation of
40 election registers and any other voter registration
41 lists required by the commissioner in the discharge
42 of the duties of that office shall be paid by the
43 county. The cost of acquisition of voter registration
44 data and of preparation and maintenance of data
45 processing programs, and administrative and clerical
46 costs, incurred by the registrar in discharging the
47 duties of that office shall be paid by the state.

48 Sec. Section forty-seven point five (47.5),
49 Code 1975, is amended to read as follows:

50 **47.5 PURCHASING BY COMPETITIVE BIDDING.** The com-

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1 missioner shall take bids for any goods and services,
2 other than data processing services, which will be

3 performed or provided by persons who are not employees
4 of the commissioner and where the costs of such ser-
5 vices exceed five thousand dollars per contract in
6 the case of contracts for the printing of ballots
7 or, in the case of other services, [two thousand five
8 hundred] *one hundred* dollars per contract. No bids
9 shall be required for legal services. The commis-
10 sioner shall publish notice to bidders, including
11 specifications regarding the goods or services to
12 be purchased or a description of the nature and object
13 of the services to be retained, in a newspaper of
14 general circulation in the county less than fifteen
15 days before the final date for submission of bids.
16 The commissioner shall also file a copy of the bid
17 specifications in the office of the state commissioner
18 for a period of not less than twenty days prior to
19 the date the bid is let. When competitive bidding
20 procedures are used, the purchase of goods or services
21 shall be made from the lowest responsible bidder which
22 meets the specifications or description of the services
23 needed or the commissioner may reject all bids and
24 readvertise. In determining the lowest responsible
25 bidder, various factors may be considered, including
26 but not limited to the past performance of the bidder
27 relative to quality of product or service, the past
28 experience of the purchaser in relation to the product
29 or service, the relative quality of products or
30 services, the proposed terms of delivery and the best
31 interest of the county.

32 [A county shall not enter into an intergovernmental
33 agreement with any other political subdivision of
34 the state for acquisition of goods or performance
35 of services until an audit has been conducted by the
36 auditor of state or an independent certified public
37 accountant not in the regular employ of the counties
38 executing an agreement which sets forth the costs
39 of each county for providing goods and services.]
40 *A county may purchase data processing services in*
41 *connection with administration of elections from a*
42 *provider other than the state or an employee of the*
43 *county, after the effective date of this Act, only*
44 *until such time as the registrar certifies to the*
45 *state commissioner that the state comptroller's data*
46 *processing facilities are able to provide all services*
47 *which counties are required by this Act to obtain*
48 *from the registrar. During that period, the*
49 *commissioner shall give the registrar written notice*
50 *in advance on each occasion when it is proposed to*

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1 *have data processing services, necessary in connection*
2 *with the administration of elections, performed by*
3 *any person other than the registrar or an employee*
4 *of the county. Data processing services so performed*
5 *shall be purchased by written contract of not more*

6 *than one year's duration. The registrar, in con-*
7 *sultation with the state voter registration commis-*
8 *sion, shall establish by rule the specifications for*
9 *such data processing contracts, and shall notify*
10 *prospective bidders on each occasion when a contract*
11 *for data processing services is to be let. The regis-*
12 *trar shall have authority to approve or disapprove*
13 *all bids received. Each contract for data proces-*
14 *sing services necessary in connection with the*
15 *administration of elections shall be executed with*
16 *the contractor jointly by the board of supervisors*
17 *of the county purchasing the service and the registrar.*
18 *Each county exercising the option to purchase data*
19 *processing services in connection with administration*
20 *of elections from a provider other than the state*
21 *or an employee of the county under this section shall*
22 *provide the registrar, at the county's expense,*
23 *original and updated voter registration lists in a*
24 *form and at times prescribed by the registrar.*

25 Any election or registration data or records which
26 may be in the possession of a contractor shall remain
27 the property of the commissioner. Contracts with
28 a private person relating to the maintenance and use
29 of voter registration data, which were properly entered
30 into in compliance with this section and with all
31 other laws relating to bidding on such contracts,
32 shall remain in force only until the most recently
33 negotiated termination date of that contract, which
34 shall in no case be later than one year after the
35 effective date of this Act."

36 3. Page 9, by inserting after line 28 the following
37 new sections:

38 "Sec. Chapter forty-seven (47), Code 1975,
39 is amended by adding the following new sections:

40 **NEW SECTION. STATE REGISTRAR OF VOTERS.**

41 1. The senior administrator of data processing
42 services in the office of the state comptroller is
43 designated the state registrar of voters, and shall
44 supervise the preparation, preservation and maintenance
45 of voter registration records, the preparation of
46 precinct election registers for all elections ad-
47 ministered by the commissioner of any county, and
48 the preparation of other data on voter registration
49 and participation in elections as shall be requested
50 and purchased at actual cost of preparation and

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1 production by a political party or any resident of
2 this state. The registrar shall maintain a log, which
3 shall be a public record, showing all lists and re-
4 ports which have been requested or generated or which
5 are capable of being generated by existing programs
6 of the data processing services in the office of the
7 state comptroller.

8 2. All functions referred to in subsection one

9 (1) of this section shall be performed by the data
10 processing facilities of the state comptroller's
11 office commencing as soon as practicable, but not
12 later than January 1, 1977. The registrar, with
13 approval of the state voter registration commission,
14 shall prescribe the forms required for voter
15 registration by rules adopted pursuant to chapter
16 seventeen A (17A) of the Code.

17 3. Any county having a population of fifty thousand
18 or more may use its own data processing facilities
19 for voter registration record keeping and utilization
20 functions, in lieu of having this work performed by
21 the state comptroller's data processing facilities
22 as would otherwise be required by subsection two (2)
23 of this section, if the system design and the form
24 in which the registration records are kept conform
25 to specifications established by rules adopted by
26 the registrar. Each county exercising the option
27 to maintain its own voter registration records under
28 this subsection shall provide the registrar, at the
29 county's expense, original and updated voter
30 registration lists in a form and at times prescribed
31 by the registrar.

32 **NEW SECTION. VOTER REGISTRATION COMMISSION—**
33 **COMPOSITION—DUTIES.**

34 1. There is established a state voter registration
35 commission which shall meet at least once each month
36 to make and review policy, promulgate rules and
37 establish procedures to be followed by the registrar
38 in discharging the duties of that office. The
39 commission shall consist of the lieutenant governor,
40 the speaker of the house, the state commissioner,
41 and the state chairpersons of the two political parties
42 whose candidates for president of the United States
43 or governor, as the case may be, received the greatest
44 and next greatest number of votes in the most recent
45 general election, or their respective designees, who
46 shall serve without additional salary or reimbursement.

47 2. The registrar shall provide staff services
48 to the commission and shall make available to it all
49 information relative to registration of voters in
50 this state which may be requested by any two commission

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1 members. The commission may authorize the registrar
2 to employ such additional staff personnel as it deems
3 necessary to permit the duties of the registrar's
4 office to be adequately and promptly discharged.
5 **Such personnel shall be employed pursuant to chapter**
6 **nineteen A (19A) of the Code.**

7 3. The commission shall annually adopt a set of
8 standard charges to be made for such utilization of
9 voter registration records as it authorized by law
10 by persons other than the registrar, the state
11 commissioner and the several county commissioners.

12 These charges shall be specified by unit wherever
13 possible. The standard charges shall be adopted by
14 the commission by January fifteenth of each calendar
15 year, and shall be in effect for one year thereafter.

16 Sec. Section forty-eight point four (48.4),
17 Code 1975, as amended by Acts of the Sixty-sixth
18 General Assembly, 1975 Session, chapter eighty-one
19 (81), section forty-eight (48), is amended to read
20 as follows:

21 48.4 COMMISSIONER OF REGISTRATION—DUTIES. The
22 commissioner of registration shall [have complete
23 charge of], *under the direction of the state*
24 *commissioner and the registrar, supervise the*
25 registration of all eligible electors within the
26 county, and shall appoint such deputies and clerks
27 as may be necessary, from the two political parties
28 receiving the highest vote at the last general
29 election. The number of such deputies and clerks
30 [for all precinct registration places, and] *at the*
31 *central registration office[,] shall be equally divided*
32 *between the members of the two said political parties.*
33 These appointments shall be subject to the approval
34 of the county board of supervisors. The commissioner
35 of registration shall provide such printed forms and
36 blanks as may be necessary, together with such other
37 supplies and equipment as are necessary to properly
38 carry out the provisions of this chapter. Registration
39 places shall be established throughout the cities
40 and county."

41 4. Page 9, lines 29 and 30, by striking the words
42 and figure "subsection three (3),".

43 5. Page 9, by inserting after line 32 the
44 following:

45 "48.5 REGISTRATION RECORDS.

46 1. The county commissioner of registration shall
47 [safely] maintain [at his or her office or other
48 designated locations] the [original] registration records
49 of all qualified electors in the county[. The original
50 registration] *in accordance with rules promulgated*

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1 *by the registrar. Registration records shall not*
2 *be removed from that office or other designated*
3 *locations except upon court order[. Duplicate*
4 *registration records], and shall be open to inspection*
5 *by the public at reasonable times.*

6 2. Any person may request of the [commissioner]
7 registrar and shall receive, upon payment of the cost
8 of preparation, a list of [all] qualified electors [in
9 the county] *and other data on registration and*
10 *participation in elections, in accordance with the*
11 *following requirements and limitations:*

12 a. [The commissioner shall draw up each] *Each* list
13 *shall be produced* in the order and form specified
14 *by the requestor[, so long as that order and form are*

15 within the capability of the record maintenance system
16 used by the commissioner].

17 b. Each list shall reflect all additions, changes
18 and deletions made prior to the fifth day before the
19 list was prepared.

20 c. The [commissioner] *registrar* shall not be required
21 to provide lists or data during the fifteen days prior
22 to the date of [any] *the primary election, the general*
23 *election, the regular city election held pursuant*
24 *to section three hundred seventy-six point one (376.1)*
25 *of the Code, or the annual school election in any*
26 *order or form other than that utilized to conduct*
27 *the election, if the preparation of a list in any*
28 *other order or form requested would impede the prepara-*
29 *tion of the election registers for that election.*

30 d. The county chairperson of each political party,
31 as defined in section forty-eight point four (48.4)
32 of the Code, *and the chairperson of each state*
33 *political party central committee* may each request
34 and shall receive without charge three lists or reports
35 during the two-year period prior to each general
36 election, in the order and form requested. *The lists*
37 *or data requested by the county chairpersons shall*
38 *pertain only to qualified electors of that county.*

39 The lists or reports requested under this paragraph
40 shall be delivered on or before the date specified
41 by the requestor, if the requestor gives [the
42 commissioner] at least thirty days advance notice of
43 that date and the timing of the request and the order
44 and form specified do not conflict with the
45 restrictions of paragraph [a or] c of this subsection.

46 e. [The commissioner shall upon request provide,
47 to any person who has within the previous year obtained
48 a list of all qualified electors in the county under
49 this section, a] A periodic updating of the registration
50 lists showing all additions, changes and deletions

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1 since the previous updating [of the registration list,
2 The updated list] shall be provided at least once each
3 fourteen days except during the two weeks prior to
4 the close of registration before any election, when
5 it shall be provided daily *if requested*. Each
6 requestor under this paragraph shall receive the
7 updating data at [the same] a time [and in the same order
8 and form, which shall be] determined by the [commissioner]
9 *registrar, but in an order and form specified by the*
10 *requestor*. Each requestor, except those who obtain
11 the initial list of qualified electors under paragraph
12 d of this subsection, shall pay the cost of duplicating
13 the updating data before receiving a copy thereof."

14 6. Page 10, line 3, by inserting after the word
15 "commissioner" the words "*or registrar*".

16 7. Page 10, by inserting after line 10 the
17 following:

18 "4. Beginning not later than January 1, 1977,
19 every voter registration record shall be maintained
20 in computer readable form according to the
21 specifications of the registrar."

22 8. Page 12, by inserting after line 18 the
23 following new sections:

24 "Sec. Section forty-eight point twenty-seven
25 (48.27), subsection four (4), Code 1975, is amended
26 by striking paragraph f.

27 Sec. Section forty-eight point twenty-nine
28 (48.29), Code 1975, is amended by striking the section
29 and inserting in lieu thereof the following:

30 48.29 REMOVAL OF REGISTRATION. Upon registration
31 in any county of an individual who was previously
32 a resident of another county, if that individual was
33 a qualified elector in the former county of residence,
34 his or her name shall be struck from the record of
35 voters currently registered in the former county of
36 residence. If the registrar at any time discovers
37 that the same individual is registered at more than
38 one residence location, the commissioner or
39 commissioners involved shall be informed and shall
40 follow the procedure prescribed by section forty-eight
41 point thirty-one (48.31), subsection eight (8) of
42 the Code."

43 9. Page 12, by inserting after line 20 the
44 following new section:

45 "Sec. Section forty-eight point thirty-two
46 (48.32), Code 1975, is amended to read as follows:

47 48.32 ANNUAL REPORT. The county commissioner
48 of elections shall make reports as required by the
49 [state commissioner of elections] registrar. On August
50 1 of each year the [state commissioner of elections]

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1 registrar shall report the number of persons registered
2 in each political party in each county."

3 10. Title, page 1, line 21, by inserting after
4 the word "filed," the words "revising the manner in
5 which voter registration records are required to be
6 kept and designating a state registrar of voters,".

Amendment S—5391 was adopted.

Senator Shaw withdrew amendment S—5385:

S—5385

1 Amend House File 1011, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 24, by inserting after line 32 the
4 following:

5 "Sec. Chapter fifty-six (56), Code 1975,
6 as amended by Acts of the Sixty-sixth General As-
7 sembly, 1975 Session, chapter fifty-seven (57), sec-
8 tion sixteen (16), third unnumbered new section, is

9 amended to read as follows:

10 **NEW SECTION.** It shall be unlawful for any insurance
11 company, savings and loan association, bank, and
12 corporation organized pursuant to the laws of this
13 state or any other state, territory, or foreign
14 country, whether for profit or not, *or any trade*
15 *association, labor union, or other organized group*
16 *or association*, or any officer, agent, or
17 representative thereof [acting for such insurance
18 company, savings and loan association, bank, or
19 corporation], to contribute any money, property, labor,
20 or thing of value, directly or indirectly, to any
21 committee, or for the purpose of influencing the vote
22 of any elector.

23 It shall be unlawful for any member of any
24 committee, or employee or representative thereof,
25 or candidate for any office or the representative
26 of such candidate, to solicit, request, or knowingly
27 receive from any insurance company, savings and loan
28 association, bank, and corporation organized pursuant
29 to the laws of this state or any other state,
30 territory, or foreign country, whether for profit
31 or not, [or any officer, agent, or representative
32 thereof] *or any trade association, labor union, or*
33 *other organized group or association*, any money,
34 property, or thing of value belonging to such insurance
35 company, savings and loan association, bank, or
36 corporation for campaign expenses, or for the purpose
37 of influencing the vote of any elector. *However,*
38 *any insurance company, savings and loan association,*
39 *bank, or corporation organized pursuant to the laws*
40 *of this state or any other state, territory or foreign*
41 *country, whether for profit or not, or any trade*
42 *association, labor union, or other organized group*
43 *or association, may solicit its stockholders, officers,*
44 *employees and members for contributions to a political*
45 *committee.* Nothing in this section shall be construed
46 to restrain or abridge the freedom of the press or
47 prohibit the consideration and discussion therein
48 of candidacies, nominations, public officers, or
49 public questions.

50 Any person convicted of a violation of any of the

Page 2

1 provisions of this section shall be subject to
2 imprisonment in the county jail for not more than
3 one year and a fine not to exceed one thousand
4 dollars."

5 2. Amend the title, page 1a, line 12, by inserting
6 after the word "voters," the words "stating the manner
7 of making certain contributions for the benefit of
8 political candidates,".

Senator Shaw offered amendment S—5392:

S—5392

1 Amend House File 1011, as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 24, by inserting after line 32 the fol-
4 lowing:

5 "Sec. Chapter fifty-six (56), Code 1975,
6 as amended by Acts of the Sixty-sixth General As-
7 sembly, 1975 Session, chapter fifty-seven (57), sec-
8 tion sixteen (16), third unnumbered new section, is
9 amended to read as follows:

10 *NEW SECTION. 1. [It] Except as provided in sub-*
11 *section three (3) of this section, it shall be unlaw-*
12 *ful for any insurance company, savings and loan*
13 *association, bank, and corporation organized pursuant*
14 *to the laws of this state or any other state,*
15 *territory, or foreign country, whether for profit*
16 *or not, or any officer, agent, representative thereof*
17 *acting for such insurance company, savings and loan*
18 *association, bank, or corporation, to contribute any*
19 *money, property, labor, or thing of value, directly*
20 *or indirectly, to any committee, or for the purpose*
21 *of influencing the vote of any elector.*

22 2. [It] *Except as provided in subsection three (3)*
23 *of this section, it shall be unlawful for any member*
24 *of any committee, or employee or representative*
25 *thereof, or candidate for any office or the*
26 *representative of such candidate, to solicit, request,*
27 *or knowingly receive from any insurance company, sav-*
28 *ings and loan association, bank, and corporation*
29 *organized pursuant to the laws of this state or any*
30 *other state, territory, or foreign country, whether*
31 *for profit or not, or any officer, agent, or*
32 *representative thereof, any money, property, or thing*
33 *of value belonging to such insurance company, savings*
34 *and loan association, bank, or corporation for campaign*
35 *expenses, or for the purpose of influencing the vote*
36 *of any elector. Nothing in this section shall be*
37 *construed to restrain or abridge the freedom of the*
38 *press or prohibit the consideration and discussion*
39 *therein of candidacies, nominations, public officers,*
40 *or public questions.*

41 3. *It shall be lawful for any insurance company,*
42 *savings and loan association, bank, and corporation*
43 *organized pursuant to the laws of this state or any*
44 *other state, territory, or foreign country, whether*
45 *or not for profit, and for the officers, agents and*
46 *representatives thereof, to use the funds of any such*
47 *entity for the purposes of soliciting its stockholders,*
48 *officers and employees for contributions to a committee*
49 *sponsored by that entity and of financing the*
50 *administration of a committee sponsored by that entity.*

Page 2

1 A committee member, committee employee, committee
2 representative, candidate or representative referred

3 *to in subsection two (2) of this section lawfully*
 4 *may solicit, request, and receive money, property*
 5 *and other things of value from a committee sponsored*
 6 *by an insurance company, savings and loan associa-*
 7 *tion, bank, or corporation as permitted by this*
 8 *subsection.*

9 4. Any person convicted of a violation of any
 10 of the provisions of this section shall be subject
 11 to imprisonment in the county jail for not more than
 12 one year and by a fine not to exceed one thousand
 13 dollars."

14 2. Amend the title, page 1a, line 12, by inserting
 15 after the word "voters," the words "stating the manner
 16 of making certain contributions for the benefit of
 17 political candidates,".

Senator Gluba raised the point of order that amendment S—5392 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5392 out of order.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1011) the vote was:

Ayes, 42:

Andersen	Glenn	Miller of	Redmond
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Miller of	Schwengels
Burroughs	Hansen	Marshall	Scott
Carr	Heying	Murray	Shaff
Coleman	Hill of Jasper	Nolting	Shaw
Culver	Hill of Pok	Norpel	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits

Nays, 3:

Nystrom	Ramsey	Winkelman
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Absent or not voting, 5:

Hultman	Nolin	Rabedeaux	Robinson
Junkins			

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

Senator Kinley asked and received unanimous consent that **House File 1011** be **immediately messaged** to the House, which request was complied with.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Glenn presiding.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1462 Judiciary

H. F. 1473 Agriculture

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harry C. Jensen of Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy under the provisions of Section 116.3, Code 1975, for the regular three-year term beginning July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
ROBERT M. CARR
HILARIUS L. HEYING
WILLIAM D. PALMER
DALE L. TIEDEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carole Tracy of Dubuque, Dubuque County, Iowa, for appointment as a licensed member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
ROBERT M. CARR
JAMES W. GRIFFIN, SR.
WILLIAM N. PLYMAT
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Karlton L. Kunath, Spencer, Clay County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
IRVIN L. BERGMAN
NORMAN RODGERS
EARL M. WILLITS

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 19, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- H. F. 392—Relating to the definition of tax year for corporation and individual income tax returns and making the act retroactive.
- H. F. 744—Relating to registration of travel trailers.
- H. F. 1098—Relating to the authority of the board of regents to administer trusts.

EXPLANATION OF VOTE

MR. PRESIDENT: I voted "aye" on amendment S—5164 on House File 1011 on March 22, 1976, and the board showed a green light by my name right after the voting machine was opened.

However, later I looked up at the board and there was no light by my name, but by then the machine was closed so I was not recorded as voting, even though I had voted.

JOAN ORR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:15 p.m., until 9:30 a.m., Tuesday, March 23, 1976.

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MARCH 23, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Monsignor Ed Cooney, pastor of the St. Mary's Catholic Church, Greene, Iowa.

The Journal of Monday, March 22, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Altemeier, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Junkins for the day and Senator Rabedeaux for the day on request of Senator Kinley; Senator Hansen for the morning session on request of Senator Lamborn.

PRESENTATION OF VISITORS

Senator DeKoster rose on a point of personal privilege to present the Honorable Garritt Roelfs, Grand Rapids, Michigan, who served in the Senate during the Forty-fifth and Forty-sixth General Assemblies representing Lyon, O'Brien, Osceola and Sioux Counties.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-five students from Belle Plaine Senior High School, Belle Plaine, Iowa, accompanied by their principal, Roland Hansen, and their instructor, Ken Roberson. Senator Orr.

Thirty-two students from Marshalltown High School, Marshalltown, Iowa, accompanied by their instructor, Frances Burham. Senator Miller of Marshall.

Twenty-five students from the Christian Schools at Ocheyedan

and Sibley, Iowa, accompanied by Stan Vandenberg. Senator Bergman.

Fourteen students from Burlington High School, Burlington, Iowa, accompanied by Dick Wagner and Linda Sheetz. Senator Miller of Des Moines.

Seventy-four students from West Branch Junior High School, West Branch, Iowa. Senator Lamborn.

Eighty students, members of the 4-H Club from Cedar County, Iowa, accompanied by their leader, Varlyn Fink. Senator Lamborn.

CONSIDERATION OF BILLS

Senate File 1261

On motion of Senator Van Gilst, Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, was taken up for consideration.

Senator Murray offered amendment S—5382 filed by him:

S—5382

- 1 Amend Senate File 1261 as follows:
- 2 1. Page 2, by striking lines 4 through 35 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 2. There is appropriated from the general
- 5 fund of the state to the higher education facilities
- 6 commission for the fiscal year beginning July 1, 1976
- 7 and ending June 30, 1977 the sum of one hundred ninety-
- 8 three thousand (193,000) dollars, or so much thereof
- 9 as may be necessary, to be used for salaries, support,
- 10 maintenance and miscellaneous purposes.
- 11 Sec. 3. Tuition grant programs—creation of fund-
- 12 -appropriation.
- 13 1. There is created in the office of the treasurer
- 14 of state an educational assistance fund to be admin-
- 15 istered by the higher education facilities commission.
- 16 2. There is appropriated annually from the general
- 17 fund of the state to the educational assistance fund
- 18 for each fiscal year, the sum of ten million
- 19 (10,000,000) dollars to be used for the purpose of
- 20 funding higher education tuition grants as provided
- 21 in this section.
- 22 3. During each fiscal year the higher education
- 23 facilities commission may expend from the educational
- 24 assistance fund the following proportionately
- 25 designated amounts:
- 26 a. Three and twenty-five hundredths percent for
- 27 the scholarship program as authorized in section two
- 28 hundred sixty-one point two (261.2), subsection four

29 (4) of the Code.

30 b. Ninety-six percent for tuition grants to full-
31 time students who applied and were accepted as students
32 by accredited private institutions of higher education
33 in Iowa by February 1, 1976 for the purpose authorized
34 in sections two hundred sixty-one point nine (261.9)
35 through two hundred sixty-one point sixteen (261.16)
36 of the Code.

37 c. Seventy-five hundredths of one percent for
38 vocational technical grants as authorized in sec-
39 tion two hundred sixty-one point seventeen (261.17)
40 of the Code."

41 2. Page 3, by striking lines 1 through 3.

42 3. By renumbering the remaining sections
43 accordingly.

Senator Murray offered amendment S—5395 to amendment S—5382 and moved its adoption:

S—5395

1 Amend Senate amendment S—5382 to Senate File 1261
2 as follows:

3 1. Page 1, line 26, by striking the word
4 "twenty-five" and inserting in lieu thereof the word
5 "fifty".

6 2. Page 1, line 30, by striking the word
7 "Ninety-six" and inserting in lieu thereof the word
8 "Ninety-five".

9 3. Page 1, line 37, by striking the entire line
10 and inserting in lieu thereof the following: "c.
11 One and fifty hundredth percent for".

Amendment S—5395 to amendment S—5382 was adopted.

Senator Murray moved the adoption of amendment S—5382 as amended and requested a record roll call.

On the question "Shall amendment S—5382 as amended be adopted?" (S.F. 1261) the vote was:

Rule 25 was invoked.

Ayes, 21:

Bergman	Hultman	Miller of	Scott
Burroughs	Kelly	Marshall	Shaw
Carr	Lamborn	Murray	Taylor
Gluba	Merritt	Nystrom	Tieden
Griffin	Miller of	Ramsey	Winkelman
Hill of Polk	Des Moines	Schwengels	

Nays, 20:

Coleman	Glenn	Norpel	Redmond
Culver	Heying	Orr	Rodgers
DeKoster	Hill of Jasper	Palmer	Sovern
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Nolting	Priebe	Willits

Absent or not voting, 9:

Andersen
Briles
Curtis

Hansen
Jenkins

Nolin
Rabedeaux

Robinson
Shaff

Amendment S—5382 as amended was adopted.

Amendment S—5354 filed by Senators Taylor and Miller of Marshall and amendment S—5363 filed by Senator DeKoster were ruled out of order with the adoption of amendment S—5382 as amended.

Senator Orr offered amendment S—5396 by Senators Orr, Doderer and Norpel:

S—5396

- 1 Amend Senate File 1261, page 4, line 19, by in-
- 2 serting after the figure "1976." the following words:
- 3 **"The higher educational facilities commission shall**
- 4 **initiate an affirmative action program to insure**
- 5 **equality in participation by women, men, and minority**
- 6 **students in the program provided for in this section**
- 7 **and section five (5) of this Act."**

Senator Palmer raised the point of order that amendment S—5396 was not germane to the title of the bill or the subject matter contained in the bill.

The Chair ruled the point not well taken and amendment S—5396 in order.

Action on amendment S—5396 was temporarily deferred.

Senator Griffin offered amendment S—5380 filed by Senator Griffin, et al.:

S—5380

- 1 Amend Senate File 1261 as follows:
- 2 1. Page 9, by striking lines 27 through 35 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. Section two hundred eighty A point
- 5 one (280A.1), Code 1975, is amended to read as follows:
- 6 280A.1 STATEMENT OF POLICY. It is hereby declared
- 7 to be the policy of the state of Iowa and the purpose
- 8 of this chapter to provide for the establishment of
- 9 not more than seventeen areas which shall include
- 10 all of the area of the state and which may operate
- 11 either area vocational schools or area community col-
- 12 leges [offering]. *The area vocational schools and area*
- 13 *community colleges shall offer, with emphasis on*
- 14 *vocational and technical training, to the greatest*
- 15 *extent possible, educational opportunities and services*
- 16 in each of the following, when applicable, but not

17 necessarily limited to:

18 [1. The first two years of college work including
19 preprofessional education.]

20 [2] 1. Vocational and technical training.

21 [3] 2. Programs for in-service training and
22 retraining of workers.

23 [4] 3. Programs for high school completion for
24 students of post-high school age.

25 [5] 4. Programs for all students of high school
26 age who may best serve themselves by enrolling for
27 vocational and technical training while also enrolled
28 in a local high school, public or private.

29 [6] 5. Student personnel services.

30 [7] 6. Community services.

31 [8] 7. Vocational education for persons who have
32 academic, socio-economic, or other handicaps which
33 prevent succeeding in regular vocational education
34 programs.

35 [9] 8. Training, retraining, and all necessary
36 preparation for productive employment of all citizens.

37 [10] 9. Vocational and technical training for persons
38 who are not enrolled in a high school and who have
39 not completed high school.

40 10. *The first two years of college work including
41 preprofessional education.*

42 *After July 1, 1976 an area vocational school shall
43 not expand its course offerings to include the first
44 two years of college work. Area community colleges
45 existing on July 1, 1976 shall not expand their course
46 offerings relating to the first two years of college
47 work without the approval of the state board.*

48 Sec. Section two hundred eighty A point twenty-
49 three (280A.23), subsection nine (9), Code 1975, as
50 amended by Acts of the Sixty-sixth General Assembly,

Page 2

1 1975 Session, chapter one hundred fifty-nine (159),
2 section one (1), is amended to read as follows:

3 9. Set the salary and other emoluments of the
4 area superintendent *subject to the approval of the*
5 *state board of public instruction.* In setting the
6 salary, the board shall consider the salaries of
7 administrators of educational institutions in the
8 merged area, [and] the enrollment of the area school,
9 and the salaries of administrators of other post-
10 secondary educational institutions in the state.

11 Sec. Section two hundred eighty A point
12 twenty-five (280A.25), Code 1975, is amended by adding
13 the following new subsection:

14 **NEW SUBSECTION.** Approve or disapprove requests
15 of area community colleges to expand their course
16 offerings relating to the first two years of college
17 work."

18 2. Page 10, by striking lines 1 and 2.

19 3. By renumbering sections as necessary.

Senator Palmer raised the point of order that amendment S—5380 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5380 in order.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1271, by committee on judiciary, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Read first time and placed on calendar.

BUSINESS PENDING

Senate File 1261

The Senate resumed consideration of Senate File 1261 and amendment S—5380.

Senator Van Gilst offered amendment S—5402 to amendment S—5380 and moved its adoption:

S—5402

- 1 Amend the Griffin, et al., amendment S—5380, to
- 2 Senate File 1261 as follows:
- 3 1. Page 1, line 43, by striking the word
- 4 "course" and inserting in lieu thereof the word
- 5 "program".
- 6 2. Page 1, line 45, by striking the word
- 7 "course" and inserting in lieu thereof the word
- 8 "program".

Amendment S—5402 to amendment S—5380 was adopted.

Senator Griffin moved the adoption of amendment S—5380 as amended and requested a record roll call.

QUORUM CALL

Senator Doderer requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

On the question "Shall amendment S—5380 as amended be adopted?" (S.F. 1261) the vote was:

Ayes, 27:

Bergman	Gallagher	Miller of	Redmond
Burroughs	Gluba	Des Moines	Schwengels
Carr	Griffin	Nolting	Scott
Culver	Hansen	Norpel	Shaw
Curtis	Heying	Plymat	Sovern
DeKoster	Kelly	Priebe	Taylor
Doderer	Merritt	Ramsey	Winkelman

Nays, 10:

Coleman	Hill of Polk	Orr	Van Gilst
Glenn	Murray	Palmer	Willits
Hill of Jasper	Nystrom		

Absent or not voting, 13:

Andersen	Kinley	Nolin	Rodgers
Briles	Lamborn	Rabedaux	Shaff
Hultman	Miller of	Robinson	Tieden
Junkins	Marshall		

Amendment S—5380 as amended was adopted.

Senator Murray offered amendment S—5365 filed by him:

S—5365

- 1 Amend Senate File 1261, page 10, line 7, by
- 2 striking the figure “:” and inserting in lieu
- 3 thereof the words “, provided that, as a condition
- 4 for the appropriation of these funds and
- 5 notwithstanding any provision in chapter twenty (20),
- 6 Code 1975, to the contrary, the state board of
- 7 regents, for purposes of implementing collective
- 8 bargaining pursuant to chapter twenty (20), Code
- 9 1975, shall continue to act as a ‘public employer’
- 10 for its academic, professional and scientific,
- 11 and other employees who are exempted from its
- 12 merit system by chapter nineteen A (19A), Code
- 13 1975, and who are defined as ‘professional
- 14 employees’ by section twenty point three (20.3),
- 15 subsection eleven (11), Code, 1975.”

Senator Palmer raised the point of order that amendment S—5365 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5365 out of order.

Senator Murray offered amendment S—5366 filed by him:

S—5366

- 1 Amend Senate File 1261, page 10, by inserting
- 2 after line 23 the following:
- 3 “From funds appropriated by this paragraph there
- 4 shall be allocated not more than fifteen thousand
- 5 (15,000) dollars for use of the state archaeologist
- 6 for investigating, reporting upon, preserving, and

7 reinterring ancient human remains found in the
 8 state. For the purposes of this Act ancient human
 9 remains shall be those remains more than one
 10 hundred fifty years old."

President pro tempore Doderer took the chair at 3:10 p.m.

Senator Murray withdrew amendment S—5366.

Senator Griffin offered amendment S—5356 filed by Senators Griffin, et al., moved its adoption and requested a record roll call:

S—5356

1 Amend Senate File 1261 as follows:
 2 1. Page 12, by inserting after line 20 the
 3 following section:
 4 "Sec. Chapter two hundred seventy (270),
 5 Code 1975, is amended by adding the following new
 6 section:
 7 **NEW SECTION.** There is appropriated from the general
 8 fund of the state to the state board of regents the
 9 sum of one hundred forty-eight thousand seven hundred
 10 fifty (148,750) dollars, or so much thereof as is
 11 necessary, to be distributed to the school for the
 12 deaf and the Iowa braille and sight-saving school
 13 for payments to the parents or guardians of pupils
 14 in either institution as follows:
 15 1. Transportation reimbursement at the rate
 16 specified in section two hundred eighty-five point
 17 one (285.1), subsection three (3), of the Code to
 18 the parents or guardians of children who do not reside
 19 in the institution, but are transported to the
 20 institution on a daily basis.
 21 2. Transportation reimbursement at the rate
 22 specified in section two hundred eighty-five point
 23 one (285.1), subsection three (3), of the Code to
 24 the parents or guardians for not more than ten trips
 25 per year from the institution to the residence of
 26 the parent or guardian and return to the institution
 27 for children who reside in the institution."
 28 2. By renumbering sections as necessary.

On the question "Shall amendment S—5356 be adopted?"
 (S.F. 1261) the vote was:

Ayes, 37:

Andersen	Gallagher	Lamborn	Ramsey
Bergman	Glenn	Merritt	Redmond
Briles	Gluba	Miller of	Robinson
Burroughs	Griffin	Des Moines	Schwengels
Carr	Hansen	Murray	Scott
Coleman	Heying	Norpel	Shaff
Culver	Hill of Polk	Nystrom	Taylor
Curtis	Hultman	Plymat	Tieden
DeKoster	Junkins	Priebe	Winkelman
Doderer	Kelly		

Nays, 8:

Hill of Jasper
Kinley

Orr
Palmer

Rodgers
Shaw

Van Gilst
Willits

Absent or not voting, 5:

Miller of
Marshall

Nolin
Nolting

Rabedeaux

Sovern

Amendment S—5356 was adopted.

Senator Griffin offered amendment S—5358 filed by him and moved its adoption:

S—5358

- 1 Amend Senate File 1261, page 12, line 12, by
- 2 striking the figure "2,611,100" and inserting in
- 3 lieu thereof the figure "2,551,100".

Amendment S—5358 was adopted.

Senator Murray offered amendment S—5397, moved its adoption and requested a record roll call:

S—5397

- 1 Amend Senate File 1261, page 12, by inserting
- 2 after line 20 the following subparagraph:
- 3 "8. EQUIPMENT REPLACEMENT
- 4 For allocation by the state board of regents to
- 5 the three state universities to provide for equipment
- 6 replacement and upgrading on a prorated basis consistent
- 7 with past allocations made from equipment inventory
- 8 listings.....\$1,850,000".

On the question "Shall amendment S—5397 be adopted?" (S.F. 1261) the vote was:

Ayes, 6:

Briles
Hansen

Hill of Polk
Murray

Redmond

Shaff

Nays, 36:

Andersen
Bergman
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher

Glenn
Gluba
Heying
Hill of Jasper
Hultman
Kelly
Lamborn
Merritt
Miller of
Des Moines

Nolting
Norpe
Nystrom
Orr
Palmer
Plymat
Priebe
Ramsey
Robinson

Schwengels
Scott
Shaw
Taylor
Tieden
Van Gilst
Willits
Winkelman

Absent or not voting, 8:

Griffin
Junkins
Kinley

Miller of
Marshall

Nolin
Rabedeaux

Rodgers
Sovern

Amendment S—5397 lost.

Senator Van Gilst offered amendment S—5364 filed by him and moved its adoption:

S—5364

- 1 Amend Senate File 1261 as follows:
- 2 Page 12, line 22, by striking the word and figure
- 3 "eight (8)" and inserting in lieu thereof the word
- 4 and figure "nine (9)".

Amendment S—5364 was adopted.

The Senate resumed consideration of amendment S—5396, offered and deferred during the morning session.

Senator Orr offered amendment S—5401 to amendment S—5396 by Senators Orr, et al., and moved its adoption:

S—5401

- 1 Amend the Orr, et al., amendment, S—5396, to
- 2 Senate File 1261 as follows:
- 3 1. Page 1, line 5, by striking the words
- 4 "equality in" and inserting in lieu thereof the words
- 5 "equal opportunity for".

Amendment S—5401 to amendment S—5396 was adopted.

On motion of Senator Orr, amendment S—5396 as amended was adopted.

Senator Miller of Des Moines offered amendment S—5403:

S—5403

- 1 Amend Senate File 1261 as follows:
- 2 1. Page 4, by adding after line 24, the fol-
- 3 lowing:
- 4 "Sec. There is appropriated from the general
- 5 fund of the state for the fiscal year commencing
- 6 July 1, 1976 and ending June 30, 1977 to the higher
- 7 education facilities commission the sum of forty-
- 8 nine thousand (49,000) dollars, or so much thereof
- 9 as may be necessary, to be used in the manner pro-
- 10 vided in this section.
- 11 The higher education facilities commission shall
- 12 contract with the Palmer College of Chiropractic,
- 13 Davenport, Iowa for the admission and education of
- 14 qualified applicants who are domiciliaries of Iowa
- 15 and who have demonstrated interest, aptitude, and
- 16 readiness for study in the field of chiropractic.
- 17 In making a final determination of who is a domici-
- 18 liary of Iowa, the higher education facilities com-
- 19 mission shall adopt rules for the academic year
- 20 commencing in 1976 and for each academic year there-
- 21 after consistent with those followed for determining
- 22 Iowa resident students in section two hundred

23 sixty-one point fifteen (261.15) of the Code and
24 subject to the provisions of chapter seventeen A
25 (17A) of the Code. In carrying out its duties under
26 the provisions of this section the higher education
27 facilities commission shall contract for the right
28 of not less than ten qualified persons to enter the
29 Palmer College of Chiropractic, Davenport, Iowa during
30 the school year commencing in the year 1976. Funds
31 expended on behalf of each person shall not exceed
32 three thousand dollars during any one fiscal year.
33 The higher education facilities commission shall
34 make a report regarding its duties under this sec-
35 tion to the legislative fiscal committee at such time
36 as the legislative fiscal committee shall request."

Senator Orr raised the point of order that amendment S—5403 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5403 out of order.

Senator Hultman offered amendment S—5375 filed by him:

S—5375

1 Amend Senate File 1261 as follows:
2 1. Page 9, by inserting after line 26 the following
3 section:
4 "Sec. Section two hundred seventy-eight point
5 one (278.1), Code 1975, is amended by adding the
6 following new subsection:
7 *NEW SUBSECTION.* Direct a transfer of the school
8 district from one merged area to a contiguous merged
9 area which will include a change in the boundaries
10 of the merged areas for both area school and area
11 education agency purposes. The provisions of this
12 subsection are applicable only to those school
13 districts located on the boundary line of a merged
14 area."

Senator Palmer raised the point of order that amendment S—5375 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5375 out of order.

Senator Murray offered amendment S—5404:

S—5404

1 Amend Senate File 1261 as follows:
2 1. Page 10, line 17, by striking the figure
3 "\$257,600" and inserting in lieu thereof the figure
4 "\$282,600".
5 2. Page 10, by adding after line 17, the fol-

6 lowing:

7 "From funds appropriated by this paragraph there
8 shall be allocated not more than twenty-five thousand
9 (25,000) dollars for the use of the state board of
10 regents for purposes of implementing collective
11 bargaining pursuant to chapter twenty (20), Code
12 1975. For purposes of this Act, and notwith-
13 standing any provisions in chapter twenty (20), Code
14 1975 to the contrary, the state board of regents
15 shall act as a 'public employer' for its academic,
16 professional and scientific, and other employees
17 who are exempted from its merit system by chapter
18 nineteen A (19A), Code 1975, and who are defined as
19 'professional employees' by section twenty point
20 three (20.3), subsection eleven (11), Code 1975."

Senator Doderer moved that the rules governing germaneness under Section 402 of Mason's Manual of Legislative Procedure be suspended for the purpose of continuing consideration of amendment S—5404.

On the question "Shall the motion to suspend Sec. 402 of Mason's Manual of Legislative Procedure be adopted?" (S.F. 1261) the vote was:

Ayes, 7:

Doderer	Heying	Nystrom	Redmond
Hansen	Murray	Plymat	

Nays, 39:

Andersen	Glenn	Merritt	Rodgers
Bergman	Gluba	Miller of	Schwengels
Briles	Griffin	Des Moines	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Orr	Taylor
Culver	Junkins	Palmer	Tieden
Curtis	Kelly	Priebe	Van Gilst
DeKoster	Kinley	Ramsey	Willits
Gallagher	Lamborn	Robinson	Winkelman

Absent or not voting, 4:

Miller of	Nolin	Rabedaux	Sovern
Marshall			

The motion lost.

Senator Murray raised the point of order that amendment S—5404 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5404 out of order.

Senator Scott moved to reconsider the vote by which amendment S—5382 was adopted by the Senate.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S—5382 be adopted?" (S.F. 1261) the vote was:

Ayes, 22:

Andersen	Heying	Nolting	Robinson
Carr	Hill of Jasper	Norpel	Scott
DeKoster	Junkins	Orr	Shaff
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Miller of	Plymat	Willits
Glenn	Des Moines	Priebe	

Nays, 23:

Bergman	Gluba	Lamborn	Schwengels
Briles	Griffin	Merritt	Shaw
Burroughs	Hansen	Murray	Taylor
Coleman	Hill of Polk	Nystrom	Tieden
Culver	Hultman	Ramsey	Winkelman
Curtis	Kelly	Redmond	

Absent or not voting, 5:

Miller of	Nolin	Rodgers	Sovern
Marshall	Rabedaux		

The motion lost.

Senator Doderer offered amendment S—5405, moved its adoption and requested a record roll call:

S—5405

- 1 Amend Senate File 1261 as follows:
- 2 1. Page 10, line 17, by striking the figure
- 3 "257,600" and inserting in lieu thereof the figure
- 4 "249,851".
- 5 2. Page 10, line 23, by striking the figure
- 6 "58,950,900" and inserting in lieu thereof the figure
- 7 "60,450,226".
- 8 3. Page 10, line 31, by striking the figure
- 9 "13,871,100" and inserting in lieu thereof the figure
- 10 "14,235,400".
- 11 4. Page 11, line 3, by striking the figure
- 12 "3,161,600" and inserting in lieu thereof the figure
- 13 "3,214,000".
- 14 5. Page 11, line 7, by striking the figure
- 15 "1,130,300" and inserting in lieu thereof the figure
- 16 "1,160,200".
- 17 6. Page 11, line 11, by striking the figure
- 18 "2,253,800" and inserting in lieu thereof the figure
- 19 "2,263,200".
- 20 7. Page 11, line 19, by striking the figure
- 21 "2,419,600" and inserting in lieu thereof the figure
- 22 "2,465,700".
- 23 8. Page 11, line 25, by striking the figure
- 24 "48,556,200" and inserting in lieu thereof the figure
- 25 "49,962,900".
- 26 9. Page 11, line 29, by striking the figure

- 27 "5,723,300" and inserting in lieu thereof the figure
 28 "5,928,600".
 29 10. Page 11, line 34, by striking the figure
 30 "5,159,200" and inserting in lieu thereof the figure
 31 "5,211,500".
 32 11. Page 12, line 3, by striking the figure
 33 "20,232,300" and inserting in lieu thereof the figure
 34 "20,544,800".
 35 12. Page 12, line 8, by striking the figure
 36 "1,384,300" and inserting in lieu thereof the figure
 37 "1,403,100".
 38 13. Page 12, line 12, by striking the figure
 39 "2,611,100" and inserting in lieu thereof the figure
 40 "2,582,100".
 41 14. Page 13, line 3, by striking the words "two
 42 million five hundred thousand (2,500,000)" and in-
 43 serting in lieu thereof the words "one million five
 44 hundred thousand (1,500,000)".

On the question "Shall amendment S—5405 be adopted?"
 (S.F. 1261) the vote was:

Ayes, 15:

Briles	Heying	Murray	Shaff
Burroughs	Hill of Polk	Nystrom	Shaw
Doderer	Hultman	Redmond	Taylor
Hansen	Lamborn	Schwengels	

Nays, 30:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Robinson
Carr	Griffin	Nolting	Rodgers
Coleman	Hill of Jasper	Norpel	Scott
Culver	Junkins	Orr	Tieden
Curtis	Kelly	Palmer	Van Gilst
DeKoster	Kinley	Plymat	Willits
Gallagher	Merritt	Priebe	

Absent or not voting, 5:

Miller of	Nolin	Sovern	Winkelman
Marshall	Rabedeaux		

Amendment S—5405 lost.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1261) the vote was:

Ayes, 45:

Andersen	Curtis	Hansen	Lamborn
Bergman	DeKoster	Heying	Merritt
Briles	Doderer	Hill of Polk	Miller of
Burroughs	Gallagher	Hultman	Des Moines
Carr	Glenn	Junkins	Murray
Coleman	Gluba	Kelly	Nolting
Culver	Griffin	Kinley	Norpel

Nystrom
Orr
Palmer
Plymat
Priebe

Ramsey
Redmond
Robinson
Rodgers
Schwengels

Scott
Shaff
Shaw
Taylor

Tieden
Van Gilst
Willits
Winkelman

Nays, 1:

Hill of Jasper

Absent or not voting, 4:

Miller of
Marshall

Nolin

Rabedeaux

Sovern

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

Senator Kinley asked and received unanimous consent that Senate File 1261 be immediately messaged to the House, which request was complied with.

INTRODUCTION OF BILL

Senate File 1272, by committee on judiciary, a bill for an act relating to security interests regulated by the Uniform Commercial Code.

Read first time and placed on calendar.

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

S. F. 1270 Ways and means

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marian Lokken, of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
JOHN S. MURRAY
RICHARD J. NORPEL, SR.
STEVE SOVERN

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 23, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1200—Relating to the regulation of bicycles by the state board of regents.
- H. F. 1129—Relating to the joint financing of water supply systems by public agencies.
- H. F. 1245—To legalize and validate the proceedings of the city of Ames, in Story County, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.
- H. F. 1327—Relating to public improvements bond and conditions.

COMMUNICATION FROM THE SECRETARY OF STATE

March 22, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1063 was published in The Fayette County Union, West Union, Iowa, March 11, 1976, and in the Hampton Chronicle, Hampton, Iowa, March 11, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

IOWA BEER AND LIQUOR CONTROL DEPARTMENT

The Annual Report of the Iowa Beer and Liquor Control Department for the fiscal year ended June 30, 1975.

IOWA CONSERVATION COMMISSION

A report by the Iowa Conservation Commission on the progress of the Open Space Land Acquisition Program authorized by Chapter 74, Acts of the Sixty-fifth General Assembly, 1973 Session.

REPORT OF COMMITTEE

Senator Scott submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred **House File 807**, a bill for an act relating to bonded agricultural warehouses, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5394

1 Amend House File 807, as amended and passed by
2 the House, as follows:

3 1. Page 2, by adding after line 28 the follow-
4 ing new sections:

5 "Sec. Section five hundred forty-three point
6 four (543.4), Code 1975, is amended by adding the
7 following new unnumbered paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** In order to receive
9 and retain a license the applicant shall have and
10 maintain a net worth of at least ten thousand dollars.
11 The license shall terminate on June thirtieth of each
12 year. A warehouse license may be renewed by the
13 filing of a renewal application on a form prescribed
14 by the commission accompanied by a current financial
15 statement and the renewal fee. A renewal application
16 shall be received by the commission on or before June
17 thirtieth. A warehouse license which has expired
18 may be reinstated by the commission upon receipt of
19 a proper renewal application, current financial
20 statement, renewal fee, and penalty fee in the amount
21 of ten dollars from the warehouseman, provided that
22 such are filed within thirty days from the date of
23 termination of the warehouse license. The commission
24 may cancel a warehouse license upon request of the
25 licensee unless a complaint or information is filed
26 against the licensee alleging a violation of a
27 provision of this chapter."

28 2. Page 2, by striking line 35.

29 3. Page 3, by striking lines 1 through 5 and in-
30 serting in lieu thereof the following new section:

31 "Sec. Section five hundred forty-three point
32 fourteen (543.14), Code 1975, is amended by striking
33 the section and inserting in lieu thereof the follow-
34 ing:

35 543.14 CLAIMS—NOTICE. Upon revocation,
36 termination or cancellation of a warehouse license,
37 any claim against the warehouseman shall be filed
38 in writing with the warehouseman and the surety on
39 the warehouseman's bond within one hundred twenty
40 days from the date of the revocation, termination
41 or cancellation. Failure to file a timely claim shall
42 relieve the surety of all obligations to the claimant,
43 provided, that this section shall not be construed
44 to reduce the aggregate liability of the surety to
45 other claimants below the face amount of the bond
46 then in effect. Upon revocation of a warehouse
47 license, the commission shall cause notice of such
48 revocation to be published in a newspaper of general
49 circulation within the state once each week for two
50 consecutive weeks. The notice shall state the name

Page 2

1 and the address of the warehouseman, the effective
2 date of revocation, and the name and address of the

3 surety on the warehouseman's bond. The notice shall
4 also state that any claim against the warehouseman
5 shall be filed in writing with the warehouseman and
6 with the surety on the warehouseman's bond within
7 one hundred twenty days after revocation."

8 4. Page 4, by striking lines 19 through 22 and
9 inserting in lieu thereof the following:

10 "NEW UNNUMBERED PARAGRAPH. Warehousemen who are
11 not licensed pursuant to this chapter shall not issue
12 warehouse receipts for bulk grain."

13 5. Page 5, line 27, by striking the word "fifty"
14 and inserting in lieu thereof the word "forty".

15 6. Page 6, by inserting after line 2 the following
16 new section:

17 "Sec. Section five hundred forty-three point
18 thirty-nine (543.39), subsection two (2), Code 1975,
19 is amended to read as follows:

20 2. Any grain stored by a licensed warehouseman
21 in facilities licensed by another warehouseman shall
22 be stored within [a radius of twenty-five statute miles
23 from the central facility of the warehouseman where
24 it was originally received for storage] *the state*."

COMMITTEE ON AGRICULTURE
KENNETH SCOTT, Ranking Member

Ordered passed on file.

AMENDMENTS FILED

S—5393

1 Amend Senate File 1241 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "loss" the words "and shall be refrigerated at a
4 temperature between fifty-five and sixty degrees
5 fahrenheit or its equivalent".

6 2. Page 1, line 23, by striking the words "five-
7 tenths".

8 3. Page 1, line 24, by striking the word "of".

9 4. Page 1, by striking lines 34 and 35.

10 5. Page 2, by striking lines 1 through 5.

11 6. Page 2, line 10, by striking the words "The
12 notice" and inserting in lieu thereof the following:

13 "These elevators shall also post a notice of the
14 discount rate being applied for weight shrinkage from
15 drying. Both notices".

JOAN ORR

S—5400

1 Amend House File 1008 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 5 the
4 following:

5 "Sec. Section one hundred twenty-three point

- 6 thirty-six (123.36), Code 1975, is amended by striking
 7 subsection six (6) and inserting in lieu thereof the
 8 following:
- 9 6. Holders of liquor control licenses, subject
 10 to the provisions of section one hundred twenty-three
 11 point forty-nine (123.49), subsection two (2),
 12 paragraph b of the Code may sell and dispense alcoholic
 13 liquor for consumption on the premises and beer for
 14 consumption on or off the premises between the hours
 15 of noon and midnight on Sunday. For this privilege,
 16 such licensees shall pay an additional fee of twenty
 17 percent of their regular fee as prescribed for their
 18 licenses and the privilege shall be noted on the
 19 liquor control license.
- 20 Sec. Section one hundred twenty-three point
 21 forty-nine (123.49), subsection two (2), paragraph
 22 b, Code 1975, is amended to read as follows:
- 23 b. Sell or dispense any alcoholic beverage or
 24 beer on the premises covered by the license or permit,
 25 or permit the consumption thereon between the hours
 26 of two a.m. and six a.m. on any weekday, and between
 27 the hours of two a.m. on Sunday and six a.m. on the
 28 following Monday, however, a holder of a liquor control
 29 license or [class 'B'] *retail* beer permit granted the
 30 privilege of selling alcoholic liquor or beer on
 31 Sunday may sell or dispense such liquor or beer between
 32 the hours of noon and [ten p.m.] *midnight* on Sunday.
- 33 Sec. Section one hundred twenty-three point
 34 one hundred thirty-four (123.134), Code 1975, is
 35 amended by striking subsection five (5) and inserting
 36 in lieu thereof the following:
- 37 5. Any class 'B' beer permittee wishing to sell
 38 beer between the hours of noon and midnight on Sunday
 39 may do so by paying an additional permit fee of twenty
 40 percent of the regular fees prescribed for the permit
 41 and the privilege shall be noted on the beer permit.
- 42 Sec. Section one hundred twenty-three point
 43 thirty-six (123.36), subsection seven (7), Code 1975,
 44 is amended by striking unnumbered paragraphs one (1)
 45 and two (2)."
- 46 2. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.

S—5398

- 1 Amend House File 1008 as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 6, line 27, by striking the words "ten
 4 p.m." and inserting in lieu thereof the words "[ten
 5 p.m.] *midnight*".

RICHARD J. NORPEL, SR.
 JAMES W. GRIFFIN, SR.

S—5399

- 1 Amend House File 1008, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 27 the

4 following new section:

5 "Sec. Section one hundred twenty-three

6 point ninety-six (123.96), Code 1975, is amended

7 by striking subsections one (1) and two (2).

8 2. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:55
p.m., until 9:30 a.m., Wednesday, March 24, 1976.

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 24, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend David Ter Beest, pastor of the First Reformed Church, Hull, Iowa.

The Journal of Tuesday, March 23, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Pocahontas, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day and Senator Hill of Polk for the day on request of Senator Hultman; Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-one students from Van Meter Community School, Van Meter, Iowa, accompanied by Mrs. Morris. Senator Rodgers.

Fourteen students from Nora Springs High School, Nora Springs, Iowa, accompanied by their instructor, Frank Altman. Senator Merritt.

PETITION

The following petition was presented and placed on file:

By Senator Willits from thirty residents of Polk County opposing an increase in property taxes.

SENATE CONCURRENT RESOLUTION 107

By Coleman, Schwengels, and Rodgers

1 *Be It Resolved by the Senate, the House Concurring,*
2 That a joint convention of the two houses of the Sixty-
3 sixth General Assembly be held in the House chamber on
4 Tuesday, April 6, 1976, at 2:00 p.m.

5 *Be It Further Resolved, That Mr. John Warner, the*
6 Administrator of the American Revolution Bicentennial
7 Administration, be invited to deliver an address in
8 observance of the Iowa Bicentennial Festival.

9 *Be It Further Resolved, That Governor Robert D. Ray,*
10 the Supreme Court, the Bicentennial Commission, the
11 Marine Color Guard, the Wagon Train Personnel, the
12 Bicentennial Singers, and Reverend Arnpriester also be
13 invited.

Read first time and passed on file.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 1210 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 1009

On motion of Senator Curtis, House File 1009, a bill for an act relating to the effective date of special assessments, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1009) the vote was:

Ayes, 43:

Andersen	Gallagher	Miller of	Priebe
Bergman	Glenn	Des Moines	Ramsey
Briles	Gluba	Miller of	Redmond
Burroughs	Griffin	Marshall	Robinson
Carr	Heying	Murray	Rodgers
Coleman	Hultman	Nolting	Schwengels
Culver	Junkins	Norpel	Scott
Curtis	Kelly	Nystrom	Shaff
DeKoster	Kinley	Orr	Shaw
Doderer	Lamborn	Plymat	Sovern

Taylor
Tieden

Van Gilst

Willits

Winkelman

Nays, none.

Absent or not voting, 7:

Hansen
Hill of Jasper

Hill of Polk
Merritt

Nolin
Palmer

Rabedeaux

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

House File 749

On motion of Senator Taylor, House File 749, a bill for an act relating to interest payments and interest penalties under the retail sales and income taxes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman offered amendment S—5406 by Senators Hultman and Taylor:

S—5406

1 Amend House File 749, as passed by the House, as
2 follows:

3 1. Page 3, by inserting after line 19, the
4 following:

5 "Sec. Section four hundred twenty-two point
6 fifty-two (422.52), Code 1975, is amended by adding
7 the following new subsection:

8 **NEW SUBSECTION.** When a return is filed and the
9 taxes shown due on the return are paid in full on
10 or before the date due as prescribed in section four
11 hundred twenty-two point fifty-one (422.51) of the
12 Code, the retailer shall be allowed a credit equal
13 to three percent of the sales tax shown due by the
14 return, on the amount due up to one thousand dollars,
15 and an additional credit equal to two percent of the
16 sales tax shown due by the return, on the amount due
17 in excess of one thousand dollars up to four thousand
18 dollars, and one percent on all amounts due in excess
19 of four thousand dollars. This credit shall be allowed
20 to the retailer for prompt payment of the tax and
21 as partial remuneration for the costs of collecting
22 the tax and record keeping required by this chapter."

23 2. By renumbering sections to conform to this
24 amendment.

25 3. Amend the title, line 1, by inserting after
26 the word "to" the words "sales tax credit,".

President pro tempore Doderer took the chair at 11:00 a.m.

Senator Redmond raised the point of order that amendment S—5406 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5406 out of order.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 749) the vote was:

Ayes, 42:

Andersen	Griffin	Murray	Schwengels
Bergman	Heying	Nolting	Scott
Briles	Hultman	Norpel	Shaff
Burroughs	Junkins	Nystrom	Shaw
Carr	Kelly	Orr	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Merritt	Plymat	Tieden
DeKoster	Miller of	Priebe	Van Gilst
Doderer	Des Moines	Redmond	Willits
Gallagher	Miller of	Robinson	Winkelman
Glenn	Marshall	Rodgers	
Gluba			

Nays, 1:

Ramsey

Absent or not voting, 7:

Coleman	Hill of Jasper	Lamborn	Rabedaux
Hansen	Hill of Polk	Nolin	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1269.

Senate File 1269

On motion of Senator Ramsey, Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1269) the vote was:

Ayes, 41:

Andersen	Culver	Glenn	Junkins
Bergman	Curtis	Gluba	Kelly
Briles	DeKoster	Hansen	Kinley
Burroughs	Doderer	Heying	Merritt
Carr	Gallagher	Hultman	

Miller of	Norpel	Ramsey	Sovern
Des Moines	Nystrom	Redmond	Taylor
Miller of	Orr	Robinson	Tieden
Marshall	Palmer	Rodgers	Van Gilst
Murray	Plymat	Schwengels	Willits
Nolting	Priebe	Scott	Winkelman

Nays, none.

Absent or not voting, 9:

Coleman	Hill of Polk	Nolin	Shaff
Griffin	Lamborn	Rabedaux	Shaw
Hill of Jasper			

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

Senator Priebe asked and received unanimous consent to take up out of order House File 1040.

House File 1040

On motion of Senator Carr, House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Carr offered amendment S—5383 by the committee on education and moved its adoption:

S—5383

- 1 Amend House File 1040 as passed by the House,
- 2 as follows:
- 3 1. Page 1, line 9, by striking the words "ap-
- 4 plication fee and".

Amendment S—5383 was adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1040) the vote was:

Ayes, 40:

Andersen	Gluba	Murray	Robinson
Bergman	Griffin	Nolting	Rodgers
Briles	Hansen	Norpel	Schwengels
Burroughs	Heying	Nystrom	Scott
Carr	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Merritt	Plymat	Tieden
DeKoster	Miller of	Priebe	Van Gilst
Doderer	Des Moines	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Marshall		

Nays, none.

Absent or not voting, 10:

Coleman	Hultman	Nolin	Shaff
Hill of Jasper	Kinley	Rabedeaux	Shaw
Hill of Polk	Lamborn		

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

UNFINISHED BUSINESS

Senator Priebe asked and received unanimous consent to take up out of order Senate File 7.

Senate File 7

On motion of Senator Norpel, Senate File 7, a bill for an act relating to the use of reflectorized materials on bicycles, was taken up for further consideration.

Senator Nolting took the chair at 11:20 a.m.

The Senate resumed consideration of amendment S—5328, and amendment S—5379 to amendment S—5328, offered and pending on March 19, 1976.

Senator Redmond asked and received unanimous consent to withdraw amendment S—5379 to amendment S—5328.

Senator Redmond offered amendment S—5381 to amendment S—5328 filed by Senators Redmond and Norpel and moved its adoption:

S—5381

- 1 Amend the Norpel amendment, S—5328, to Senate
- 2 File 7, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "sell" the words "or operate".
- 5 2. Page 1, after line 24, by adding the fol-
- 6 lowing:
- 7 "In lieu of a citation issued pursuant to section
- 8 three hundred twenty-one point four hundred eighty-two (321.482)
- 9 for the operation of a bicycle, in violation of
- 10 this section the operator shall have, after appre-
- 11 hension for this violation, forty-eight hours to
- 12 present proof of the correction of the deficiency or
- 13 the bicycle shall be impounded until proper reflective
- 14 devices are obtained for installation on the bicycle
- 15 by the owner."
- 16 3. Amend the title, line 2, by inserting after
- 17 the word "bicycles" the words "and providing a penalty".

Amendment S—5381 to amendment S—5328 was adopted.

On motion of Senator Norpel, amendment S—5328 as amended was adopted.

President pro tempore Doderer took the chair at 11:45 a.m.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 7) the vote was:

Ayes, 30:

Andersen	Hansen	Nolting	Scott
Bergman	Heying	Norpel	Shaff
Carr	Junkins	Orr	Shaw
Coleman	Kinley	Palmer	Sovern
Culver	Lamborn	Plymat	Taylor
Curtis	Miller of	Priebe	Tieden
Gallagher	Marshall	Redmond	Willits
Gluba	Murray	Rodgers	

Nays, 12:

Burroughs	Kelly	Ramsey	Van Gilst
DeKoster	Merritt	Robinson	Winkelman
Doderer	Miller of	Schwengels	
Glenn	Des Moines		

Absent or not voting, 8:

Briles	Hill of Jasper	Hultman	Nystrom
Griffin	Hill of Polk	Nolin	Rabedaux

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

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1266.

Senate File 1266

On motion of Senator Briles, Senate File 1266, a bill for an act relating to the time of filing mechanic's liens by subcontractors, was taken up for consideration.

DEFERRED

Senator Shaw asked and received unanimous consent that further action on Senate File 1266 be deferred and that the bill be placed on the calendar under unfinished business.

ADOPTION OF CONCURRENT RESOLUTION

Senator Kinley asked and received unanimous consent to take up out of order House Concurrent Resolution 38.

House Concurrent Resolution 38

On motion of Senator Norpel, the following concurrent resolution, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted:

HOUSE CONCURRENT RESOLUTION 38

By Brandt, Tauke, O'Halloran, Krause, Jochum, Junker,
Miller of Buchanan, Fitzgerald, Gilloon and Doyle

- 1 *Whereas*, twenty-five percent of Iowa's population resides
- 2 in and twenty-five percent of Iowa's agricultural products
- 3 is produced by the area to be served by the route of proposed
- 4 highway 520; and
- 5 *Whereas*, the construction of proposed highway 520 would
- 6 be significantly aided by the continued funding of the federal
- 7 "priority primary" highway program; and
- 8 *Whereas*, the federal department of transportation is recom-
- 9 mending abolishing the "priority primary" highway program;
- 10 *Now, Therefore,*
- 11 *Be It Resolved by the House of Representatives, the Senate*
- 12 *Concurring*, That the Congress is urged to continue adequate
- 13 funding of the "priority primary" highway program in such
- 14 amount as will allow the construction of proposed highway
- 15 520 within the earliest possible time; and
- 16 *Be It Further Resolved*, That copies of this resolution
- 17 be forwarded to each member of the Iowa congressional delega-
- 18 tion.

On motion of Senator Norpel, the resolution was adopted.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1063.

House File 1063

On motion of Senator Doderer, House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S—5376 filed by the committee on judiciary and moved its adoption:

S—5376

- 1 Amend House File 1063 as follows:
- 2 1. Page 1, by adding after line 13, the
- 3 following:
- 4 "Sec. Section two hundred forty-five
- 5 point one (245.1), Code 1975, is amended by striking
- 6 unnumbered paragraph two (2)."

A record roll call was requested.

On the question "Shall amendment S—5376 be adopted?" (H.F. 1063) the vote was:

Ayes, 32:

Andersen	Gluba	Murray	Robinson
Carr	Hansen	Nolting	Rodgers
Coleman	Heying	Norpel	Scott
Culver	Junkins	Orr	Shaff
Curtis	Kelly	Palmer	Shaw
DeKoster	Kinley	Plymat	Sovern
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Redmond	
Glenn	Des Moines		

Nays, 13:

Bergman	Hultman	Ramsey	Tieden
Briles	Miller of	Schwengels	Van Gilst
Burroughs	Marshall	Taylor	Winkelman
Hill of Jasper	Nystrom		

Absent or not voting, 5:

Griffin	Lamborn	Nolin	Rabedaux
Hill of Polk			

Amendment S—5376 was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1063) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Heying	Nolting	Schwengels
Carr	Hultman	Norpel	Scott
Coleman	Junkins	Nystrom	Shaff
Culver	Kelly	Orr	Shaw
Curtis	Kinley	Palmer	Sovern
DeKoster	Merritt	Plymat	Taylor
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn			

Nays, 2:

Hill of Jasper	Winkelman
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Absent or not voting, 5:

Hill of Polk	Nolin	Rabedaux	Tieden
Lamborn			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1253.

Senate File 1253

On motion of Senator Kelly, Senate File 1253, a bill for an act relating to the use of probation by the court, was taken up for consideration.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1253) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Shaff
Curtis	Kelly	Orr	Shaw
DeKoster	Kinley	Palmer	Sovern
Doderer	Miller of	Plymat	Taylor
Gallagher	Des Moines	Priebe	Willits
Glenn		Ramsey	Winkelman

Nays, 4:

Coleman	Heying	Merritt	Tieden
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Absent or not voting, 5:

Hill of Polk	Nolin	Radedeaux	Van Gilst
Lamborn			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1263.

Senate File 1263

On motion of Senator Tieden, Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations, was taken up for consideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1263) the vote was:

Ayes, 42:

Andersen	Glenn	Miller of	Schwengels
Bergman	Gluba	Marshall	Scott
Briles	Griffin	Murray	Shaff
Burroughs	Hansen	Nolting	Shaw
Carr	Heying	Norpel	Sovern
Coleman	Hill of Jasper	Palmer	Taylor
Culver	Hultman	Plymat	Tieden
Curtis	Junkins	Priebe	Van Gilst
DeKoster	Kelly	Ramsey	Willits
Doderer	Kinley	Robinson	Winkelman
Gallagher	Merritt	Rodgers	

Nays, 2:

Orr Redmond

Absent or not voting, 6:

Hill of Polk	Miller of	Nolin	Rabedaux
Lamborn	Des Moines	Nystrom	

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1244.

Senate File 1244

On motion of Senator Briles, Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts, was taken up for consideration.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1244) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn		Robinson	

Nays, none.

Absent or not voting, 6:

Hill of Jasper
Hill of Polk

Lamborn
Nolin

Palmer

Rabedeaux

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1244 passed the Senate on March 24, 1976.

JAMES M. REDMOND

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1265.

Senate File 1265

On motion of Senator Norpel, Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1265) the vote was:

Ayes, 38:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
Doderer
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hultman
Junkins
Kinley
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Orr
Plymat
Priebe
Ramsey
Redmond

Robinson
Rodgers
Scott
Shaff
Shaw
Sovern
Taylor
Van Gilst
Willits

Nays, 5:

DeKoster
Kelly

Schwengels

Tieden

Winkelman

Absent or not voting, 7:

Gallagher
Hill of Polk

Lamborn
Nolin

Nystrom
Palmer

Rabedeaux

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 534.

Senate File 534

On motion of Senator Shaw, Senate File 534, a bill for an act relating to rules of the board of directors of an area school, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Heying took the chair at 4:00 p.m.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 534) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn		Robinson	

Nays, none.

Absent or not voting, 6:

Gluba	Lamborn	Nystrom	Rabedaux
Hill of Polk	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order House File 324.

House File 324

On motion of Senator Orr, House File 324, a bill for an act relating to abandoned vehicles, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Orr offered amendment S—3826 by the committee on transportation and moved its adoption:

S—3826

- 1 Amend House File 324 as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, by inserting before line 23 the
- 4 following:
- 5 "(....) However a vehicle shall not be considered
- 6 abandoned for a period of fifteen days if its owner
- 7 or operator is unable to move the vehicle and notifies
- 8 the police authority responsible for the geographical
- 9 location of the vehicle and requests assistance in
- 10 the removal of the vehicle."
- 11 2. Page 3, line 2, by striking the word "vehicles"
- 12 and inserting in lieu thereof the word "vehicle".

Amendment S—3826 was adopted.

Senator Coleman withdrew amendment S—3653 filed by him on April 30, 1975, and found on page 1169 of the 1975 Senate Journal.

Senator Orr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 324) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba		Robinson	

Nays, none.

Absent or not voting, 6:

Gallagher	Lamborn	Nystrom	Rabedaux
Hill of Polk	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1238.

Senate File 1238

On motion of Senator Norpel, Senate File 1238, a bill for an act providing for the issuance of a warning ticket for defective light equipment, was taken up for consideration.

DEFERRED

Senator Hill of Jasper asked and received unanimous consent that further action on Senate File 1238 be deferred and that the bill be placed on the calendar under unfinished business.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ruth E. Kuney of Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy under the provisions of Section 116.3, 1975 Code of Iowa, for the regular three-year term beginning July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
JAMES V. GALLAGHER
CHARLES P. MILLER
WILLIAM N. PLYMAT
EARL M. WILLITS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas A. Underkofler, D.D.S., of Marshalltown, Marshall County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
WILLIAM E. GLUBA
MILO MERRITT
FORREST V. SCHWENGELS
ELIZABETH MILLER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald D. Brown of Muscatine, Muscatine County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
LOUIS P. CULVER
E. KEVIN KELLY
WILLIAM D. PALMER
W. R. RABEDEAUX

SUPPLEMENTAL REPORT OF COMMITTEE
ON SENATE SECRETARIES

MR. PRESIDENT: Your committee appointed to determine the standing and

qualifications of the candidates for Senate secretaries begs leave to report that it has made investigation and finds the following person competent as a stenographer for the position to which she has been appointed.

Senator Karl Nolin.....Lorraine Scott

MINNETTE F. DODERER, Chairperson
WILLIAM E. GLUBA
CLIFF BURROUGHS
DALE L. TIEDEN

SUPPLEMENTAL REPORT BY THE SENATE RULES AND ADMINISTRATION COMMITTEE

Pursuant to House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following names of secretaries to Senators and their respective steps. The steps would be effective as of March 15, 1976.

Norma Bliquez (12).....5.....Temporary
Lorraine Scott (12).....2.....Temporary

WILLIAM D. PALMER, Chairperson

COMMUNICATION FROM THE SECRETARY OF STATE

March 24, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1090 was published in the Cherokee Daily Times, Cherokee, Iowa, on March 16, 1976, and in The Winterset Madisonian, Winterset, Iowa, on March 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, March 24, 1976, when the vote was taken on House File 749. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

MR. PRESIDENT: I was absent from the Senate on March 22 and part of March 23 because of an illness in the family.

Had I been present on March 22, I would have voted "nay" on amendment S—5382 to Senate File 1261.

Had I been present on March 23 when the following votes were taken on House File 1011, I would have voted "aye" on amendment S—5321A; "nay" on amendment S—5387; "nay" on amendment S—5164; "aye" on final passage.

LOWELL JUNKINS

REPORT OF COMMITTEE

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **Senate File 1052**, a bill for an act relating to the installation of limited access diagonal highways and highway placement, begs leave to report it has had the same under consideration and recommends the same be amended in accordance with the committee on transportation amendment **S—5214** filed February 25, 1976, and found on page 609 of the Senate Journal; and when so amended the bill do pass.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5410

- 1 Amend Senate File 1238 as follows:
- 2 1. Page 1, line 14, by striking the word "shall"
- 3 and inserting in lieu thereof the word "may".
- 4 2. Page 1, by striking lines 19 through 23.

JOHN S. MURRAY

S—5411

- 1 Amend Senate File 1238 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "fourteen" and inserting in lieu thereof the word
- 4 "three".

EUGENE M. HILL
CLIFF BURROUGHS

S—5407

- 1 Amend House File 807 as amended and passed by the
- 2 House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section five hundred forty-two point
- 6 three (542.3), Code 1975, is amended to read as
- 7 follows:
- 8 542.3 LICENSE REQUIRED. No person shall engage
- 9 in the business of a grain dealer in the state without
- 10 having obtained a license issued by the commission,
- 11 *unless such person is a licensed warehouseman, as*
- 12 *defined in section five hundred forty-three point*
- 13 *one (543.1) of the Code, or a warehouseman licensed*
- 14 *under Title seven (VII) of the United States Code.*
- 15 Each application for a license to engage in business
- 16 as a grain dealer shall be filed with the commission
- 17 and shall be in a form prescribed by the commission.
- 18 The application shall include the name of the
- 19 applicant, its principal officers if the applicant
- 20 is a corporation or the active members of a partnership
- 21 if the applicant is a partnership and the location

22 of the principal office or place of business of the
23 applicant. A separate license shall be required for
24 each location at which the records are normally kept
25 for transactions of the grain dealer. The application
26 shall also list the number of trucks or tractor trailer
27 units that will be used in the transportation of grain
28 purchased for resale or grain transported into this
29 state for resale. The application shall be accompanied
30 by a complete financial statement of the applicant
31 setting forth the assets, liabilities and the net
32 worth of the applicant. In order to receive a license
33 the net worth of an applicant must exceed five thousand
34 dollars. The commission may require additional
35 information or verification with respect to the
36 financial resources of the applicant and the
37 applicant's ability to pay producers for grain
38 purchased from them."

39 2. By renumbering sections as necessary.

CALVIN O. HULTMAN

S—5409

1 Amend House File 1008 as amended, passed, and re-
2 printed by the House as follows:

3 1. Page 6, by inserting after line 27, the fol-
4 lowing sections:

5 Sec. Chapter one hundred twenty-three (123),
6 Code 1975, is amended by adding the following new
7 section:

8 **NEW SECTION.** For the purposes of this chapter,
9 wine shall be distinguished as a separate commodity
10 from alcoholic liquors and the licensing of special
11 distributorships at the wholesale and retail level
12 shall be in accordance with the provisions of this
13 chapter.

14 Sec. Section one hundred twenty-three
15 point one (123.1), Code 1975, is amended to read as
16 follows:

17 123.1 **PUBLIC POLICY DECLARED.** This chapter shall
18 be cited as the "Iowa Beer, *Wine* and Liquor Control
19 Act", and shall be deemed an exercise of the police
20 power of the state, for the protection of the welfare,
21 health, peace, morals, and safety of the people of
22 the state, and all its provisions shall be liberally
23 construed for the accomplishment of that purpose,
24 and it is declared to be public policy that the traf-
25 fic in alcoholic liquors is so affected with a public
26 interest that it should be regulated to the extent
27 of prohibiting all traffic in them, except as provided
28 in this chapter.

29 Sec. Section one hundred twenty-three point
30 two (123.2), Code 1975, is amended to read as follows:

31 123.2 **GENERAL PROHIBITION.** It shall be unlawful
32 to manufacture for sale, sell, offer or keep for sale,
33 possess, or transport alcoholic liquor, *wine* or beer

34 except upon the terms, conditions, limitations, and
35 restrictions enumerated in this chapter.

36 Sec. Section one hundred twenty-three point
37 three (123.3), subsections four (4), seven (7), eight
38 (8), and ten (10), Code 1975, are amended to read
39 as follows:

40 4. "Local authority" means the city council of
41 any incorporated city in this state, or the county
42 board of supervisors of any county in this state,
43 which is empowered by this chapter to approve or deny
44 applications for retail beer or wine permits and
45 liquor control licenses; to recommend that such permits
46 or licenses be granted and issued by the department;
47 and to take such other actions as are reserved to
48 them by this chapter.

49 7. "Wine" means any beverage containing alcohol
50 obtained by the fermentation of the natural sugar

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1 contents of fruits or other agricultural products
2 and containing not more than seventeen percent alcohol
3 by weight.

4 8. "Alcoholic liquor", "alcoholic beverage" or
5 "intoxicating liquor" includes the [three] two varieties
6 of liquor defined in subsections [5, 6, and 7] five
7 (5) and six (6), except beer as defined in subsection
8 9 but including all beverages made as described in
9 such subsection which contain more than four percent
10 of alcohol by weight, and every liquid or solid,
11 patented or not, containing alcohol, spirits, or wine
12 containing more than seventeen percent alcohol by
13 weight, and susceptible of being consumed by a human
14 being, for beverage purposes.

15 10. "Person" means any individual, association,
16 partnership, corporation, club, hotel or motel, or
17 municipal corporation owning or operating a bona fide
18 airport, marina, park, coliseum, auditorium, or
19 recreational facility in or at which the sale of
20 alcoholic liquor, wine or beer is only an incidental
21 part of such ownership or operation.

22 Sec. Section one hundred twenty-three point
23 three (123.3), subsection eleven (11), paragraph c,
24 Code 1975, is amended to read as follows:

25 c. He is not prohibited by the provisions of
26 section 123.40 from obtaining a liquor control license,
27 or wine or beer permit.

28 Sec. Section one hundred twenty-three point
29 three (123.3), subsections thirteen (13), seventeen
30 (17), nineteen (19), twenty (20), twenty-five (25),
31 twenty-six (26), twenty-seven (27), and thirty-one
32 (31), Code 1975, are amended to read as follows:

33 13. "Permit" or "license" means an express written
34 authorization issued by the department for the
35 manufacture or sale, or both, of alcoholic liquor,
36 wine or beer.

37 17. "Distillery", "winery", and "brewery" means
38 not only the premises wherein alcohol or spirits is
39 distilled, or rectified wine is fermented, or beer
40 is brewed, but in addition a person owning,
41 representing, or in charge of such premises and the
42 operations conducted thereon, including the blending
43 and bottling or other handling and preparation of
44 alcoholic liquor, *wine* or beer in any form.

45 19. "Importer" means the person transporting or
46 ordering, authorizing, or arranging the transportation
47 of alcoholic liquor, *wine* or beer into this state
48 whether such person is a resident of this state or
49 not.

50 20. "Import" means the transporting or ordering

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1 or arranging the transportation of alcoholic liquor,
2 *wine* or beer into this state whether by a resident
3 of this state or not.

4 25. The prohibited "sale" of alcoholic liquor,
5 *wine* or beer under this chapter includes soliciting
6 for sales, taking orders for sales, keeping or exposing
7 for sale, delivery or other trafficking for a valuable
8 consideration promised or obtained, and procuring
9 or allowing procurement for any other person.

10 26. "Wholesaler" means any person, other than
11 a *vintner*, brewer or bottler of beer or *wine*, who
12 shall sell, barter, exchange, offer for sale, have
13 in possession with intent to sell, deal or traffic
14 in alcoholic liquor, *wine* or beer. No wholesaler
15 shall be permitted to sell for consumption upon the
16 premises.

17 27. "Retailer" means any person who shall sell,
18 barter, exchange, offer for sale, or have in possession
19 with intent to sell any alcoholic liquor for
20 consumption on the premises where sold, or beer or
21 *wine* for consumption either on or off the premises
22 where sold.

23 31. "Licensed premises" or "premises" means all
24 rooms or enclosures where alcoholic beverages, *wine*
25 or beer are sold or consumed under authority of a
26 liquor control license, *wine* or beer permit.

27 Sec. Section one hundred twenty-three point
28 three (123.3), Code 1975, is amended by adding the
29 following new subsection:

30 **NEW SUBSECTION.** "Retail wine permit" means a class
31 "B" or class "C" wine permit issued under the
32 provisions of this chapter.

33 Sec. Section one hundred twenty-three point
34 four (123.4), Code 1975, is amended to read as follows:

35 **123.4 DEPARTMENT CREATED—PLACE OF BUSINESS.**

36 There is hereby created an Iowa beer and liquor control
37 department to administer and enforce the laws of this
38 state concerning beer, *wine* and alcoholic liquor.
39 The principal place of business of the department

40 shall be in the city of Des Moines, and suitable
41 quarters or offices shall be provided the department
42 in such city by the authority designated by law to
43 provide such quarters or offices to state departments
44 or agencies.

45 Sec. Section one hundred twenty-three point
46 fourteen (123.14), subsections one (1) and three (3),
47 Code 1975, are amended to read as follows:

48 1. The division of beer and liquor law enforcement
49 of the department of public safety, created pursuant
50 to section 80.25, shall be the primary beer, *wine*

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1 and liquor law enforcement authority for this state.

2 3. The division of beer and liquor law enforcement
3 shall be allowed full access to all records, reports,
4 audits, tax reports and all other documents and papers
5 in the department pertaining to liquor licensees,
6 *wine* and beer permittees and their business.

7 Sec. Section one hundred twenty-three point
8 fifteen (123.15), Code 1975, is amended to read as
9 follows:

10 123.15 HEARING BOARD ESTABLISHED. There is hereby
11 created a three-man hearing board for the purpose
12 of conducting departmental hearings relating to
13 controversies concerning the issuance, suspension,
14 or revocation of special liquor permits, liquor control
15 licenses, *wine* and beer permits authorized under this
16 chapter. One member shall be appointed by the council
17 from its membership, which member may be periodically
18 replaced by appointment of another council member;
19 one member shall be the attorney general or his
20 designee; and one member shall be the commissioner
21 of public safety or his designee. The hearing board
22 shall establish and adopt rules and procedures for
23 conducting departmental hearings under this chapter.

24 Sec. Section one hundred twenty-three point
25 sixteen (123.16), subsection two (2), paragraph b,
26 Code 1975, is amended to read as follows:

27 b. The granting or refusing of liquor licenses
28 and permits, *wine* and beer permits, and the suspension
29 or revocation of such licenses and permits.

30 Sec. Section one hundred twenty-three point
31 eighteen (123.18), Code 1975, is amended to read as
32 follows:

33 123.18 FAVORS FROM LICENSEE OR PERMITTEE. No
34 person responsible for the administration or
35 enforcement of this chapter shall accept or solicit
36 donations, gratuities, political advertising, gifts,
37 or other favors, directly or indirectly, from any
38 liquor control licensee, *wine* or beer permittee.
39 A violation of this section shall subject the violator
40 to the general penalties provided by this chapter.

41 Sec. Section one hundred twenty-three point
42 nineteen (123.19), subsection one (1), Code 1975,

43 is amended to read as follows:

44 1. Any manufacturer, distiller[, vintner,] or
45 importer of alcoholic beverages shipping, selling,
46 or having alcoholic beverages brought into this state
47 for resale by the state shall, as a condition precedent
48 to the privilege of so trafficking in alcoholic liquors
49 in this state, annually make application for and shall
50 hold a distiller's certificate of compliance which

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1 shall be issued by the director for such purpose.
2 No brand of alcoholic liquor shall be sold by the
3 department in this state unless the manufacturer,
4 distiller, [vintner,] importer, and all other persons
5 participating in the distribution of such brand in
6 this state have obtained such certificate. Such
7 certificate of compliance shall expire at the end
8 of one year from the date of issuance and shall be
9 renewed for a like period upon application to the
10 director unless otherwise suspended or revoked for
11 cause. Each application for a certificate of
12 compliance or renewal thereof shall be made in such
13 manner and upon such forms as shall be prescribed
14 by the director and shall be accompanied by a fee
15 of fifty dollars payable to the department. How-
16 ever, the provisions of this subsection need not apply
17 to a manufacturer, distiller, [vintner,] or importer
18 who ships or sells in this state no more than eleven
19 gallons or its case equivalent during any fiscal year
20 as a result of "special orders" which might be placed,
21 as defined and allowed by departmental rules adopted
22 under this chapter.

23 Sec. Section one hundred twenty-three point
24 twenty-one (123.21), subsections six (6) and ten (10),
25 Code 1975, are amended to read as follows:

26 6. Providing for the issuing and distributing
27 of price lists showing the price to be paid by
28 purchasers for each brand, class, or variety of liquor
29 kept for sale under this chapter. Provide for the
30 filing or posting of prices *charged in sales* between
31 class "A" beer and wine permit holders and retailers
32 as provided in this chapter, and establish or control
33 such prices as may be based on minimum standards of
34 fill, quantity, or alcoholic content for each
35 individual sale of intoxicating liquor, *wine* or beer
36 as deemed necessary for retail or consumer protection.

37 10. Prescribing the time, manner, means, and
38 method by which distillers, [vintners,] vendors, or
39 others authorized under this chapter may deliver or
40 transport alcoholic liquors and prescribing the time,
41 manner, means, and methods by which alcoholic liquor
42 may be lawfully conveyed, carried, or transported.

43 Sec. Section one hundred twenty-three point
44 twenty-two (123.22), unnumbered paragraph one (1),
45 Code 1975, is amended to read as follows:

46 The department shall have the sole and exclusive
47 right of importation, into the state, of all forms
48 of alcoholic liquor, except as otherwise provided
49 in this chapter, and no person shall so import any
50 such alcoholic liquor, except that an individual of

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1 legal age may import and have in his possession an
2 amount of alcoholic liquor not exceeding one quart
3 or, in the case of alcoholic liquor personally obtained
4 outside the United States, one gallon for personal
5 consumption only in a private home or other private
6 accommodation. No distillery shall sell any alcoholic
7 liquor within the state to any person but only to
8 the department, except as otherwise provided in this
9 chapter. It is the intent of this section to vest
10 in the department exclusive control within the state
11 both as purchaser and vendor of all alcoholic liquor
12 sold by distilleries within the state or imported
13 therein, except beer and wine, and except as otherwise
14 provided in this chapter.

15 Sec. Section one hundred twenty-three point
16 twenty-nine (123.29), subsection four (4), paragraph
17 c, Code 1975, is amended to read as follows:

18 c. That neither the applicant, if he is an
19 individual, nor any members of the firm or officers
20 of the corporation, if the applicant is not an
21 individual, has been convicted of any violation of
22 the laws of this state with reference to the sale
23 of alcoholic liquors, *wine* or beer within the three
24 years preceding the date of the affidavit.

25 Sec. Section one hundred twenty-three point
26 thirty (123.30), subsection three (3), paragraphs
27 a, b, c, and d, Code 1975, are amended to read as
28 follows:

29 a. CLASS "A". A class "A" liquor control license
30 may be issued to a club and shall authorize the holder
31 to purchase alcoholic liquors from the department
32 only, and to sell such liquors, *wine* and beer, to
33 bona fide members and their guests by the individual
34 drink for consumption on the premises only.

35 b. CLASS "B". A class "B" liquor control license
36 may be issued to a hotel or motel and shall authorize
37 the holder to purchase alcoholic liquors from the
38 department only, and to sell such liquors, *wine* and
39 beer, to patrons by the individual drink for
40 consumption on the premises only, however, *wines and*
41 beer may also be sold for consumption off the premises.
42 Each such license shall be effective throughout the
43 premises described in the application.

44 c. CLASS "C". A class "C" liquor control license
45 may be issued to a commercial establishment but must
46 be issued in the name of the individual or individuals
47 who actually own the entire business and shall
48 authorize the holder or holders to purchase alcoholic

49 liquors from the department only, and to sell such
50 liquors, *wine* and beer, to patrons by the individual

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1 drink for consumption on the premises only, however,
2 *wine and beer* may also be sold for consumption off
3 the premises.

4 d. CLASS "D". A class "D" liquor control license
5 **may be issued to a railway corporation, to an air**
6 common carrier, and to passenger-carrying boats or
7 ships for hire with a capacity of twenty-five persons
8 or more operating in inland or boundary waters, and
9 shall authorize the holder to sell or furnish alcoholic
10 **beverages, *wine* and beer to passengers for consumption**
11 only on trains, watercraft as described herein, or
12 aircraft, respectively. Each such license shall be
13 valid throughout the state as a state license. Only
14 one such license shall be required for all trains,
15 watercraft, or aircraft operated in the state by the
16 licensee.

17 Sec. Section one hundred twenty-three point
18 thirty-two (123.32), subsections one (1), two (2),
19 **and four (4), Code 1975, are amended to read as**
20 follows:

21 1. FILING OF APPLICATION. An application for
22 a class "A", class "B", or class "C" liquor control
23 license, [and] for a retail beer permit as provided
24 in sections 123.128 and 123.129, *or for a retail wine*
25 *permit as provided in this chapter, accompanied by*
26 the required fee and bond, shall be filed with the
27 appropriate city council if the premises for which
28 the license or permit is sought are located within
29 the corporate limits of a city, or with the board
30 of supervisors if the premises for which the license
31 or permit is sought are located outside the corporate
32 limits of a city. **An application for a class "D"**
33 **liquor control license and for a class "A" beer or**
34 ***wine* permit, accompanied by the required fee and bond,**
35 **shall be filed with the department, which shall proceed**
36 **in the same manner as in the case of an application**
37 **approved by local authorities.**

38 2. ACTION BY LOCAL AUTHORITIES. The local
39 authority shall either approve or disapprove the
40 issuance of a liquor control license or retail *wine*
41 *or beer* permit, and shall endorse such approval or
42 disapproval on the application and forward same along
43 with the required fee and bond to the department.
44 Upon the initial issuance of a liquor control license
45 or retail beer *or wine* permit, the fact that the local
46 authority determines that no liquor control license
47 or retail beer *or wine* permit shall be issued shall
48 not be held to be arbitrary, capricious, or without
49 reasonable cause. There shall be no limit upon the
50 number of liquor control licenses or retail beer *or*

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1 *wine* permits which may be approved for issuance by
2 local authorities.
3 4. APPEAL TO HEARING BOARD. Any applicant for
4 a liquor control license, or a wine or beer permit
5 may appeal to the department hearing board, established
6 pursuant to section 123.15, from the director's
7 disapproval of an application for a license or permit.
8 If, upon such appeal the hearing board shall determine
9 that the local authority acted arbitrarily, capri-
10 ciously, or without reasonable cause in disapproving
11 the application, or that, where the local authority
12 approved the application, the director's own
13 disapproval should be reversed, it shall order issuance
14 of a license or permit. The same right of appeal
15 to the hearing board shall be afforded a liquor control
16 licensee, or a wine or beer permittee whose license
17 or permit has been suspended or revoked under this
18 chapter, and the hearing board shall reduce the period
19 of suspension or order reinstatement of such license
20 or permit for good cause shown.

21 Sec. Section one hundred twenty-three point
22 thirty-three (123.33), Code 1975, is amended to read
23 as follows:

24 123.33 RECORDS. Every holder of a liquor control
25 license shall keep a daily record of the gross receipts
26 of his business. Each bottle emptied, except beer
27 or wine bottles, shall be broken immediately by the
28 licensee or his agent into a container provided for
29 that purpose. The records herein required and the
30 premises of the licensee shall be open to agents of
31 the division of beer and liquor law enforcement of
32 the department of public safety during normal business
33 hours of the licensee.

34 Sec. Section one hundred twenty-three point
35 thirty-four (123.34), Code 1975, is amended to read
36 as follows:

37 123.34 EXPIRATION—SEASONAL LICENSE OR PERMIT.

38 All liquor control licenses, wine and beer permits,
39 unless sooner suspended or revoked, shall expire one
40 year from date of issuance. The director shall cause
41 sixty days' notice of such expiration to be given
42 to each licensee or permittee in writing. However,
43 the director may issue six-month or eight-month
44 seasonal licenses or class "B" beer or wine permits
45 for a proportionate part of the license or permit
46 fee. No refund shall be made for seasonal licenses
47 or permits. No seasonal license or permit shall be
48 renewed except after a period of two months.

49 Sec. Section one hundred twenty-three point
50 thirty-five (123.35), Code 1975, is amended to read

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1 as follows:

2 123.35 SIMPLIFIED RENEWAL PROCEDURE. The director

3 shall prescribe simplified application forms for the
4 renewal of liquor control licenses, and *wine* and beer
5 permits issued under the provisions of this chapter,
6 which may be filed by licensees and permittees in
7 lieu of a detailed renewal application form when
8 qualifications and qualification information have
9 not changed since the original issuance of the license
10 or permit. Such simplified form shall require the
11 licensee or permittee to verify under oath that the
12 information contained in the original application
13 remains current, and that no reason exists for the
14 department's refusal to renew the license or permit
15 as originally issued.

16 Such application, accompanied by the required fee
17 and bond, shall be filed in the same manner as is
18 provided for filing the initial application.

19 Sec. Section one hundred twenty-three point
20 thirty-six (123.36), subsection two (2), Code 1975,
21 is amended to read as follows:

22 2. Class "A" liquor control licenses, the sum
23 of six hundred dollars, except that for class "A"
24 licenses in cities of less than two thousand
25 population, and for clubs of less than two hundred
26 fifty members, the license fee shall be four hundred
27 dollars; however, the fee shall be two hundred dol-
28 lars for any club which is a post, branch, or chapter
29 of a veterans organization chartered by the Congress
30 of the United States, if such club does not sell or
31 permit the consumption of alcoholic beverages or beer
32 or *wine* on the premises more than one day in any week,
33 and if the application for a license states that such
34 club does not and will not sell or permit the con-
35 sumption of alcoholic beverages or beer or *wine* on
36 the premises more than one day in any week.

37 Sec. Section one hundred twenty-three point
38 thirty-seven (123.37), Code 1975, is amended to read
39 as follows:

40 123.37 POWER TO LICENSE AND LEVY TAXES. The power
41 to establish licenses and permits and levy taxes as
42 imposed in title VI of the Code is vested exclusively
43 with the state. Unless specifically provided, no
44 local authority shall levy a local tax on the sale
45 of alcoholic beverages, *wine* or beer, require the
46 obtaining of a special license or permit for such
47 sale on any establishment, or require the obtaining
48 of a license by any person as a condition precedent
49 to his employment in the sale, serving, or handling
50 of alcoholic beverages, *wine* or beer within an

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1 establishment operating under a license or permit.

2 Sec. Section one hundred twenty-three point
3 thirty-eight (123.38), unnumbered paragraphs one (1)
4 and two (2), Code 1975, are amended to read as follows:

5 A special liquor permit, liquor control license,

6 *wine* or beer permit shall be a purely personal
7 privilege and be revocable for cause. It shall not
8 constitute property nor be subject to attachment and
9 execution nor be alienable nor assignable, and in
10 any case it shall cease upon the death of the permittee
11 or licensee. However, the director may in his
12 discretion allow the executor or administrator of
13 a permittee or licensee to operate the business of
14 the decedent for a reasonable time not to exceed the
15 expiration date of the permit or license. Every
16 permit or license shall be issued in the name of the
17 applicant and no person holding a permit or license
18 shall allow any other person to use same.

19 Any such licensee or permittee, or his executor,
20 administrator, or any person duly appointed by the
21 court to take charge of and administer the property
22 or assets of the licensee or permittee for the benefit
23 of his creditors, may voluntarily surrender such
24 license or permit to the department and when so
25 surrendered the department shall notify the local
26 authority, and the department [and] or such local
27 authority, [or the local authority by itself in the
28 case of a retail beer permit] or both, shall refund
29 to the person so surrendering the license or permit
30 a proportionate amount of [the] any fee [paid] received
31 by the department or that local authority for such
32 license or permit as follows: If surrendered during
33 the first three months of the period for which said
34 license or permit was issued the refund shall be
35 three-fourths of the amount of the fee; if surrendered
36 more than three months but not more than six months
37 after issuance the refund shall be one-half of the
38 amount of the fee; if surrendered more than six months
39 but not more than nine months after issuance the
40 refund shall be one-fourth of the amount of the fee.
41 No refund shall be made, however, for any special
42 liquor permit, nor for a liquor control license, or
43 *wine* or beer permit surrendered more than nine months
44 after issuance. For purposes of this paragraph, any
45 portion of license or permit fees deposited in the
46 county mental health and institutions fund shall not
47 be deemed received either by the department or by
48 a local authority. No refund shall be made to any
49 licensee or permittee, upon the surrender of his
50 license or permit, if there is at the time of said

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1 surrender a complaint filed with the department or
2 local authority, charging [him] the person with a viola-
3 tion of the provisions of this chapter. If upon
4 hearing on any such complaint the license or permit
5 is not revoked or suspended, then the licensee or
6 permittee shall be eligible, upon surrender of [his]
7 the license or permit, to receive a refund as herein
8 provided[.]: But if [his] the license or permit is revoked

9 or suspended upon such hearing [he] *the licensee or*
10 *permittee* shall not be eligible for the refund of
11 any portion of [his] *the* license or permit fee.

12 Sec. Section one hundred twenty-three point
13 thirty-nine (123.39), Code 1975, is amended to read
14 as follows:

15 **123.39 SUSPENSION OR REVOCATION OF LIQUOR**
LICENSE,

16 **WINE OR BEER PERMIT.** Any liquor control license,
17 *wine or beer permit* issued under this chapter may,
18 after notice in writing to the license or permit
19 holder and reasonable opportunity for hearing, and
20 subject to section 123.50 where applicable, be
21 suspended for a period not to exceed one year or
22 revoked by the local authority or the director for
23 any of the following causes:

24 1. Misrepresentation of any material fact in the
25 application for such license or permit.

26 2. Violation of any of the provisions of this
27 chapter.

28 3. Any change in the ownership or interest in
29 the business operated under a class "A", class "B",
30 or class "C" liquor control license, or any *wine or*
31 *beer permit* which change was not previously reported
32 to and approved by the local authority and the
33 department.

34 4. An event which would have resulted in
35 disqualification from receiving such license or permit
36 when originally issued.

37 5. Any sale, hypothecation, or transfer of such
38 license or permit.

39 6. The failure or refusal on the part of any
40 licensee or permittee to render any report or remit
41 any taxes to the department under this chapter when
42 due.

43 Local authorities shall have the power to suspend
44 any retail *wine or beer permit* or liquor control
45 license for a violation of any ordinance or regulation
46 adopted by such local authority. Local authorities
47 are empowered to adopt ordinances or regulations for
48 the location of the premises of retail *wine or beer*
49 and liquor control licensed establishments and are
50 empowered to adopt ordinances, not in conflict with

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1 the provisions of this chapter and that do not diminish
2 the hours during which beer, *wine* or alcoholic
3 beverages may be sold or consumed at retail, governing
4 any other activities or matters which may affect the
5 retail sale and consumption of beer, *wine* and alcoholic
6 liquor and the health, welfare and morals of the
7 community involved.

8 Sec. Section one hundred twenty-three point
9 forty (123.40), Code 1975, is amended to read as
10 follows:

11 123.40 EFFECT OF REVOCATION. Any liquor control
12 licensee, *wine* or beer permittee whose license or
13 permit is revoked under this chapter shall not
14 thereafter be permitted to hold a liquor control
15 license, *wine* or beer permit in the state of Iowa
16 for a period of two years from the date of such
17 revocation. The spouse and business associates holding
18 ten percent or more of the capital stock or ownership
19 interest in the business of a person whose license
20 or permit has been revoked shall not be issued a
21 liquor control license, *wine* or beer permit, and no
22 liquor control license, *wine* or beer permit shall
23 be issued which covers any business in which such
24 person has a financial interest for a period of two
25 years from the date of such revocation. In the event
26 a license or permit is revoked the premises which
27 had been covered by such license or permit shall not
28 be relicensed for one year.

29 Sec. Section one hundred twenty-three point
30 forty-four (123.44), Code 1975, is amended to read
31 as follows:

32 123.44 GIFT OF LIQUORS PROHIBITED. No manufacturer
33 or wholesaler shall give away any alcoholic liquor
34 of any kind or description at any time in connection
35 with his business except for testing or sampling
36 purposes only. No manufacturer, vintner, wholesaler,
37 or importer, organized as a corporation pursuant to
38 the laws of this state or any other state, and who
39 deals in alcoholic liquor, *wine* or beer subject to
40 this chapter shall offer or give anything of value
41 to any council member, official or employee of the
42 department or directly or indirectly contribute in
43 any manner any money or thing of value to any person
44 seeking a public or appointive office or any recognized
45 political party or a group of persons seeking to
46 become a recognized political party.

47 Sec. Section one hundred twenty-three point
48 forty-five (123.45), Code 1975, is amended to read
49 as follows:

50 123.45 INTEREST IN [LIQUOR] *REGULATED* BUSINESS.

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1 No council member or department employee shall,
2 directly or indirectly, individually, or as a member
3 of a partnership or shareholder in a corporation,
4 have any interest in dealing in or in the manufacture
5 of alcoholic liquor, *wine* or beer nor receive any
6 kind of profit nor have any interest in the purchase
7 or sale of alcoholic liquor, *wine* or beer by persons
8 so authorized under this chapter except that this
9 provision shall not prevent any such member or employee
10 from lawfully purchasing and keeping alcoholic liquor,
11 *wine* or beer in his possession for personal use.

12 No person engaged in the business of manufacturing,
13 bottling, or wholesaling alcoholic beverages, *wine*

14 or beer, nor any jobber or agent of such person, shall
15 directly or indirectly supply, furnish, give, or pay
16 for any furnishings, fixtures, or equipment used in
17 the storage, handling, serving, or dispensing of
18 alcoholic beverages, *wine*, beer, or food within the
19 place of business of a licensee or permittee authorized
20 under the provisions of this chapter, to sell at
21 retail; nor shall he directly or indirectly extend
22 any credit for alcoholic beverages, *wine* or beer or
23 pay for any such license or permit, nor directly or
24 indirectly be interested in the ownership, conduct,
25 or operation of the business of another licensee or
26 permittee authorized under the provisions of this
27 chapter to sell at retail. Any licensee or permittee
28 who shall permit or assent or be a party in any way
29 to any such violation or infringement of the provisions
30 of this chapter shall be deemed guilty of a viola-
31 tion of the provisions of this chapter.

32 Sec. Section one hundred twenty-three point
33 forty-six (123.46), Code 1975, is amended to read
34 as follows:

35 123.46 CONSUMPTION IN PUBLIC PLACES—INTOXICATION.

36 It is unlawful for any person to use or consume
37 alcoholic liquors, *wine* or beer upon the public streets
38 or highways, or alcoholic liquors in any public place,
39 except premises covered by a liquor control license,
40 or to possess or consume alcoholic liquors, *wine* or
41 beer on any public school property or while attending
42 any public or private school related functions, and
43 no person shall be intoxicated nor simulate
44 intoxication in a public place. As used in this
45 section "school" means a school or that portion
46 thereof, which provides teaching for any grade from
47 kindergarten through grade twelve. Any person
48 violating any provisions of this section shall be
49 fined not to exceed one hundred dollars or sentenced
50 not to exceed thirty days in the county jail.

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1 Sec. Section one hundred twenty-three point
2 forty-seven (123.47), Code 1975, is amended to read
3 as follows:

4 123.47 PERSONS UNDER LEGAL AGE. No person shall
5 sell, give, or otherwise supply alcoholic liquor,
6 *wine* or beer to any person knowing or having reasonable
7 cause to believe him to be under legal age, and no
8 person or persons under legal age shall individually
9 or jointly have alcoholic liquor, *wine* or beer in
10 his or their possession or control; except in the
11 case of liquor, *wine* or beer given or dispensed to
12 a person under legal age within a private home and
13 with the knowledge and consent of the parent or
14 guardian for beverage or medicinal purposes or as
15 administered to him by either a physician or dentist
16 for medicinal purposes and except to the extent that

17 a person under legal age may handle alcoholic bev-
18 erages, *wine* and beer during the regular course of
19 his or her employment by a liquor control licensee,
20 *wine* or beer permittee under this chapter.

21 Sec. Section one hundred twenty-three point
22 forty-nine (123.49), subsections one (1), two (2),
23 and three (3), Code 1975, are amended to read as
24 follows:

25 1. No person shall sell, dispense, or give to
26 any intoxicated person, or one simulating intoxication,
27 any alcoholic liquor, *wine* or beer.

28 2. No person or club holding a liquor control
29 license or retail *wine* or beer permit under this
30 chapter, nor his agents or employees, shall do any
31 of the following:

32 a. Knowingly permit any gaming, gambling,
33 solicitation for immoral purposes, or immoral or
34 disorderly conduct on the premises covered by the
35 license or permit. This paragraph shall not apply
36 to games of skill, games of chance, or raffle conducted
37 pursuant to chapter 99B, or to devices lawful under
38 section 99B.10 or to games lawful under section 726.12.

39 b. Sell or dispense any alcoholic beverage, *wine*
40 or beer on the premises covered by the license or
41 permit, or permit the consumption thereon between
42 the hours of two a.m. and six a.m. on any weekday,
43 and between the hours of two a.m. on Sunday and six
44 a.m. on the following Monday, however, a holder of
45 a liquor control license or class "B" beer permit
46 granted the privilege of selling alcoholic liquor
47 or beer on Sunday may sell or dispense such liquor
48 or beer between the hours of noon and ten p.m. on
49 Sunday.

50 c. Sell alcoholic beverages, *wine* or beer to any

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1 person on credit, except with a bona fide credit card.
2 This provision shall not apply to sales by a club
3 to its members nor to sales by a hotel or motel to
4 bona fide registered guests.

5 d. Keep on any premises covered by a liquor control
6 license any alcoholic liquor in any container except
7 the original package purchased from the department,
8 except still wines placed in dispensing or serving
9 containers for temporary storage, and except mixed
10 drinks or cocktails mixed on the premises for immediate
11 consumption. This prohibition shall not apply to
12 common carriers holding a class "D" liquor control
13 license.

14 e. Reuse for packaging alcoholic liquor any
15 container or receptacle used originally for packaging
16 alcoholic liquor; or adulterate, by the addition of
17 any substance, the contents or remaining contents
18 of an original package of alcoholic liquor; or
19 knowingly possess any original package which has been

20 so reused or adulterated.

21 f. Any person under legal age shall not be employed
22 in the sale or serving of alcoholic liquor, *wine* or
23 beer for consumption on the premises where sold unless
24 the person shall be at least eighteen years old and
25 the business of selling food or other services
26 constitutes more than fifty percent of the gross
27 business transacted therein and then only for the
28 purpose of serving or clearing alcoholic beverages,
29 *wine* or beer as an incident to a meal. This paragraph
30 shall not apply to class "C" beer or *wine* permit
31 holders.

32 g. Allow any person other than the licensee,
33 permittee, or employees of such licensee or permittee,
34 to use or keep on the licensed premises any alcoholic
35 liquor in any bottle or other container which is
36 designed for the transporting of such beverages,
37 except as permitted in section 123.95. This paragraph
38 shall not apply to the lodging quarters of a class
39 "B" liquor control licensee or *wine* or beer permittee,
40 or to common carriers holding a class "D" liquor
41 control license.

42 h. Sell, give, or otherwise supply any alcoholic
43 beverage, *wine* or beer to any person knowing or having
44 reasonable cause to believe him to be under legal
45 age, or permit any person knowing or having reasonable
46 cause to believe him to be under legal age, to consume
47 any alcoholic beverage, *wine* or beer.

48 i. In the case of a retail beer or *wine* permittee,
49 knowingly allow the mixing or adding of alcohol or
50 any alcoholic beverage to beer or *wine* or any other

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1 beverage in or about his place of business.

2 3. No person under legal age shall misrepresent
3 his or her age for the purpose of purchasing or
4 attempting to purchase any alcoholic beverage, *wine*
5 or beer from any licensee or permittee. If any person
6 under legal age shall misrepresent his or her age,
7 and the licensee or permittee establishes that he
8 made reasonable inquiry to determine whether such
9 prospective purchaser was over legal age, such licensee
10 or permittee shall not be guilty of selling alcoholic
11 liquor, *wine* or beer to minors.

12 Sec. Section one hundred twenty-three point
13 fifty (123.50), subsections two (2) and three (3),
14 Code 1975, are amended to read as follows:

15 2. The conviction of any liquor control licensee,
16 or *wine* or beer permittee for a violation of any of
17 the provisions of section 123.49 shall, subject to
18 subsection 3 of this section, be grounds for the
19 suspension or revocation of the license or permit
20 by the department or the local authority. However,
21 if any liquor control licensee is convicted of any
22 violation of subsection 2, paragraphs "a", "d" or

23 "e", of such section, or any *wine or beer permittee*
24 is convicted of a violation of paragraph "a", the
25 liquor control license, *wine or beer permit* shall
26 be revoked and shall immediately be surrendered by
27 the holder, and the bond of the license or permit
28 holder shall be forfeited to the department.

29 3. If any licensee, *wine or beer permittee*, or
30 employee of such licensee or permittee shall be
31 convicted of a violation of section 123.49, subsection
32 2, paragraph "h", or a retail *wine or beer permittee*
33 shall be convicted of a violation of paragraph "i"
34 of such subsection, the director or local authority
35 shall, in addition to the other penalties fixed for
36 such violations by this section, assess a penalty
37 as follows:

38 a. Upon a first conviction, the violator's liquor
39 control license, or *wine or beer permit* shall be
40 suspended for a period of fourteen days.

41 b. Upon a second conviction within a period of
42 two years, the violator's liquor control license,
43 or *wine or beer permit* shall be suspended for a period
44 of thirty days.

45 c. Upon a third conviction within a period of
46 five years the violator's liquor control license,
47 or *wine or beer permit* shall be suspended for a period
48 of sixty days.

49 d. Upon a fourth conviction within a period of
50 five years, the violator's liquor control license,

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1 or *wine or beer permit* shall be revoked.

2 Sec. Section one hundred twenty-three point
3 fifty-six (123.56), Code 1975, is amended by striking
4 the section and inserting in lieu thereof the
5 following:

6 **123.56 NATIVE WINES.** Subject to rules and
7 regulations of the department, manufacturers of native
8 wines from grapes, cherries, other fruit juices, or
9 honey holding a class "A" wine permit as required
10 by this chapter may sell, keep, or offer for sale
11 and deliver the same. Such sales may be made at
12 retail for off-premises consumption when sold on the
13 premises of the manufacturer.

14 A manufacturer of native wines shall not sell such
15 wines otherwise than as permitted in this chapter
16 or allow any wine so sold to be consumed upon the
17 premises of such manufacturer. However, native wines
18 may be sampled when no charge is made therefor on
19 the premises where made prior to sale. Any person
20 may manufacture native wine for consumption on his
21 own premises when such wine or any part thereof is
22 not manufactured for sale.

23 For the purposes of this section "manufacturer"
24 includes only those persons who process the fruit
25 or honey by fermentation into wines in Iowa.

26 Sec. Section one hundred twenty-three point
27 fifty-nine (123.59), Code 1975, is amended to read
28 as follows:

29 **123.59 BOOTLEGGING.** Any person who, by himself,
30 or through another acting for him, shall keep or carry
31 on his person, or in a vehicle, or leave in a place
32 for another to secure, any alcoholic liquor, *wine*
33 or beer with intent to sell or dispense of such liquor,
34 *wine* or beer by gift or otherwise in violation of
35 law, or who shall, within this state, in any manner,
36 directly or indirectly, solicit, take, or accept
37 any order for the purchase, sale, shipment, or delivery
38 of such alcoholic liquor, *wine* or beer in violation
39 of law, or aid in the delivery and distribution of
40 any alcoholic liquor, *wine* or beer so ordered or
41 shipped, or who shall in any manner procure for, sell,
42 or give any alcoholic liquor, *wine* or beer to any
43 person under legal age, for any purpose except as
44 authorized and permitted in this chapter, shall be
45 a bootlegger and be subject to the general penalties
46 provided by this chapter.

47 Sec. Section one hundred twenty-three point
48 sixty (123.60), Code 1975, is amended to read as
49 follows:

50 **123.60 NUISANCES.** The premises where the unlawful

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1 manufacture or sale, or keeping with intent to sell,
2 use or give away, of alcoholic liquors, *wine* or beer
3 is carried on, and any vehicle or other means of
4 conveyance used in transporting such liquor, *wine*
5 or beer in violation of law, and the furniture,
6 fixtures, vessels and contents, kept or used in
7 connection with such activities are nuisances and
8 shall be abated as provided in this chapter.

9 Sec. Section one hundred twenty-three point
10 seventy-one (123.71), Code 1975, is amended to read
11 as follows:

12 **123.71 CONDITIONS.** In no case shall a bootlegger
13 injunction proceeding, as provided in this chapter,
14 be maintained unless it be shown to the court that
15 efforts in good faith have been made to discover the
16 base of supplies or place where the defendant charged
17 as a bootlegger conducts his unlawful business or
18 receives or manufactures the alcoholic liquor, *wine*
19 or beer, of which he is charged with bootlegging.

20 Sec. Section one hundred twenty-three point
21 seventy-two (123.72), Code 1975, is amended to read
22 as follows:

23 **123.72 ORDER OF ABATEMENT.** If the existence of
24 a nuisance is established in a civil or criminal
25 action, an order of abatement shall be entered as
26 a part of the judgment in the case. Such order shall
27 direct the confiscation of all alcoholic liquor, *wine*
28 or beer by the state; the removal from the premises

29 involved of all fixtures, furniture, vessels, or
30 movable property used in any way in conducting the
31 unlawful business; the sale of all such removed
32 property as well as any vehicle or other means of
33 conveyance which has been abated, such sale to be
34 conducted in the manner provided for the sale of
35 chattels under execution; and the effective clos-
36 ing of the premises against use for the purpose of
37 manufacture, sale, or consumption of alcoholic liquor,
38 *wine* or beer for a period of one year, unless sooner
39 released by the court.

40 Sec. Section one hundred twenty-three point
41 eighty-one (123.81), Code 1975, is amended to read
42 as follows:

43 123.81 FORFEITURE OF BOND. If the owner of a
44 property who has filed an abatement bond as provided
45 in this chapter fails to abate the liquor, *wine* or
46 beer nuisance on the premises covered by the bond,
47 or fails to prevent the maintenance of any liquor,
48 *wine* or beer nuisance on said premises at any time
49 within a period of one year after entry of the
50 abatement order, the court shall, after a hearing

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1 in which such fact is established, direct an entry
2 of such violation of the terms of the owner's bond,
3 to be made on the record and the undertaking of his
4 bond thereupon forfeited.

5 Sec. Section one hundred twenty-three point
6 eighty-four (123.84), Code 1975, is amended to read
7 as follows:

8 123.84 JUDGMENT. If the court after hearing finds
9 a liquor, *wine* or beer nuisance has been maintained
10 on the premises covered by the abatement bond and
11 that liquor, *wine* or beer has been sold or kept for
12 sale on the premises contrary to law within one year
13 from the date of the giving of such bond, then the
14 court shall order the forfeiture of the bond and enter
15 judgment for the full amount of such bond against
16 the principal and sureties thereof, and the lien on
17 the real estate created pursuant to section 123.79
18 shall be decreed foreclosed and the court shall provide
19 for a special and general execution for the enforcement
20 of such decree and judgment.

21 Sec. Section one hundred twenty-three point
22 ninety-two (123.92), Code 1975, is amended to read
23 as follows:

24 123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT
25 OF BEER, *WINE* OR INTOXICANTS BY LICENSEES. Every
26 husband, wife, child, parent, guardian, employer or
27 other person who shall be injured in person or property
28 or means of support by any intoxicated person or
29 resulting from the intoxication of any such person,
30 shall have a right of action, severally or jointly
31 against any licensee or permittee who shall sell or

32 give any beer, *wine* or intoxicating liquor to any
33 such person while he is intoxicated, or serve any
34 such person to a point where such person is intoxicated
35 for all damages actually sustained.

36 Every liquor control licensee and class "B" beer
37 or *wine* permittee shall furnish proof of financial
38 responsibility either by the existence of a liability
39 insurance policy or by posting bond in such amount
40 as determined by the department.

41 Sec. Section one hundred twenty-three point
42 ninety-five (123.95), Code 1975, is amended to read
43 as follows:

44 123.95 PREMISES MUST BE LICENSED—EXCEPTION AS
45 TO CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful
46 for any person to allow the dispensing or consumption
47 of intoxicating liquor, except sacramental wines *and*
48 *wine* and beer, in any establishment unless such
49 establishment is licensed under this chapter.

50 However, bona fide conventions or meetings may

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1 bring their own legal liquor onto the licensed premises
2 if the liquor is served to delegates or guests without
3 cost. All other provisions of this chapter shall
4 be applicable to such premises. The provisions of
5 this section shall have no application to private
6 social gatherings of friends or relatives in a private
7 home or a private place which is not of a commercial
8 nature nor where goods or services may be purchased
9 or sold nor any charge or rent or other thing of value
10 is exchanged for the use of such premises for any
11 purpose other than for sleeping quarters.

12 Sec. Section one hundred twenty-three point
13 one hundred twenty-one (123.121), Code 1975, is amended
14 to read as follows:

15 123.121 VENUE. In any prosecution under this
16 chapter for the unlawful sale of alcoholic liquor,
17 *wine* or beer a sale of alcoholic liquor, *wine* or beer
18 which requires a shipment or delivery of such liquor,
19 *wine* or beer shall be deemed to be made in the county
20 in which such delivery is made by the carrier to the
21 consignee, his agent, or employee.

22 In any prosecution under this chapter for the
23 unlawful transportation of intoxicating liquor, the
24 offense shall be held to have been committed in any
25 county in which such liquor is received for
26 transportation, through which it is transported, or
27 in which it is delivered.

28 Sec. Section one hundred twenty-three point
29 one hundred twenty-two (123.122), Code 1975, is amended
30 to read as follows:

31 123.122 PERMIT OR LICENSE REQUIRED. No person
32 shall manufacture for sale or sell beer or *wine* at
33 wholesale or retail unless a permit is first obtained
34 as provided in this division or, a liquor control

35 license authorizing the retail sale of beer *or wine*
36 *or both* is first obtained as provided in division
37 I of this chapter. No liquor control license holder
38 shall be required to hold a separate class "B" beer
39 *or wine* permit or to post a separate bond.

40 Sec. Section one hundred twenty-three point
41 one hundred twenty-three (123.123), Code 1975, is
42 amended to read as follows:

43 123.123 EFFECT ON LIQUOR CONTROL LICENSEES. All
44 applicable provisions of this division relating to
45 class "B" beer *or wine* permits shall apply to liquor
46 control licensees in the purchasing, storage, handling,
47 serving, and sale of beer *or wine*.

48 Sec. Section one hundred twenty-three point
49 one hundred twenty-four (123.124), Code 1975, is
50 amended by adding the following new unnumbered

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1 paragraph:

2 **NEW UNNUMBERED PARAGRAPH.** Permits for the
3 manufacture and sale, or sale of wine shall also be
4 divided into three classes, and shall be known as
5 either class "A", "B", or "C" wine permits. Except
6 as provided in section one hundred twenty-three point
7 fifty-six (123.56) of the Code, a class "A" wine
8 permit shall allow the holder to manufacture and sell
9 wine at wholesale. All applicants for a class "A"
10 wine permit shall be residents of the state of Iowa
11 for a period of at least two consecutive years
12 immediately prior to making application therefor.
13 If such applicant is a corporation or partnership,
14 the two-year residency requirement shall apply to
15 each of the officers, directors, and partners of such
16 applicant. The holder of a class "A" wine permit
17 may manufacture wine of more than seventeen percent
18 alcohol by weight for shipment outside the state only
19 or for sale to the Iowa beer and liquor control
20 department. A class "B" wine permit shall allow the
21 holder to sell wine at retail for consumption on or
22 off the premises. A class "C" wine permit shall allow
23 the holder to sell wine at retail for consumption
24 off the premises.

25 Sec. Section one hundred twenty-three point
26 one hundred twenty-five (123.125), Code 1975, is
27 amended to read as follows:

28 123.125 ISSUANCE OF PERMITS. The director shall
29 issue class "A", "B", and "C" beer *permits or wine*
30 permits and may suspend or revoke such permits for
31 cause as provided in this chapter.

32 Sec. Section one hundred twenty-three point
33 one hundred twenty-six (123.126), Code 1975, is amended
34 to read as follows:

35 123.126 PROHIBITED INTEREST. It shall be unlawful
36 for any person or persons to be either directly or
37 indirectly interested in more than one class of beer

38 *or one class of wine permit.*

39 Sec. Section one hundred twenty-three point
40 one hundred twenty-nine (123.129), subsection five
41 (5), Code 1975, is amended to read as follows:

42 5. States the number of square feet of interior
43 floor space which comprises the retail sales area
44 of the premises for which the permit is sought *except*
45 *that this provision shall not be necessary or*
46 *applicable in obtaining a class "C" wine permit.*

47 Sec. Section one hundred twenty-three point
48 one hundred thirty (123.130), Code 1975, is amended
49 to read as follows:

50 123.130 AUTHORITY UNDER CLASS "A" PERMIT. Any

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1 person holding a class "A" permit issued by the
2 department shall be authorized to manufacture and
3 sell, or sell at wholesale, beer *or wine as the case*
4 *may be* for consumption off the premises, such sales
5 within the state to be made only to persons holding
6 subsisting class "A", "B" or "C" permits, or liquor
7 control licenses issued in accordance with the provi-
8 sions of this chapter.

9 Sec. Section one hundred twenty-three point
10 one hundred thirty-one (123.131), Code 1975, is amended
11 to read as follows:

12 123.131 AUTHORITY UNDER CLASS "B" PERMIT. Subject
13 to the provisions of this chapter, any person holding
14 a class "B" permit shall be authorized to sell beer
15 *or wine as the case may be* for consumption on or off
16 the premises. However, unless otherwise provided
17 in this chapter, no sale of beer *or wine* shall be
18 made for consumption on the premises unless the place
19 where such service is made is equipped with tables
20 and seats sufficient to accommodate not less than
21 twenty-five persons at one time.

22 Sec. Section one hundred twenty-three point
23 one hundred thirty-two (123.132), Code 1975, is amended
24 to read as follows:

25 123.132 AUTHORITY UNDER CLASS "C" PERMIT. Any
26 person holding a class "C" permit shall be allowed
27 to sell beer *or wine* as the case may be for consumption
28 off the premises. Such sales shall be in original
29 containers only.

30 Sec. Section one hundred twenty-three point
31 one hundred thirty-three (123.133), Code 1975, is
32 amended to read as follows:

33 123.133 SALE ON TRAINS—BOND. Subject to the
34 provisions of this chapter, any dining car company,
35 sleeping car company, railroad company, or railway
36 company may make application to the director for
37 special class "B" permit, and the director may issue
38 a permit to any such company which shall authorize
39 the holder to keep for sale and sell beer *or wine*
40 *as the case may be* on any dining car, sleeping car,

41 buffet car, or observation car operated by such
42 applicant in, through, or across the state. The
43 application for such permit shall be in such form
44 and contain such information as may be required by
45 the director. Each such permit shall be good
46 throughout the state as a state permit. Only one
47 such permit shall be required for all cars operated
48 in this state by such applicant, but a duplicate of
49 such permit shall be posted in each car in which such
50 beverages are sold; and no further permit shall be

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1 required or tax levied for the privilege of selling
2 beer and wine for consumption in such cars. As a
3 condition precedent to the issuing of any such permit,
4 the applicant shall give bond to the department, with
5 good and sufficient sureties thereon to be approved
6 by the director, conditioned upon faithful compliance
7 with the provisions of this chapter in the penal sum
8 of one thousand dollars.

9 Sec. Section one hundred twenty-three point
10 one hundred thirty-four (123.134), subsections two
11 (2) and three (3), Code 1975, are amended to read
12 as follows:

13 2. The annual permit fee for a class "B" permit
14 except for a class "B" wine permit shall be graduated
15 according to population as follows:

16 a. For premises located within the corporate
17 limits of cities with a population of ten thousand
18 and over, three hundred dollars.

19 b. For premises located within the corporate
20 limits of cities with a population of at least fifteen
21 hundred but less than ten thousand, two hundred
22 dollars.

23 c. For premises located within the corporate
24 limits of cities with a population of under fifteen
25 hundred, one hundred dollars.

26 d. For premises located outside the corporate
27 limits of any city, a sum equal to that charged in
28 the incorporated city located nearest the premises
29 to be operated under the permit, and in case there
30 is doubt as to which of two or more differing corporate
31 limits are the nearest, the permit fee which is the
32 largest shall prevail.

33 3. The annual permit fee for a class "C" permit
34 except for a class "C" wine permit shall be graduated
35 on the basis of the amount of interior floor space
36 which comprises the retail sales area of the premises
37 covered by the permit, as follows:

38 a. Up to one thousand five hundred square feet,
39 the sum of seventy-five dollars.

40 b. Over one thousand five hundred square feet
41 and up to two thousand square feet, the sum of one
42 hundred dollars.

43 c. Over two thousand and up to five thousand

44 square feet, the sum of two hundred dollars.
45 d. Over five thousand square feet, the sum of
46 three hundred dollars.
47 Sec. Section one hundred twenty-three point
48 one hundred thirty-four (123.134), Code 1975, is
49 amended by adding the following new subsections:
50 **NEW SUBSECTION.** The annual permit fee for a class

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1 "A" wine permit shall be two hundred fifty dollars.
2 **NEW SUBSECTION.** The annual permit fee for a class
3 "B" wine permit shall be two hundred dollars.
4 **NEW SUBSECTION.** The annual permit fee for a class
5 "C" wine permit holder whose food sales represent
6 at least seventy-five percent of his total dollar
7 volume shall be graduated on a basis of the amount
8 of interior floor space which comprise the retail
9 sales area of the premises covered by the permit as
10 follows:
11 a. Up to two thousand five hundred square feet,
12 the sum of seventy-five dollars.
13 b. Over two thousand five hundred square feet
14 and up to five thousand square feet, the sum of one
15 hundred dollars.
16 c. Over five thousand square feet and up to ten
17 thousand square feet, the sum of one hundred fifty
18 dollars.
19 d. Over ten thousand square feet and up to twenty
20 thousand square feet, the sum of two hundred dollars.
21 e. Over twenty thousand square feet, the sum of
22 three hundred dollars.
23 The annual permit fee for a class "C" wine permit
24 holder whose total food sales represent less than
25 seventy-five percent of his total dollar volume shall
26 be three hundred dollars.
27 Sec. Section one hundred twenty-three point
28 one hundred thirty-five (123.135), Code 1975, is
29 amended by adding the following new subsection:
30 **NEW SUBSECTION.**
31 a. Any manufacturer, vintner, bottler, importer,
32 or vendor of wine or any agent thereof desiring to
33 ship, sell, or have wine brought into this state for
34 sale at wholesale by a class "A" permittee shall first
35 make application for and shall be issued a vintner's
36 certificate of compliance by the director for such
37 purpose. Such certificate of compliance shall ex-
38 pire at the end of one year from the date of issuance
39 and shall be renewed for a like period upon application
40 to the director unless otherwise revoked for cause.
41 Each application for a certificate of compliance or
42 renewal thereof shall be accompanied by a fee of one
43 hundred dollars payable to the department. Each
44 holder of a certificate of compliance shall furnish
45 such information and in such form as the director
46 may require. Any vintner, or wine bottler whose plant

47 is located in Iowa and who otherwise holds a class
48 "A" wine permit to sell wine at wholesale shall be
49 exempt from the fee, but not of the terms and
50 conditions, as in this section provided.

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1 b. At the time of applying for a certificate of
2 compliance, each applicant shall file with the
3 department a list of all class "A" wine permittees
4 with whom it intends to do business and shall designate
5 the geographic area in which its products are to be
6 distributed by such permittees. Certificate holders
7 shall have the authority to appoint more than one
8 class "A" wine permittee to service the same geo-
9 graphic territory. The listing of class "A" permittees
10 and geographic area as filed with the department may
11 be amended from time to time by the holder of a
12 certificate of compliance.

13 c. All class "A" permit holders shall sell only
14 those brands of wine which are manufactured, bottled,
15 fermented, shipped, or imported by a person holding
16 a current certificate of compliance. Any employee
17 or agent working for or representing the holder of
18 a certificate of compliance within this state shall
19 register his name and address with the department,
20 which names and addresses shall be filed with the
21 department's copy of the certificate of compliance
22 issued excepting that this provision shall not require
23 the listing of those persons who are employed on the
24 premises of a bottling plant, or winery where wine
25 is manufactured, fermented or bottled in Iowa or to
26 the listing of those persons who are thereafter engaged
27 in the transporting such wine.

28 d. It shall be unlawful for any holder of a
29 certificate of compliance or his agent, or any class
30 "A" wine permit holder or his agent, to grant to any
31 retail wine permit holder, or any retail liquor
32 licensee, directly or indirectly, any rebates, free
33 goods, or discounts on wine.

34 e. It shall be unlawful for any holder of a
35 certificate of compliance or his agent who is engaged
36 in the business of selling wine to class "A" wine
37 permittees to discriminate in price, allowance, rebate,
38 refund, commission, discount or service between such
39 class "A" wine permittees authorized to sell wine
40 at wholesale. The term "discriminate" shall mean
41 the granting of more favorable prices, allowances,
42 rebates, refunds, commissions, discounts or services
43 to one class "A" wine permit holder than to another.

44 Notwithstanding the terms, provisions or conditions
45 of any agreement between the holder of a certificate
46 of compliance and a class "A" wine permit holder for
47 the sale and distribution of wine, such agreement
48 or contract shall be for a period of no less than

49 that period covered by the permit of the designated
50 class "A" wine permittee and such agreement or contract

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1 shall not be amended or cancelled during such period
2 unless notification is given in writing by such
3 certificate holder to an affected class "A" wine
4 permit holder ninety days prior to such contemplated
5 change in contract or an amendment of assigned geo-
6 graphic territory.

7 f. No signs or other matter advertising any brand
8 of wine shall be erected or placed upon the outside
9 of any premises which are occupied by a licensee or
10 permittee authorized to sell wine at retail.

11 g. Except as hereinafter provided, no retail
12 permittee authorized to sell wine shall sell such
13 wine for off-premise consumption for less than cost
14 adjusted to the nearest cent. Cost, for the purposes
15 of this section, shall be determined by the director
16 with the approval of a majority of the members of
17 the Iowa beer and liquor control council and shall
18 be determined by establishing a minimum percentage
19 markup for sales of wine at retail whether in case
20 lot or less. To determine "cost", a minimum percentage
21 markup shall be applied to the wholesale price of
22 wine sold by class "A" wine permittees to permittees
23 authorized to sell wine at retail.

24 With prior approval and as prescribed by the
25 director, and upon application to and on forms provided
26 by the department, the director may authorize retail
27 wine permittees and liquor control licensees to sell
28 wine for off-premise consumption below cost for the
29 following reasons:

30 (1) Discontinuance of business.

31 (2) Discontinuance of a brand or package size
32 of wine that has been in inventory on the retail
33 premises for a period of at least nine months. Any
34 brand or package size of wine discontinued shall not
35 be repurchased at wholesale by the discontinuing
36 retailer for a period of twelve months.

37 (3) For such other reason of hardship as might
38 be specified by the applicant and as allowed and
39 approved by the director.

40 h. Notwithstanding any other penalties provided
41 by this chapter, any holder of a certificate of
42 compliance relating to wine, class "A", "B" or "C"
43 wine permittee or retail liquor licensee who shall
44 violate any of the provisions of this section shall
45 be subject to a fine not to exceed one thousand dollars
46 or be subject to suspension of the certificate of
47 compliance, license or permit for a period not to
48 exceed one year or be subject to both such fine and
49 suspension.

50 Sec. Chapter one hundred twenty-three (123),

Page 27

1 Code 1975, is amended by adding the following new
2 section:

3 **NEW SECTION. WINE GALLONAGE TAX.** There shall
4 be levied and collected from all class "A" permittees
5 selling wine on all wine manufactured for sale or
6 sold in this state at wholesale and on all wine
7 imported into this state for sale at wholesale and
8 sold in this state at wholesale, a tax of forty cents
9 for every wine gallon, and at the like rate for any
10 other quantity or for the fractional parts of a wine
11 gallon.

12 No tax shall be levied or collected on wine shipped
13 outside this state by a class "A" permittee or sold
14 by one class "A" permittee to another class "A"
15 permittee.

16 All revenue derived from the wine tax shall be
17 deposited in the beer and liquor control fund
18 established by section one hundred twenty-three point
19 fifty-three (123.53) of this chapter and shall be
20 distributed as follows:

21 1. Two-thirds of the revenue derived from the
22 wine tax shall be distributed in accordance with
23 subsections three (3), four (4), five (5), and six
24 (6) of section one hundred twenty-three point fifty-
25 three (123.53) of this chapter; provided, however,
26 that the total amount so distributed shall not exceed
27 an amount equal to the funds distributed pursuant
28 to such subsections during the fiscal year ending
29 June 30, 1972, as adjusted by the percent change in
30 the gross sales of the state liquor stores in each
31 year thereafter.

32 2. One-third of the revenue derived from the wine
33 tax shall be distributed in accordance with subsection
34 seven (7) of section one hundred twenty-three point
35 fifty-three (123.53) of this chapter; provided,
36 however, that the total amount so distributed shall
37 not exceed an amount equal to the funds distributed
38 pursuant to such subsection during the fiscal year
39 ending June 30, 1972, as adjusted by the percent
40 change in the gross sales of the state liquor stores
41 in each year thereafter.

42 3. The revenue derived from the wine tax remaining
43 in the beer and liquor control fund after the
44 distributions pursuant to subsections one (1) and
45 two (2) of this section shall be transferred by the
46 state comptroller to the general fund of the state.

47 All of the provisions of this chapter relating
48 to the administration of the wine tax shall apply
49 to this section.

50 Sec. Section one hundred twenty-three point

Page 28

1 one hundred thirty-seven (123.137), Code 1975, is
2 amended to read as follows:

3 123.137 REPORT OF BARREL AND GALLONAGE SALES—

4 PENALTY. Every person holding a Class "A" permit
5 shall on or before the tenth day of each calendar
6 month commencing on the tenth day of the calendar
7 month following the month in which such person is
8 issued a permit, make a report under oath to the
9 department upon forms to be furnished by the department
10 for such purpose showing the exact number of barrels
11 of beer, *gallons of wine* or fractional parts thereof,
12 sold by such permit holder during the preceding
13 calendar month. Such report shall also state such
14 information as the director may require, and such
15 permit holders shall at the time of filing said report
16 pay to the department the amount of tax due at the
17 rate fixed in section 123.136.

18 A penalty of ten percent of the amount of the tax
19 shall be added thereto if the report is not filed
20 and the tax paid within the time required by this
21 section.

22 Sec. Section one hundred twenty-three point
23 one hundred thirty-eight (123.138), Code 1975, is
24 amended to read as follows:

25 123.138 BOOKS OF ACCOUNT REQUIRED. Each class

26 "A" permittee shall keep proper books of account and
27 records showing the amount of beer *and wine* sold by
28 him, which books of account shall be at all times
29 open to inspection by the director. Each class "B"
30 and class "C" permittee *and retail liquor licensee*
31 shall keep proper books of account and records showing
32 each purchase of beer *and wine* made by him, and the
33 date and the amount of each purchase and the name
34 of the person from whom each purchase was made, which
35 books of account and records shall be open to
36 inspection by the director and agents of the division
37 of beer and liquor law enforcement of the department
38 of public safety during normal business hours of the
39 permittee.

40 Sec. Section one hundred twenty-three point
41 one hundred thirty-nine (123.139), Code 1975, is
42 amended to read as follows:

43 123.139 SEPARATE LOCATIONS—CLASS "A". Every

44 class "A" permittee having more than one place of
45 business shall be required to have a separate permit
46 for each separate place of business maintained by
47 such permittee wherein such beer *or wine* is stored,
48 warehoused, or sold.

49 Sec. Section one hundred twenty-three point
50 one hundred forty (123.140), Code 1975, is amended

Page 29

1 to read as follows:

2 123.140 SEPARATE LOCATIONS—CLASS "B" OR "C".

3 Every person holding a class "B" or class "C" permit
4 having more than one place of business where such
5 beer *or wine* is sold shall be required to have a

6 separate license for each separate place of business,
7 except as otherwise provided by this chapter.
8 Sec. Section one hundred twenty-three point
9 one hundred forty-one (123.141), Code 1975, is amended
10 to read as follows:

11 123.141 KEEPING LIQUOR WHERE BEER IS SOLD . No
12 alcoholic liquor for beverage purposes shall be used,
13 or kept for any purpose in the place of business of
14 class "B" permittees, or on the premises of such class
15 "B" permittees, at any time. A violation of any
16 provision of this section shall be grounds for
17 suspension or revocation of the permit pursuant to
18 section 123.50, subsection 3. This section shall
19 not apply in any manner or in any way, to any railway
20 car of any dining car company, sleeping car company,
21 railroad company or railway company, having a special
22 class "B" permit; to the premises of any hotel or
23 motel for which a class "B" permit has been issued,
24 other than that part of such premises regularly used
25 by the hotel or motel for the principal purpose of
26 selling beer, *wine* or food to the general public;
27 or to drug stores regularly and continuously employing
28 a registered pharmacist, from having alcohol in stock
29 for medicinal and compounding purposes.

30 Sec. Section one hundred twenty-three point
31 one hundred forty-two (123.142), Code 1975, is amended
32 to read as follows:

33 123.142 PURCHASE FROM NONPERMIT HOLDER. It shall
34 be unlawful for the holder of any class "B" or class
35 "C" permit issued under the provisions of this chapter
36 to sell beer *and wine*, except beer *and wine* purchased
37 from a person holding a subsisting class "A" permit
38 issued in accordance with the provisions of this
39 chapter, and on which the tax provided in section
40 123.136 has been paid. However, the provisions of
41 this section shall not apply to the holders of special
42 class "B" permits issued under section 123.133 for
43 sales in cars engaged in interstate commerce nor to
44 class "D" liquor control licensees as provided in
45 this chapter.

46 It shall be unlawful for any person not holding
47 a class "A" permit to import beer *or wine* into this
48 state for the purpose of sale or resale.

49 Sec. Section one hundred twenty-three point
50 one hundred forty-three (123.143), subsection two

Page 30

1 (2), Code 1975, is amended to read as follows:

2 2. All permit fees *including all retail class*
3 *"B" and class "C" wine permit fees*, and taxes collected
4 by the department under this division shall accrue
5 to the state general fund, except as otherwise
6 provided.

7 Sec. Section one hundred twenty-three point
8 one hundred forty-five (123.145), Code 1975, is amended

9 to read as follows:
10 123.145 LABELS ON BOTTLES, BARRELS, ETC.—
11 CONCLUSIVE EVIDENCE. The label on any bottle, keg,
12 barrel, or other container in which beer *or wine* is
13 offered for sale in this state, representing the
14 alcoholic content of such beer as being in excess
15 of four per centum by weight *or in the case of wine*
16 *as representing the alcoholic content of such wine*
17 *as being in excess of seventeen per centum by weight*
18 shall be conclusive evidence as to the alcoholic
19 content of the beer *or wine* contained therein.
20 2. By renumbering sections as necessary.

RICHARD J. NORPEL, SR.
JAMES W. GRIFFIN, SR.
E. KEVIN KELLY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Doderer, the Senate adjourned at 5:25
p.m., until 9:30 a.m., Thursday, March 25, 1976.

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, MARCH 25, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Walter Dutton, pastor of the Westminster Presbyterian Church, Des Moines, Iowa.

The Journal of Wednesday, March 24, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Tieden for the morning session on request of Senator Hultman; Senator Rabedeaux for the day on request of Senator Lamborn; Senator Gallagher for the day and Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

Senator DeKoster rose on a point of personal privilege to present the Honorable J. T. Dykhouse, former member of the Senate and House of Representatives from Lyon County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety-five students, members of the 4-H Club from Jones County, Iowa, accompanied by their leader, Varlyn Fink. Senators Lamborn and Norpel.

Twenty-eight students from Whitten Elementary School, Whitten, Iowa, accompanied by Mr. Bergman and Mr. Boelman. Senator Miller of Marshall.

Fifteen students, members of the National Honor Society from Reinbeck Community School, Reinbeck, Iowa, accompanied by Mr. Workman. Senator Burroughs.

INTRODUCTION OF BILL

Senate File 1273, by committee on commerce, a bill for an act relating to pipelines and underground gas storage and providing penalties.

Read first time and placed on calendar.

MOTION TO RECONSIDER WITHDRAWN

Senate File 1244

Senator Redmond withdrew the motion to reconsider the vote by which Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts, passed the Senate, filed by him on March 24, 1976.

CONSIDERATION OF BILLS

House File 628

On motion of Senator Carr, House File 628, a bill for an act relating to school bus transportation requirements, with reports of committee recommending passage, and recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Carr offered amendment S—5168 by the committee on education:

S—5168

1 Amend House File 628 as amended and passed by
2 the House as follows:
3 1. Page 1, by inserting the following section
4 before line 1:
5 "Section 1. Section two hundred eighty-five point
6 one (285.1), subsection three (3), Code 1975, is
7 amended to read as follows:
8 3. In any district where transportation by school
9 bus is impracticable or where school bus service is
10 not available, the board may require the parents or
11 guardian to transport their children to the school
12 designated for attendance. The parent or guardian
13 shall be reimbursed for such transportation service
14 for elementary pupils by the board of resident district
15 for the distance one way from the pupil's
16 residence to the school designated for attendance
17 at the rate of [twenty-eight] *fifty-six* cents per mile
18 per day irrespective of number of children transported.
19 For high school pupils, the parent or guardian shall
20 be reimbursed [forty] *eighty* dollars per pupil per year
21 for such service, provided, however, no family shall
22 receive more than [eighty] *one hundred sixty* dollars
23 per year for transporting the members of the family
24 who attend high school. The provisions of this section

25 shall apply to eligible nonpublic school pupils as
26 well as to eligible public school pupils. However,
27 reimbursement for nonpublic school pupils shall not
28 exceed [forty] *eighty* dollars per pupil per year."

29 2. Page 1, by inserting after line 11 the following
30 section:

31 "Sec. Section two hundred eighty-five point
32 one (285.1), subsection seventeen (17), paragraph
33 c, Code 1975, is amended to read as follows:

34 c. Utilizing the transportation reimbursement
35 provision of subsection 3. However, no reimbursement
36 shall exceed [forty] *eighty* dollars per nonpublic school
37 pupil per year."

38 3. Page 2, by inserting after line 6 the following
39 section:

40 "Sec. Section two hundred eighty-five point
41 ten (285.10), subsection nine (9), Code 1975, is
42 amended to read as follows:

43 9. In the discretion of the board, furnish a
44 school bus and services of a qualified driver to an
45 organization of, or sponsoring activities for, senior
46 citizens, children, or handicapped persons in this
47 state. The board shall charge and collect an amount
48 sufficient to reimburse all costs of furnishing the
49 bus and driver *except when the bus is used for*
50 *transporting pupils to and from extracurricular*

Page 2

1 *activities sponsored by the school.* A school bus
2 shall be used as provided in this subsection only
3 at times when it is not needed for transportation
4 of pupils."

5 4. Page 3, by inserting after line 3 the follow-
6 ing section:

7 "Sec. Section three hundred twenty-one point
8 three hundred seventy-three (321.373), Code 1975,
9 is amended by adding the following new subsection:

10 **NEW SUBSECTION.** A school bus may be equipped with
11 a white flashing strobe light mounted on the roof
12 of the bus to afford optimum visibility during periods
13 of inclement weather. The light shall be of a type
14 approved by the department of transportation and shall
15 be installed and operated in accordance with rules
16 promulgated by the department of public instruction.
17 Each new school bus put into initial service after
18 January 1, 1977 shall be equipped with such a light."

19 5. Renumber the sections accordingly.

Senator Carr offered amendment S—5357 to amendment
S—5168 filed by him and moved its adoption:

S—5357

1 Amend the committee on education amendment, S—5168,
2 to House File 628, as amended and passed by the House,
3 page 1, by inserting after line 28 the following:

- 4 "The provisions of this subsection shall be
 5 effective for transportation of children commencing
 6 with the second semester of the school year beginning
 7 July 1, 1975."

Amendment S—5357 to amendment S—5168 was adopted.

President pro tempore Doderer took the chair at 11:20 a.m.

Senator Carr moved the adoption of amendment S—5168 as amended.

A record roll call was requested.

On the question "Shall amendment S—5168 as amended be adopted?" (H.F.628) the vote was:

Ayes, 36:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Rodgers
Carr	Heying	Marshall	Schwengels
Coleman	Hill of Polk	Murray	Scott
Culver	Junkins	Nolting	Sovern
Curtis	Kelly	Nystrom	Van Gilst
DeKoster	Kinley	Palmer	Willits
Doderer	Lamborn	Plymat	Winkelman
Glenn	Merritt		

Nays, 9:

Burroughs	Orr	Redmond	Shaw
Hill of Jasper	Ramsey	Shaff	Taylor
Hultman			

Absent or not voting, 5:

Gallagher	Norpel	Rabedeaux	Tieden
Nolin			

Amendment S—5168 as amended was adopted.

Senator Orr withdrew amendment S—4220 filed by her on June 13, 1975, and found on pages 2089-2090, inclusive, of the 1975 Senate Journal.

Senator Van Gilst offered amendment S—5210 filed by Senators Van Gilst, Hansen and Sovern:

S—5210

- 1 Amend House File 628 as amended and passed by the
- 2 House as follows:

Division S—5210A

- 3 1. Page 1, by inserting after line 28 the
- 4 following: "Claims shall be allowed where practical,
- 5 and at the option of the public school district of
- 6 the pupil's residence, subject to approval by the
- 7 area education agency of the pupil's residence, under

8 the provisions of subsection three (3) of section
9 two hundred eighty-five point nine (285.9) of the
10 Code, the public school district of the pupil's
11 residence may transport any pupil to a school located
12 in a contiguous public school district outside the
13 boundary lines of the public school district of the
14 pupil's residence. The public school district of
15 the pupil's residence may contract with the contiguous
16 public school district or with a private contractor
17 under the provisions of section two hundred eighty-
18 five point five (285.5) of the Code to transport the
19 pupils to the school of attendance within the boundary
20 lines of the contiguous public school district. The
21 public school district in which the pupil resides
22 may contract with the contiguous public school district
23 or with a private contractor under the provisions
24 of section two hundred eighty-five point five (285.5)
25 of the Code to transport the pupil from the pupil's
26 residence or from designated school bus collection
27 locations to the school located within the boundary
28 lines of the contiguous public school district, subject
29 to the approval of the area education agency of the
30 pupil's residence. The public school district of
31 the pupil's residence may utilize the reimbursement
32 provisions of section two hundred eighty-five point
33 one (285.1), subsection three (3) of the Code."

Division S—5210B

34 2. Page 3, by inserting after line 10 the
35 following:

36 "Sec. This Act, being deemed of immediate
37 importance, shall take effect and be in force from
38 and after its publication in The Fremont Gazette,
39 a newspaper published in Fremont, Iowa,
40 and in The Record, a newspaper published in
41 Cedar Falls, Iowa."

Division S—5210A (Cont'd)

42 3. Renumber sections and correct internal
43 references in conformance with this amendment.

Senator Willits called for a division of the amendment, sections 1 and 3 to be considered as division S—5210A; section 2 to be considered as division S—5210B.

President Neu took the chair at 11:32 a.m.

Senator Van Gilst moved the adoption of division S—5210A of the amendment.

A record roll call was requested.

On the question "Shall division S—5210A of the amendment be adopted?" (H.F. 628) the vote was:

Ayes, 28:

Andersen	Griffin	Lamborn	Palmer
Bergman	Hansen	Merritt	Plymat
Briles	Heying	Miller of	Robinson
Carr	Hill of Polk	Des Moines	Schwengels
Coleman	Junkins	Nolting	Scott
Culver	Kelly	Norpel	Sovern
DeKoster	Kinley	Nystrom	Van Gilst
Gluba			

Nays, 15:

Burroughs	Hultman	Orr	Shaw
Doderer	Miller of	Ramsey	Taylor
Glenn	Marshall	Redmond	Willits
Hill of Jasper	Murray	Shaff	Winkelman

Absent or not voting, 7:

Curtis	Nolin	Radedeaux	Tieden
Gallagher	Priebe	Rodgers	

Division S—5210A of the amendment was adopted.

(House File 628 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Hultman presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

INTRODUCTION OF BILLS

Senate File 1274, by committee on cities, a bill for an act relating to bonds and pledge orders issued by cities.

Read first time and placed on calendar.

Senate File 1275, by committee on appropriations, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

Read first time and placed on calendar.

Senate File 1276, by committee on appropriations, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act.

Read first time and placed on calendar.

BUSINESS PENDING

House File 628

The Senate resumed consideration of House File 628 and division S—5210B of the Van Gilst, et al., amendment.

Senator Hultman took the chair at 2:40 p.m.

Action on division S—5210B of the amendment was temporarily deferred.

Senator Hansen withdrew amendment S—5043 filed by him on January 29, 1976, and found on page 178 of the Senate Journal.

Senator Doderer offered amendment S—5289 filed by Senators Doderer, Tieden and Orr:

S—5289

- 1 Amend House File 628 as follows:
- 2 1. Page 2, by inserting after line 6 the fol-
- 3 lowing:
- 4 "Sec. Section two hundred eighty-five point
- 5 eleven (285.11), subsection seven (7), Code 1975, is
- 6 amended to read as follows:
- 7 7. No bus shall leave the public highway to
- 8 receive or discharge pupils *unless their safety is*
- 9 *enhanced thereby, and the private road is maintained*
- 10 *in the same manner as a public roadway. Vehicles*
- 11 *transporting physically handicapped pupils are ex-*
- 12 *empt from the requirement that the private roadway*
- 13 *be comparable in width and construction to a public*
- 14 *roadway."*

Senator Tieden offered amendment S—5314 to amendment S—5289 filed by him, moved its adoption, and requested a record roll call:

S—5314

- 1 Amend the Doderer, et al., amendment S—5289, to
- 2 House File 628, page 1, line 9, by striking the word
- 3 "and" and inserting in lieu thereof the word "or".

On the question "Shall amendment S—5314 to amendment S—5289 be adopted?" (H.F. 628) the vote was:

Ayes, 35:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Des Moines	Rodgers
Burroughs	Heying	Murray	Scott
Carr	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Taylor
Curtis	Junkins	Nystrom	Tieden
Doderer	Kelly	Plymat	Van Gilst
Glenn	Kinley	Priebe	Willits
Gluba	Merritt	Redmond	Winkelman

Nays, 6:

DeKoster	Lamborn	Ramsey	Shaff
Hill of Jasper	Orr		

Absent or not voting, 9:

Briles	Miller of	Palmer	Schwengels
Coleman	Marshall	Rabedaux	Sovern
Gallagher	Nolin		

Amendment S—5314 to amendment S—5289 was adopted.

Action on amendment S—5289 was temporarily deferred.

Senator Gluba offered amendment S—4108 filed by Senators Gluba, Rabedaux and Taylor:

S—4108

- 1 Amend House File 628, as amended and passed by
- 2 the House as follows:

Division S—4108A

- 3 1. Page 2, by inserting before line 7 the
- 4 following:
- 5 "Sec. Section three hundred twenty-one point
- 6 eighteen (321.18), Code 1975, is amended by adding
- 7 the following new subsection:
- 8 *NEW SUBSECTION.* 8. Any motor vehicle designed
- 9 to carry nine passengers or more which is owned and
- 10 used exclusively by a church or religious organization
- 11 to transport passengers to and from activities of
- 12 or sponsored by the church or religious organization
- 13 and which is not for rent or hire for purposes which
- 14 are unrelated to the activities of the church or
- 15 religious organization. Upon application and payment
- 16 of an annual fee of five dollars, the department shall
- 17 issue a registration certificate and shall also issue
- 18 registration plates which shall have imprinted thereon
- 19 the words 'Church Bus' and a distinguishing number
- 20 assigned to the applicant. Such plates shall be
- 21 attached to the front and rear of each vehicle exempt
- 22 from registration under this subsection."

Division S—4108B

- 23 2. Page 2, by inserting before line 27 the
- 24 following:
- 25 Sec. Section three hundred twenty-one point

26 three hundred seventy-three (321.373), subsection
27 five (5), Code 1975, is amended to read as follows:
28 5. Vehicles owned by private parties and used
29 as school buses shall have reversed or covered the
30 words 'school bus' wherever they appear on the vehicle
31 when the vehicle is not in use as a school bus. It
32 shall be unlawful to operate flashing stop warning
33 signals on such privately-owned vehicles except as

Division S—4108A (Cont'd)

34 provided in section 321.372 *or when the privately-*
35 *owned vehicle is used to transport children."*
36 3. Page 3, by striking lines 2 and 3 and inserting
37 in lieu thereof the following:
38 "the 'school bus' signs removed."
39 4. Page 3, by inserting after line 10 the
40 following:
41 "Sec. The provisions of section three hundred
42 twenty-one point eighteen (321.18), subsection eight
43 (8), shall be effective January 1, 1976, for
44 registration fees payable on or after December 31,
45 1975, for registration plates issued for the calendar
46 year beginning January 1, 1976, and ending December
47 31, 1976."
48 5. Renumber the sections and correct internal
49 references in conformance with this amendment.

Senator Gluba withdrew amendment S—5414 to amendment S—4108:

S—5414

1 Amend the Gluba amendment, S—4108, to House File
2 628 as follows:
3 1. Page 1, line 43, by striking the word
4 "January", and inserting in lieu thereof the word
5 "July".
6 2. Page 1, line 46, by striking the word "Jan-
7 uary", and inserting in lieu thereof the word "July".

Senator Gluba offered amendment S—5415 to amendment S—4108:

S—5415

1 Amend the Gluba amendment, S—4108 to House
2 File 628 as follows:
3 1. Page 1, by striking lines 41 through 47
4 and inserting in lieu thereof the following:
5 "Sec. The provisions of section three hun-
6 dred twenty-one point eighteen (321.18), subsection
7 eight (8), shall be effective December 1, 1976 for
8 registration fees payable on or after December 1,
9 1976, for registration plates issued for the calendar
10 year beginning January 1, 1977, and ending December
11 31, 1977."

On motion of Senator Gluba, amendment S—5415 to amend-
ment S—4108 was adopted.

Senator Gluba called for a division of amendment S—4108 as amended, sections 1, 4 and 5 to be considered as division S—4108A; sections 2 and 3 to be considered as division S—4108B.

Senator Shaw raised the point of order that division S—4108A of the amendment as amended was not germane to the bill.

The Chair ruled the point well taken and division S—4108A of the amendment as amended out of order.

Senator Gluba asked and received unanimous consent to withdraw division S—4108B of the amendment.

Senator Carr withdrew amendment S—5412:

S—5412

- 1 Amend House File 628 as follows:
- 2 1. Page 2, line 18, by inserting after the
- 3 word "train," the words "and while such school bus is
- 4 stopped the bus driver may activate its four-way flash-
- 5 ers,".

Senator Burroughs offered amendment S—4081 filed by him:

S—4081

- 1 Amend House File 628, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:
- 5 "Sec. Section three hundred twenty-one point
- 6 three hundred seventy-two (321.372), subsection one
- 7 (1), unnumbered paragraph one (1), Code 1975, is
- 8 amended to read as follows:
- 9 1. The driver of any school bus used to transport
- 10 children to and from a public or private school shall,
- 11 when stopping to receive or discharge pupils, turn
- 12 on flashing warning lamps at a distance of not less
- 13 than three hundred feet nor more than five hundred
- 14 feet from the point where said pupils are to be
- 15 received or discharged from the bus. At the point
- 16 of receiving or discharging pupils the driver of the
- 17 bus shall bring bus to a stop, turn off the amber
- 18 flashing warning lamps, turn on the red flashing
- 19 warning lamps, and extend the stop arm. After
- 20 receiving or discharging pupils, the bus driver shall
- 21 turn off all flashing warning lamps, retract the stop
- 22 arm and proceed on the route. No school bus shall
- 23 stop to load or unload pupils unless there is at least
- 24 three hundred feet of clear vision in each direction.
- 25 *A school bus shall not be operated to transport*
- 26 *children to or from a public or private school when*
- 27 *weather conditions reduce visibility to less than*
- 28 *one thousand feet; however, if the visibility is*
- 29 *reduced to less than one thousand feet while the bus*

30 *is enroute to or from a school, the driver shall stop*
31 *to receive or discharge pupils off the traveled portion*
32 *of the road where possible."*

33 2. By renumbering sections to conform to this
34 amendment.

Senator Burroughs offered amendment S—5241 to amendment S—4081 filed by him and moved its adoption:

S—5241

1 Amend the Burroughs amendment, S—4081, to House
2 File 628, as amended and passed by the House as
3 follows:

4 1. Page 1, line 28 by striking the words "*one*
5 *thousand*" and inserting in lieu thereof the words
6 "*five hundred*".

7 2. Page 1, line 29, by striking the words "*one*
8 *thousand*" and inserting in lieu thereof the words
9 "*five hundred*".

The Chair called for a non-record roll call.

The ayes were 27, nays 16.

Amendment S—5241 to amendment S—4081 was adopted.

President Neu took the chair at 3:30 p.m.

Senator Burroughs moved the adoption of amendment S—4081 as amended.

A non-record roll call was requested.

The ayes were 18, nays 25.

Amendment S—4081 as amended lost.

Senator DeKoster offered amendment S—5419 and moved its adoption:

S—5419

1 Amend House File 628 as follows:

2 1. Page 3, by adding after line 10, the fol-
3 lowing:

4 "Sec. The sections of this Act amending
5 section two hundred eighty-five point one (285.1),
6 subsection five (5), Code 1975; section two hundred
7 eighty-five point two (285.2), unnumbered paragraph
8 four (4), Code 1975; section two hundred eighty-five
9 point one (285.1), subsection three (3), Code 1975;
10 and section two hundred eighty-five point one (285.1),
11 subsection seventeen (17) being deemed of immediate
12 importance, shall take effect and be in force from
13 and after its publication in The Fremont Gazette, a
14 newspaper published in Fremont, Iowa, and in The Re-
15 cord, a newspaper published in Cedar Falls, Iowa."

Amendment S—5419 was adopted.

The Senate resumed consideration of division S—5210B of the Van Gilst, et al., amendment.

Senator Van Gilst withdrew division S—5210B of the amendment.

Amendment S—5416 to division S—5210B of the amendment ruled out of order:

S—5416

- 1 Amend the Van Gilst, et al., amendment S—5210
- 2 to House File 628 as follows:
- 3 1. Page 1, line 36 by striking the word "This"
- 4 and inserting in lieu thereof the words "Sections
- 5 one (1) and two (2) of this".

The Senate resumed consideration of amendment S—5289.

Senator Priebe offered amendment S—5418 to amendment S—5289 and moved its adoption:

S—5418

- 1 Amend the Doderer amendment, S—5289, to House
- 2 File 628 as follows:
- 3 1. Page 1, line 10, by adding after the word
- 4 "roadway" the words "*provided that such bus shall not*
- 5 *proceed more than five hundred (500) feet on such*
- 6 *private road.*"

The Chair called for a non-record roll call.

The ayes were 25, nays 18.

Amendment S—5418 to amendment S—5289 was adopted.

On motion of Senator Doderer, amendment S—5289 as amended was adopted.

Senator Tieden withdrew amendment S—5219 filed by him on February 25, 1976, and found on pages 609 and 610 of the Senate Journal.

Senator Carr offered amendment S—5417:

S—5417

- 1 Amend House File 628 as follows:
- 2 1. Page 2, line 18, by inserting after the
- 3 word "train," the words "*and while such school bus is*
- 4 *stopped the bus driver shall activate its four-way flash-*
- 5 *ers.*"

Senator Carr asked and received unanimous consent to withdraw amendment S—5417.

REFERRED TO COMMITTEE

Senator Hill of Jasper raised the point of order that House File 628 should be referred to the committee on appropriations, under Senate Rule 38.

The Chair ruled the point well taken and House File 628 was referred to the committee on appropriations.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1287, a bill for an act exempting certain sites used for nutrition programs for the elderly from restaurant licensing requirements.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1008, by committee on appropriations, a joint resolution to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation.

Read first time and placed on calendar.

Senate File 1277, by Senator Doderer, a bill for an act establishing a county and city physician recruitment program and providing for the levy of a tax to carry out the program.

Read first time and passed on file.

Senate File 1278, by committee on transportation, a bill for an act relating to airports and aeronautics and providing for a fee.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1287, a bill for an act exempting certain sites used for nutrition programs for the elderly from restaurant licensing requirements.

Read first time and passed on file.

ASSIGNMENT OF RESOLUTION TO COMMITTEE

The majority leadership announced the assignment of the following resolution to committee:

S.C.R. 107 Rules and administration.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight K. Wagler, Griswold, Cass County, Iowa, for appointment as a licensed member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
JAMES E. BRILES
EUGENE M. HILL
JOHN N. NYSTROM
NORMAN G. RODGERS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Beverly B. Everett, New Sharon, Mahaska County, Iowa, for appointment as a public member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, 1975 Code of Iowa, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
EUGENE M. HILL
WILLIAM D. PALMER
WILLIAM P. WINKELMAN

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

COMMONWEALTH OF VIRGINIA

A copy of Senate Joint Resolution 36, agreed to by the Virginia Senate on February 16, 1976, and the Virginia House of Delegates on March 10, 1976, applying to Congress to initiate proceedings for the purpose of amending the Constitution of the United States to provide restrictions on Congressional appropriations.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, March 24, 1976, when the vote was taken on House File 1009. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

SUBCOMMITTEE ASSIGNMENTS

Senate File 1262	House File 1298	House File 1390
State Government	State Government	Natural Resources
Kinley, Chairperson	Gluba, Chairperson	Sovern, Chairperson
Coleman	Nystrom	Bergman
Curtis	Schwengels	Miller of Marshall
Senate File 1268	House File 1361	House File 1403
Human Resources	Cities	Cities
Plymat, Chairperson	Nolting, Chairperson	Schwengels,
Palmer	Carr	Chairperson
Kelly	Nystrom	Redmond
House File 1143	House File 1363	Hansen
Human Resources	Cities	House File 1439
Miller of Des Moines,	Schwengels,	Natural Resources
Chairperson	Chairperson	Winkelman,
Hill of Polk	Redmond	Chairperson
Sovern	Hansen	Hultman
House File 1165	House File 1365	Norpel
Human Resources	Commerce	House File 1460
Gluba, Chairperson	Bergman, Chairperson	Human Resources
Scott	Glenn	Scott, Chairperson
Plymat	Gallagher	Orr
House File 1280	House File 1388	Kelly
Human Resources	Natural Resources	
Murray, Chairperson	Culver, Chairperson	
Plymat	Hultman	
Gluba	Priebe	

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **Senate File 1243**, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1217**, a bill for an act appropriating funds to the capitol planning commission for a central energy plant, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5421

- 1 Amend House File 1217 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 8 and 9.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **Senate File 1111**, a bill for an act relating to who may form a professional corporation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5413

- 1 Amend Senate File 1267 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "president" the words "of the senate, the president".
- 4 2. Page 1, line 4, by inserting after the word
- 5 "representatives," the words "the speaker pro tempore
- 6 of the house of representatives,".

WARREN E. CURTIS
EUGENE M. HILL

S—5420

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 2, by inserting after line 10 the following
- 3 new section:
- 4 "Sec. *NEW SECTION. PROHIBITED LOCATION.*
- 5 The underground storage of gas in the subsurface
- 6 stratum or formation of the earth under a city or
- 7 in an area adjacent to a city is prohibited if there
- 8 is evidence that gas will escape through the subsurface
- 9 stratum or formation of earth into the area within
- 10 or beneath the corporate limits of the city.
- 11 The provisions of this section shall not apply
- 12 to the underground storage of gas within the corporate
- 13 limits of a city under the authority of a permit
- 14 granted by the Iowa state commerce commission prior
- 15 to the effective date of this Act nor shall this
- 16 section be applicable where the corporate limits of
- 17 a city are extended to include property under which
- 18 the underground storage of gas has been authorized
- 19 by permit issued by the commission prior to the
- 20 annexation."
- 21 2. By renumbering sections and correcting internal
- 22 references.

NORMAN G. RODGERS

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:15 p.m., until 10:00 a.m., Monday, March 29, 1976.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MARCH 29, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Elizabeth R. Miller, member of the Senate from Marshalltown, Marshall County, Iowa.

The Journal of Thursday, March 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harry Adamo, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rabedeaux for the day on request of Senator Kinley.

PETITION

The following petition was presented and placed on file:

By Senator Kinley, from forty-four residents of Polk County favoring a change in the present obscenity law to make it illegal to distribute obscene materials to adults as well as minors.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Coleman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Bill E. Algoood, Fort Dodge, Webster County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provision of Chapter 138, Section 2, Acts of the Sixty-sixth General

Assembly, 1975 Session, for an initial term ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
LEONARD C. ANDERSEN
JAMES E. BRILES
ROBERT M. CARR

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Bill E. Algood as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Redmond
Briles	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Rodgers
Carr	Heying	Murray	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Hultman	Norpel	Shaff
Curtis	Junkins	Nystrom	Sovern
DeKoster	Kelly	Orr	Taylor
Doderer	Kinley	Palmer	Tieden
Gallagher		Plymat	Winkelman

Nays, none.

Voting present, 2:

Merritt Van Gilst

Absent or not voting, 7:

Hill of Jasper	Nolin	Rabedeaux	Willits
Lamborn	Priebe	Shaw	

President Neu declared the appointment of Bill E. Algood as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1981.

Senator Schwengels called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Karlton L. Kunath, Spencer, Clay County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FORREST V. SCHWENGELS, Chairperson
IRVIN L. BERGMAN
NORMAN RODGERS
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Schwengels moved the appointment of Karlton L. Kunath as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Robinson
Burroughs	Heying	Marshall	Rodgers
Carr	Hill of Jasper	Murray	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Hultman	Norpel	Shaff
Curtis	Junkins	Nystrom	Sovern
Doderer	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Gallagher	Merritt	Plymat	Van Gilst
Glenn		Priebe	Winkelman

Nays, none.

Absent or not voting, 5:

Lamborn	Rabedaux	Shaw	Willits
Nolin			

President Neu declared the appointment of Karlton L. Kunath as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1978.

Senator Bergman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ruth E. Kuney of Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy under the provisions of Section 116.3, 1975 Code of Iowa, for the regular three-year term beginning July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

IRVIN L. BERGMAN, Chairperson
JAMES V. GALLAGHER
CHARLES P. MILLER
WILLIAM N. PLYMAT
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Bergman moved the appointment of Ruth E. Kuney as a member of the State Board of Accountancy be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Sovern
Culver	Junkins	Orr	Taylor
Curtis	Kelly	Palmer	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Lamborn	Priebe	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 3:

Nolin	Rabedaux	Shaw
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President Neu declared the appointment of Ruth E. Kuney as a member of the State Board of Accountancy confirmed for the regular three-year term ending June 30, 1979.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ann Frenzen of Cedar Rapids, Linn County, Iowa, for appointment as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality under the provisions of Section 455B.4, Code 1975, for a term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
ELIZABETH MILLER
WILLIAM N. PLYMAT
JAMES M. REDMOND
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Ann Frenzen as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 25 was invoked.

Ayes, 39:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nystrom	Shaff
Carr	Hill of Polk	Orr	Sovern
Coleman	Hultman	Palmer	Taylor
Curtis	Junkins	Plymat	Tieden
DeKoster	Kelly	Priebe	Van Gilst
Doderer	Kinley	Ramsey	Willits
Gluba	Lamborn	Redmond	Winkelman

Nays, 7:

Culver	Glenn	Miller of	Nolting
Gallagher	Merritt	Des Moines	Norpel

Absent or not voting, 4:

Nolin	Rabedeaux	Schwengels	Shaw
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President Neu declared the appointment of Ann Frenzen as a member of the Solid Waste Disposal Commission of the Department of Environmental Quality confirmed for the regular term ending June 30, 1978.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate Joint Resolution 1008.

Senate Joint Resolution 1008

On motion of Senator Norpel, Senate Joint Resolution 1008, a joint resolution to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation, was taken up for consideration.

President pro tempore Doderer took the chair at 10:50 a.m.

Senator Norpel moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 1008) the vote was:

Rule 25 was invoked.

Ayes, 26:

Andersen	Hill of Polk	Miller of	Redmond
Briles	Hultman	Marshall	Robinson
Carr	Junkins	Nolting	Rodgers
Culver	Kelly	Norpel	Scott
Curtis	Kinley	Orr	Tieden
Glenn	Miller of	Palmer	Van Gilst
Gluba	Des Moines	Priebe	
Heying			

Nays, 19:

Bergman	Griffin	Murray	Sovern
Burroughs	Hansen	Nystrom	Taylor
Coleman	Hill of Jasper	Plymat	Willits
Doderer	Lamborn	Ramsey	Winkelman
Gallagher	Merritt	Schwengels	

Absent or not voting, 5:

DeKoster	Rabedeaux	Shaff	Shaw
Nolin			

The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1243.

Senate File 1243

On motion of Senator Priebe, Senate File 1243, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology, with report of the committee on appropriations recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1243) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 2:

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

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1275.

Senate File 1275

On motion of Senator Van Gilst, Senate File 1275, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year, was taken up for consideration.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1275) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Nystrom	Shaw
Curtis	Junkins	Orr	Sovern
DeKoster	Kelly	Palmer	Taylor
Doderer	Kinley	Plymat	Tieden
Gallagher	Lamborn	Priebe	Van Gilst
Glenn	Miller of	Redmond	Willits
Gluba	Des Moines	Robinson	Winkelman

Nays, 5:

Coleman	Merritt	Norpel	Ramsey
Culver			

Absent or not voting, 3:

Hultman	Nolin	Rabedeaux
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up for consideration House File 1217.

House File 1217

On motion of Senator Willits, House File 1217, a bill for an act appropriating funds to the general services department for a central energy plant, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5421 by the committee on appropriations and moved its adoption:

S—5421

- 1 Amend House File 1217 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 8 and 9.

Amendment S—5421 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1217) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 2:

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

INTRODUCTION OF BILL

Senate File 1279, by committee on judiciary, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for

the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1277 Cities

H. F. 1287 Human resources

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 26, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

H. F. 503—Relating to transfer of prisoners of institutions administered by the department of social services.

H. F. 1003—Relating to restricting the ownership of farming land by corporations.

H. F. 1036—Making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

H. F. 1094—Making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

H. F. 1141—Appropriating funds to the state conservation commission to carry out various programs under the commission.

H. F. 1218—Making an appropriation to the state board of regents for a seeds laboratory.

PROOF OF PUBLICATION

Published copy of Senate File 1279 and verified proof of publication of said bill in the Lee Town News, a newspaper published in Des Moines, Iowa, on March 11, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard C. Grossman of Marshalltown, Marshall

County, Iowa, for reappointment as a member of the Commission on Judicial Qualifications for the State of Iowa pursuant to Section 605.26, 1975 Code of Iowa, for a regular six-year term commencing January 2, 1976, and ending January 1, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
ELIZABETH R. MILLER
JAMES M. REDMOND
NORMAN RODGERS
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Grace Rasmussen, of Manilla, Crawford County, Iowa, for appointment to the State Board of Physical Therapy Examiners, pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
ROBERT M. CARR
PHILIP B. HILL
WILLIAM D. PALMER

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

STATE OF IDAHO

A copy of House Concurrent Resolutions 52, 57, and 62, adopted by the Idaho Legislature, proposing to the Congress of the United States that the Congress prepare and submit an amendment prohibiting debt in the absence of an emergency, and alternatively making application and requesting that a constitutional convention for specific and exclusive purposes be called.

A copy of House Joint Memorial 17, adopted by the Senate and House of Representatives of Idaho, Second Regular Session, Forty-third Legislature, urging Congress to amend federal laws to permit the tax shelter provided by the Independent Retirement Act to extend to everyone regardless of the source of income.

EXPLANATION OF VOTE

MR. PRESIDENT: Due to a meeting of the Governor's Committee on Conservation of Outdoor Resources, of which I am a legislative appointee, I was absent Thursday, March 25, 1976, when votes were taken on amend-

ments S—5168 and S—5210A to House File 628. Had I been present, I would have voted “aye.”

DALE L. TIEDEN

AMENDMENTS FILED

S—5423

- 1 Amend Senate File 1181 as follows:
- 2 1. Page 1, line 8, by striking the word “six”
- 3 and inserting in lieu thereof the word “ten”.

C. JOSEPH COLEMAN

S—5422

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 3, line 21, by striking the word “Termina-
- 5 tion” and inserting in lieu thereof the following:
- 6 “1. Termination”.
- 7 2. Page 3, by striking lines 24 through 27 and
- 8 inserting in lieu thereof the following: “if placement
- 9 of a minor child in the home of a proposed parent
- 10 in anticipation of an ensuing adoption is made within
- 11 thirty days after the child’s birth, this placement
- 12 shall be made pursuant to section seventeen (17) of
- 13 this Act and shall not be made until termination of
- 14 parental rights with regard to this child is ef-
- 15 fectuated pursuant to this division.
- 16 2. Notwithstanding the provisions of subsection
- 17 one (1) of this section, termination of parental
- 18 rights between an adult child and the child’s parents
- 19 may be accomplished by a decree of adoption
- 20 establishing a new parent-child relationship.”

STEVE SOVERN
CHARLES P. MILLER
PHILIP B. HILL
WILLARD R. HANSEN

S—5424

- 1 Amend House File 628 as follows:
- 2 1. Page 3, by adding after line 10 the following:
- 3 “Sec. 1. This Act, being deemed of immedi-
- 4 ate importance, shall take effect and be in force from
- 5 and after its publication in The Fremont Gazette, a
- 6 newspaper published in Fremont, Iowa, and in The
- 7 Record, a newspaper published in Cedar Rapids, Iowa.
- 8 2. The sections of this Act amending section two
- 9 hundred eighty-five point one (285.1), subsection five
- 10 (5), Code 1975; section two hundred eighty-five point
- 11 two (285.2), unnumbered paragraph four (4), Code 1975;
- 12 section two hundred eighty-five point one (285.1),
- 13 subsection three (3), Code 1975; and section two hun-
- 14 dred eighty-five point one (285.1), subsection seven-

15 teen (17), shall take effect after its publication as
16 provided in paragraph one (1) of this section. The
17 remaining sections of this Act shall take effect on
18 July 1, 1976."

LUCAS J. DeKOSTER

On motion of Senator Ramsey, the Senate adjourned at 5:00 p.m., until 9:30 a.m., Tuesday, March 30, 1976.

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MARCH 30, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Kenneth Ebb, chaplain of the Iowa State Training School for Boys, Eldora, Iowa.

The Journal of Monday, March 29, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lyle Fuller, Garner, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day on request of Senator Lamborn; Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five students from the East Elementary School, Ankeny, Iowa, accompanied by their instructors, Mrs. Fees, Mrs. Nelson and Mrs. Peterson. Senator Willits.

Eighty-eight students from the North Cedar Elementary School, Cedar Falls, Iowa, accompanied by William Nettleton, principal, Dorothy Clayton, Alice Jamashy, Jr., and Dee Scholz. Senator Hansen.

Forty students from the Newell-Providence Community School, Newell, Iowa, accompanied by their instructors, William Jones, Walter Spurbeck and Mrs. Erie. Senator Curtis.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill of Jasper from nine hundred ten residents of

Iowa opposing the transforming of the Mental Health Institute at Mount Pleasant into a prison facility.

By Senator Orr from twenty-one residents of Benton County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senator Hill of Jasper from one thousand ninety-one residents of Polk County opposing the transforming of the Iowa State Training School for Girls at Mitchellville into a male correctional facility.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1242, a bill for an act making technical amendments to the Iowa housing finance authority.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 689, a bill for an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1047, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1359, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1370, a bill for an act relating to the refunding of cash bail.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1440, a bill for an act to prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1457, a bill for an act relating to the compensation of the beer and liquor control council.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1458, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1459, a bill for an act relating to appeal procedures in condemnation actions.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1461, a bill for an act to provide a limited exception to teacher certification requirements for immigrant Cambodian nationals, Laotian nationals, Thai nationals and Vietnamese nationals.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1464, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 689, a bill for an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.

Read first time and passed on file.

House File 1047, a bill for an act to require a public hearing before a local governing board may pass an ordinance providing for funding of an urban renewal project.

Read first time and passed on file.

House File 1359, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.

Read first time and passed on file.

House File 1370, a bill for an act relating to the refunding of cash bail.

Read first time and passed on file.

House File 1440, a bill for an act to prohibit the notation of the amount of the security interest on certificate of title, the release form, or notation certificate for a motor vehicle.

Read first time and passed on file.

House File 1457, a bill for an act relating to the compensation of the beer and liquor control council.

Read first time and passed on file.

House File 1458, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

Read first time and **passed on file**.

House File 1459, a bill for an act relating to appeal procedures in condemnation actions.

Read first time and **passed on file**.

House File 1461, a bill for an act to provide a limited exception to teacher certification requirements for immigrant Cambodian nationals, Laotian nationals, Thai nationals and Vietnamese nationals.

Read first time and **passed on file**.

House File 1464, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

Read first time and **passed on file**.

Senator Ramsey took the chair at 10:30 a.m.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

On motion of Senator Gluba, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

SPECIAL GUEST

President pro tempore Doderer welcomed Pam Peterson of Preston, Iowa, the Miss Iowa Teenager for 1976, who was present in the Senate chamber as a guest of Senator Lamborn.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1277.

House File 1277

On motion of Senator Ramsey, House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suf-

fering the effects of alcohol, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5322 filed by the committee on county government March 11, 1976, and found on pages 837-841, inclusive, of the Senate Journal, and moved its adoption.

Amendment S—5322 was adopted.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1277) the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Rodgers
Bergman	Gluba	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Norpel	Shaff
Carr	Hill of Jasper	Nystrom	Shaw
Coleman	Hill of Polk	Orr	Taylor
Culver	Hultman	Palmer	Tieden
Curtis	Junkins	Priebe	Van Gilst
DeKoster	Kelly	Ramsey	Willits
Doderer	Kinley	Robinson	Winkelman
Gallagher	Merritt		

Nays, 4:

Nolting	Plymat	Redmond	Sovern
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Absent or not voting, 5:

Griffin	Miller of	Nolin	Rabedeaux
Lamborn	Des Moines		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1215.

Senate File 1215

On motion of Senator Ramsey, Senate File 1215, a bill for an act relating to the number of district court judges per judicial election district, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5377 filed by the committee on judiciary and moved its adoption:

S—5377

- 1 Amend Senate File 1215 as follows:

- 2 1. Page 1, line 19, by striking the words
3 "*or major fraction thereof*".

Amendment S—5377 was adopted.

Senator Hill of Polk raised the point of order that a fiscal note was required on the bill under Senate Rule 32.

The Chair ruled the point well taken and invoked Senate Rule 32.

DEFERRED

Senator Ramsey asked and received unanimous consent that further action on **Senate File 1215** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order **Senate File 1271**.

Senate File 1271

On motion of Senator Shaw, **Senate File 1271**, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973, was taken up for consideration.

Senator Shaw asked and received unanimous consent that **House File 1458** be substituted for **Senate File 1271**.

House File 1458

On motion of Senator Shaw, **House File 1458**, a bill for an act relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973, was taken up for consideration.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1458) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Schwengels
Briles	Hansen	Miller of	Scott
Burroughs	Heying	Marshall	Shaff
Carr	Hill of Jasper	Murray	Shaw
Coleman	Hill of Polk	Nolting	Sovern
Culver	Hultman	Norpel	Taylor
Curtis	Junkins	Nystrom	Tieden
DeKoster	Kelly	Orr	Van Gilst
Doderer	Kinley	Palmer	Willits
Gallagher	Lamborn	Plymat	Winkelman
Glenn	Merritt	Priebe	

Nays, none.

Absent or not voting, 5:

Nolin	Ramsey	Robinson	Rodgers
Rabedaux			

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

WITHDRAWN

Senator Shaw asked and received unanimous consent that **Senate File 1271** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1272.

Senate File 1272

On motion of Senator Willits, Senate File 1272, a bill for an act relating to security interests regulated by the Uniform Commercial Code, was taken up for consideration.

Senator Carr took the chair at 3:42 p.m.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1272) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Redmond	Winkelman

Nays, none.

Absent or not voting, 8:

Curtis	Hill of Jasper	Nolin	Ramsey
Gluba	Lamborn	Rabedaux	Rodgers

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1267.

Senate File 1267

On motion of Senator Glenn, Senate File 1267, a bill for an act to establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission, was taken up for consideration.

Senator Hill of Jasper offered amendment S—5413 filed by Senators Curtis and Hill of Jasper and moved its adoption:

S—5413

1 Amend Senate File 1267 as follows:

- 2 1. Page 1, line 3, by inserting after the word
- 3 "president" the words "of the senate, the president".
- 4 2. Page 1, line 4, by inserting after the word
- 5 "representatives," the words "the speaker pro tempore
- 6 of the house of representatives,".

Amendment S—5413 was adopted.

President Neu took the chair at 4:10 p.m.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1267) the vote was:

Ayes, 35:

Andersen	Heying	Murray	Redmond
Briles	Hill of Jasper	Nolting	Robinson
Carr	Junkins	Norpel	Scott
Coleman	Kelly	Nystrom	Shaff
Culver	Kinley	Orr	Shaw
Doderer	Merritt	Palmer	Sovern
Gallagher	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba	Miller of	Ramsey	
Griffin	Marshall		

Nays, 11:

Bergman	Hansen	Lamborn	Tieden
Burroughs	Hill of Polk	Schwengels	Winkelman
DeKoster	Hultman	Taylor	

Absent or not voting, 4:

Curtis	Nolin	Rabedeaux	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE RECEDES**House File 812**

Senator Coleman called up for consideration House File 812, a bill for an act to allow the governor to appoint the directors of certain commissions, amended by the Senate, and moved that the Senate recede from its amendment H—5191.

The motion prevailed and the Senate receded from amendment H—5191.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 812) the vote was:

Ayes, 29:

Andersen	Gluba	Miller of	Plymat
Bergman	Griffin	Des Moines	Robinson
Burroughs	Hansen	Miller of	Schwengels
Carr	Hill of Jasper	Marshall	Shaff
Coleman	Hill of Polk	Murray	Sovern
DeKoster	Junkins	Nystrom	Taylor
Doderer	Kinley	Orr	Willits
Gallagher	Lamborn	Palmer	

Nays, 16:

Briles	Hultman	Norpel	Scott
Culver	Kelly	Priebe	Tieden
Glenn	Merritt	Ramsey	Van Gilst
Heying	Nolting	Redmond	Winkelman

Absent or not voting, 5:

Curtis	Rabedeaux	Rodgers	Shaw
Nolin			

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

INTRODUCTION OF BILL

Senate File 1280, by committee on judiciary, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code.

Read first time and placed on calendar.

COMMUNICATION FROM THE GOVERNOR

March 30, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Donald J. Bell, New London, Henry County, Iowa, for reappointment as a member of the Iowa Beer and Liquor Control Council pursuant to Section 123.6, 1975 Code of Iowa, for a regular five-year term commencing July 1, 1976, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Keith Edward Bridson of Des Moines, Polk County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
FRED W. NOLTING
JOAN ORR
WILLIAM D. PALMER
BASS VAN GILST

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy E. Welter, Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
C. JOSEPH COLEMAN
LOWELL L. JUNKINS
JAMES M. REDMOND
FORREST V. SCHWENGELS

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Phyllis J. Peters of Sioux City, Woodbury County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June

30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
E. KEVIN KELLY
JOAN ORR
BERL E. PRIEBE
EARL M. WILLITS

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE BOARD OF TAX REVIEW

A report of the State Board of Tax Review in accordance with Section 421.1 (6), Code 1975.

AMENDMENTS FILED

S—5426

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "dentistry," the word "psychology,".

E. KEVIN KELLY

S—5427

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, line 11, by inserting after the
- 3 word "podiatry," the words "speech pathology,
- 4 audiology,".

LUCAS J. DeKOSTER

S—5425

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 5, line 37, by inserting after the word
- 5 "Act" the following: "or a parent, unless this parent:
- 6 a. Is listed on the birth certificate or verified
- 7 birth record of the child subject to the termination
- 8 action;
- 9 b. Was married, within three hundred twenty-five
- 10 days before or ten days after the child's birth, to
- 11 a parent listed on the birth certificate or verified
- 12 birth record of the child subject to the termination
- 13 action;
- 14 c. Is openly living with the child subject to
- 15 the termination action or a parent listed on the birth
- 16 certificate or verified birth record of this child;
- 17 d. Has been adjudicated to be a parent of the
- 18 child subject to the termination action;
- 19 e. Has substantially supported the child subject
- 20 to the termination action; or

21 f. Has filed with the state registrar of vital
22 statistics, before a termination petition affecting
23 this person has been filed, a request for notice under
24 this section. This request shall include the name
25 and last known address of the other parent and, if
26 known, the month and year of the child's birth."

27 2. Page 6, by inserting after line 10 the
28 following:

29 "4. The juvenile court shall require that every
30 reasonable effort is made to identify, locate, and
31 notice a necessary party."

32 3. Page 6, line 11, by striking the number "4"
33 and inserting in lieu thereof the number "5".

34 4. Page 6, line 27, by striking the number "5"
35 and inserting in lieu thereof the number "6".

36 5. Page 6, by striking lines 40 through 47.

37 6. Page 20, by inserting after line 21 the
38 following:

39 "Sec. Section one hundred forty-four point
40 one (144.1), subsection six (6), Code 1975, is amended
41 to read as follows:

42 6. 'Vital statistics' means records of births,
43 deaths, fetal deaths, adoptions, marriages, divorces,
44 annulments, *requests made under paragraph f of*
45 *subsection one (1) of section six (6) of this Act,*
46 and data related thereto.

47 Sec. Section one hundred forty-four point
48 two (144.2), Code 1975, is amended to read as follows:

49 144.2 DIVISION OF RECORDS AND STATISTICS. There
50 is hereby established in the department a division

Page 2

1 for records and statistics which shall install,
2 maintain, and operate the system of vital statistics
3 throughout the state. No system for the registration
4 of [births, deaths, fetal deaths, adoptions, marriages,
5 divorces, and annulments] *vital statistics*, shall be
6 maintained in the state or any of its political
7 subdivisions other than the one provided for in this
8 chapter. Suitable quarters shall be provided for
9 the division by the executive council at the seat
10 of government. The quarters shall be properly equipped
11 for the permanent and safe preservation of all official
12 records made and returned under this chapter.

13 Sec. 8. Section one hundred forty-four point
14 forty-three (144.43), unnumbered paragraph one (1),
15 Code 1975, is amended to read as follows:

16 To protect the integrity of vital statistics
17 records, to insure their proper use, and to insure
18 the efficient and proper administration of the vital
19 statistics system kept by the state registrar, access
20 to vital statistics records kept by the state registrar
21 shall be limited to the state registrar and his
22 employees, and then only for administrative purposes.
23 It shall be unlawful for the state registrar to permit

24 inspection of, or to disclose information contained
25 in vital statistics records, or to copy or permit
26 to be copied all or part of any such record except
27 as authorized by regulation. *However, requests for*
28 *notification of a termination action shall be made*
29 *available to the appropriate juvenile court, but shall*
30 *not be made available in any other action for any*
31 *other purpose.*

32 Sec. Chapter one hundred forty-four (144),
33 Code 1975, is amended by adding the following new
34 section:

35 **NEW SECTION.** A request made under paragraph f
36 of subsection one (1) of section six (6) of this Act
37 shall be destroyed nineteen years after it is filed
38 or upon request of the person who filed the request."

MINNETTE F. DODERER
E. KEVIN KELLY
EARL M. WILLITS

S—5430

1 Amend the committee on human resources amendment,
2 **S—5346, to House File 614, as amended and passed by**
3 **the House and reprinted, page 17, by striking lines**
4 **35 through 43 and inserting in lieu thereof the words**
5 **"have been created at the birth of the child."**

RICHARD R. RAMSEY

S—5428

1 Amend the committee on human resources amendment,
2 **S—5346, to House File 614, as amended and passed by**
3 **the House and reprinted, as follows:**
4 1. Page 20, by inserting after line 13 the
5 following:
6 "3. Notwithstanding anything to the contrary in
7 this section, the juvenile court or court may, upon
8 competent medical evidence, open termination or
9 adoption records if opening is shown to be necessary
10 to save the life of or prevent irreparable physical
11 harm to an adopted person or the person's offspring.
12 The juvenile court or court shall make every reasonable
13 effort to prevent the identity of the natural parents
14 from becoming revealed under this subsection to the
15 adopted person. The juvenile court or court may,
16 however, permit revelation of the identity of the
17 natural parents to medical personnel attending the
18 adopted person or the person's offspring. These
19 medical personnel shall make every reasonable effort
20 to prevent the identity of the natural parents from
21 becoming revealed to the adopted person."
22 2. Page 20, line 14, by striking the number "3"
23 and inserting in lieu thereof the number "4".

EARL M. WILLITS

S—5429

1 Amend House File 1162, as passed by the House, as
2 follows:

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

5 "Section 1. Section two hundred ninety-nine point
6 eleven (299.11), unnumbered paragraph two (2), Code
7 1975, is amended to read as follows:

8 The truancy officer shall promptly institute
9 criminal proceedings against any person violating
10 any of the provisions of [the truancy law] *sections*
11 *two hundred ninety-nine point one (299.1) through*
12 *two hundred ninety-nine point five (299.5) of the*
13 *Code.*

14 Sec. 2. Section two hundred ninety-nine point
15 thirteen (299.13), Code 1975, is amended by striking
16 the section and inserting in lieu thereof the
17 following:

18 299.13. If the child is placed in a school
19 other than a public school and does not maintain
20 proper conduct, the board may cause the child's
21 removal to an appropriate school or class. If a
22 child placed in a public school fails to attend or
23 to maintain proper conduct, the board may place
24 that child in an appropriate school or class."

MINNETTE DODERER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:50
p.m., until 9:30 a.m., Wednesday, March 31, 1976.

JOURNAL OF THE SENATE

EIGHTIETH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 31, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend George Carlson, pastor of the First Lutheran Church, Cedar Rapids, Iowa.

The Journal of Tuesday, March 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. T. E. Shea, Storm Lake, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rabedaux for the day and Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students from Beaman-Conrad Junior-Senior High School, Conrad, Iowa, accompanied by Lyle Opheim and Mr. and Mrs. Cliff Wilson. Senators Miller of Marshall and Burroughs.

Seventy students from Winterset Junior High School, Winterset, Iowa, accompanied by Bonnie Bass, Shirley Roach and Larry Worrall. Senator Rodgers.

PETITIONS

The following petitions were presented and placed on file:

By Senator Culver from thirteen residents of Harrison County and adjoining counties favoring Senate File 1074 providing for certification of an employee organization by a majority of the public employees voting.

By Senator DeKoster from fifty-five residents of Sioux County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senator Winkelman from one hundred thirty-five residents of Calhoun County favoring legislation to reduce property taxes.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1125, a bill for an act repealing the statutory appropriation for the state employees' disability plan.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1143, a bill for an act to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1222, a bill for an act appropriating funds to the department of general services for capital improvements.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1224, a bill for an act to appropriate funds to the state department of health for licensing speech pathologists and audiologists.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1226, a bill for an act to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1320, a bill for an act to correct an internal code reference under the individual income tax law.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1321, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive.

Also: That the House has on March 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1436, a bill for an act relating to the state psychopathic hospital.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1520, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws.

Also: That the House has on March 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1320, a bill for an act to correct an internal code reference under the individual income tax law.

Read first time and passed on file.

House File 1321, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive.

Read first time and passed on file.

House File 1436, a bill for an act relating to the state psychopathic hospital.

Read first time and passed on file.

House File 1520, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

Read first time and passed on file.

House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

Senator Merritt called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ray J. Samuel, D.P.M., of Marshalltown, Marshall County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an initial

term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MILO MERRITT, Chairperson
ROBERT M. CARR
WILLARD R. HANSEN
ELIZABETH R. MILLER
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Merritt moved the appointment of Ray J. Samuel, D.P.M., as a member of the State Board of Podiatry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Glenn	Merritt	Ramsey
Bergman	Gluba	Miller of	Rodgers
Briles	Griffin	Des Moines	Schwengels
Burroughs	Hansen	Miller of	Scott
Carr	Heying	Marshall	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Taylor
Curtis	Junkins	Nystrom	Tieden
DeKoster	Kelly	Orr	Van Gilst
Doderer	Kinley	Plymat	Willits
Gallagher	Lamborn	Priebe	

Nays, none.

Absent or not voting, 9:

Hill of Jasper	Palmer	Redmond	Sovern
Murray	Rabedeaux	Robinson	Winkelman
Nolin			

President pro tempore Doderer declared the appointment of Ray J. Samuel, D.P.M., as a member of the State Board of Podiatry Examiners confirmed for an initial term ending June 30, 1978.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Glenn presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1346, a bill for an act relating to disaster services.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1281, by committee on transportation, a bill for an act to rescind the requirement of minimum fee payments under the motor vehicle reciprocity provisions of the Code.

Read first time and placed on calendar.

Senate File 1282, by committee on transportation, a bill for an act to increase certain vehicle width limitations from thirteen to fourteen feet.

Read first time and placed on calendar.

SENATE RESOLUTION 102

By Committee on Ethics

- 1 *Whereas*, Section sixty-eight B point ten
- 2 (68B.10) of the Code provides that the senate
- 3 committee on ethics shall prepare rules relating to
- 4 lobbyists and lobbyist activities; and
- 5 *Whereas*, on January 23, 1976, the senate
- 6 adopted Senate Resolution 101 as the rules relating
- 7 to lobbyists and lobbying for the 1976 Regular
- 8 Session of the Sixty-sixth General Assembly; and
- 9 *Whereas*, the committee on ethics has found that
- 10 the rules should be amended; *Now, Therefore*,
- 11 *Be It Resolved by the Senate*, That the rules
- 12 governing lobbyists of the 1976 Regular Session
- 13 as adopted on January 23, 1976, be amended by adding
- 14 the following new rules:
- 15 **NEW RULE.** A lobbyist who can reasonably expect
- 16 that an amount will be expended by the lobbyist on
- 17 one occasion which will result in an expenditure in
- 18 excess of twenty-five dollars (\$25.00) upon a
- 19 senator, a senator's spouse and a senator's unemanci-

20 pated minor children, shall notify the senator of the
21 expected expenditure before it is expended. Upon
22 notification, if the senator agrees to reimburse
23 the lobbyist either for the expenditure or that portion
24 of it in excess of twenty-five dollars, to the extent
25 of the agreed reimbursement, it shall not constitute
26 a reportable expenditure by the lobbyist provided
27 that the lobbyist is reimbursed prior to the date of
28 filing the monthly report required by these rules.
29 Failure to notify a senator in advance when it is
30 reasonably expected that more than twenty-five dollars

Page 2

1 may be expended, shall constitute a violation of this
2 rule. Violation of this rule may result in suspension
3 of a lobbyist in accordance with the procedures provided
4 by these rules. For the purpose of this rule, "lobbyist"
5 means a lobbyist, as defined by these rules, personally
6 whether they represent one or many clients, and,
7 cumulatively, all lobbyists representing a single client,
8 and the client or clients themselves.

9 **NEW RULE.** No lobbyist shall cumulatively expend
10 upon a senator, senator's spouse and unemancipated
11 minor children more than one hundred dollars (\$100.00)
12 in any calendar year. For the purpose of determining
13 whether this limit is exceeded, the limitation applies
14 cumulatively to all expenditures reportable under Rule
15 six (6) except that campaign contributions are not in-
16 cluded. A lobbyist who can reasonably expect that an
17 amount will be expended by the lobbyist on one occasion
18 which will result in an expenditure in excess of one hundred
19 dollars (\$100.00) in one calendar year cumulatively upon
20 a senator, senator's spouse and a senator's unemanci-
21 pated minor children shall notify the senator of the
22 expected expenditure. Expenditures by a lobbyist in
23 excess of one hundred dollars (\$100.00) in any calendar
24 year shall constitute a violation of this rule. Violation
25 of this rule may result in suspension of the lobbyist
26 in accordance with the procedures provided by these
27 rules. For the purpose of this rule, "lobbyist" means
28 a lobbyist, as defined by these rules, personally whether
29 they represent one or many clients, and, cumulatively,
30 all lobbyists representing a single client, and the
31 client or clients themselves.

32 **NEW RULE.** No senator shall solicit or knowingly
33 accept an expenditure by any lobbyist of cumulatively
34 more than one hundred dollars (\$100.00) in any calendar
35 year upon themselves, their spouse and their unemancipated

Page 3

1 minor children. For the purpose of determining whether
2 this limit is exceeded, the limitation applies cumula-
3 tively to all expenditures reportable by the lobbyist
4 under Rule six (6) except that campaign contributions
5 are not included. Apparent violations of this rule shall

6 be disposed of by the ethics committee according to the
7 procedures set forth in the Senate Code of Ethics. For
8 the purpose of this rule, "lobbyist" means a lobbyist,
9 as defined by these rules, personally whether they
10 represent one or many clients, and, cumulatively, all
11 lobbyists representing a single client, and the client
12 or clients themselves.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1346, a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 689 County government

H. F. 1047 Cities

H. F. 1359 Agriculture

H. F. 1370 Judiciary

H. F. 1440 County government

H. F. 1457 State government

H. F. 1459 Judiciary

H. F. 1461 Education

H. F. 1464 Judiciary

REPORTS OF COMMITTEES

Senator Willits submitted the following reports:

MR. PRESIDENT: Your committee on cities to which was referred House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities to which was referred **House File 1403**, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5431

1 Amend House File 1403 as passed by the House
2 as follows:

3 1. The Title, line 3, by striking the word
4 "and".

5 2. The Title, line 4, by adding after the word
6 "state" the words "and to the appointment of
7 members of utility boards".

8 3. Page 2, by adding after line 23 the
9 following section:

10 "Sec. Section three hundred eighty-eight
11 point seven (388.7), Code 1975, is amended to
12 read as follows:

13 388.7 PRIOR UTILITY BOARD. A utility board
14 functioning on the effective date of the city
15 code shall continue to function until discon-
16 tinued as provided in this chapter, and has
17 all the powers granted in this division. *Vacancies*
18 *occurring by reason of the expiration of a term,*
19 *or otherwise, shall be filled in accordance with*
20 *the provisions of section 388.3.*

21 Nothing in the city code shall be construed
22 to allow the abrogation of any franchise."

EARL M. WILLITS, Chairperson

Ordered passed on file.

Senator Heying submitted the following report:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1439**, a bill for an act relating to birds of prey, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. HEYING, Chairperson

Ordered passed on file.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:00 p.m., until 9:30 a.m., Thursday, April 1, 1976.

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, APRIL 1, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend M. D. Summerbell, pastor of the First United Methodist Church, Chariton, Iowa.

The Journal of Wednesday, March 31, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. F. Frech, Newton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rabedeaux for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

One hundred thirty students from Norwalk Middle School, Norwalk, Iowa, accompanied by Gaylen Bedwell. Senator Rodgers.

Ninety-four students from Prairie Community School, Gowrie, Iowa, accompanied by Richard Meyer, Dick Phillips and Don Raymer. Senator Coleman.

PETITIONS

The following petitions were presented and placed on file:

By Senator Glenn from forty-five residents of Wapello County favoring legislation to prohibit the construction of nuclear power plants until it has been proven that waste material can be disposed of safely.

By Senator Glenn from one hundred twenty-two residents of Wapello County opposing the construction of nuclear power plants.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

The Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 1, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 120 relating to a joint convention of the two houses of the Sixty-sixth General Assembly on Tuesday, April 6, 1976, at 2:00 p.m., in the House chamber, in observance of the Iowa Bicentennial Festival.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 120

By McElroy and Byerly

- 1 *Be It Resolved by the House, the Senate*
- 2 *Concurring*, That a joint convention of the two houses
- 3 of the Sixty-sixth General Assembly be held in the
- 4 House chamber on Tuesday, April 6, 1976, at 2:00 p.m., and
- 5 *Be It Further Resolved*, That Mr. John Warner, the
- 6 Administrator of the American Revolution Bicentennial
- 7 Administration, be invited to deliver an address in
- 8 observance of the Iowa Bicentennial Festival, and
- 9 *Be It Further Resolved*, That Governor Robert D. Ray,
- 10 the Supreme Court, the Bicentennial Commission, the
- 11 Marine Color Guard, the Wagon Train Personnel, the
- 12 Bicentennial Singers, and Reverend Arnpriester also be
- 13 invited.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

MEMORIAL RESOLUTION COMMITTEE

Senator Tieden moved that the President of the Senate be authorized to appoint a committee of three to prepare a suitable memorial resolution for Karla Kruse, that the resolution be available to the members of the Senate, the secretaries and the staff to sign, and that the resolution be spread on the pages of the Journal and an enrolled copy forwarded to her parents.

The motion prevailed and the Chair appointed as such committee Senators Tieden, Carr and Heying.

OFFICIAL DELEGATION

Senator Tieden moved that the President of the Senate be authorized to appoint a delegation of Senators, secretaries and staff to attend the funeral services for Karla Kruse in New Albin, Iowa, April 3, 1976, at 2:00 p.m.

The motion prevailed and the Chair appointed the following delegation:

Senator Dale L. Tieden
Senator Robert M. Carr
Senator Hilarius L. Heying
Steven C. Cross, Secretary of the Senate
Judy K. Iseminger, Records and Supply Clerk
Marci Kneeter, Senate Page
Bret Nilles, Senate Page
Ann Shima, Senate Page
Kevin Smith, Senate Page
Julie Street, Senate Page

MEMORIAL RESOLUTION FOR KARLA KRUSE

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating Karla Kruse, begs leave to submit the following memorial:

Karla Kruse was born on July 20, 1959, at Story City, Story County, Iowa, the daughter of David and Dorothy Kruse.

Karla attended Kee High School in Lansing, Allamakee County. She was active in band, sports, dramatics and speech and was a member of the Student Council and class president in her sophomore year.

In her community, she was active in her church and the Girl Scouts Senior Planning Board.

In school, Karla maintained a perfect 4.0 grade average in her courses.

In January, 1976, she was appointed by the Senate to be a Page for the 1976 Regular Session of the Sixty-sixth General Assembly. She served as a Page with distinction. The Members of the Senate, the secretaries and the staff knew her as a diligent and enthusiastic participant in Senate work and as an enjoyable and attractive person.

It is with great sorrow that the Senate learned of her death on March 31, 1976. The Members of the Senate, the secretaries and staff wish to express their personal sympathy to the family of Karla Kruse, her friends and classmates.

The Secretary of the Senate is directed to prepare an enrolled copy of this resolution for the signature of the Members of the Senate, secretaries and staff and that it be forwarded to her parents.

DALE L. TIEDEN, Chairperson
ROBERT M. CARR
HILARIUS L. HEYING
Committee

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1162.

House File 1162

On motion of Senator Carr, House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S—5429 filed by her and moved its adoption:

S—5429

- 1 Amend House File 1162, as passed by the House, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section two hundred ninety-nine point
- 6 eleven (299.11), unnumbered paragraph two (2), Code
- 7 1975, is amended to read as follows:
- 8 The truancy officer shall promptly institute
- 9 criminal proceedings against any person violating
- 10 any of the provisions of [the truancy law] sections
- 11 *two hundred ninety-nine point one (299.1) through*
- 12 *two hundred ninety-nine point five (299.5) of the*
- 13 *Code.*
- 14 Sec. 2. Section two hundred ninety-nine point
- 15 thirteen (299.13), Code 1975, is amended by striking

- 16 the section and inserting in lieu thereof the
 17 following:
 18 299.13. If the child is placed in a school
 19 other than a public school and does not maintain
 20 proper conduct, the board may cause the child's
 21 removal to an appropriate school or class. If a
 22 child placed in a public school fails to attend or
 23 to maintain proper conduct, the board may place
 24 that child in an appropriate school or class."

Amendment S—5429 was adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1162) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Junkins	Nystrom	Taylor
DeKoster	Kelly	Orr	Tieden
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Lamborn	Plymat	Willits
Glenn	Merritt	Priebe	Winkelman

Nays, none.

Absent or not voting, 4:

Nolin	Rabedaux	Redmond	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1111.

Senate File 1111

On motion of Senator Hultman, Senate File 1111, a bill for an act relating to who may form a professional corporation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly offered amendment S—5426 filed by him and moved its adoption:

S—5426

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "dentistry," the word "psychology,".

Amendment S—5426 was adopted.

Senator DeKoster offered amendment S—5427 filed by him and moved its adoption:

S—5427

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, line 11, by inserting after the
- 3 word "podiatry," the words "speech pathology,
- 4 audiology,".

Amendment S—5427 was adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1111) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Ramsey	Winkelman

Nays, 3:

Doderer	Hill of Polk	Tieden
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Absent or not voting, 4:

Miller of	Nolin	Rabedaux	Robinson
Des Moines			

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

On motion of Senator Kinley, the Senate recessed until 5:00 p.m.

The Senate reconvened, President Neu presiding.

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

Senate File 1062

Senator Rodgers called up the report of the Second Conference Committee on Senate File 1062, a bill for an act to provide budget limitations for certain political subdivisions of the state and to impose an income surtax by referendum for certain budget expenditures, found on pages 908-923, inclusive, of the Senate Journal.

Senator DeKoster moved that Senate Rule 14, paragraph 2, and Section 769.2 of Mason's Manual of Legislative Procedure be suspended for the purpose of permitting consideration of the progressive school foundation tax plan amendment to the Report of the Second Conference Committee.

A record roll call was requested.

On the question "Shall the motion to suspend Senate Rule 14, paragraph 2, and Section 769.2 of Mason's Manual of Legislative Procedure be adopted?" (S.F. 1062) the vote was:

Ayes, 23:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Shaff
Briles	Hill of Polk	Murray	Shaw
Burroughs	Hultman	Nystrom	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Lamborn	Ramsey	Winkelman

Nays, 25:

Carr	Heying	Nolting	Robinson
Coleman	Hill of Jasper	Norpel	Rodgers
Culver	Junkins	Orr	Scott
Doderer	Kinley	Palmer	Sovern
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Redmond	Willits
Gluba	Des Moines		

Absent or not voting, 2:

Nolin	Rabedaux
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The motion lost.

Senator Rodgers moved that Section 769.2 of Mason's Manual of Legislative Procedure be suspended for the purpose of permitting consideration of amendment S—5435 to the Report of the Second Conference Committee.

A record roll call was requested.

On the question "Shall the motion to suspend Section 769.2

of Mason's Manual of Legislative Procedure be adopted?"
(S.F. 1062) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Rodgers
Burroughs	Heying	Marshall	Schwengels
Carr	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolting	Shaff
Culver	Hultman	Norpel	Sovern
Curtis	Junkins	Nystrom	Taylor
DeKoster	Kelly	Orr	Tieden
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Lamborn	Plymat	Willits
Glenn	Merritt	Priebe	Winkelmann

Nays, 2:

Redmond Shaw

Absent or not voting, 2:

Nolin Rabedeaux

The motion prevailed.

Senator Rodgers offered amendment S—5435:

S—5435

- 1 Amend the report of the second conference committee
- 2 on Senate File 1062, as passed by the House, as fol-
- 3 lows:
- 4 1. Page 1, line 2, by striking the dates "1976-
- 5 77 and 1977-78" and inserting in lieu thereof the
- 6 dates "1976-77, 1977-78, and 1978-79".
- 7 2. Page 1, line 6, by striking the words "five
- 8 hundred" and inserting in lieu thereof the words
- 9 "seven hundred fifty".
- 10 3. Page 1, line 24, by striking the words "five
- 11 hundred" and inserting in lieu thereof the words
- 12 "seven hundred fifty".
- 13 4. Page 1, by striking line 27 and inserting in
- 14 lieu thereof the words "seven percent for the fiscal
- 15 years beginning July 1, 1977 and July 1, 1978 for".
- 16 5. Page 3, line 7, by striking the word "year"
- 17 and inserting in lieu thereof the words "years".
- 18 6. Page 3, line 8, by inserting after the date
- 19 "1977" the words "and July 1, 1978,".
- 20 7. Page 4, by striking lines 3 through 6.
- 21 8. Page 5, line 25, by striking the words "year
- 22 beginning July 1, 1977" and inserting in lieu thereof
- 23 the words "years beginning July 1, 1977 and July 1,
- 24 1978."
- 25 9. Page 6, line 28, by striking the words "year
- 26 beginning July 1, 1977" and inserting in lieu thereof
- 27 the words "years beginning July 1, 1977 and July 1,
- 28 1978".
- 29 10. By striking page 6, line 30 through page 8,

30 line 1, and inserting in lieu thereof the following:
31 "Sec. 6. DUTIES OF STATE COMPTROLLER.
32 1. As soon as practicable after the effective
33 date of this division, the state comptroller shall
34 give notice of the requirements of this division and
35 distribute such forms as required to the governing
36 bodies of the political subdivisions of this state.
37 2. The state comptroller shall review the certi-
38 fied total budget of each political subdivision and
39 calculate the dollar amount and percentage increase
40 of the property tax budget for the fiscal years be-
41 ginning July 1, 1976, July 1, 1977 and July 1, 1978
42 over the property tax budget for the base year.
43 3. If the property tax budget of a political sub-
44 division for the fiscal year beginning July 1, 1976,
45 July 1, 1977, or July 1, 1978 exceeds the property
46 tax budget of such political subdivision for the base
47 year by more than nine percent, the state comptroller
48 shall reduce the certified total budget to provide
49 a property tax budget increase of nine percent and
50 return the certified total budget to the governing

Page 2

1 body with notification that, following a public hearing
2 as provided in section eight (8) of this division,
3 the total budget shall be recertified with a property
4 tax budget increase not exceeding nine percent or
5 that, without a public hearing, the certified total
6 budget shall be submitted to the state appeal board
7 for approval as provided in section seven (7) of this
8 division if the increase of more than nine percent
9 is needed.
10 4. If the property tax budget of a political sub-
11 division for the fiscal year beginning July 1, 1977
12 or July 1, 1978 exceeds the property tax budget of
13 such political subdivision for the base year by more
14 than seven percent but not more than nine percent,
15 the state comptroller shall reduce the certified total
16 budget to provide a property tax budget increase of
17 seven percent and return the certified total budget
18 to the governing body with notification that a public
19 hearing must be held as provided in section eight
20 (8) of this division.
21 Sec. 7. APPROVAL OF STATE APPEAL BOARD.
22 1. Upon receipt of the notification from the state
23 comptroller as provided in section six (6), subsection
24 three (3) of this division, the governing body of
25 each political subdivision shall petition the state
26 appeal board to approve the total budget of the poli-
27 tical subdivision not later than seven days following
28 receipt of notification if the increase of more than
29 nine percent is needed. However, if the governing
30 body, upon receipt of such notification, finds that
31 an increase in the property tax budget above nine
32 percent is not justified, the governing body shall

publish notice of and conduct a public hearing for the purpose of approving a total budget which includes a property tax budget increase of nine percent or less. The public hearing shall be carried out according to the provisions of section eight (8) of this division except that, for the total budget for the fiscal year beginning July 1, 1976, the public hearing shall be held within twenty days after the receipt of notification.

2. A petition to the state appeal board under this division shall be submitted in writing on forms furnished by the state comptroller citing the unusual circumstances as outlined in subsection three (3) of this section, which create the need for property tax budget expenditures in excess of nine percent of the base year's property tax budget expenditures and accompanied by such supporting documents as required by the state appeal board. The state appeal

Page 3

board shall conduct a public hearing on the petition in the county or in one of the counties in which the political subdivision is located and may request additional information. The state appeal board shall hear and consider any appeal made by persons affected by the total budget of a political subdivision at the same time the petition of the governing board of such political subdivision is heard and considered."

11. Page 8, line 2, by striking the number "4" and inserting in lieu thereof the number "3".

12. Page 8, line 25, by striking the number "5" and inserting in lieu thereof the number "4".

13. Page 8, by striking line 28, and inserting in lieu thereof the following:

"5. The state appeal board shall approve the total".

14. Page 9, line 2, by striking the number "7" and inserting in lieu thereof the number "6".

15. By striking page 9, line 7 through page 10, line 4 and inserting in lieu thereof the following:

"Sec. 8. ADDITIONAL PUBLIC HEARING—FISCAL YEARS 1977-78 AND 1978-79.

Upon receipt of the notification from the state comptroller that the property tax budget of the certified total budget of a political subdivision for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds seven percent but not more than nine percent of the property tax budget of such political subdivision for the base year, the governing body of such political subdivision shall publish notice of and conduct a public hearing not later than April fifteenth. The date, time and location of the public hearing and the information required to be published under section nine (9) of this division, shall be published in a newspaper having general circulation

36 throughout the political subdivision not less than
37 five days before the date of hearing. Thereafter,
38 the total budget shall be recertified, with or without
39 changes that may be made after the hearing, to the
40 county auditor and the state comptroller not later
41 than April fifteenth. If, after such hearing, the
42 property tax budget for the fiscal year beginning
43 July 1, 1977 or July 1, 1978 exceeds the property
44 tax budget of the base year by more than nine percent,
45 such budget shall be subject to the approval of the
46 state appeal board as provided in section seven (7)
47 of this division."

48 16. Page 10, line 5, by striking the number "8"
49 and inserting in lieu thereof the number "9".

50 17. Page 10, line 18, by striking the word "guide-

Page 4

1 line" and inserting in lieu thereof the word "per-
2 centages".

3 18. Page 10, line 20, by striking the word "guide-
4 line" and inserting in lieu thereof the word "per-
5 centages".

6 19. Page 11, by striking line 10 and inserting
7 in lieu thereof the words "beginning July 1, 1976,
8 July 1, 1977, and July 1, 1978."

9 20. Page 11, line 11, by striking the number "9"
10 and inserting in lieu thereof the number "10".

11 21. Page 11, line 17, by striking the word and
12 number "seven (7)" and inserting in lieu thereof the
13 word and number "eight (8)".

14 22. Page 11, line 18, by striking the word "certi-
15 fication" and inserting in lieu thereof the word "re-
16 certification".

17 23. Page 11, by striking lines 19 through 24,
18 and inserting in lieu thereof the words "to protest
19 to the state appeal board. All other time".

20 24. By striking page 11, line 35 through page
21 12, line 18, and inserting in lieu thereof the follow-
22 ing:

23 "Sec. 11. PROPERTY TAX CARRYOVER. If a political
24 subdivision adopts a total budget for the fiscal year
25 beginning July 1, 1976, which does not include an
26 increase in the amount of property tax levy for the
27 property tax budget computed in dollars which exceeds
28 or is equal to nine percent, the political subdivision
29 may levy property taxes for the succeeding fiscal
30 year in excess of a seven percent increase and be
31 exempt from the provisions of sections seven (7) and
32 eight (8) of this division. Also, if a political
33 subdivision adopts a total budget for the fiscal year
34 beginning July 1, 1977, which does not include an
35 increase in the amount of property tax levy for the
36 property tax budget computed in dollars which exceeds
37 or is equal to seven percent, the political subdivision
38 may levy property taxes for the succeeding fiscal

39 year in excess of a seven percent increase and be
40 exempt from the provisions of sections seven (7) and
41 eight (8) of this division. However, the exemption
42 from the provisions of sections seven (7) and eight
43 (8) of this division shall be applicable only if the
44 additional property tax levy for the property tax
45 budget does not raise in dollars an amount which
46 exceeds the seven percent increase for the fiscal
47 year beginning July 1, 1977 or July 1, 1978 and the
48 difference between the amount in dollars which the
49 political subdivision levied during the base year
50 and the amount in dollars which the political

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1 subdivision could have levied during the base year
2 under this division."

3 25. Page 12, line 19, by striking the number "11"
4 and inserting in lieu thereof the number "12".

5 26. Page 12, line 23, by striking the word "How-
6 ever," and by striking all of lines 24 through 33.

7 27. Page 12, line 34, by striking the number "12"
8 and inserting in lieu thereof the number "13".

9 28. Page 13, by striking lines 1 through 4 and
10 inserting in lieu thereof the words "a protest filed
11 with the state appeal board by persons affected by
12 the total budget of a political subdivision."

13 29. Page 13, line 5, by striking the number "13"
14 and inserting in lieu thereof the number "14".

15 30. Page 13, by striking lines 12 through 16.

16 31. Page 13, by striking line 24 and inserting
17 in lieu thereof the words "[in no event] *the number*
18 *shall not be less than ten and the number need not*
19 *be more than one hundred persons, who are*".

20 32. Page 14, line 25, by striking the word "not"
21 and inserting in lieu thereof the words "[not] *the*
22 *number shall not be*".

23 33. Page 14, line 28, by striking the word "or"
24 and inserting in lieu thereof the words "*and the*
25 *number need not be*".

26 34. Page 14, line 34, by striking the word "as-
27 sessed" and inserting in lieu thereof the word "ac-
28 tual".

29 35. Page 15, by inserting after line 20 the fol-
30 lowing new section:

31 "Sec. Notwithstanding the provisions of section
32 four hundred forty-one point twenty-one (441.21) of
33 the Code, for assessments made as of January 1, 1977,
34 in assessing and determining the actual value of ag-
35 ricultural land, except structures located thereon,
36 the value shall be computed on the basis of the
37 productivity and net earning capacity of the land
38 determined on the basis of the use for agricultural
39 purposes capitalized at a rate representing a fair
40 return on the investment, such rate to be established
41 by the state board of tax review and applied uniformly

42 among counties and among classes of property. The
43 actual value of a structure located on agricultural
44 land shall be the fair and reasonable market value
45 of the structure. The provisions of this section
46 shall apply only to valuations of agricultural property
47 valued as of January 1, 1977."

48 36. Page 16, line 1, by striking the words "and
49 approved".

50 37. Page 16, line 2, by inserting after the word

Page 6

1 and figure "July 1, 1975" the words "and approved".

2 38. Page 16, line 3, by striking the word "The"
3 and inserting in lieu thereof the words "Not later
4 than August 1, 1976, the".

5 39. Page 16, line 5, by striking the words "under
6 the provisions of this Act" and inserting in lieu
7 thereof the words "claimed between January 1, 1975
8 and July 1, 1975, and approved".

9 40. Page 16, lines 5 and 6, by striking the words
10 "not later than August 1, 1976".

11 41. Page 16, line 7, by inserting before the word
12 "department" the words "county treasurer and the".

13 42. Page 16, line 12, by inserting after the word
14 "approved" the word and figure "in 1975".

15 43. Page 16, line 15, by striking the word and
16 figure "June 1" and inserting in lieu thereof the
17 word and figure "July 1".

18 44. Page 16, by inserting after line 17 the fol-
19 lowing new sections:

20 "Sec. 22. Notwithstanding the provisions of sec-
21 tion four hundred twenty-five point one (425.1), sub-
22 sections two (2), three (3), and four (4) of the Code,
23 the homestead tax credit shall be computed so as to
24 give a credit against the tax on each eligible home-
25 stead in the state in an amount equal to the actual
26 levy on the first five thousand dollars of actual
27 value for each homestead. The provisions of this
28 section shall only be applicable for each homestead
29 tax credit claimed between January 1, 1976 and July
30 1, 1976 and approved and for each homestead tax cred-
31 it claimed between January 1, 1977 and July 1, 1977
32 and approved except as provided in sections thirty-
33 nine (39) and forty (40) of this Act.

34 Sec. 23. EFFECTIVE DATE. The provisions of sec-
35 tion twenty-two (22) of this Act are effective to
36 January 1, 1976 for credits claimed on or after January
37 1, 1976 and approved under chapter four hundred twenty-
38 five (425) of the Code for a homestead tax credit
39 on an eligible homestead and to this extent the
40 provisions of section twenty-two (22) of this Act
41 are retroactive."

42 45. Page 16, by striking lines 18 through 26.

43 46. Page 17, by striking lines 8 through 19.

44 47. Page 20, by striking lines 29 through 35 and

45 page 21, by striking lines 1 through 10 and insert-
46 ing in lieu thereof the following:

47 "Sec. 33. TASK FORCE CREATED. There is established
48 a local government task force composed of sixteen
49 members. Of the sixteen members, two shall be members
50 of the senate and two shall be members of the house

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1 of representatives who shall be nonvoting members,
2 and twelve members who are interested and knowledgeable
3 in affairs of local government. All members of the
4 task force shall be appointed by the governor. Of
5 the members appointed from the senate, the governor
6 shall appoint one member from the majority party and
7 one member from the minority party each of whom are
8 members of the senate committee on ways and means.
9 Of the members appointed from the house of repre-
10 sentatives, the governor shall appoint one member
11 from the majority party and one member from the
12 minority party each of whom are members of the house
13 committee on ways and means. Of the remaining twelve
14 members, the governor shall appoint two members from
15 each congressional district, who shall not be members
16 of the same political party. The members appointed
17 by the governor shall serve at the pleasure of the
18 governor. Any vacancy in the membership of the task
19 force shall be filled by appointment in the same
20 manner as the original appointments.

21 The nonlegislative members of the task force shall
22 receive their actual and necessary expenses to be
23 audited by the state comptroller. Members of the
24 task force who are members of the general assembly
25 shall receive a per diem of forty dollars and their
26 actual and necessary expenses."

27 48. Page 22, line 31, by inserting after the word
28 "including" the words "per diem and".

29 49. Page 22, by inserting after line 32 the fol-
30 lowing new section:

31 "DIVISION VIII

32 Sec. 39. If the unencumbered balance of the general
33 fund of the state on June 30, 1976 does not exceed
34 fifty million dollars, the homestead tax credit
35 computed in the manner provided in section twenty-
36 two (22) of this Act shall not apply and the homestead
37 tax credit for claims filed in 1976 shall be computed
38 so as to give a credit against the tax on each eligible
39 homestead in the state in an amount equal to the
40 actual levy on the first four thousand five hundred
41 dollars of actual value for each homestead. The
42 county auditor shall compute the homestead tax credit
43 in the manner provided in section twenty-two (22)
44 of this Act and if the general fund balance does not
45 exceed fifty million dollars, the department of revenue
46 shall reduce the amount of each homestead tax credit
47 claim certified to the department by ten percent and

48 recertify the amount of the credit to be allowed on
49 each eligible homestead to the county treasurers of
50 the respective counties.

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1 **If the unencumbered balance of the general fund**
2 of the state on June 30, 1976, does not exceed fifty
3 million dollars, there is appropriated for the fiscal
4 year beginning July 1, 1977 and ending June 30, 1978
5 an amount equal to thirteen million (13,000,000)
6 dollars, or so much thereof as may be necessary, to
7 the agricultural land credit fund and the provisions
8 of section four hundred twenty-six point one (426.1)
9 of the Code shall not apply for the fiscal year be-
10 ginning July 1, 1977 and ending June 30, 1978.

11 If the provisions of this section become effective
12 and the amount of funds appropriated to the
13 agricultural land credit fund is the amount specified
14 in this section, the state comptroller shall recertify
15 to the county auditors of the respective counties
16 the pro rata percentage of reimbursement from the
17 **agricultural land credit fund which shall be**
18 distributed by the state comptroller.

19 Sec. 40. If the unencumbered balance of the general
20 fund of the state on June 30, 1977 does not exceed
21 fifty million dollars, the homestead tax credit com-
22 puted in the manner provided in section twenty-two
23 (22) of this Act shall not apply and the homestead
24 tax credit for claims filed in 1977 shall be computed
25 so as to give a credit against the tax on each eligible
26 homestead in the state in an amount equal to the
27 actual levy on the first four thousand five hundred
28 dollars of actual value for each homestead. The
29 county auditor shall compute the homestead tax credit
30 in the manner provided in section twenty-two (22)
31 of this Act and if the general fund balance does not
32 exceed fifty million dollars, the department of revenue
33 shall reduce the amount of each homestead tax credit
34 claim certified to the department by ten percent and
35 recertify the amount of the credit to be allowed on
36 each eligible homestead to the county treasurers of
37 the respective counties.

38 **If the unencumbered balance of the general fund**
39 of the state on June 30, 1977, does not exceed fifty
40 million dollars, there is appropriated for the fiscal
41 year beginning July 1, 1978 and ending June 30, 1979
42 an amount equal to thirteen million (13,000,000)
43 dollars, or so much thereof as may be necessary, to
44 the agricultural land credit fund and the provisions
45 of section four hundred twenty-six point one (426.1)
46 of the Code shall not apply for the fiscal year be-
47 **ginning July 1, 1978 and ending June 30, 1979.**

48 If the provisions of this section become effective
49 and the amount of funds appropriated to the agricul-
50 tural land credit fund is the amount specified in

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- 1 this section, the state comptroller shall recertify
- 2 to the county auditors of the respective counties
- 3 the pro rata percentage of reimbursement from the
- 4 agricultural land credit fund which shall be
- 5 distributed by the state comptroller."
- 6 50. Page 23, line 7, by striking the words "and
- 7 exemptions".
- 8 51. Renumber sections and correct internal re-
- 9 ferences as may be necessary in accordance with this
- 10 amendment.

Senator Hansen offered amendment S—5436 to amendment S—5435 by Senators Hansen, Shaw and Kelly, moved its adoption and requested a record roll call:

S—5436

- 1 Amend the Rodgers amendment S—5435 to the report
- 2 of the second conference committee on Senate File
- 3 1062 as follows:
- 4 1. Page 5, by striking lines 26 through 50 and
- 5 inserting in lieu thereof the following:
- 6 "..... Page 14, by striking lines 29 through 35
- 7 and inserting in lieu thereof the following:
- 8 'Sec. Section four hundred forty-two point
- 9 three (442.3), Code 1975, is amended to read as
- 10 follows:
- 11 442.3 STATE FOUNDATION BASE. The state foundation
- 12 base for the school year beginning July 1, [1972] 1976,
- 13 is [seventy] *eighty* percent of the state cost per pupil.
- 14 [For each succeeding school year the state foundation
- 15 base shall be increased by the amount of one percent
- 16 of the state cost per pupil, up to a maximum of eighty
- 17 percent of the state cost per pupil.] The district
- 18 foundation base is the larger of the state foundation
- 19 base or the amount per pupil which the district will
- 20 receive from foundation property tax and state school
- 21 foundation aid.
- 22 Sec. There is imposed a state property tax
- 23 on commercial property, industrial property, per-
- 24 sonal property, and all property assessed pursuant
- 25 to chapters four hundred thirty-three (433) through
- 26 four hundred thirty-eight (438) of the Code by the
- 27 director under authority specified in chapter four
- 28 hundred twenty-eight (428) of the Code. The amount
- 29 of the state property tax shall be equal to the dif-
- 30 ference between the property taxes levied on a parcel
- 31 of property and payable during the fiscal year
- 32 beginning July 1, 1975 and the property taxes levied
- 33 on the same parcel of property and payable during
- 34 the fiscal year beginning July 1, 1976 and the
- 35 difference between the property taxes levied on a
- 36 parcel of property and payable during the fiscal year
- 37 beginning July 1, 1976 and the property taxes levied

38 on the same parcel of property and payable during
39 the fiscal year beginning July 1, 1977, if the property
40 taxes paid during the fiscal year beginning July 1,
41 1976 or July 1, 1977 are less than the property taxes
42 paid during the preceding fiscal year. The tax shall
43 be payable to the department of revenue and shall
44 be paid at the time the person is filing a state
45 income tax return for a tax year ending on or after
46 July 1, 1977 and not later than June 30, 1978 or on
47 or after July 1, 1978 and not later than June 30,
48 1979, as applicable.

49 Sec. The county auditor in each county shall
50 certify to the department of revenue not later than

Page 2

1 January 1, 1977 and January 1, 1978 a list of each
2 parcel of property which is classified by the assessor
3 as commercial property, industrial property, personal
4 property, or property assessed pursuant to chapters
5 four hundred thirty-three (433) through four hundred
6 thirty-eight (438) of the Code by the director under
7 authority of chapter four hundred twenty-eight (428)
8 of the Code, the owner of each parcel, the property
9 taxes levied against the property and payable during
10 the fiscal year beginning July 1, 1975, the property
11 taxes levied against the property and payable during
12 the fiscal year beginning July 1, 1976, and the amount
13 of state property taxes payable in the manner provided
14 by this Act. The list submitted not later than January
15 1, 1978 shall have the property taxes levied against
16 the property and payable during the fiscal year
17 beginning July 1, 1977 substituted in lieu of the
18 property taxes payable during the fiscal year beginning
19 July 1, 1975.

20 Sec. In notifying the owner of the property
21 of the property taxes levied against the property
22 and payable during the fiscal year beginning July
23 1, 1977 and during the fiscal year beginning July
24 1, 1978, the notice shall also indicate whether or
25 not any state property taxes are due on the property.
26 If state property taxes are due on the property, the
27 notice shall also notify the owner of the property
28 that the taxes are payable to the department of revenue
29 and shall be included in the payment of state income
30 taxes due and payable upon the filing of a state
31 income tax return filed for any tax year ending on
32 or after July 1, 1977 and not later than June 30,
33 1978 and on or after July 1, 1978 and not later than
34 June 30, 1979, as applicable.

35 Sec. Any state property taxes due under the
36 provisions of this Act shall become a lien against
37 the property in the same manner and at the same time
38 as a lien for any other delinquent property taxes.

39 Sec. Upon payment of the state property taxes
40 due on a parcel of property to the department of rev-

41 enue, the director of revenue shall certify the pay-
 42 ment of the state property taxes to the county auditor
 43 and direct the auditor to remove the lien which has
 44 been attached for nonpayment of state property taxes.

45 By striking pages 15 and 16.

46 Page 17, by striking lines 1 through 19.' "

47 2. Page 6, by striking lines 1 through 43.

48 3. Page 7, by striking lines 29 through 50.

49 4. Page 8, by striking lines 1 through 50.

50 5. Page 9, by striking lines 1 through 7 and

Page 3

1 inserting in lieu thereof the following:

2 "..... Page 23, line 7, by striking the words 'and

3 exemptions'.

4 Page 23, line 8, by striking the words 'making

5 changes in'.

6 Page 23, by striking line 9.

7 Page 23, line 10, by striking the words

8 'taxable property,'.

9 Page 23, line 12, by striking the words 'making

10 certain provisions of the Act retroactive,'."

On the question "Shall amendment S—5436 to amendment S—5435 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	Griffin	Miller of	Nystrom
Bergman	Hansen	Des Moines	Plymat
Briles	Hill of Polk	Miller of	Redmond
Burroughs	Hultman	Marshall	Schwengels
Curtis	Kelly	Murray	Shaw
DeKoster	Lamborn	Nolting	Taylor
Doderer			

Nays, 25:

Carr	Hill of Jasper	Palmer	Shaff
Coleman	Junkins	Priebe	Sovern
Culver	Kinley	Ramsey	Tieden
Gallagher	Merritt	Robinson	Van Gilst
Glenn	Norpel	Rodgers	Willits
Gluba	Orr	Scott	Winkelman
Heying			

Absent or not voting, 2:

Nolin Rabedeaux

Amendment S—5436 to amendment S—5435 lost.

Senator Nolting offered amendment S—5437 to amendment S—5435, moved its adoption, and requested a record roll call:

S—5437

- 1 Amend the Rodgers amendment, S—5435, to the re-
- 2 port of the second conference committee on Senate File

3 1062, page 5, lines 39 and 40, by striking the words
 4 "a fair return on the investment" and inserting in
 5 lieu thereof the words "the actual return on the
 6 investment for the five crop years immediately pre-
 7 ceding January 1, 1977".

Senator Hultman took the chair at 7:55 p.m.

President Neu took the chair at 8:10 p.m.

On the question "Shall amendment S—5437 to amendment S—5435 be adopted?" (S.F. 1062) the vote was:

Ayes, 11:

Carr	Gluba	Hill of Polk	Shaw
Doderer	Griffin	Nolting	Willits
Glenn	Hill of Jasper	Redmond	

Nays, 37:

Andersen	Heying	Miller of	Robinson
Bergman	Hultman	Marshall	Rodgers
Briles	Junkins	Murray	Schwengels
Burroughs	Kelly	Norpel	Scott
Coleman	Kinley	Nystrom	Shaff
Culver	Lamborn	Orr	Sovern
Curtis	Merritt	Palmer	Taylor
DeKoster	Miller of	Plymat	Tieden
Gallagher	Des Moines	Priebe	Van Gilst
Hansen		Ramsey	Winkelman

Absent or not voting, 2:

Nolin	Rabedaux
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Amendment S—5437 to amendment S—5435 lost.

Senator Rodgers moved the adoption of amendment S—5435 and requested a record roll call.

On the question "Shall amendment S—5435 be adopted?" (S.F. 1062) the vote was:

Rule 25 was invoked.

Ayes, 26:

Andersen	Glenn	Orr	Scott
Briles	Gluba	Palmer	Shaff
Carr	Heying	Plymat	Sovern
Coleman	Junkins	Priebe	Tieden
Culver	Kinley	Robinson	Van Gilst
Curtis	Merritt	Rodgers	Willits
Gallagher	Norpel		

Nays, 22:

Bergman	Hill of Polk	Miller of	Redmond
Burroughs	Hultman	Marshall	Schwengels
DeKoster	Kelly	Murray	Shaw
Doderer	Lamborn	Nolting	Taylor
Griffin	Miller of	Nystrom	Winkelman
Hansen	Des Moines	Ramsey	
Hill of Jasper			

Absent or not voting, 2:

Nolin Rabedeaux

Amendment S—5435 was adopted.

Senator Rodgers moved the adoption of the second conference committee report as amended and requested a record roll call.

On the question "Shall the second conference committee report as amended be adopted?" (S.F. 1062) the vote was:

Ayes, 26:

Andersen	Glenn	Orr	Scott
Briles	Gluba	Palmer	Shaff
Carr	Heying	Plymat	Sovern
Coleman	Junkins	Priebe	Tieden
Culver	Kinley	Robinson	Van Gilst
Curtis	Merritt	Rodgers	Willits
Gallagher	Norpel		

Nays, 22:

Bergman	Hill of Polk	Miller of	Redmond
Burroughs	Hultman	Marshall	Schwengels
DeKoster	Kelly	Murray	Shaw
Doderer	Lamborn	Nolting	Taylor
Griffin	Miller of	Nystrom	Winkelman
Hansen	Des Moines	Ramsey	
Hill of Jasper			

Absent or not voting, 2:

Nolin Rabedeaux

The motion prevailed and the second conference committee report and the recommendations and amendment as amended contained therein were adopted.

Senator Hultman raised the point of order that with the adoption of the second conference committee report as amended Senate File 1062 should be referred to the committee on appropriations, under Senate Rule 38.

The Chair ruled the point well taken.

Senator Kinley moved that Senate Rule 38 be suspended for the purpose of permitting continued consideration of Senate File 1062.

A record roll call was requested.

On the question "Shall the motion to suspend Senate Rule 38 be adopted?" (S.F. 1062) the vote was:

Ayes, 31:

Andersen	Culver	Gluba	Kelly
Briles	Doderer	Heying	Kinley
Carr	Gallagher	Hill of Jasper	Merritt
Coleman	Glenn	Junkins	

Miller of
Des Moines
Miller of
Marshall
Nolting

Norpel
Orr
Palmer
Plymat
Priebe

Redmond
Robinson
Rodgers
Scott

Shaff
Sovern
Van Gilst
Willits

Nays, 17:

Bergman
Burroughs
Curtis
DeKoster
Griffin

Hansen
Hill of Polk
Hultman
Lamborn

Murray
Nystrom
Ramsey
Schwengels

Shaw
Taylor
Tieden
Winkelman

Absent or not voting, 2:

Nolin

Rabedeaux

The motion prevailed and the Senate continued consideration of Senate File 1062.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1062) the vote was:

Ayes, 27:

Andersen
Briles
Carr
Coleman
Culver
Curtis
Gallagher

Glenn
Gluba
Heying
Junkins
Kinley
Merritt
Nolting

Norpel
Orr
Palmer
Plymat
Priebe
Robinson
Rodgers

Scott
Shaff
Sovern
Tieden
Van Gilst
Willits

Nays, 21:

Bergman
Burroughs
DeKoster
Doderer
Griffin
Hansen

Hill of Jasper
Hill of Polk
Hultman
Kelly
Lamborn

Miller of
Des Moines
Miller of
Marshall
Murray
Nystrom

Ramsey
Redmond
Schwengels
Shaw
Taylor
Winkelman

Absent or not voting, 2:

Nolin

Rabedeaux

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

Senator Kinley asked and received unanimous consent that **Senate File 1062** be immediately messaged to the House, which request was complied with.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on April 1, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1217, a bill for an act appropriating funds to the capitol planning commission for a central energy plant.

DAVID L. WRAY, Chief Clerk

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1320 Ways and means

H. F. 1321 Ways and means

H. F. 1346 State government

H. F. 1436 Education

H. F. 1520 Appropriations

H. F. 1539 Appropriations

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of April, 1976: Senate File 1242.

STEVEN C. CROSS
Secretary of the Senate

REPORT BY THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

Pursuant to the provisions of House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following name of the joint employee for the Human Resources Committees for the 1976 Session of the Sixty-sixth General Assembly and the respective step. The step would be effective as of March 29, 1976.

HUMAN RESOURCES COMMITTEES

Secretary.....(15).....Sue A. Core-Jones.....2.....Permanent

WILLIAM D. PALMER, Chairperson

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

COMMONWEALTH OF KENTUCKY

A copy of Senate Resolution 23, adopted by the Senate and House of the Commonwealth of Kentucky during the 1976 General Assembly proposing an amendment to the Constitution of the United States to require, with certain exceptions, that the total of all federal appropriations shall not exceed the total of all estimated federal revenues in any fiscal year.

REPORT OF COMMITTEE

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 91**, a bill for an act relating to fees for posting business signs on specific information panels and advertising permits, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5433

- 1 Amend House File 91 as amended, passed, and
- 2 reprinted by the House, page 1, by striking lines
- 3 17 through 22 and inserting in lieu thereof the word
- 4 "*posting*."

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5438

- 1 Amend Senate File 1274 as follows:
- 2 1. Page 1, by inserting after line 29 the
- 3 following:
- 4 "A city may *sell at private sale and deliver*
- 5 its revenue bonds to the federal government or any
- 6 agency thereof which has loaned the city money for
- 7 sanitary or solid waste projects, water projects or
- 8 other projects for which the *federal* government has
- 9 a loan program."

EARL M. WILLITS

S—5434

- 1 Amend the committee on human resources amendment
- 2 S—5346 to House File 614 as amended, passed, and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 34, by striking the word "Natural"
- 5 and inserting in lieu thereof the word "Biological".
- 6 2. Page 5, line 33, by striking the word "natural"
- 7 and inserting in lieu thereof the word "biological".
- 8 3. Page 5, line 35, by striking the word "natural"
- 9 and inserting in lieu thereof the word "biological".
- 10 4. Page 9, line 20, by striking the word "natural"
- 11 and inserting in lieu thereof the word "biological".

- 12 5. Page 12, line 48, by striking the word "natural"
13 and inserting in lieu thereof the word "biological".
14 6. Page 15, line 3, by striking the word "natural"
15 and inserting in lieu thereof the word "biological".
16 7. Page 15, line 8, by striking the word "natural"
17 and inserting in lieu thereof the word "biological".
18 8. Page 15, line 12, by striking the word "natural"
19 and inserting in lieu thereof the word "biological".
20 9. Page 15, line 13, by striking the word "natural"
21 and inserting in lieu thereof the word "biological".
22 10. Page 15, line 17, by striking the word
23 "natural" and inserting in lieu thereof the word
24 "biological".
25 11. Page 15, line 22, by striking the word
26 "natural" and inserting in lieu thereof the word
27 "biological".
28 12. Page 19, line 40, by striking the word
29 "natural" and inserting in lieu thereof the word
30 "biological".
31 13. Page 19, line 45, by striking the word
32 "natural" and inserting in lieu thereof the word
33 "biological".
34 14. Page 19, line 50, by striking the word
35 "natural" and inserting in lieu thereof the word
36 "biological".
37 15. Page 20, line 1, by striking the word "natural"
38 and inserting in lieu thereof the word "biological".
39 16. Page 20, line 4, by striking the word "natural"
40 and inserting in lieu thereof the word "biological".
41 17. Page 20, line 10, by striking the word
42 "natural" and inserting in lieu thereof the word
43 "biological".
44 18. Page 20, line 31, by striking the word
45 "natural" and inserting in lieu thereof the word
46 "biological".

EARL M. WILLITS

S—5432

- 1 Amend the committee on human resources amendment
2 S—5346 to House File 614 as amended, passed, and re-
3 printed by the House as follows:
4 1. Page 19, line 46, by striking the word "may"
5 and inserting in lieu thereof the word "shall".
6 2. Page 19, line 47, by striking the words "for
7 good cause shown".

EARL M. WILLITS
JAMES M. REDMOND
STEVE SOVERN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 9:50
p.m., until 9:30 a.m., Friday, April 2, 1976.

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, APRIL 2, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Royce Wolden, pastor of the Grace Baptist Church, Waverly, Iowa.

The Journal of Thursday, April 1, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, Grinnell, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Sovern for the day and Senator Rabedaux for the day on request of Senator Kinley; Senator Kelly for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-two students from Woodside Junior High School, Saydel, Iowa, accompanied by Norma Selland. Senators Willits and Palmer.

Twenty-four students from Lincoln Elementary School, Oskaloosa, Iowa, accompanied by Ethel Little and Lennie Harvey. Senator Van Gilst.

Thirty-three students from Cedar Valley Middle School, Rinard, Iowa, accompanied by Harlan Hawley. Senator Winkelman.

PETITIONS

The following petitions were presented and placed on file:

By Senator Glenn from seventy-three residents of Wapello

County opposing the construction of nuclear power plants until it has been proven that waste material can be disposed of safely.

By Senator Culver from fourteen residents of Pottawattamie County favoring Senate File 1074 providing for certification of an employee organization by a majority of the public employees voting.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Ramsey called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph A. Graham, Jr., D.V.M., Milo, Warren County, Iowa, for appointment to the State Board of Veterinary Medical Examiners, pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
KARL NOLIN
JAMES M. REDMOND
ROGER J. SHAFF
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Ramsey moved the appointment of Joseph A. Graham, Jr., D.V.M., as a member of the State Board of Veterinary Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Glenn	Miller of	Rodgers
Bergman	Gluba	Marshall	Scott
Briles	Griffin	Murray	Shaff
Carr	Hansen	Nolting	Shaw
Coleman	Heying	Nystrom	Taylor
Culver	Hill of Polk	Orr	Tieden
Curtis	Hultman	Palmer	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Lamborn	Ramsey	Winkelman
Gallagher	Merritt	Redmond	

Nays, none.

Absent or not voting, 12:

Burroughs	Miller of	Norpel	Robinson
Hill of Jasper	Des Moines	Priebe	Schwengels
Junkins	Nolin	Rabedaux	Sovern
Kelly			

President Neu declared the appointment of Joseph A. Graham, Jr., D.V.M., as a member of the State Board of Veterinary Medical Examiners confirmed for an initial term ending June 30, 1977.

Senator Doderer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sidney E. Wilcox, Missouri Valley, Harrison County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

MINNETTE DODERER, Chairperson
C. JOSEPH COLEMAN
LOUIS P. CULVER
LUCAS J. DeKOSTER
JAMES W. GRIFFIN, SR.

The motion prevailed and the report was adopted.

Senator Doderer moved the appointment of Sidney E. Wilcox as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Kinley	Nystrom	Shaw
Curtis	Lamborn	Orr	Taylor
DeKoster	Merritt	Palmer	Tieden
Doderer	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba		Ramsey	Winkelman

Nays, 1:

Gallagher

Absent or not voting, 8:

Burroughs	Junkins	Nolin	Robinson
Hill of Jasper	Kelly	Rabedaux	Sovern

President Neu declared the appointment of Sidney E. Wilcox as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1978.

Senator Tieden called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harold Raymond Wilson, O.D., of Forest City, Winnebago County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

DALE L. TIEDEN, Chairperson
BERL E. PRIEBE
ELIZABETH SHAW
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Tieden moved the appointment of Harold Raymond Wilson, O.D., as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 8:

Burroughs	Hill of Jasper	Nolin	Robinson
Gallagher	Kelly	Rabedaux	Sovern

President Neu declared the appointment of Harold Raymond Wilson, O.D., as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1976.

Senator Curtis called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Alfred D. Wilson of Des Moines, Polk County, Iowa,

for reappointment as a member of the State Board of Barber Examiners under the provisions of Section 147.12, Code 1975, for the regular three-year term beginning July 1, 1976 and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

WARREN E. CURTIS, Chairperson
GENE W. GLENN
PHILIP B. HILL
JOAN ORR
BERL E. PRIEBE

The motion prevailed and the report was adopted.

Senator Curtis moved the appointment of Alfred D. Wilson as a member of the State Board of Barber Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Plymat	Van Gilst
Doderer	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Gallagher	Kelly	Rabedaux	Sovern
Hill of Jasper	Nolin	Robinson	

President Neu declared the appointment of Alfred D. Wilson as a member of the State Board of Barber Examiners confirmed for the regular three-year term ending June 30, 1979.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ralph W. Potter, Marion, Linn County, Iowa, for appointment as a member of the City Development Board under the provisions of Section 368.9, Code 1975, for an unexpired term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson

WARREN E. CURTIS
LUCAS J. DeKOSTER
WILLIAM D. PALMER
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Ralph W. Potter as a member of the City Development Board be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Rodgers
Burroughs	Heying	Marshall	Schwengels
Carr	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolting	Shaff
Culver	Hultman	Norpel	Shaw
Curtis	Junkins	Nystrom	Taylor
DeKoster	Kinley	Orr	Tieden
Doderer	Lamborn	Palmer	Van Gilst
Gallagher	Merritt	Plymat	Willits
Glenn		Priebe	Winkelman

Nays, none.

Absent or not voting, 5:

Kelly	Rabedaux	Robinson	Sovern
Nolin			

President Neu declared the appointment of Ralph W. Potter as a member of the City Development Board confirmed for the unexpired portion of the term ending June 30, 1978.

SENATE INSISTS

House File 1217

Senator Willits called up for consideration House File 1217, a bill for an act appropriating funds to the general services department for a central energy plant, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment to House File 1217.

Senator Willits asked and received unanimous consent that House File 1217 be immediately messaged to the House, which request was complied with.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1279.

Senate File 1279

On motion of Senator Carr, Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto, was taken up for consideration.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1279) the vote was:

Ayes, 36:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Nystrom	Shaw
Culver	Junkins	Orr	Tieden
Curtis	Kinley	Palmer	Van Gilst
DeKoster	Merritt	Plymat	Willits
Doderer	Miller of	Ramsey	Winkelman
Glenn	Des Moines		

Nays, 1:

Shaff

Absent or not voting, 13:

Coleman	Kelly	Nolin	Redmond
Gallagher	Lamborn	Priebe	Sovern
Griffin	Murray	Rabedaux	Taylor
Hultman			

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1439.

House File 1439

On the motion of Senator Winkelman, House File 1439, a bill for an act relating to birds of prey, with report of committee

recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Winkelman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1439) the vote was:

Ayes, 39:

Andersen	Gluba	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Heying	Norpel	Scott
Burroughs	Hill of Jasper	Nystrom	Shaff
Carr	Hill of Polk	Orr	Shaw
Coleman	Junkins	Palmer	Taylor
Culver	Merritt	Plymat	Van Gilst
Curtis	Miller of	Priebe	Willits
DeKoster	Des Moines	Ramsey	Winkelman
Doderer	Miller of	Redmond	
Glenn	Marshall		

Nays, none.

Absent or not voting, 11:

Gallagher	Kelly	Nolin	Sovern
Griffin	Kinley	Rabedaux	Tieden
Hultman	Lamborn	Robinson	

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

UNFINISHED BUSINESS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1238.

Senate File 1238

On motion of Senator Norpel, Senate File 1238, a bill for an act providing for the issuance of a warning ticket for defective light equipment, was taken up for further consideration.

Senator Murray offered amendment S—5410 filed by him and moved its adoption:

S—5410

- 1 Amend Senate File 1238 as follows:
- 2 1. Page 1, line 14, by striking the word "*shall*"
- 3 and inserting in lieu thereof the word "*may*".
- 4 2. Page 1, by striking lines 19 through 23.

A non-record roll call was requested.

The ayes were 11, nays 25.

Amendment S—5410 lost.

Senator Hill of Jasper offered amendment S—5411 filed by Senators Hill of Jasper and Burroughs, moved its adoption, and requested a non-record roll call:

S—5411

- 1 Amend Senate File 1238 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "fourteen" and inserting in lieu thereof the word
- 4 "three".

The ayes were 19, nays 20.

Amendment S—5411 lost.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1238) the vote was:

Ayes, 33:

Andersen	Glenn	Norpel	Schwengels
Bergman	Gluba	Orr	Scott
Briles	Hansen	Palmer	Shaw
Carr	Heying	Plymat	Taylor
Coleman	Junkins	Priebe	Tieden
Culver	Merritt	Ramsey	Van Gilst
Curtis	Murray	Redmond	Willits
Doderer	Nolting	Rodgers	Winkelman
Gallagher			

Nays, 6:

Burroughs	Hill of Jasper	Miller of	Shaff
DeKoster	Hill of Polk	Des Moines	

Absent or not voting, 11:

Griffin	Lamborn	Nolin	Robinson
Hultman	Miller of	Nystrom	Sovern
Kelly	Marshall	Rabedeaux	
Kinley			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1215.

Senate File 1215

On motion of Senator Ramsey, Senate File 1215, a bill for an act relating to the number of district court judges per judicial election district, was taken up for further consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1215) the vote was:

Ayes, 30:

Andersen	Gluba	Murray	Schwengels
Bergman	Hansen	Norpel	Shaw
Briles	Heying	Orr	Taylor
Burroughs	Hultman	Plymat	Tieden
Carr	Junkins	Ramsey	Van Gilst
Coleman	Lamborn	Redmond	Willits
DeKoster	Miller of	Robinson	Winkelman
Glenn	Marshall	Rodgers	

Nays, 12:

Culver	Kinley	Nolting	Scott
Doderer	Merritt	Palmer	Shaff
Hill of Jasper	Miller of	Priebe	
Hill of Polk	Des Moines		

Absent or not voting, 8:

Curtis	Griffin	Nolin	Rabedaux
Gallagher	Kelly	Nystrom	Sovern

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

ADOPTION OF RESOLUTION

House Concurrent Resolution 120

Senator Rodgers asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 120

By McElroy and Byerly

- 1 *Be It Resolved by the House, the Senate*
- 2 *Concurring*, That a joint convention of the two houses
- 3 of the Sixty-sixth General Assembly be held in the
- 4 House chamber on Tuesday, April 6, 1976, at 2:00 p.m., and
- 5 *Be It Further Resolved*, That Mr. John Warner, the
- 6 Administrator of the American Revolution Bicentennial
- 7 Administration, be invited to deliver an address in
- 8 observance of the Iowa Bicentennial Festival, and
- 9 *Be It Further Resolved*, That Governor Robert D. Ray,
- 10 the Supreme Court, the Bicentennial Commission, the
- 11 Marine Color Guard, the Wagon Train Personnel, the
- 12 Bicentennial Singers, and Reverend Arnpriester also be
- 13 invited.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

Senate File 1283, by committee on appropriations, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department.

Read first time and placed on calendar.

Senate File 1284, by committee on appropriations, a bill for an act relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes.

Read first time and placed on calendar.

Senate File 1285, by committee on appropriations, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act.

Read first time and placed on calendar.

Senate File 1286, by committee on state government, a bill for an act relating to reviews conducted in health care facilities.

Read first time and placed on calendar.

COMMUNICATION

The following communication from the Iowa Capitol Planning Commission was received and placed on file in the office of the Secretary of the Senate:

April 1, 1976

The Honorable Arthur A. Neu
Lieutenant Governor
Senate

Dear Sir:

Pursuant to House File 898, Sec. 19, adopted by the first session of the 66th General Assembly, the Capitol Planning Commission has sponsored a statewide contest to name the new office building that is under construction. All public school classes in Iowa History were asked to submit entries accompanied by an essay supporting their selection. Mrs. Polly Moore, member of the Capitol Planning Commission, was appointed by the Chairman to supervise the contest.

One-hundred and thirty-seven entries have been received suggesting a total of 65 names. The eight names receiving the greatest number of essays are tabulated below:

1. Herbert Clark Hoover.....16 Essays

2. Grant Wood Memorial.....	10 Essays
3. Kate Shelley.....	7 Essays
4. Ansel Briggs.....	7 Essays
5. Henry Agard Wallace.....	6 Essays
6. George Washington Carver.....	6 Essays
7. Annie Wittenmyer.....	5 Essays
8. Carolyn Campbell Pendray.....	5 Essays

The Capitol Planning Commission met at 8:00 A.M., on April 1st and voted unanimously to:

1. Submit to the General Assembly the name "HERBERT CLARK HOOVER", for the new office building.
2. Submit the essay written by Gail McCombs of Janesville, Iowa, (Teacher—Margaret Morford) as the winning essay.
3. Honor the class submitting the winning essay with a suitable award and a trip to the State Capitol.
4. Honor the other 15 classes who submitted the winning name by placing their names on a permanent plaque in the new office building.
5. Deposit all essays in the building cornerstone.

Respectfully submitted to the 66th General Assembly on April 1, 1976, by the Capitol Planning Commission.

CAPITOL PLANNING COMMISSION
GLENN F. BROCKETT, Chairman
POLLY MOORE
WARREN CURTIS
JOHN BRUNOW
HILARIUS L. HEYING
HAROLD McCORMICK
STANLEY L. McCAUSLAND

SUBCOMMITTEE ASSIGNMENTS

Senate File 513	Senate File 1245	Senate Concurrent
Commerce	Appropriations—	Resolution 106
Briles, Chairperson	Human Resources	Rules and
Gallagher	Senate File 1255	Administration
Rabedeaux	Appropriations—	Junkins, Chairperson
Senate File 1144	Human Resources	Rabedeaux
County Government	Senate File 1277	Kinley
Briles, Chairperson	Cities	House File 628
Robinson	Palmer, Chairperson	Appropriations—
Hill of Polk	Nystrom	Education
Senate File 1195	Nolting	House File 1047
Appropriations—	Senate Concurrent	Cities
Education	Resolution 105	Redmond,
Senate File 1237	Rules and	Chairperson
Appropriations	Administration	Carr
Hill of Jasper,	Van Gilst,	Hansen
Chairperson	Chairperson	
Willits	Junkins	
Plymat	Lamborn	

House File 1346

State Government
Redmond,
Chairperson
Glenn
Nystrom

House File 1370

Judiciary
Doderer, Chairperson
Redmond
DeKoster

House File 1456

County Government
Taylor, Chairperson
Ramsey
Merritt

House File 1457

State Government
Glenn, Chairperson
Coleman
Curtis

House File 1459

Judiciary
Shaw, Chairperson
Hill of Polk
Coleman

House File 1461

Education
Griffin, Chairperson
Carr
Merritt

House File 1462

Judiciary
Willits, Chairperson
Redmond
Hill of Polk

House File 1464

Judiciary
Miller of Des Moines,
Chairperson
Shaw
Doderer

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **Senate File 1058**, a bill for an act making an appropriation to the Volga River project, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5440

- 1 Amend Senate File 1058, page 1, line 5, by
- 2 striking the words and figures "seven hundred fifty
- 3 thousand (750,000)", and inserting in lieu thereof
- 4 the words and figures, "eight hundred thousand
- 5 (800,000)".

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **Senate File 1087**, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet, begs leave to report it has had the same under consideration and recommends the same **do pass.**

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on energy to which was referred **House File 1281**, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties, begs leave to report it has had the same under consideration and recommends the same **do pass.**

JAMES V. GALLAGHER, Chairperson

House File 1281 referred to the committee on state government, under Senate Rule 38.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 200**, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5439

1 Amend House File 200, as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 3, by striking lines 18 through 35, and
4 page 4, by striking line 1.

5 2. Page 4, by inserting after line 10 the
6 following:

7 "3. If substitution of a generically equivalent
8 drug product for the designated brand or trade name
9 drug product prescribed is made under this section,
10 the pharmacist making the substitution shall note
11 that fact on the prescription presented by the patient
12 or the patient's representative, or reduced to writing
13 by the pharmacist pursuant to section one hundred
14 fifty-five point thirty-three (155.33), subsection
15 two (2) of the Code."

16 3. Page 5, by striking lines 23 through 31.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on state government to which was referred **Senate File 552**, a bill for an act relating to the payment of services rendered to a state institution by a county medical examiner, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **House File 114**, a bill for an act to modify certain accounting procedures of the office of auditor of state, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1106**, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:10 p.m., until 10:00 a.m, Monday, April 5, 1976.

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, APRIL 5, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Monsignor Leander Reicks, pastor of the Assumption Catholic Church, Cresco, Iowa, and the nephew of Senator Heying.

The Journal of Friday, April 2, 1976, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Robinson for the day, Senator Nolin for the day and Senator Miller of Des Moines for the morning session on request of Senator Kinley; Senator Kelly for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-four students from East Union Community School, Afton, Iowa, accompanied by Betty Patterson and Marjorie Kerrigan. Senator Ramsey.

Twelve students from McKinley Junior High School and Johnson Elementary School, members of Boy Scout Troop 6, sponsored by the First Congregational Church, Cedar Rapids, Iowa. Senator Redmond.

PETITIONS

The following petitions were presented and placed on file:

By Senator DeKoster from seventy-two residents of Sioux County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senator Doderer from nineteen residents of Johnson County favoring legislation to raise the legal drinking age to nineteen.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 614.

House File 614

On motion of Senator Ramsey, House File 614, a bill for an act relating to termination of parental rights and adoption and providing penalties, with reports of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Ramsey offered amendment S—5346 filed by the committee on human resources March 17, 1976, and found on pages 924-946, inclusive, of the Senate Journal.

Senator Willits offered amendment S—5434 to amendment S—5346 filed by him and moved its adoption:

S—5434

- 1 Amend the committee on human resources amendment
- 2 S—5346 to House File 614 as amended, passed, and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 34, by striking the word "Natural"
- 5 and inserting in lieu thereof the word "Biological".
- 6 2. Page 5, line 33, by striking the word "natural"
- 7 and inserting in lieu thereof the word "biological".
- 8 3. Page 5, line 35, by striking the word "natural"
- 9 and inserting in lieu thereof the word "biological".
- 10 4. Page 9, line 20, by striking the word "natural"
- 11 and inserting in lieu thereof the word "biological".
- 12 5. Page 12, line 48, by striking the word "natural"
- 13 and inserting in lieu thereof the word "biological".
- 14 6. Page 15, line 3, by striking the word "natural"
- 15 and inserting in lieu thereof the word "biological".
- 16 7. Page 15, line 8, by striking the word "natural"
- 17 and inserting in lieu thereof the word "biological".
- 18 8. Page 15, line 12, by striking the word "natural"
- 19 and inserting in lieu thereof the word "biological".
- 20 9. Page 15, line 13, by striking the word "natural"

21 and inserting in lieu thereof the word "biological".

22 10. Page 15, line 17, by striking the word
23 "natural" and inserting in lieu thereof the word
24 "biological".

25 11. Page 15, line 22, by striking the word
26 "natural" and inserting in lieu thereof the word
27 "biological".

28 12. Page 19, line 40, striking the word
29 "natural" and inserting in lieu thereof the word
30 "biological".

31 13. Page 19, line 45, by striking the word
32 "natural" and inserting in lieu thereof the word
33 "biological".

34 14. Page 19, line 50, by striking the word
35 "natural" and inserting in lieu thereof the word
36 "biological".

37 15. Page 20, line 1, by striking the word "natural"
38 and inserting in lieu thereof the word "biological".

39 16. Page 20, line 4, by striking the word "natural"
40 and inserting in lieu thereof the word "biological".

41 17. Page 20, line 10, by striking the word
42 "natural" and inserting in lieu thereof the word
43 "biological".

44 18. Page 20, line 31, by striking the word
45 "natural" and inserting in lieu thereof the word
46 "biological".

Amendment S—5434 to amendment S—5346 was adopted.

Senator Sovern offered amendment S—5422 to amendment
S—5346 filed by Senators Sovern, et al.:

S—5422

1 Amend the committee on human resources amendment,
2 S—5346, to House File 614, as amended, passed and
3 reprinted by the House, as follows:

4 1. Page 3, line 21, by striking the word "Termina-
5 tion" and inserting in lieu thereof the following:

6 "1. Termination".

7 2. Page 3, by striking lines 24 through 27 and
8 inserting in lieu thereof the following: "if placement
9 of a minor child in the home of a proposed parent
10 in anticipation of an ensuing adoption is made within
11 thirty days after the child's birth, this placement
12 shall be made pursuant to section seventeen (17) of
13 this Act and shall not be made until termination of
14 parental rights with regard to this child is ef-
15 fectuated pursuant to this division.

16 2. Notwithstanding the provisions of subsection
17 one (1) of this section, termination of parental
18 rights between an adult child and the child's parents
19 may be accomplished by a decree of adoption
20 establishing a new parent-child relationship."

Senator Coleman took the chair at 10:40 a.m.

President Neu took the chair at 11:32 a.m.

Senator Sovern moved the adoption of amendment S—5422 to amendment S—5346.

A record roll call was requested.

On the question “Shall amendment S—5422 to amendment S—5346 be adopted?” (H.F. 614) the vote was:

Ayes, 18:

Andersen	Hansen	Nolting	Redmond
Coleman	Hill of Polk	Orr	Scott
Culver	Junkins	Plymat	Sovern
Gallagher	Kinley	Priebe	Van Gilst
Griffin	Merritt		

Nays, 26:

Bergman	Glenn	Miller of	Ramsey
Briles	Gluba	Marshall	Schwengels
Burroughs	Heying	Murray	Shaw
Carr	Hill of Jasper	Norpel	Taylor
Curtis	Hultman	Nystrom	Tieden
DeKoster	Lamborn	Palmer	Willits
Doderer		Rabedeaux	Winkelman

Absent or not voting, 6:

Kelly	Miller of	Nolin	Rodgers
	Des Moines	Robinson	Shaff

Amendment S—5422 to amendment S—5346 lost.

Senator Doderer offered amendment S—5425 to amendment S—5346 filed by Senators Doderer, Kelly and Willits:

S—5425

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 5, line 37, by inserting after the word
- 5 “Act” the following: “or a parent, unless this parent:
- 6 a. Is listed on the birth certificate or verified
- 7 birth record of the child subject to the termination
- 8 action;
- 9 b. Was married, within three hundred twenty-five
- 10 days before or ten days after the child’s birth, to
- 11 a parent listed on the birth certificate or verified
- 12 birth record of the child subject to the termination
- 13 action;
- 14 c. Is openly living with the child subject to
- 15 the termination action or a parent listed on the birth
- 16 certificate or verified birth record of this child;
- 17 d. Has been adjudicated to be a parent of the
- 18 child subject to the termination action:

19 e. Has substantially supported the child subject
20 to the termination action; or

21 f. Has filed with the state registrar of vital
22 statistics, before a termination petition affecting
23 this person has been filed, a request for notice under
24 this section. This request shall include the name
25 and last known address of the other parent and, if
26 known, the month and year of the child's birth."

27 2. Page 6, by inserting after line 10 the
28 following:

29 "4. The juvenile court shall require that every
30 reasonable effort is made to identify, locate, and
31 notice a necessary party."

32 3. Page 6, line 11, by striking the number "4"
33 and inserting in lieu thereof the number "5".

34 4. Page 6, line 27, by striking the number "5"
35 and inserting in lieu thereof the number "6".

36 5. Page 6, by striking lines 40 through 47.

37 6. Page 20, by inserting after line 21 the
38 following:

39 "Sec. Section one hundred forty-four point
40 one (144.1), subsection six (6), Code 1975, is amended
41 to read as follows:

42 6. 'Vital statistics' means records of births,
43 deaths, fetal deaths, adoptions, marriages, divorces,
44 annulments, *requests made under paragraph f of*
45 *subsection one (1) of section six (6) of this Act,*
46 and data related thereto.

47 Sec. Section one hundred forty-four point
48 two (144.2), Code 1975, is amended to read as follows:

49 144.2 DIVISION OF RECORDS AND STATISTICS. There
50 is hereby established in the department a division

Page 2

1 for records and statistics which shall install,
2 maintain, and operate the system of vital statistics
3 throughout the state. No system for the registration
4 of [births, deaths, fetal deaths, adoptions, marriages,
5 divorces, and annulments] *vital statistics*, shall be
6 maintained in the state or any of its political
7 subdivisions other than the one provided for in this
8 chapter. Suitable quarters shall be provided for
9 the division by the executive council at the seat
10 of government. The quarters shall be properly equipped
11 for the permanent and safe preservation of all official
12 records made and returned under this chapter.

13 Sec. 8. Section one hundred forty-four point
14 forty-three (144.43), unnumbered paragraph one (1),
15 Code 1975, is amended to read as follows:

16 To protect the integrity of vital statistics
17 records, to insure their proper use, and to insure
18 the efficient and proper administration of the vital
19 statistics system kept by the state registrar, access
20 to vital statistics records kept by the state registrar
21 shall be limited to the state registrar and his

22 employees, and then only for administrative purposes.
23 It shall be unlawful for the state registrar to permit
24 inspection of, or to disclose information contained
25 in vital statistics records, or to copy or permit
26 to be copied all or part of any such record except
27 as authorized by regulation. *However, requests for*
28 *notification of a termination action shall be made*
29 *available to the appropriate juvenile court, but shall*
30 *not be made available in any other action for any*
31 *other purpose.*

32 Sec. . Chapter one hundred forty-four (144),
33 Code 1975, is amended by adding the following new
34 section:

35 *NEW SECTION.* A request made under paragraph f
36 of subsection one (1) of section six (6) of this Act
37 shall be destroyed nineteen years after it is filed
38 or upon request of the person who filed the request."

Senator Rabedaux took the chair at 12:20 p.m.

Senator Doderer moved the adoption of amendment S—5425 to amendment S—5346.

A non-record roll call was requested.

The ayes were 24, nays 14.

Amendment S—5425 to amendment S—5346 was adopted.

(House File 614 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

BUSINESS PENDING

House File 614

The Senate resumed consideration of House File 614 and amendment S—5346.

Senator Ramsey offered amendment S—5430 to amendment S—5346 filed by him and moved its adoption:

S—5430

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended and passed by
- 3 the House and reprinted, page 17, by striking lines
- 4 35 through 43 and inserting in lieu thereof the words
- 5 "have been created at the birth of the child."

Amendment S—5430 to amendment S—5346 was adopted.

Senator Willits offered amendment S—5432 to amendment S—5346 filed by Senators Willits, Redmond and Sovern:

S—5432

- 1 Amend the committee on human resources amendment
- 2 S—5346 to House File 614 as amended, passed, and re-
- 3 printed by the House as follows:

Division S—5432A

- 4 1. Page 19, line 46, by striking the word "may"
- 5 and inserting in lieu thereof the word "shall".

Division S—5432B

- 6 2. Page 19, line 47, by striking the words "for
- 7 good cause shown".

Senator Ramsey called for a division of amendment S—5432, section 1 to be considered as division S—5432A; section 2 to be considered as division S—5432B.

On motion of Senator Willits, division S—5432A of the amendment to amendment S—5346 was adopted.

Senator Willits moved the adoption of division S—5432B of the amendment to amendment S—5346.

A non-record roll call was requested.

The ayes were 19, nays 26.

Division S—5432B of the amendment to amendment S—5346 lost.

Senator Willits withdrew amendment S—5428 to amendment S—5346 filed by him on March 30, 1976, and found on page 1108 of the Senate Journal.

Senator Willits offered amendment S—5441 to amendment S—5346 and moved its adoption:

S—5441

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended and passed by
- 3 the House and reprinted, as follows:
- 4 1. Page 20, by inserting after line 13 the
- 5 following:
- 6 "3. Notwithstanding any other provision in this
- 7 section, the juvenile court or court may, upon
- 8 competent medical evidence, open termination or
- 9 adoption records if opening is shown to be necessary
- 10 to save the life of or prevent irreparable physical
- 11 harm to an adopted person or the person's offspring.

- 12 The juvenile court or court shall make every reasonable
13 effort to prevent the identity of the biological parents
14 from becoming revealed under this subsection to the
15 adopted person. The juvenile court or court may,
16 however, permit revelation of the identity of the
17 biological parents to medical personnel attending the
18 adopted person or the person's offspring. These
19 medical personnel shall make every reasonable effort
20 to prevent the identity of the biological parents from
21 becoming revealed to the adopted person."
22 2. Page 20, line 14, by striking the number "3"
23 and inserting in lieu thereof the number "4".

Amendment S—5441 to amendment S—5346 was adopted.

Senator Redmond offered amendment S—5443 to amendment S—5346 and called for a division of the amendment, as follows:

S—5443

- 1 Amend the committee on human resources amend-
2 ment, S—5346, to House File 614 as amended, passed
3 and reprinted by the House as follows:

Division S—5443A

- 4 1. Page 1, line 12, by striking the words
5 "loco parentis", and inserting in lieu thereof the
6 words "the place of the parents".

Division S—5443B

- 7 2. Page 2, by striking lines 1 through 20.
8 3. Page 2, line 26, by striking the words
9 "The rights and duties".
10 4. Page 2, by striking lines 27 through 40.

Division S—5443C

- 11 5. Page 3, by striking lines 17 through 20,
12 and inserting in lieu thereof the following:
13 "17. 'Independent placement' means placement
14 by a person who is not an agency of a minor person
15 in the home of a proposed parent in anticipation of
16 an ensuing adoption."

Division S—5443B (Cont'd)

- 17 6. Page 3, by inserting after line 27 the fol-
18 lowing new sections.
19 "Sec. **NEW SECTION.** 1. Unless otherwise en-
20 larged or circumscribed by a court or juvenile court
21 having jurisdiction over the minor child or by oper-
22 ation of law, the rights and duties of a guardian
23 with respect to a minor child shall be as follows:
24 a. To consent to marriage, enlistment in the
25 armed forces of the United States, or medical, psy-
26 chiatric, or surgical treatment.
27 b. To serve as guardian ad litem, unless the
28 interests of the guardian conflict with the interests
29 of the minor child or unless another person has been

30 appointed guardian ad litem.

31 c. To serve as custodian, unless another person
32 has been appointed custodian.

33 d. To make reasonable visitations if the guar-
34 dian does not have physical possession or custody of
35 the minor child.

36 e. To consent to adoption and to make any other
37 decision that the parents could have made when the
38 parent-child relationship existed.

39 Sec. The rights and duties of a custodian
40 with respect to a child shall be as follows:

41 a. To maintain or transfer to another the
42 physical possession of that child.

43 b. To protect, train, and discipline that child.

44 c. To provide food, clothing, housing, and or-
45 dinary medical care for that child.

46 d. To consent to emergency medical care, including
47 surgery.

48 e. To sign a release of medical information to
49 a health professional. All rights and duties of a custodian
50 shall be subject to any residual rights and duties re-

Page 2

1 maining in a parent or guardian.”.

Division S—5443D

2 7. Page 4, by striking lines 22 through 33 and
3 inserting in lieu thereof the following:

4 “4. A parent who signs a release of custody
5 may petition, within the time prior to the filing of
6 a petition for termination of parental rights, or
7 may request, at the hearing on termination of parental
8 rights the juvenile court designated in section five

9 (5) of this Act, to order the release revoked and
10 the release shall be revoked unless good cause is
11 shown for not revoking the release.”.

12 8. Renumber the sections and correct the in-
13 ternal references as necessary.

On motion of Senator Redmond, division S—5443A of the amendment to amendment S—5346 was adopted.

Senator Redmond moved the adoption of division S—5443B of the amendment to amendment S—5346.

Division S—5443B of the amendment to amendment S—5346 lost.

Senator Redmond withdrew division S—5443C of the amendment to amendment S—5346.

Senator Curtis took the chair at 3:30 p.m.

Senator Redmond moved the adoption of division S—5443D of the amendment to amendment S—5346.

A record roll call was requested.

On the question "Shall division S—5443D of the amendment to amendment S—5346 be adopted?" (H.F. 614) the vote was:

Ayes, 25:

Andersen	Gallagher	Miller of	Redmond
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Murray	Scott
Carr	Junkins	Nolting	Sovern
Coleman	Kinley	Norpel	Van Gilst
Culver	Merritt	Orr	Willits
Doderer		Priebe	

Nays, 20:

Burroughs	Hill of Polk	Nystrom	Shaff
Curtis	Hultman	Palmer	Shaw
DeKoster	Lamborn	Plymat	Taylor
Glenn	Miller of	Rabedeaux	Tieden
Heying	Marshall	Ramsey	Winkelman
Hill of Jasper			

Absent or not voting, 5:

Hansen	Nolin	Robinson	Schwengels
Kelly			

Division S—5443D of the amendment to amendment S—5346 was adopted.

With the adoption of division S—5443D of the amendment to amendment S—5346, the following amendments were out of order:

Amendment S—5447 to amendment S—5346 by Senator Ramsey:

S—5447

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 4, by striking lines
- 4 23 through 33 and inserting in lieu thereof the
- 5 following: "revoke the release by filing, within
- 6 seventy-two hours after signing the release, a written
- 7 revocation with the juvenile court designated in
- 8 section five (5) of this Act. If a written revocation
- 9 is not so filed, a parent who signs a release of
- 10 custody may petition, in the time prior to the filing
- 11 of a petition for termination of parental rights,
- 12 or may request, at the hearing on termination of
- 13 parental rights, the juvenile court designated in
- 14 section five (5) of this Act to order the release
- 15 revoked. The juvenile court shall order the release
- 16 revoked only if it is shown by clear and convincing
- 17 evidence that the release was obtained by fraud,
- 18 duress, or misrepresentation."

Amendment S—5442 to amendment S—5346 by Senator Shaw:

S—5442

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 4, by striking lines
- 4 27 through 33 and inserting in lieu thereof the words
- 5 “of this Act to order the release revoked upon a
- 6 showing of fraud, misrepresentation, or duress.”

Senator Redmond offered amendment S—5448 to amendment S—5346 and moved its adoption:

S—5448

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House as follows:
- 4 5. Page 3, by striking lines 17 through 20, and
- 5 inserting in lieu thereof the following:
- 6 “17. ‘Independent placement’ means placement of
- 7 a minor person by a person who is not an agency in
- 8 the home of a proposed parent in anticipation of an
- 9 ensuing adoption.”

Amendment S—5448 to amendment S—5346 was adopted.

Senator Ramsey withdrew amendment S—5446 to amendment S—5346:

S—5446

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 5, line 37, by inserting
- 4 after the word “Act” the words “, unless these natural
- 5 parents are married”.

Senator Ramsey offered amendment S—5449 to amendment S—5346 and moved its adoption:

S—5449

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, page 5, line 37, by inserting
- 4 after the word “Act” the word “, unless these biological
- 5 parents are married”.

A record roll call was requested.

On the question “Shall amendment S—5449 to amendment S—5346 be adopted?” (H.F. 614) the vote was:

Ayes, 19:

Briles	Hill of Jasper	Priebe	Shaw
Burrroughs	Hultman	Rabedeaux	Taylor
Culver	Miller of	Ramsey	Tieden
DeKoster	Marshall	Schwengels	Van Gilst
Heying	Nystrom	Scott	Winkelman

Nays, 24:

Miller of	Andersen	Gluba	Palmer
Des Moines	Bergman	Hill of Polk	Plymat
Murray	Carr	Junkins	Redmond
Nolting	Curtis	Kinley	Rodgers
Norpel	Doderer	Lamborn	Sovern
Orr	Gallagher	Merritt	Willits
	Glenn		

Absent or not voting, 7:

Coleman	Hansen	Nolin	Shaff
Griffin	Kelly	Robinson	

Amendment S—5449 to amendment S—5346 lost.

Senator Ramsey withdrew amendment S—5445 to amendment S—5346:

S—5445

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 9, by striking lines 40 through 46.
- 5 2. Page 9, line 47, by striking the number "3"
- 6 and inserting in lieu thereof the number "2".

Senator Shaw withdrew amendment S—5444 to amendment S—5346:

S—5444

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 4, line 12, by striking the word
- 5 "juvenile".
- 6 2. Page 4, line 17, by striking the word
- 7 "juvenile".
- 8 3. Page 4, line 26, by striking the word
- 9 "juvenile".
- 10 4. Page 4, line 31, by striking the word
- 11 "juvenile".
- 12 5. Page 4, line 35, by striking the word
- 13 "juvenile".
- 14 6. Page 4, line 46, by striking the word
- 15 "juvenile".
- 16 7. Page 5, line 2, by inserting after the word
- 17 "with" the words "and the termination action
- 18 maintained, as if in the appropriate court, in".
- 19 8. Page 5, line 28, by striking the word
- 20 "juvenile".
- 21 9. Page 5, line 39, by striking the word
- 22 "juvenile".
- 23 10. Page 6, line 40, by striking the word
- 24 "juvenile".

25 11. Page 6, line 49, by striking the word
26 "juvenile".
27 12. Page 7, line 1, by striking the word
28 "juvenile".
29 13. Page 7, line 24, by striking the word
30 "juvenile".
31 14. Page 7, line 26, by striking the word
32 "juvenile".
33 15. Page 7, line 32, by striking the word
34 "juvenile".
35 16. Page 8, line 3, by striking the word
36 "juvenile".
37 17. Page 8, line 23, by striking the word
38 "juvenile".
39 18. Page 8, line 32, by striking the word
40 "juvenile".
41 19. Page 8, line 41, by striking the word
42 "juvenile".
43 20. Page 8, line 50, by striking the word
44 "juvenile".
45 21. Page 9, line 4, by striking the word
46 "juvenile".
47 22. Page 19, line 27, by striking the word
48 "juvenile".
49 23. Page 19, line 29, by striking the word
50 "juvenile".

Page 2

1 24. Page 19, line 30, by striking the words "and
2 the clerk of court, as appropriate,".
3 25. Page 19, line 36, by striking the words "of
4 the juvenile court and".
5 26. Page 20, by striking lines 38 through 50.
6 27. Page 23, by striking lines 5 through 7 and
7 inserting in lieu thereof the following: "to be in
8 need of assistance, [and in proceedings for termina-
9 tion of parental rights under sections 232.41 through
10 232.50,] and in".

Senator Shaw withdrew amendment S—5452 to amendment S—5346:

S—5452

1 Amend the committee on human resources amend-
2 ment, S—5346, to House File 614 as amended, passed
3 and reprinted by the House by striking the word
4 "juvenile" wherever it appears, except on page 1,
5 line 41; page 1, line 45; page 2, line 2; page 2,
6 line 25; page 2, line 42; page 3, line 5; page 4,
7 line 48; and page 5, line 2.

Senator Shaw offered amendment S—5454 to amendment S—5346, moved its adoption and requested a record roll call:

S—5454

- 1 Amend the committee on human resources amendment,
- 2 S—5346, to House File 614, as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 4, by striking the word “juvenile”
- 5 wherever it appears on the page, except in line 48.
- 6 2. Page 5, line 2, by inserting after the word
- 7 “with” the words “and the termination action
- 8 maintained, as if in the appropriate court, in”.
- 9 3. Page 5, line 28, by striking the word
- 10 “juvenile”.
- 11 4. Page 5, line 39, by striking the word
- 12 “juvenile”.
- 13 5. Page 6, line 40, by striking the word
- 14 “juvenile”.
- 15 6. Page 6, line 49, by striking the word
- 16 “juvenile”.
- 17 7. Page 7, line 1, by striking the word
- 18 “juvenile”.
- 19 8. Page 7, line 24, by striking the word
- 20 “juvenile”.
- 21 9. Page 7, line 26, by striking the word
- 22 “juvenile”.
- 23 10. Page 7, line 32, by striking the word
- 24 “juvenile”.
- 25 11. Page 8, line 3, by striking the word
- 26 “juvenile”.
- 27 12. Page 8, line 23, by striking the word
- 28 “juvenile”.
- 29 13. Page 8, line 32, by striking the word
- 30 “juvenile”.
- 31 14. Page 8, line 41, by striking the word
- 32 “juvenile”.
- 33 15. Page 8, line 50, by striking the word
- 34 “juvenile”.
- 35 16. Page 9, line 4, by striking the word
- 36 “juvenile”.
- 37 17. Page 19, line 27, by striking the word
- 38 “juvenile”.
- 39 18. Page 19, line 29, by striking the word
- 40 “juvenile”.
- 41 19. Page 19, line 30, by striking the words “and
- 42 the clerk of court, as appropriate,”.
- 43 20. Page 19, line 36, by striking the words “of
- 44 the juvenile court and”.
- 45 21. Page 20, by striking lines 38 through 50.
- 46 22. Page 23, by striking lines 5 through 7 and
- 47 inserting in lieu thereof the following: “to be in
- 48 need of assistance, [and in proceedings for termina-
- 49 tion of parental rights under sections 232.41 through
- 50 232.50,] and in”.

On the question “Shall amendment S—5454 to amendment S—5346 be adopted?” (H.F. 614) the vote was:

Ayes, 23:

Bergman	Hill of Jasper	Nystrom	Scott
Briles	Hultman	Orr	Shaff
Burroughs	Lamborn	Priebe	Shaw
Curtis	Miller of	Rabedeaux	Taylor
DeKoster	Marshall	Ramsey	Tieden
Heying	Murray	Schwengels	Winkelman

Nays, 22:

Andersen	Gluba	Miller of	Redmond
Carr	Griffin	Des Moines	Rodgers
Culver	Hill of Polk	Nolting	Sovern
Doderer	Junkins	Norpel	Van Gilst
Gallagher	Kinley	Palmer	Willits
Glenn	Merritt	Plymat	

Absent or not voting, 5:

Coleman	Kelly	Nolin	Robinson
Hansen			

Amendment S—5454 to amendment S—5346 was adopted.

Senator Redmond offered amendment S—5456 to amendment S—5346 and moved its adoption:

S—5456

- 1 Amend the committee on human resources amendment
- 2 S—5346, to House File 614 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 5, line 13 by striking the words "loco
- 5 parentis", and inserting in lieu thereof the words
- 6 "the place of the parents".

Amendment S—5456 to amendment S—5346 was adopted.

Senator Redmond withdrew amendment S—5455:

S—5455

- 1 Amend House File 614, page 5, line 13 by striking
- 2 the words "loco parentis", and inserting in lieu
- 3 thereof the words "the place of the parents".

Senator Orr moved to reconsider the vote by which amendment S—5454 to amendment S—5346 was adopted by the Senate.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S—5454 be adopted?" (H.F. 614) the vote was:

Ayes, 29:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Des Moines	Schwengels
Carr	Hill of Polk	Nolting	Scott
Culver	Junkins	Norpel	Sovern
Doderer	Kinley	Orr	Tieden
Glenn	Lamborn	Palmer	Van Gilst
Gluba	Merritt	Plymat	Willits
Griffin		Redmond	

Nays, 15:

Burroughs	Hultman	Nystrom	Shaff
Curtis	Miller of	Priebe	Shaw
DeKoster	Marshall	Rabedeaux	Taylor
Hill of Jasper	Murray	Ramsey	Winkelman

Absent or not voting, 6:

Briles	Gallagher	Nolin	Robinson
Coleman	Kelly		

The motion prevailed and amendment S—5454 was taken up for reconsideration.

Senator Shaw moved the adoption of amendment S—5454 to amendment S—5346 and requested a record roll call.

On the question "Shall amendment S—5454 to amendment S—5346 be adopted?" (H.F. 614) the vote was:

Ayes, 15:

Bergman	Hill of Jasper	Priebe	Shaff
Burroughs	Miller of	Rabedeaux	Shaw
Curtis	Marshall	Ramsey	Taylor
DeKoster	Nystrom	Schwengels	Winkelman

Nays, 28:

Andersen	Hill of Polk	Murray	Rodgers
Carr	Hultman	Nolting	Scott
Culver	Junkins	Norpel	Sovern
Doderer	Kinley	Orr	Tieden
Glenn	Lamborn	Palmer	Van Gilst
Gluba	Merritt	Plymat	Willits
Hansen	Miller of	Redmond	
Heying	Des Moines		

Absent or not voting, 7:

Briles	Gallagher	Kelly	Robinson
Coleman	Griffin	Nolin	

Amendment S—5454 to amendment S—5346 lost.

Senator Ramsey moved the adoption of amendment S—5346 as amended and requested a record roll call.

On the question "Shall amendment S—5346 as amended be adopted?" (H.F. 614) the vote was:

Ayes, 48:

Andersen	Griffin	Merritt	Orr
Bergman	Hansen	Miller of	Palmer
Carr	Heying	Des Moines	Plymat
Culver	Hill of Jasper	Miller of	Priebe
Curtis	Hill of Polk	Marshall	Rabedeaux
DeKoster	Hultman	Murray	Ramsey
Doderer	Junkins	Nolting	Redmond
Glenn	Kinley	Norpel	Rodgers
Gluba	Lamborn	Nystrom	Schwengels

Scott
Shaff
Shaw

Sovern
Taylor

Tieden
Van Gilst

Willits
Winkelman

Nays, 1:

Burroughs

Absent or not voting, 6:

Briles
Coleman

Gallagher
Kelly

Nolin

Robinson

Amendment S—5346 as amended was adopted.

The following amendments were ruled out of order with the adoption of amendment S—5346 as amended:

Amendments S—3991 and S—3992 filed by the committee on human resources on June 2, 1975.

Amendment S—4181 to amendment S—3991 filed by Senators Ramsey and Gluba on June 12, 1975.

Amendment S—4245 filed by the committee on human resources on June 14, 1975.

Amendment S—4246 filed by Senator Ramsey on June 14, 1975.

Amendment S—4133 filed by Senator Kelly on June 11, 1975.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 614) the vote was:

Ayes, 44:

Andersen
Bergman
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Glenn
Gluba
Griffin
Hansen

Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kinley
Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall

Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedaux
Ramsey
Redmond

Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Briles
Coleman

Gallagher
Kelly

Nolin

Robinson

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 614 passed the Senate on April 5, 1976.

CALVIN O. HULTMAN

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1976, reconsidered, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 1217, a bill for an act appropriating funds to the capitol planning commission for a central energy plant.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1287, by committee on state government, a bill for an act relating to ancient remains and subjecting violators to a penalty.

Read first time and placed on calendar.

Senate File 1288, by committee on state government, a bill for an act relating to the economic impact of an administrative rule.

Read first time and placed on calendar.

Senate File 1289, by committee on energy, a bill for an act relating to energy efficiency standards for certain appliances and providing a penalty.

Read first time and placed on calendar.

Senate File 1290, by committee on commerce, a bill for an act relating to liability insurance for hospitals.

Read first time and placed on calendar.

Senate File 1291, by committee on judiciary, a bill for an act to legalize the incorporation of the city of Yale, Iowa.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 108

By Shaw

- 1 *Whereas*, the United States Department of Defense
- 2 has decided to move the Rodman Laboratories from the
- 3 Rock Island Arsenal to Dover, New Jersey; and
- 4 *Whereas*, the effect of this decision would geo-

5 graphically separate and organizationally isolate
6 research from production which runs counter to the
7 trend increasingly found in the private sector; and
8 *Whereas*, this decision could weaken the capability
9 of the United States Army to conduct "in-house"
10 research, development and production and leave the
11 United States Army substantially more dependent on
12 outside production capacity and technical expertise;
13 and

14 *Whereas*, this decision could reduce the ability
15 of the United States Army to evaluate the performance
16 and cost of private sector procurement; and

17 *Whereas*, this decision would remove four to eight
18 hundred jobs from the area; *Now, Therefore*,

19 *Be It Resolved by the Senate, the House Concurring*
20 That the United States Department of Defense is urged
21 to reconsider its decision and not to move the Rodman
22 Laboratories from the Rock Island Arsenal; and

23 *Be It Further Resolved*, That the Secretary of the
24 Senate be instructed to send a copy of this resolution
25 to the Secretary of Defense and to each member of the
26 Iowa congressional delegation.

Read first time and passed on file.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to an investigating committee:

As a member of the Iowa Beer and Liquor Control Council:

Donald J. Bell, New London, Henry County, Iowa for a regular five-year term commencing July 1, 1976 and ending June 30, 1981.

Senator Sovern, Chairperson
Senator Burroughs
Senator Gluba
Senator Miller of Des Moines
Senator Ramsey

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

H. F. 1367—Relating to loans by a state bank to its officers.

Also:

That on April 5, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

S. F. 1242—Making technical amendments to the Iowa housing finance authority.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of April, 1976: Senate Files 1125, 1143, 1222, 1224 and 1226.

STEVEN C. CROSS
Secretary of the Senate

PROOF OF PUBLICATION

Published copy of Senate File 1291 and verified proof of publication of said bill in the Guthrie County Vedette, a newspaper published in Panora, Iowa, on March 18, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Glenn submitted the following report:

MR. PRESIDENT: Your committee on judiciary to which was referred House File 836, a bill for an act relating to the civil rights commission, begs leave to report it has had the same under consideration and recommends the same *do pass*.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5450

- 1 Amend Senate File 1058 as follows:
- 2 1. Page 1, by striking lines 9 through 18 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 2. Section seven (7), chapter one thousand
- 5 twenty-six (1026), Acts of the Sixty-fifth General
- 6 Assembly, 1974 session, as amended by section eleven
- 7 (11), chapter sixty-two (62), Acts of the Sixty-sixth
- 8 General Assembly, 1975 session, is amended to read as
- 9 follows:
- 10 SEC. 7. Funds appropriated by this Act shall not
- 11 be used for the purchase, construction, or leasing
- 12 of resort lodges. Unencumbered funds remaining as of
- 13 June 30, 1977 shall revert to the general fund of the
- 14 state on September 30, 1977 except those funds set
- 15 aside for dredging under section three (3) of this
- 16 Act, and funds appropriated by this Act to the Volga
- 17 River dam construction project shall revert to the

18 general fund on September 30, 1979, if unencumbered
19 as of June 30, 1979."

HILARIUS L. HEYING

S—5453

1 Amend Senate File 1172 as follows:

2 1. Page 7, by inserting after line 20 the
3 following:

4 "Sec. 15. Chapter ninety-nine B (99B), Code 1975,
5 is amended by adding sections sixteen (16) through
6 thirty (30) of this Act as a new division.

7 Sec. 16. *NEW SECTION.* ESTABLISHMENT OF COMMISSION

8 AND COUNCIL—APPOINTMENT—CHAIRMAN. There is
9 established a state lottery commission governed by
10 a council consisting of five members, one of whom
11 shall be appointed by the governor, two by the senate
12 and two by the house of representatives none of whom
13 shall be members of the general assembly. Not more
14 than three of said members shall be members of the
15 same political party. The chairman shall be annually
16 elected by the council members. Of the members first
17 appointed two shall be appointed for a term of two
18 years beginning July 1, 1976, and ending June 30,
19 1978, two shall be appointed for a term of four years
20 beginning July 1, 1976, and ending June 30, 1980, and
21 one shall be appointed for a term of six years
22 beginning July 1, 1976 and ending June 30, 1982.

23 Thereafter members shall be appointed for terms of
24 six years from July first in the year of their
25 appointment until their successors are appointed.
26 Any vacancy shall be filled for the remainder of the
27 term vacated in the manner of original appointment.
28 Each member shall receive forty dollars for each day
29 spent in the performance of his duties and all his
30 necessary expenses.

31 Sec. 17. *NEW SECTION.* OATH—BOND—ACTION BY
32 COUNCIL. Before entering upon the discharge of the
33 duties of his office, each member of the council shall
34 take oath that he will faithfully execute the duties
35 of his office according to the laws of the state,
36 and shall give bond with sufficient surety to be
37 approved by the governor, in the sum of ten thousand
38 dollars conditioned that he will faithfully execute
39 and perform the duties of his office according to
40 the constitution and laws of this state. Each bond,
41 when fully executed and approved, shall be filed in
42 the office of the secretary of state. The governor
43 shall at all times, when in his opinion the bond of
44 any member of the council has become or is likely
45 to become invalid or insufficient, require such member
46 to renew such bond to be approved by the governor
47 in the sum prescribed in this section. The cost of
48 any such bond given by any member under this section

49 shall be part of his necessary expenses. All actions
50 shall be taken and motions and resolutions adopted

Page 2

1 by the members of the council at any meeting thereof
2 by the affirmative vote of at least three members.

3 **Sec. 18. NEW SECTION. EXECUTIVE SECRETARY AND**
4 **DIRECTORS—EMPLOYEES.** The commission shall appoint
5 an executive secretary and executive director. The
6 commission may employ such clerks, stenographers,
7 inspectors, agents and other employees, pursuant to
8 chapter nineteen A (19A) of the Code as may be
9 necessary to carry out the provisions of this division.
10 The executive director of the commission shall, under
11 the supervision of the council, administer and
12 coordinate the administrative function of the
13 commission and shall have overall supervisory authority
14 and responsibility over the state lottery. The council
15 members may delegate to the executive director such
16 authority as deemed proper and appropriate for the
17 efficient administration of the provisions of this
18 division.

19 **Sec. 19. NEW SECTION. BONDING OF EMPLOYEES.**
20 The commission may, if it determines that it is
21 necessary, require any of its employees to give bond
22 in such amount as the commission may determine. Each
23 bond when duly executed and approved shall be filed
24 in the office of the secretary of state. The cost
25 of each bond so given shall be part of the necessary
26 expenses of the commission.

27 **Sec. 20. NEW SECTION. CONFLICT OF INTEREST.**
28 A council member or employee of the commission shall
29 not directly or indirectly, individually or as a
30 member of a partnership or as a shareholder of a
31 corporation, have any interest in dealing in any
32 lottery or in the ownership or leasing of any property
33 or premises used by or for any lottery.

34 **Sec. 21. NEW SECTION. ENFORCEMENT—REGULATIONS.**
35 The commission shall have power to enforce the
36 provisions of this division, and the council shall
37 make all necessary rules in accordance with chapter
38 seventeen A (17A) of the Code for that purpose and
39 for carrying out, enforcing and preventing violation
40 of any of the provisions of this division, for the
41 inspection of licensed premises, for insuring proper,
42 safe and orderly conduct of licensed premises and
43 for protecting the public against fraud or overcharge.
44 The commission shall have power generally to do
45 whatever is reasonably necessary for the carrying
46 out of the intent of this division.

47 **Sec. 22. NEW SECTION. REPORTS.** The commission
48 shall make an annual report in writing to the governor
49 and shall make such additional reports as the governor
50 may from time to time reasonably request. The annual

Page 3

1 report shall include a statement of the receipts and
2 disbursements of the commission, a summary of its
3 activities, and any additional information and
4 recommendations which the commission may deem of value
5 or which the governor may request.

6 **Sec. 23. NEW SECTION. POWER TO ADMINISTER OATHS**

7 **AND TAKE TESTIMONY—SUBPOENA.** The commission and

8 any agent thereof authorized to conduct any inquiry,
9 investigation or hearing under the provisions of this
10 division shall have power to administer oaths and
11 take testimony under oath relative to the matter of
12 inquiry or investigation. At any hearing ordered
13 by the commission, the commission or such agent having
14 authority by law to issue such process may subpoena
15 witnesses and require the production of records,
16 papers and documents pertinent to such inquiry. No
17 witness under subpoena authorized to be issued by
18 the provisions of this section shall be excused from
19 testifying or from producing records, papers or
20 documents on the ground that such testimony or the
21 production of such records or other documentary
22 evidence would tend to incriminate him, but such
23 evidence or the records or papers so produced shall
24 not be used in any criminal proceeding against him.

25 If any person disobeys such process or, having appeared
26 in obedience thereto, refuses to answer any pertinent
27 question put to him by the commission or its authorized
28 agent or to produce any records and papers pursuant
29 thereto, the commission or its agent may apply to
30 the district court setting forth such disobedience
31 to process or refusal to answer, and said court shall
32 cite such person to appear before said court or such
33 judge to answer such questions or to produce such
34 records and papers and, upon his refusal so to do,
35 shall commit such person to jail until he testifies,
36 but not for a longer period than sixty days.

37 Notwithstanding the serving of the term of such
38 commitment by any person, the commission may proceed
39 with such inquiry and examination as if the witness
40 had not previously been called upon to testify.

41 **Sec. 24. NEW SECTION. OPERATION OF LOTTERY.**

42 The commission shall determine the number of times
43 a lottery shall be held in each year, the form and
44 price of the tickets for a lottery and shall award
45 prizes to winning participants, determined by drawings
46 made by persons designated by the commission. The
47 proceeds of the sale of tickets shall be deposited
48 in a state lottery fund which is established in the
49 office of the treasurer of state from which prizes
50 and all expenses of the commission shall be paid,

Page 4

1 upon vouchers signed by the executive director of
2 the commission, in such numbers and amounts as the

3 commission determines. The commission shall maintain
4 full and complete records of the operation of the
5 state lottery which shall include but not be limited
6 to a statement of revenues, prize disbursements and
7 administration expenses of the division.

8 Sec. 25. *NEW SECTION.* SALE OF LOTTERY TICKETS—
9 —DEPOSIT OF RECEIPTS.

10 1. The commission may sell lottery tickets at
11 any of its branch offices and may license as agents
12 to sell such tickets such persons as, in its opinion,
13 will best serve public convenience, except that a
14 license shall not be issued to any person to engage
15 in business exclusively as a lottery sales agent.
16 The commission may authorize compensation to such
17 agents in such manner and amounts and subject to such
18 limitations as it may determine if the commission
19 finds such compensation is necessary to assure adequate
20 availability of lottery tickets. A ticket shall not
21 be sold at a price greater than that fixed by the
22 commission and no sale shall be made other than by
23 a licensed lottery sale agent. Any person who
24 violates the provisions of this subsection commits
25 a misdemeanor.

26 2. The commission, in its discretion, may require
27 lottery sales agents to deposit to the credit of the
28 commission in institutions designated by it, all money
29 received by such agents from the sale of lottery
30 tickets, less the amount of compensation, if any,
31 authorized under subsection one (1) of this section,
32 and to file with the commission reports of their
33 receipts and transactions in the sale of lottery
34 tickets in such form and containing such information
35 as it may require.

36 Sec. 26. *NEW SECTION.* FORGERY, COUNTERFEITING
37 OR ALTERING OF TICKETS. Any person who forges or
38 counterfeits any ticket made for the purposes of any
39 lottery conducted under this division, or who alters
40 any number of such a ticket, or who offers for sale
41 or sells any such forged, counterfeited or altered
42 ticket, knowing it to be such, or who presents any
43 such forged, counterfeited or altered ticket to any
44 person engaged in carrying out this division, with
45 intent to defraud the state or any adventurer in any
46 such lottery, commits a misdemeanor.

47 Sec. 27. *NEW SECTION.* BRANCH OFFICES—DEPOSIT
48 OF DAILY RECEIPTS. The commission may establish
49 branch offices throughout the state for the purpose
50 of receiving money wagered on the state lottery as

Page 5

1 will serve the convenience of the public and provide
2 maximum economy and efficiency of operation.

3 Sec. 28. *NEW SECTION.* CERTIFICATION OF BALANCE
4 IN FUNDS IN EXCESS OF COMMISSION NEEDS—TRANSFER
TO

5 GENERAL FUND. From time to time the commission shall
6 estimate, and certify to the treasurer of state, that
7 portion of the balance in the state lottery fund which
8 is in excess of the current needs of the commission
9 for the payment of prizes and for the payment of
10 compensation and expenses under this division. Upon
11 receipt of any certification, the treasurer of state
12 shall transfer the amount so certified to the general
13 fund of the state.

14 Sec. 29. NEW SECTION. LICENSEES—FUNDS.

15 1. The commission shall have the power to require
16 that the books and financial or other statements of
17 any person, firm, partnership, corporation or
18 association licensed under the provisions of this
19 division shall be kept in any manner which the
20 commission may deem best, and the commission may
21 visit, to investigate and to place expert accountants
22 and such other persons as it may deem necessary, in
23 the offices or places of business of any such person,
24 firm, partnership, corporation or association, for
25 the purpose of determining that the commission's rules
26 are strictly complied with.

27 2. Any license granted under the provisions of
28 this division shall be subject to the rules set forth
29 by the commission, and shall be subject to suspension
30 or revocation for good cause, after giving the licensee
31 a reasonable opportunity for a hearing at which he
32 shall have the right to be represented by counsel.
33 If any license is suspended or revoked, said commission
34 shall state the reasons for such suspension or
35 revocation and cause an entry of such reasons to be
36 made on the record books of the commission. Any
37 licensee aggrieved by the action of the commission
38 may appeal therefrom to the district court.

39 Sec. 30. NEW SECTION. GAMBLING BY PERSON UNDER
40 EIGHTEEN; MISDEMEANOR. Any person, who knowingly
41 permits any person under the age of eighteen to take
42 part in any lottery authorized under this division
43 commits a misdemeanor, and any person under the age
44 of eighteen taking part in any lottery commits a
45 misdemeanor.

46 Sec. 31. Section ninety-nine point one (99.1),
47 unnumbered paragraph two (2), Code 1975, is amended
48 to read as follows:

49 The provisions of this section shall not apply
50 to [games of skill, games of chance, or raffles

Page 6

1 conducted pursuant to] *any game, activity or device*
2 *which is lawful under chapter 99B [or to devices lawful*
3 *under section 99B.10 or to games lawful under section*
4 *726.12].*

5 Sec. 32. Section seven hundred twenty-six point
6 eight (726.8), unnumbered paragraph one (1), Code
7 1975, as amended by Acts of the Sixty-sixth General

8 Assembly, 1975 Session, chapter ninety-nine (99),
9 section twenty-one (21), is amended to read as follows:
10 [If] *Except as specifically authorized by sections*
11 *sixteen (16) through thirty (30) of this Act, if any*
12 **person make or aid in making or establishing or**
13 **advertise or make public any scheme for any lottery;**
14 **or advertise, offer for sale, sell, negotiate, dispose**
15 **of, purchase, or receive any ticket or part of a**
16 **ticket in any lottery or number thereof; or have in**
17 **his possession any ticket, part of a ticket, or paper**
18 **purporting to be the number of any ticket of any**
19 **lottery, with intent to sell or dispose of the same**
20 **on his own account or as the agent of another, the**
21 **person commits a misdemeanor.**

22 Sec. 33. Section five hundred thirty-seven A point
23 four (537A.4), unnumbered paragraph two (2), Code
24 1975, as amended by Acts of the Sixty-sixth General
25 Assembly, 1975 Session, chapter ninety-nine (99),
26 section seventeen (17), is amended to read as follows:

27 This section shall not apply to a contract for
28 the operation of or for the sale or rental of equip-
29 ment for games of skill or games of chance, if both
30 the contract and the games are in compliance with
31 chapter 99B. *This section also shall not apply to*
32 *any contracts between the state lottery commission*
33 *and other persons when executed pursuant to sections*
34 *sixteen (16) through thirty (30) of this Act."*

35 2. Amend the title, line 1, by inserting after
36 the word "gambling," the words "including gambling
37 by lottery,".

38 3. By renumbering sections and correcting internal
39 references as necessary.

RICHARD J. NORPEL, SR.
ROBERT M. CARR
CHARLES P. MILLER
LOUIS P. CULVER
DALE L. TIEDEN
FRED W. NOLTING
JAMES W. GRIFFIN, SR.

S—5451

1 Amend Senate File 1291 as follows:

2 Page 1, line 30 by adding after the word "all"
3 the words "otherwise legal".

COMMITTEE ON JUDICIARY
GENE W. GLENN, Chairperson

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:10
p.m., until 9:30 a.m., Tuesday, April 6, 1976.

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, APRIL 6, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Norris Hanson, pastor of the St. Paul American Lutheran Church, Ringsted, Iowa.

The Journal of Monday, April 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Kelly for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-six students from Hempstead High School, Dubuque, Iowa, accompanied by Thomas Rawson. Senator Carr.

Thirty-seven students from St. Pius X School, Cedar Rapids, Iowa, accompanied by Linda Teague. Senator Sovern.

Yvonne Studle, a student from Neuchatel, Switzerland, accompanied by Mrs. Walter A. Newport, Davenport, Iowa. Senator Shaw.

PETITION

The following petition was presented and placed on file:

By Senator Van Gilst from three hundred forty-two residents of Scott County favoring an appropriation for transportation

reimbursement to the parents of pupils in the School for the Deaf and the Iowa Braille and Sight Saving School.

CONSIDERATION OF BILLS

Senate File 1087

On motion of Senator Briles, Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet, was taken up for consideration.

President pro tempore Doderer took the chair at 10:25 a.m.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1087) the vote was:

Ayes, 40:

Andersen	Glenn	Merritt	Plymat
Bergman	Gluba	Miller of	Priebe
Briles	Griffin	Des Moines	Redmond
Burroughs	Hansen	Miller of	Rodgers
Carr	Heying	Marshall	Schwengels
Coleman	Hill of Jasper	Murray	Scott
Culver	Hill of Polk	Norpel	Sovern
Curtis	Hultman	Nystrom	Taylor
DeKoster	Junkins	Orr	Van Gilst
Doderer	Kinley	Palmer	Winkelman
Gallagher	Lamborn		

Nays, 4:

Rabedaux	Ramsey	Shaw	Tieden
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Absent or not voting, 6:

Kelly	Nolting	Shaff	Willits
Nolin	Robinson		

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

Senate File 1283

On motion of Senator Sovern, Senate File 1283, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department, was taken up for consideration.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1283) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Heying	Norpel	Schwengels
Carr	Hill of Jasper	Nystrom	Scott
Coleman	Hill of Polk	Orr	Shaw
Culver	Hultman	Palmer	Sovern
Curtis	Junkins	Plymat	Taylor
DeKoster	Kinley	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines		

Nays, none.**Absent or not voting, 6:**

Kelly	Nolin	Shaff	Willits
Lamborn	Nolting		

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

Senate File 1284

On motion of Senator Sovern, Senate File 1284, a bill for an **act relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes, was taken up for consideration.**

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1284) the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Redmond
Briles	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Rodgers
Carr	Heying	Murray	Schwengels
Coleman	Hill of Jasper	Norpel	Scott
Culver	Hill of Polk	Nystrom	Shaw
Curtis	Hultman	Orr	Sovern
DeKoster	Junkins	Plymat	Taylor
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Merritt	Rabedeaux	

Nays, 2:

Tieden	Winkelman
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Absent or not voting, 7:

Kelly	Nolin	Palmer	Willits
Lamborn	Nolting	Shaff	

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

Senate File 1276

On motion of Senator Junkins, Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, was taken up for consideration.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1276) the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Marshall	Rodgers
Briles	Griffin	Murray	Schwengels
Burroughs	Heying	Norpel	Scott
Carr	Hill of Jasper	Nystrom	Shaw
Coleman	Hill of Polk	Orr	Sovern
Culver	Junkins	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Ramsey	Winkelman
Gallagher	Des Moines	Redmond	

Nays, 3:

Hultman	Lamborn	Rabedeaux
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Absent or not voting, 6:

Hansen	Nolin	Shaff	Willits
Kelly	Nolting		

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

Senate File 1058

On motion of Senator Heying, Senate File 1058, a bill for an act making an appropriation to the Volga River project, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins offered amendment S—5440 by the committee on appropriations and moved its adoption:

S—5440

- 1 Amend Senate File 1058, page 1, line 5, by
- 2 striking the words and figures "seven hundred fifty
- 3 thousand (750,000)", and inserting in lieu thereof
- 4 the words and figures, "eight hundred thousand
- 5 (800,000)".

Senator Glenn took the chair at 11:20 a.m.

Amendment S—5440 was adopted.

Senator Heying offered amendment S—5450 filed by him and moved its adoption:

S—5450

1 Amend Senate File 1058 as follows:

2 1. Page 1, by striking lines 9 through 18 and

3 inserting in lieu thereof the following:

4 "Sec. 2. Section seven (7), chapter one thousand
5 twenty-six (1026), Acts of the Sixty-fifth General
6 Assembly, 1974 session, as amended by section eleven
7 (11), chapter sixty-two (62), Acts of the Sixty-sixth
8 General Assembly, 1975 session, is amended to read as
9 follows:

10 SEC. 7. Funds appropriated by this Act shall not
11 be used for the purchase, construction, or leasing
12 of resort lodges. Unencumbered funds remaining as of
13 June 30, 1977 shall revert to the general fund of the
14 state on September 30, 1977 except those funds set
15 aside for dredging under section three (3) of this
16 Act, *and funds appropriated by this Act to the Volga*
17 *River dam construction project shall revert to the*
18 *general fund on September 30, 1979, if unencumbered*
19 *as of June 30, 1979."*

Amendment S—5450 was adopted.

President pro tempore Doderer took the chair at 11:40 a.m.

Senator Heying moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1058) the vote was:

Ayes, 35:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hultman	Nystrom	Shaff
Carr	Kinley	Plymat	Shaw
Coleman	Lamborn	Priebe	Sovern
Culver	Merritt	Ramsey	Taylor
Curtis	Miller of	Redmond	Tieden
Doderer	Des Moines	Robinson	Winkelman
Gluba			

Nays, 10:

DeKoster	Hill of Jasper	Orr	Rabedeaux
Gallagher	Junkins	Palmer	Van Gilst
Glenn	Norpel		

Absent or not voting, 5:

Hill of Polk	Nolin	Nolting	Willits
Kelly			

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

Senate File 1285

On motion of Senator Priebe, Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1285) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Norpel	Scott
Carr	Hill of Jasper	Nystrom	Shaff
Culver	Hill of Polk	Orr	Shaw
Curtis	Hultman	Palmer	Sovern
DeKoster	Junkins	Plymat	Taylor
Doderer	Kinley	Priebe	Tieden
Gallagher	Lamborn	Ramsey	Van Gilst
Glenn	Merritt	Redmond	Winkelman

Nays, 1:

Miller of
Des Moines

Absent or not voting, 6:

Coleman	Nolin	Rabedaux	Willits
Kelly	Nolting		

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

House File 114

On motion of Senator Redmond, House File 114, a bill for an act to modify certain accounting procedures of the office of auditor of state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 114) the vote was:

Ayes, 41:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Norpel	Schwengels
Briles	Hultman	Nystrom	Scott
Carr	Junkins	Orr	Shaff
Culver	Kinley	Palmer	Shaw
Curtis	Lamborn	Plymat	Sovern
DeKoster	Merritt	Priebe	Taylor
Doderer	Miller of	Rabedeaux	Tieden
Glenn	Des Moines	Ramsey	Van Gilst
Gluba	Miller of	Redmond	Winkelman
Hansen	Marshall	Robinson	

Nays, none.

Absent or not voting, 9:

Burroughs	Griffin	Kelly	Nolting
Coleman	Hill of Polk	Nolin	Willits
Gallagher			

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

On motion of Senator Kinley, the Senate recessed until 1:50 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1292, by Senator Winkelman, a bill for an act relating to the use of golf carts on municipal streets by elderly persons.

Read first time and passed on file.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 120, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

In accordance with House Concurrent Resolution 120, duly adopted, the joint convention was called to order, President Neu presiding.

Senator Kinley moved that the roll call be dispensed with and that the President be authorized to declare a quorum present, which motion prevailed.

President Neu declared a quorum present and the joint convention duly organized.

Senator Kinley moved that a committee of five, consisting of three members from the Senate and two members from the House of Representatives, be appointed to notify Governor Robert D. Ray, John W. Warner, Administrator of the American Revolution Bicentennial Administration, and Robert W. Dillon, Chairman of the Iowa American Revolution Bicentennial Commission, that the joint convention was ready to receive them.

The motion prevailed and President Neu appointed as such committee Senators Coleman, Rodgers and Schwengels, on the part of the Senate, and Representatives Byerly and McElroy, on the part of the House.

The Justices of the Supreme Court, Elected Officials and Bicentennial Commission and Guests were escorted into the House chamber.

The committee waited upon Governor Ray, John Warner and Robert Dillon and escorted them to the Speaker's station.

The colors were advanced by the Dubuque Detachment Marine Corps League, 1776 Color Guard.

The joint convention pledged allegiance to the flag.

The invocation was delivered by the Reverend Mr. Marvin Arnpriester, United Methodist Church, Lime Springs, Iowa.

President Neu introduced the Van Buren County Bicentennial Singers who presented a medley of songs.

Senator Coleman of Webster introduced the following members of the Iowa American Revolution Bicentennial Commission: Dr. William G. Murray, Mrs. Evelyn Birkby, Dick Ranney, Herman Schweiker, Lyle Bruere, Dave Palmer, Carl Hamilton, Max Hawkins, Edward Voldseth, Peter T. Harstad, Bob Stone, Del Van Horn, Kenneth Fulk, Don Kersten, Bob Dillon, Melvin Synhorst, Representatives Lillian McElroy and Richard Byerly and Senators Norman Rodgers, Forrest Schwengels and Joseph Coleman.

President Neu introduced Governor Robert D. Ray, who offered

the following remarks in presenting John W. Warner, Administrator of the American Revolution Bicentennial Administration:

Thank you very much. Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the Senate and House of Representatives, Members of the Supreme Court, Fellow Elected Officials, and Ladies and Gentlemen:

The last time that I spoke before a joint session such as this was when I delivered the state of the state message on January 13—I know it seems like 200 years ago.

Today we have a very special occasion for which we gather and for which we have a very distinguished person to deliver some very timely remarks to all of us.

One other thing that is going to happen today is that we are going to send off some covered wagons that will go all the way to Valley Forge, Pennsylvania, and will arrive there just before July 4. I want you to know that I have inspected them and not one of them is sixty-five feet in length and not one of them is double bottom.

These covered wagons are replicas of covered wagons that carried our country's pioneer settlers across our state to the west in the very early years of America's history.

Abraham Lincoln once said "I am in favor of cutting up the wild lands into parcels so that every poor man can have a home." Even then they had property taxes. Those settlers found new homes—they didn't, however, find conveniences. They found little else except, as they looked ahead, a future of uncertainty. But there was an exception—they found a form of government that gave them hope, gave them freedom and gave them opportunity to succeed. That is a form of government that has its roots in the Declaration of Independence, that document that was signed 200 years ago July 4, 1976. I think what is really significant about that document is that in it it says "that to secure the rights of life, liberty and pursuit of happiness, those who govern derive their powers from the consent of the governed." I think it is significant for each and every one of us elected to public office to never forget that and this is the best time for us to revive our memories about what that really means.

Many of you, if you have not already, will be asked to sign scrolls. The Executive Council members and I signed a scroll yesterday that dedicated ourselves to the precepts and the principles of the Declaration of Independence. Those scrolls will be carried along with thousands of others in these covered wagons to Valley Forge, Pennsylvania. This is just one indication that the bicentennial year is going to be a significant year so that when it is all over, we will not look back and say merely that it was a time for festivals and parades and a lot of hoopla, but instead we can look back and say, "Yes, it did have meaning."

Thanks to the leadership of Bob Dillon, Murray Goodman and the Iowa Bicentennial Commission, our citizens have joined together and will take part in over 2300 bicentennial activities. That is more than any other state. Five hundred fifty-six Iowa communities have officially been recognized. That is the second largest number—second only to Pennsylvania—in the entire country. So, I think our Iowa Bicentennial Commission deserves a lot of credit, a lot of recognition for a job that they have done very, very well and I compliment you, Bob Dillon, for the job you have done in leading these bicentennial efforts.

Another person that has led the efforts clear across the country is the **Administrator of the American Revolution Bicentennial Administration, Mr. John W. Warner.** Mr. Warner has been an Assistant United States Attorney, Under Secretary of the Navy, Secretary of the Navy, a member of the presidential party at the Moscow meeting and the recipient of the distinguished medal award issued by the Department of Defense. Mr. Warner was appointed to his present position in March of 1974 and has spearheaded the bicentennial heritage, festivals and horizon programs with an emphasis on local involvement and local direction in the efforts of all of these programs. Under John Warner's leadership the bicentennial will be a very meaningful and memorable experience for literally millions of Americans.

It is my pleasure to introduce to you the Administrator of the American Bicentennial Administration, the Honorable John Warner.

Mr. Warner delivered the following address:

Thank you, Governor Ray. President Neu, Speaker Cochran, Mr. Chief Justice, Members of the Senate and House of Representatives, Members of the Supreme Court, Members of the fine Bicentennial Commission of this Great State, and Ladies and Gentlemen:

As I walked down the aisle a lady looked at this and said, "Oh, gracious, is that his speech?" No, it is not. I brought this from Washington with me—part of my responsibility under the law is to compile a record for the National Archives for future generations to look back and examine what was done during our nation's bicentennial, and this is what I call the interim copy of the National Record of the nation's bicentennial.

As of today, there are over 50,000 programs and events now cataloged for the bicentennial and it is growing at the rate of several thousand each month. I brought this rather weighty volume—perhaps a portion of four telephone directories—because in it Iowa stands number one. Congratulations.

It is surprising to think the nation's bicentennial is being celebrated back where all the revolutionary history took place in the original thirteen colonies, but I split it using the Mississippi River, divided east and west, and there is just as much activity west of the Mississippi as there is east of the Mississippi. You may ask, why is that? There is a very simple reason, for me at least to answer because I have had the privilege in the past two years of traveling across these United States, having now completed visits to some 47 states. Most recently a swing through the Pacific to visit Honolulu, Hawaii, Samoa and Guam, where again there is just as much bicentennial activity as to be found in Baltimore, Boston or Philadelphia, or the nation's capital.

The reason is America is honoring its past, honoring its present and looking toward the future. Of course I don't have time to go into this volume but you will find a range of programs which covers all possible imaginations and initiatives that our citizens can put together. And again, put together by and large with their own funds.

When the Congress of the United States rewrote the law for the bicentennial two years ago, and I had the privilege of being appointed the first and I suppose the only administrator of this small agency, the people said we want the bicentennial to be celebrated equally in every town, village, Indian reservation, cities large and small in America, and that is precisely what is taking place.

On the cover of this volume is the national symbol of the bicentennial—the two stars, the white star and the red, white and blue star. It is the national symbol representing 200 years of our country. That is now flying from your state capitol as it is from every other state capitol in the United States and over 11,000 communities proudly fly that flag. But in Iowa every single county is organized for the nation's bicentennial.

I was walking up with your state chairman, Mr. Dillon, and he was telling me the tremendous support he has received from the Governor, the Legislature, and most particularly from his commission. He said remember the adage, "Give me ten stouthearted men, I'll give you 10,000 more." Well we have them—we don't have 10,000—there are over 100,000 people in the state of Iowa actively involved in the nation's bicentennial. You are not merely having what you might call just parades, fireworks, rhetoric—all of those things will take place and should take place—no, your state program is laying down permanent cornerstones again for the future generations to look back and say that the citizens of this state and the citizens of the community cared enough about their nation to put down a cornerstone. What comes to mind, of course, is the world food conference, that will be internationally recognized, solving hopefully some of the problems and laying down the cornerstones for the solution of some of the most needed problems for the future.

Again, the fifth grade history project where you are not just teaching any history, the emphasis is totally upon the history of Iowa.

Then, of course, I being a farmer at heart—and as soon as the bicentennial is over I hope to return to my farm—the Living History Farm, which I have visited, is another program which is more than just speech making, parades; it shows that this state has come together to put down some permanent reminders of the nation's bicentennial.

Additionally, we have another interesting chapter. Last night I was privileged in Washington, D. C. to join the vice president to honor the King of Sweden who has come over on the occasion of our bicentennial. There are over seventy foreign nations who are now actively participating in the bicentennial. Their gifts range all the way from small ones such as stamp collections and medals to the giving of permanent scholarships at our universities, and the bringing of cultural events such as opera and ballet. Then, Great Britain, not surprisingly, is sending over on loan for one year that document, Mr. Chief Justice, which you know so well and which lays the foundation for all western law—the exact document to which King John affixed his seal in the year 1215—the Magna Carta. It will be brought to the United States in May of this year for a period of twelve months and placed in the rotunda of the capitol building in Washington, D. C. Just another example of the tremendous enthusiasm to be found not only in our United States but all over the world for the bicentennial.

The bicentennial is not without controversy, nor should it be, after all we are celebrating a revolution. Many times I have been asked, because it falls in a political year, will it be used by politicians for their benefit? I have been privileged the past two years to appear on a number of occasions with our President, who totally supports and participates in the bicentennial, as well as Senators, Congressmen, Governors, state legislators, councilmen and mayors all over this nation and I have yet to see one single individual try to use the bicentennial for his or her personal benefit.

Then the question of commercialism—will this bicentennial go down as one gigantic "ripoff." My answer clearly is no. What better example

could I use than this state bicentennial commission, which has not indulged in manufacturing knickknacks to be sold. They sold one item—the same item that the Congress of the United States directed me to prepare and sell to the people—a medallion—and from it they have gained proceeds which have helped finance a part of the bicentennial program in this state. As a matter of fact, Chairman Dillon has explained to me that the bicentennial Commission has granted approximately \$500,000 and together with the help of the private sector and the citizens of this state that sum has been multiplied ten-fold into the millions of dollars to pay for your bicentennial. It is truly representative of a grass roots effort and this state, in my judgment, is the model state of the nation's bicentennial. As a matter of fact, since we are all attuned to politics, I remember so well the adage back east, "As goes Maine in the presidential election, so goes the nation." Well the confidence I have in your bicentennial program I am willing to predict, "As goes the success of the bicentennial program in Iowa, so goes the success of the entire nation's bicentennial program."

I would like to close with a short personal story. Again, I have been privileged to address many state legislatures but I can't remember ever walking into a capitol building and being more struck with emotion than I was about an hour ago upon entering the lower lobby and coming up to the Governor's office. For there were two things that are very dear to my heart. Having joined the navy at seventeen and having risen to being its boss at the age of forty-two, only in America could that sort of story take place. I saw the old battleship Iowa, 61. I was aboard that ship briefly, during the Korean war, as a young marine officer. Then passing on I saw the tattered flags of the regiments and states.

So, you might expect an old sailor to tell one sea story here in mid-America. And this is a true story that comes from the history of my state, Virginia. Let's go back to the turn of the century, and the United States, being a great naval power, then as it is now, invited from all over the world the finest ships and each head of state was to come with their ship. Picture yourself seated on the balcony of the U. S. battleship—I don't remember the name, perhaps it was the Iowa. Behind each head of state, seated in a neat row, was posted a United States sailor. The sailor's function was to lean down very respectfully as each of the foreign ships passed in review and give the history of the ship and most particularly describe the flag. As they came by, one by one, the sailor would lean down and say, "That, sir, is the ship which flies the flag of the Queen of England. She has the following guns, etc." One by one, the ships came by. "That, sir, is the ship which flies the flag of the Czar of Russia. That ship flies the flag of the Emperor of Japan." And so on. Finally, over the horizon, came the last ship flying Old Glory. The sailor leaned down and said, "That, sir, is the United States ship, the length is such and such, etc." This particular monarch leaned back and said, "Lad, which monarch's flag does that ship fly?" The sailor replied, "No monarch's, sir, that ship flies my flag."

Thank you very much.

A medley of songs was offered by the Van Buren County Bicentennial Singers.

President Neu invited all guests to join in the flag presentation and the charge of the Wagon Master of the Bicentennial Wagon

Train Pilgrimage to Pennsylvania, immediately following the joint session.

Governor Robert D. Ray, John W. Warner, Administrator of the American Revolution Bicentennial Administration, and Robert W. Dillon, Chairman of the Iowa American Revolution Bicentennial Commission, were escorted from the House chamber by the committee previously appointed.

The Colors were retired by the Color Guard.

Fitzgerald of Webster moved that the joint convention be now dissolved.

The motion prevailed.

The Senate returned to the Senate chamber and resumed regular session, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hill of Polk for the afternoon session on request of Senator Kinley.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1106.

House File 1106

On motion of Senator Redmond, House File 1106, a bill for an act relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1106) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Burroughs	Hansen	Murray	Rodgers
Carr	Heying	Nolting	Scott
Coleman	Hill of Jasper	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedeaux	Winkelman

Nays, none.**Absent or not voting, 8:**

Briles	Hultman	Nolin	Schwengels
Hill of Polk	Kelly	Ramsey	Sovern

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 552.

Senate File 552

On motion of Senator Junkins, Senate File 552, a bill for an act relating to the payment of services rendered to a state institution by a county medical examiner, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 552) the vote was:

Ayes, 44:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Burroughs	Heying	Norpel	Scott
Carr	Hill of Jasper	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kinley	Palmer	Sovern
Curtis	Lamborn	Plymat	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall		

Nays, none.**Absent or not voting, 6:**

Briles	Hultman	Nolin	Schwengels
Hill of Polk	Kelly		

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

MOTION TO RECONSIDER

MR. PRESIDENT: We move to reconsider the vote by which Senate File 552 passed the Senate on April 6, 1976.

BERL E. PRIEBE
C. JOSEPH COLEMAN
KENNETH D. SCOTT

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1282.

Senate File 1282

On motion of Senator Shaff, Senate File 1282, a bill for an act to increase certain vehicle width limitations from thirteen to fourteen feet, was taken up for consideration.

Senator Nolting took the chair at 4:15 p.m.

President pro tempore Doderer took the chair at 4:25 p.m.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1282) the vote was:

Rule 25 was invoked.

Ayes, 29:

Andersen	Glenn	Miller of	Rabedaux
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Miller of	Scott
Burroughs	Heying	Marshall	Shaff
Carr	Hultman	Murray	Taylor
Coleman	Junkins	Norpel	Tieden
Culver	Kinley	Plymat	Van Gilst
Curtis		Priebe	Winkelman

Nays, 17:

DeKoster	Lamborn	Orr	Robinson
Doderer	Merritt	Palmer	Shaw
Gallagher	Nolting	Ramsey	Sovern
Hansen	Nystrom	Redmond	Willits
Hill of Jasper			

Absent or not voting, 4:

Hill of Polk	Kelly	Nolin	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up out of order House File 200.

House File 200

On motion of Senator Gluba, House File 200, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba offered amendment S—5439 by the committee on human resources:

S—5439

- 1 Amend House File 200, as amended, passed and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, by striking lines 18 through 35, and
- 4 page 4, by striking line 1.
- 5 2. Page 4, by inserting after line 10 the
- 6 following:
- 7 “3. If substitution of a generically equivalent
- 8 drug product for the designated brand or trade name
- 9 drug product prescribed is made under this section,
- 10 the pharmacist making the substitution shall note
- 11 that fact on the prescription presented by the patient
- 12 or the patient’s representative, or reduced to writing
- 13 by the pharmacist pursuant to section one hundred
- 14 fifty-five point thirty-three (155.33), subsection
- 15 two (2) of the Code.”
- 16 3. Page 5, by striking lines 23 through 31.

Senator Gluba asked and received unanimous consent that action on amendment S—5439 be deferred.

Senator Gluba offered amendment S—5461:

S—5461

- 1 Amend House File 200, as amended, passed and re-
- 2 printed by the House, as follows:

Division S—5461A

- 3 1. Page 3, by striking lines 18 through 35, and
- 4 page 4, by striking line 1.

Division S—5461B

- 5 2. Page 4, by inserting after line 10 the
- 6 following:
- 7 “3. If substitution of a generically equivalent
- 8 drug product for the designated brand or trade name
- 9 drug product prescribed is made under this section,
- 10 the pharmacist making the substitution shall note
- 11 that fact on the prescription presented by the patient
- 12 or the patient’s representative, or the substitution
- 13 shall be reduced to writing by the pharmacist pursuant

14 to section one hundred fifty-five point thirty-three
15 (155.53), subsection two (2) of the Code."

Division S—5461C

16 3. Page 5, by striking lines 23 through 31.

Senator Hill of Jasper called for a division of the amendment, section 1 to be considered as division S—5461A, and sections 2 and 3 to be considered as division S—5461B.

Senator Willits called for a further division of the amendment, section 3 to be considered as division S—5461C.

Senator Miller of Des Moines took the chair at 5:10 p.m.

Senator Gluba moved the adoption of division S—5461A of the amendment and requested a record roll call.

On the question "Shall division S—5461A of the amendment be adopted?" (H.F. 200) the vote was:

Rule 25 was invoked.

Ayes, 18:

Carr	Kinley	Plymat	Scott
Culver	Merritt	Priebe	Sovern
Doderer	Murray	Redmond	Van Gilst
Glenn	Nolting	Robinson	Willits
Gluba	Norpel		

Nays, 22:

Andersen	Hansen	Miller of	Ramsey
Bergman	Heying	Des Moines	Shaff
Burroughs	Hill of Jasper	Nystrom	Taylor
Coleman	Hultman	Orr	Tieden
Curtis	Junkins	Palmer	Winkelman
DeKoster	Lamborn	Rabedeaux	

Absent or not voting, 10:

Briles	Hill of Polk	Miller of	Rodgers
Gallagher	Kelly	Marshall	Schwengels
Griffin		Nolin	Shaw

Division S—5461A of the amendment lost.

(House File 200 pending on adjournment.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1161, a bill for an act to define certain additional substances as controlled substances, and to amend the Iowa uniform controlled substances act.

Also: That the House has on April 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1226, a bill for an act relating to loans made by a credit union to its director.

Also: That the House has on April 2, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1483, a bill for an act relating to the Uniform Guaranty Association Act.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1293, by committee on ways and means, a bill for an act to provide a twenty percent refund for the motor fuel tax paid by an operator of a concrete truck.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1161, a bill for an act to define certain additional substances as controlled substances, and to amend the Iowa uniform controlled substances act to permit the board of pharmacy examiners to add to, delete from or alter the classification of the list of controlled substances established by that act.

Read first time and passed on file.

House File 1226, a bill for an act relating to loans made by a credit union to its director.

Read first time and passed on file.

House File 1483, a bill for an act relating to the Uniform Guaranty Association Act.

Read first time and passed on file.

RESOLUTION ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following resolution to committee:

S.C.R. 108 Rules and administration.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carol A. Brown, of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Barber Examiners under the provisions of Section 147.12, Code 1975, for an unexpired term ending June 30, 1976, and for a regular three-year term commencing July

86th Day

TUESDAY, APRIL 6, 1976

1201

1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
FRED W. NOLTING
WILLIAM N. PLYMAT
ROGER SHAFF
STEVE SOVERN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Irvin H. Palm, Red Oak, Montgomery County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
CALVIN O. HULTMAN
ROGER J. SHAFF
STEVE SOVERN
EARL M. WILLITS

COMMUNICATION

The following communication from Mrs. Martin Luther King, Jr., was received and placed on file:

March 30, 1976

The Iowa State Senate
c/o Mr. Steven C. Cross, Secretary
State House
Des Moines, Iowa 50319

Dear Friends:

Let me take this way to express my appreciation to you for the resolution you adopted commemorating the 47th birthday of my husband. Yours was indeed a worthy tribute. It has been gratifying to note that each year the expressions, the tributes, and activities commemorating my husband's life and contributions continue to increase.

This year's celebration of my husband's birthday, here in Atlanta, was a meaningful and memorable experience. With our main focus on unemployment, the two days of activities included a labor management breakfast, a full day conference, an ecumenical service and a march and rally. A broad coalition representing the church, labor, civil rights, business, politics, youth and women marched 20,000 strong.

Again, thank you very much for the part you played in the celebration of my husband's 47th birthday, January 15, 1976. On behalf of the Center's officers, directors, trustees and staff, let me assure you of our heartfelt gratitude.

Sincerely yours,
CORETTA SATT KING

COMMUNICATION FROM THE SECRETARY OF STATE

April 5, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1151, was published in the West Des Moines Express, West Des Moines, Iowa on March 18, 1976, and in the Clinton Herald, Clinton, Iowa on March 17, 1976.

I further certify that House File 1362, was published in The Sioux City Journal, Sioux City, Iowa on March 18, 1976, and in The Anthon Herald, Anthon, Iowa on March 24, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Tuesday, April 6, 1976, when the vote was taken on Senate File 1276. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

REPORTS OF COMMITTEES

Senator Orr submitted the following reports:

MR. PRESIDENT: Your committee on education to which was referred **House File 1329**, a bill for an act relating to corporate status for the area education agencies, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on education to which was referred **House File 1436**, a bill for an act relating to the state psychopathic hospital, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following reports:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1298**, a bill for an act relating to the prohibition of toxic extinguishers, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1457**, a bill for an act relating to the compensation of the beer and liquor control council, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **Senate File 1191**, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1401**, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5466

- 1 Amend House File 200 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 4 through 27 and
- 4 inserting in lieu thereof the following:
- 5 **"NEW SECTION. EQUIVALENT DRUG PRODUCT LIST.**
- 6 The board shall be responsible for the distribution
- 7 of an Equivalent Drug Product List. Such a list shall
- 8 be limited to those chemically identical drug products
- 9 determined and published by final regulation of the
- 10 federal Department of Health, Education and Welfare,
- 11 Food and Drug Administration to be therapeutically
- 12 equivalent and interchangeable. The board shall
- 13 mail a copy of the equivalent drug product list to
- 14 each pharmacy registered with it and to each physician,
- 15 dentist, podiatrist and veterinarian licensed to
- 16 practice in this state. Thereafter, the board shall
- 17 from time to time make additions to or deletions from
- 18 the equivalent drug product list as determined by the

19 federal Food and Drug Administration. Notifications
20 of such additions or deletions shall be made promptly
21 to each pharmacist registered with the board and to
22 each physician, dentist, podiatrist and veterinarian
23 licensed to practice in this state."

LOWELL JUNKINS
RICHARD J. NORPEL, SR.
LOUIS P. CULVER

S—5457

1 Amend House File 200 as amended, passed, and
2 reprinted by the House, page 2, line 7, by striking
3 the word "substantial".

STEVE SOVERN

S—5467

1 Amend House File 200 as amended, passed, and
2 reprinted by the House, page 2, line 7, by striking
3 the words "a substantial" and inserting in lieu thereof
4 the words "an actual".

STEVE SOVERN

S—5470

1 Amend House File 200 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 8, by inserting after the word
4 "dispensed" the words " , unless the substitution is
5 one required by subsection one (1), unnumbered
6 paragraph two (2), of this section".

JOAN ORR
EUGENE M. HILL
WILLIAM D. PALMER

S—5463

1 Amend House File 200 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, after line 10 by inserting the
4 following:
5 "d. The pharmacist does not inform the physician
6 of the fact of substitution and the drug product
7 dispensed within 72 hours from the time substitution
8 is made."

RICHARD J. NORPEL, SR.

S—5462

1 Amend House File 200, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 10, the
4 following:
5 "3. A prescriber shall not be civilly liable
6 for any personal injury or wrongful death arising
7 out of any substitution of a drug or drug product
8 selection by a pharmacist as permitted by this
9 Act."

LOWELL L. JUNKINS

S—5468

- 1 Amend the Junkins amendment, S—5462 to House
- 2 File 200 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, lines 6 and 7 by striking the words
- 5 "arising out of any", and inserting in lieu thereof
- 6 the words "specifically caused by".

LOWELL L. JUNKINS

S—5469

- 1 Amend House File 200 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 27 by inserting after the
- 4 words "manufacturer[,] and" the words "*if different,*
- 5 *the name and place.*"
- 6 2. Page 5, line 13 by inserting before the words
- 7 "the name" the words "if different,".

RICHARD J. NORPEL, SR.

S—5459

- 1 Amend the committee on human resources amendment
- 2 S—5439 to House File 200 as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Line 4, by inserting after the figure "1" the
- 5 words "and inserting in lieu thereof the following:
- 6 Upon presentation of a prescription which is to
- 7 be purchased wholly or partially from public funds
- 8 authorized under chapters two hundred forty-nine A
- 9 (249A), two hundred fifty-two (252), two hundred
- 10 fifty-three (253), or two hundred fifty-five (255)
- 11 of the Code, the pharmacist shall exercise his or
- 12 her professional judgment by dispensing a drug product
- 13 of the same generic name and demonstrated
- 14 bioavailability but of a lesser cost than the one
- 15 prescribed, if the pharmacy has in stock one or more
- 16 such drug products and the substitution would not
- 17 be contrary to subsection two (2), paragraphs a or
- 18 c of this section.
- 19 2. Page 4, line 8, by inserting after the word
- 20 'dispensed' the words ', unless the substitution is
- 21 one required by subsection one (1), unnumbered
- 22 paragraph two (2), of this section'."
- 23 2. By renumbering succeeding sections of the
- 24 amendment in accordance with this amendment to the
- 25 amendment.

JOAN ORR
EUGENE M. HILL
WILLIAM D. PALMER

S—5465

- 1 Amend the Gluba amendment S—5461 to House File 200,
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word

5 "fact" the words "and the name of the manufacturer of
6 the selected drug".

RICHARD R. RAMSEY

S—5464

1 Amend the Gluba amendment S—5461, to House File
2 200, as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, line 15, by striking the figure
5 "(155.53)" and inserting in lieu thereof the figure
6 "(155.33)".

WILLIAM E. GLUBA

S—5458

1 Amend House File 1008 as amended, passed, and
2 reprinted as follows:
3 1. Page 6, by striking lines 15 through 35.
4 2. Page 7, by striking lines 1 through 15.
5 3. Title page, line 1, by striking the words
6 "the sale of beer on Sundays;".

EUGENE M. HILL

S—5460

1 Amend House File 1326 as amended, passed, and re-
2 printed by the House as follows:
3 1. Page 4, by striking lines 32 through 35 and
4 inserting in lieu thereof the following: "[the license.]
5 *Depositories shall retain twenty-five cents from the*
6 *fee collected from the sale of each license. The*
7 *county recorder shall retain five percent of the*
8 *license fee for all licenses issued in the county*
9 *which shall be added quarterly to the general fund*
10 *of the county.*"
11 2. Page 5, by striking lines 1 through 4.

ELIZABETH SHAW
WILLIAM E. GLUBA
ELIZABETH MILLER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 9:30 a.m., Wednesday, April 7, 1976.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, APRIL 7, 1976

The Senate met in regular session, Senator Glenn presiding.

Prayer was offered by the Reverend Gary Allen Henecke, pastor of the Church of the Nazarene, Oskaloosa, Iowa.

The Journal of Tuesday, April 6, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James P. Jensen, Carroll, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Scott for the day and Senator Nolin for the day on request of Senator Kinley; Senator Kelly for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-eight students from St. Matthew's School, Cedar Rapids, Iowa. Senator Redmond.

Forty students, members of the Junior Girls Scouts from Waterloo, Iowa, accompanied by Sandra Fouts and Barbara Gleason. Senator Nolting.

Forty-two students from Jensen Elementary School, Urbandale, Iowa, accompanied by Muriel Nickelson and Mrs. Patrick. Senator Plymat.

Forty students from Clarinda High School, Clarinda, Iowa, accompanied by Pat Cassat. Senator Briles.

Fifty students from Jefferson Junior High School, Jefferson, Iowa, accompanied by Norman Pavlik and Dennis Goshon. Senator Nolin.

Eighty students from Oelwein Junior High School, Oelwein, Iowa, accompanied by Alberta Wardell. Senator Heying.

PETITIONS

The following petitions were presented and placed on file:

By Senator Van Gilst from forty-six residents of Polk County favoring an appropriation for transportation reimbursement to the parents of pupils in the School for the Deaf and the Iowa Braille and Sight-saving School.

By Senator Kinley from twenty residents of Polk and Jasper Counties favoring legislation to designate the birthday of Martin Luther King, Jr., as an official state holiday.

INTRODUCTION OF BILL

Senate File 1294, by Senator Griffin, a bill for an act relating to the sale of cigarettes at retail.

Read first time and passed on file.

UNFINISHED BUSINESS

House File 200

The Senate resumed consideration of House File 200, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state, and division S—5461B of the Gluba amendment.

Senator Ramsey offered amendment S—5465 to division S—5461B of the amendment filed by him and moved its adoption:

S—5465

- 1 Amend the Gluba amendment S—5461 to House File 200,
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "fact" the words "and the name of the manufacturer of
- 6 the selected drug".

Amendment S—5465 to division S—5461B of the amendment was adopted.

Senator Gluba offered amendment S—5464 to division S—5461B of the amendment filed by him and moved its adoption:

S—5464

- 1 Amend the Gluba amendment S—5461, to House File
- 2 200, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 15, by striking the figure
- 5 "(155.53)" and inserting in lieu thereof the figure
- 6 "(155.33)".

Amendment S—5464 to division S—5461B of the amendment was adopted.

On motion of Senator Gluba, division S—5461B of the amendment as amended was adopted.

Senator Gluba moved the adoption of division S—5461C of the amendment.

A non-record roll call was requested.

The ayes were 33, nays 9.

Division S—5461C of the amendment was adopted.

The Senate resumed consideration of amendment S—5439, offered and deferred on April 6, 1976.

Senator Gluba asked and received unanimous consent to withdraw amendment S—5439.

Amendment S—5459 to amendment S—5439 was ruled out of order.

Senator Schwengels offered amendment S—5466 filed by Senators Junkins, Norpel and Culver, moved its adoption and requested a record roll call:

S—5466

- 1 Amend House File 200 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 4 through 27 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SECTION. EQUIVALENT DRUG PRODUCT LIST.
- 6 The board shall be responsible for the distribution
- 7 of an Equivalent Drug Product List. Such a list shall
- 8 be limited to those chemically identical drug products
- 9 determined and published by final regulation of the
- 10 federal Department of Health, Education and Welfare,
- 11 Food and Drug Administration to be therapeutically
- 12 equivalent and interchangeable. The board shall
- 13 mail a copy of the equivalent drug product list to
- 14 each pharmacy registered with it and to each physician,
- 15 dentist, podiatrist and veterinarian licensed to
- 16 practice in this state. Thereafter, the board shall
- 17 from time to time make additions to or deletions from

18 the equivalent drug product list as determined by the
 19 federal Food and Drug Administration. Notifications
 20 of such additions or deletions shall be made promptly
 21 to each pharmacist registered with the board and to
 22 each physician, dentist, podiatrist and veterinarian
 23 licensed to practice in this state."

On the question "Shall amendment S—5466 be adopted?"
 (H.F. 200) the vote was:

Ayes, 14:

Briles	Griffin	Lamborn	Rodgers
Culver	Hansen	Norpel	Schwengels
Curtis	Heying	Rabedeaux	Shaff
DeKoster	Junkins		

Nays, 32:

Andersen	Hill of Jasper	Murray	Robinson
Bergman	Hill of Polk	Nystrom	Shaw
Burroughs	Hultman	Orr	Sovern
Carr	Kinley	Palmer	Taylor
Coleman	Merritt	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall		

Absent or not voting, 4:

Kelly	Nolin	Nolting	Scott
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Amendment S—5466 lost.

Senator Sovern offered amendment S—5467 filed by him and moved its adoption:

S—5467

- 1 Amend House File 200 as amended, passed, and
- 2 reprinted by the House, page 2, line 7, by striking
- 3 the words "a substantial" and inserting in lieu thereof
- 4 the words "an actual".

President Neu took the chair at 10:55 a.m.

Amendment S—5467 was adopted.

Amendment S—5457 filed by Senator Sovern was ruled out of order with the adoption of amendment S—5467.

Senator Orr offered amendment S—5470 filed by Senators Orr, Hill of Jasper and Palmer and moved its adoption:

S—5470

- 1 Amend House File 200 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 8, by inserting after the word
- 4 "dispensed" the words " , unless the substitution is

- 5 one required by subsection one (1), unnumbered
- 6 paragraph two (2), of this section".

Amendment S—5470 was adopted.

Senator Junkins offered amendment S—5462 filed by him:

S—5462

- 1 Amend House File 200, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by inserting after line 10, the
- 4 following:
- 5 "3. A prescriber shall not be civilly liable
- 6 for any personal injury or wrongful death arising
- 7 out of any substitution of a drug or drug product
- 8 selection by a pharmacist as permitted by this
- 9 Act."

Senator Junkins offered amendment S—5468 to amendment S—5462 filed by him and moved its adoption:

S—5468

- 1 Amend the Junkins amendment, S—5462 to House
- 2 File 200 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, lines 6 and 7 by striking the words
- 5 "arising out of any", and inserting in lieu thereof
- 6 the words "specifically caused by".

Amendment S—5468 to amendment S—5462 was adopted.

Action on amendment S—5462 as amended was temporarily deferred.

Senator Norpel offered amendment S—5463 filed by him, moved its adoption and requested a non-record roll call:

S—5463

- 1 Amend House File 200 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, after line 10 by inserting the
- 4 following:
- 5 "d. The pharmacist does not inform the physician
- 6 of the fact of substitution and the drug product
- 7 dispensed within 72 hours from the time substitution
- 8 is made."

The ayes were 1, nays 40.

Amendment S—5463 lost.

Senator Norpel offered amendment S—5469 filed by him and moved its adoption:

S—5469

- 1 Amend House File 200 as amended, passed and

2 reprinted by the House as follows:

- 3 1. Page 4, line 27 by inserting after the
 4 word "manufacturer[,] and" the words "*if different,*
 5 *the name and place.*"
 6 2. Page 5, line 13 by inserting before the word
 7 "the name" the words "*if different,*".

Amendment S—5469 was adopted.

The Senate resumed consideration of amendment S—5462 as amended.

Senator Junkins moved the adoption of amendment S—5462 as amended.

A record roll call was requested.

On the question "Shall amendment S—5462 as amended be adopted?" (H.F. 200) the vote was:

Rule 25 was invoked.

Ayes, 22:

Briles	Griffin	Norpel	Rodgers
Burroughs	Hansen	Nystrom	Schwengels
Coleman	Heying	Plymat	Shaff
Culver	Hultman	Rabedeaux	Tieden
Curtis	Junkins	Ramsey	Winkelman
DeKoster	Lamborn		

Nays, 23:

Andersen	Hill of Jasper	Murray	Shaw
Bergman	Hill of Polk	Nolting	Sovern
Carr	Kinley	Orr	Taylor
Doderer	Merritt	Palmer	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Redmond	
Gluba			

Absent or not voting, 5:

Kelly	Miller of	Nolin	Scott
	Marshall	Robinson	

Amendment S—5462 as amended lost.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 200) the vote was:

Ayes, 46:

Andersen	Coleman	Gallagher	Heying
Bergman	Culver	Glenn	Hill of Jasper
Briles	Curtis	Gluba	Hill of Polk
Burroughs	DeKoster	Griffin	Hultman
Carr	Doderer	Hansen	Junkins

Kinley	Norpel	Ramsey	Sovern
Lamborn	Nystrom	Redmond	Taylor
Merritt	Orr	Robinson	Tieden
Miller of	Palmer	Rodgers	Van Gilst
Des Moines	Plymat	Schwengels	Willits
Murray	Priebe	Shaff	Winkelman
Nolting	Rabedeaux	Shaw	

Nays, none.

Absent or not voting, 4:

Kelly	Miller of	Nolin	Scott
	Marshall		

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

On motion of Senator Kinley, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1488, a bill for an act relating to the bonding of governmental employees.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1067

S—5472

- 1 Amend Senate File 1067 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, line 23, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. By striking lines 26 through 28 on page 1
- 6 and inserting in lieu thereof the following:
- 7 "issued under this section. The use of parking

8 spaces".

9 3. Page 2, by striking lines 4 through 15 and
10 inserting in lieu thereof the following:

11 "3. The department shall promulgate rules:

12 a. Establishing procedure for applying to the
13 department for issuance of a special identification
14 device under this section.

15 b. Requiring persons issued special identification
16 devices to furnish evidence at appropriate intervals
17 that they remain physically handicapped to the
18 extent described by subsection one (1) of this
19 section.

20 c. Establishing standards for dimensions and
21 general location of parking spaces, which must be
22 followed by cities and other political subdivisions
23 in complying with subsection two (2) of this section.

24 d. Governing the manner in which special
25 identification devices are to be displayed in motor
26 vehicles parked in spaces designated under sub-
27 section two (2) of this section."

INTRODUCTION OF BILLS

Senate File 1295, by committee on state government, a bill for an act relating to the rules of the board of parole.

Read first time and **placed on calendar**.

Senate File 1296, by committee on state government, a bill for an act relating to the repeal of certain fringe benefits for employees of correctional institutions.

Read first time and **placed on calendar**.

HOUSE MESSAGES CONSIDERED

House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties.

Read first time and **passed on file**.

House File 1488, a bill for an act relating to the bonding of governmental employees.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

GOVERNOR'S VETO MESSAGE

The following veto message from the Governor was presented:

April 7, 1976

The Honorable Arthur A. Neu
Lieutenant Governor and President of the Senate
Sixty-sixth General Assembly
State Capitol Building
Local

Dear Governor Neu:

I am returning herewith Senate File 1125, an Act repealing the statutory appropriation for the state employees' disability plan, disapproved and without my signature to the Senate in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 1125 would repeal the standing unlimited appropriation for the recently initiated state employees' disability insurance plan. Begun in January, 1975, the disability insurance program provides benefits to those state employees who are disabled for an extended period of time. If signed into law, Senate File 1125 would cause the disability insurance program to be financed from departmental budgets rather than the standing unlimited appropriation provided for in 79.21-22 of the Code.

The genesis for Senate File 1125 was a mutual desire by the legislative and executive branches to reflect in a departmental appropriation the full cost of operating that department. To that purpose, it was recommended to the General Assembly that the existing standing unlimited appropriation for the disability insurance program be repealed and that replacement funds be appropriated directly to the departments to cover the costs of the disability insurance.

While the General Assembly has promptly passed the repeal of the standing unlimited appropriation, they have unfortunately not provided the replacement funds to the agencies in most cases. I have already signed into law several departmental appropriations, such as Energy Policy, Medical Examiners, Citizen's Aide, and Environmental Quality, where only a flat two percent increase or no increase has been granted for departmental operations. Other agencies such as the Commerce Commission, the Department of Public Defense, and Soil Conservation have experienced similar treatment with their appropriations. If this trend were to continue, we may be forced to discontinue the disability insurance program altogether or force agencies to retrench elsewhere to make up these replacement costs.

The General Assembly leadership has been asked what their intentions are in this area. They have informed my office that they do not intend to provide replacement funds for the disability insurance program. They suggest instead that the agencies can finance the program by squeezing funds from their regular budgets.

The state employees' disability insurance program is too important to be dropped or slighted. If Senate File 1125 is not vetoed, we may be forced to cancel this valuable fringe benefit for employees or retrench in

other areas to make up the difference. Since I have received no assurance from the legislative leadership that the costs of the disability insurance program will be adequately financed, I have decided to veto Senate File 1125.

I have directed the Comptroller's Office to assist the Executive Council in administering the standing unlimited appropriation for the disability insurance program in as prudent and frugal manner as possible. If a department is appropriated sufficient funds to cover the disability insurance costs, we will not use funds from the standing unlimited appropriation.

It should be noted that this retention of the standing unlimited appropriation does not increase my budget recommendations to you. Since my budget included the disability insurance costs, this action merely insures the departments will have sufficient funds to cover the cost of the disability insurance program. There will be no expenditure for disability insurance beyond what I recommended.

For the reasons I have outlined above, I hereby respectfully disapprove of this Senate File 1125.

Sincerely,
ROBERT D. RAY
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 488, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1122, a bill for an act relating to the employment rights of second deputy sheriffs.

Also: That the House has on April 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1139, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1249, a bill for an act relating to vehicles used by sheriffs and deputies.

Also: That the House has on April 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1052, a bill for an act to require certain information to be included in the notice of public hearing on annual city budgets.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1432, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, etc.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1447, a bill for an act relating to compliance of certain commercial buildings with certain fire protection requirements.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1492, a bill for an act relating to liability insurance for hospitals.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1493, a bill for an act relating to credit transactions, amending the Iowa consumer credit code.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1494, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1495, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1496, a bill for an act relating to the sale or acquisition of real property by an area education agency.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1509, a bill for an act relating to certification for applicators of restricted use of pesticides.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1513, a bill for an act relating to the compensation of employees of the general assembly and making an appropriation.

Also: That the House has on April 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1534, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 488

S—5480

1 Amend Senate File 488 as amended and passed
2 by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "law" the words "or for which the membership is
5 appointed by more than one person".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "Sec. 2. *NEW SECTION.* If an employee of an
9 appointive board, commission, or council is a member
10 of the board, commission, or council, that
11 employee shall not be a voting member. Payment
12 of per diem and expenses shall not cause a member
13 to be considered an employee of that board,
14 commission or council.

15 Sec. 3. Section one hundred seventy-three point
16 one (173.1), subsection four (4), Code 1975, is
17 amended to read as follows:

18 4. A secretary and a treasurer to be elected
19 by the state fair board *who shall be nonvoting*
20 *members.*

21 Sec. 4. Section five hundred twenty-four point
22 two hundred five (524.205), subsection one (1),
23 Code 1975, is amended to read as follows:

24 524.205 STATE BANKING BOARD.

25 1. The state banking board shall be composed of
26 the superintendent, who shall be *an ex officio*
27 *nonvoting* [a] member and chairman [and who shall have
28 the right to vote], and six other members, appointed
29 by the governor, who shall be chosen from various
30 sections of the state. Provided, however, that in
31 no event shall more than five members of such board
32 be engaged in the business of banking in any
33 executive capacity. In case of a vacancy in the
34 state banking board, other than one resulting from
35 a vacancy in the office of the superintendent, the
36 governor shall appoint a new member to fill such
37 vacancy for the unexpired term."

38 3. Amend the title, line 1, by striking the
39 words "the political affiliation of".

HOUSE AMENDMENT TO SENATE FILE 1139

S—5479

1 Amend Senate File 1139, as amended and passed
2 by the Senate, as follows:

3 1. Page 1, by striking lines 7 through 19 and
4 inserting in lieu thereof the following: "inmate
5 is discharged, paroled, or placed on work release,
6 the warden or superintendent shall furnish her, at
7 state expense, appropriate clothing and transport-
8 ation to the place in this state indicated in the

- 9 inmate's discharge, parole, or work release plan.
10 When an inmate is discharged, paroled or placed
11 on work release, the warden or superintendent
12 shall provide her, at state expense, money in
13 accordance with the following schedule:
14 1. Upon discharge or parole, one hundred dollars.
15 2. Upon being placed on work release, fifty
16 dollars.
17 3. Upon going from an educational work release
18 to parole or discharge, fifty dollars."
19 2. Page 1, by striking lines 31 through 35 and
20 page 2, by striking lines 1 through 8 and inserting
21 in lieu thereof the following: "is discharged,
22 paroled, or placed on work release, the warden
23 or superintendent shall furnish him, at state
24 expense, appropriate clothing and transportation
25 to the place in this state indicated in the inmate's
26 discharge, parole, or work release plan. When an
27 inmate is discharged, paroled or placed on work
28 release, the warden or superintendent shall provide
29 him, at state expense, money in accordance with the
30 following schedule:
31 1. Upon discharge or parole, one hundred dollars.
32 2. Upon being placed on work release, fifty
33 dollars.
34 3. Upon going from an educational work release
35 to parole or discharge, fifty dollars."

HOUSE AMENDMENT TO SENATE FILE 1263

S—5478

- 1 Amend Senate File 1263 as follows:
2 1. Page 1, by inserting after line 9 the
3 following:
4 "Nothing in this section shall prohibit a
5 municipal corporation having an agreement with
6 the secretary of agriculture to continue agree-
7 ments with other municipal corporations for
8 inspection of their milk plants, receiving
9 stations, and for milk and milk products, and
10 allowing municipal corporations to charge a fee
11 for that inspection provided the service is
12 rendered."

INTRODUCTION OF BILLS

Senate File 1297, by committee on transportation, a bill for an act to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

Read first time and placed on calendar.

Senate File 1298, by committee on education, a bill for an act relating to elementary and secondary education, providing for adoption of a uniform accounting system, accelerating the growth of the lowest ten percent of the districts in per pupil expenditure subject to approval by the school budget review committee, eliminating the adjustments to enrollment for certain districts, subject to review by the school budget review committee, and providing for a statewide uniform tax for allocation of the costs for media and other services.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1052, a bill for an act to require certain information to be included in the notice of public hearing on annual city budgets.

Read first time and passed on file.

House File 1432, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations.

Read first time and passed on file.

House File 1447, a bill for an act relating to compliance of certain commercial buildings with certain fire protection requirements.

Read first time and passed on file.

House File 1492, a bill for an act relating to liability insurance for hospitals.

Read first time and passed on file.

House File 1493, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer.

Read first time and passed on file.

House File 1494, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.

Read first time and **passed on file**.

House File 1495, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns.

Read first time and **passed on file**.

House File 1496, a bill for an act relating to the sale or acquisition of real property by an area education agency.

Read first time and **passed on file**.

House File 1509, a bill for act relating to certification for applicators of restricted use of pesticides.

Read first time and **passed on file**.

House File 1513, a bill for an act relating to the compensation of employees of the general assembly and making an appropriation.

Read first time and **passed on file**.

House File 1534, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.

Read first time and **passed on file**.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1292 Cities

H. F. 1161 Judiciary

H. F. 1226 Commerce

H. F. 1483 Commerce

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Wayne J. Barnes of Sioux City, Woodbury County, Iowa, for appointment to the State Board of Dental Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to

report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
LEONARD C. ANDERSEN
KARL NOLIN
NORMAN RODGERS
WILLIAM P. WINKELMAN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph A. McCaffrey of Davenport, Scott County, Iowa, for appointment as a public member of the State Board of Medical Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an unexpired term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
LOUIS P. CULVER
WILLARD R. HANSEN
GEORGE R. KINLEY
ELIZABETH SHAW

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 7, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1143—To legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.
- S. F. 1222—Appropriating funds to the department of general services for capital improvements.
- S. F. 1224—To appropriate funds to the state department of health for licensing speech pathologists and audiologists.
- S. F. 1226—To appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.
- H. F. 749—Relating to interest payments and interest penalties under the retail sales and income taxes.
- H. F. 812—To allow the governor to appoint the directors of certain commissions.
- H. F. 1009—Relating to the effective date of special assessments.
- H. F. 1458—Relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

COMMUNICATION FROM THE SECRETARY OF STATE

April 6, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 392, was published in the Dallas County News, Adel, Iowa on March 24, 1976, and in the Cherokee Daily Times, Cherokee, Iowa on March 25, 1976.

I further certify that House File 1218, was published in the Ames Daily Tribune, Ames, Iowa on March 30, 1976, and in The Boone News-Republican, Boone, Iowa on March 30, 1976.

I further certify that House File 1245, was published in the Ames Daily Tribune, Ames, Iowa on March 26, 1976, and in The Nevada Evening Journal, Nevada, Iowa on March 29, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORT OF COMMITTEE

Senator Willits submitted the following report:

MR. PRESIDENT: Your committee on cities to which was referred **House File 1361**, a bill for an act relating to short-term loans of cities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL M. WILLITS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5471

- 1 Amend Senate File 1036 as follows:
- 2 1. The Title, by striking the word "sale"
- 3 and inserting in lieu thereof the words "legal age
- 4 for the sale and consumption".

EUGENE M. HILL

S—5474

- 1 Amend Senate File 1258, page 4, line 7, by striking
- 2 the words "If not inconsistent with" and inserting
- 3 in lieu thereof the word "Notwithstanding".

COMMITTEE ON CITIES

EARL M. WILLITS, Chairperson

S—5475

- 1 Amend Senate File 1280 as follows:
- 2 1. Page 1, by striking lines 3 through 7, and
- 3 inserting in lieu thereof the following:
- 4 "1. REPEAL—EFFECT OF. The repeal of a statute,
- 5 *after it becomes effective*, does not revive a statute,
- 6 previously repealed, nor affect any right which has
- 7 accrued, any duty imposed, any penalty incurred, or
- 8 any proceeding commenced, under or by virtue of the
- 9 statute repealed."
- 10 2. Page 3, by adding after line 32 the following
- 11 new section:

- 12 "Sec. Section one hundred ten B point three
13 (110B.3), Code 1975, as amended by Acts of the 66th
14 General Assembly, chapter one hundred thirteen (113),
15 section three (3), is amended to read as follows:
16 110B.3 FEE. The fee for each stamp issued under
17 this chapter shall be one dollar. Each stamp shall
18 expire on the last day of February [December 31]
19 following its issuance."
20 3. Page 6, by adding after line 31 the following
21 new section:
22 "Sec. Section three hundred twenty-one point two
23 hundred thirty-eight (321.238), Code 1975, subsection
24 twenty-one (21), paragraph 'a' is amended to read as
25 follows:
26 a. A senior officer of the Iowa highway safety patrol
27 designated by the [commissioner] *director*."

LUCAS J. DeKOSTER

S—5476

- 1 Amend Senate File 1287 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "human" the word "skeletal".
4 2. Page 1, line 6, by inserting after the word
5 "human" the word "skeletal".
6 3. Page 1, line 18, by inserting after the word
7 "human" the word "skeletal".
8 4. Page 1, lines 19 and 20, by striking the words
9 "The cemetery shall not be open to the public." and
10 inserting in lieu thereof the words "The state
11 archeologist may restrict access to the cemetery by
12 the public in accordance with cultural traditions
13 and information."
14 5. Page 1, line 23, by striking the word "fifteen"
15 and inserting in lieu thereof the word "twenty-five".
16 6. Page 1, line 25, by inserting after the word
17 "human" the word "skeletal".
18 7. Page 2, line 15, by inserting after the word
19 "human" the word "skeletal".

JOHN S. MURRAY

S—5477

- 1 Amend House File 836, as amended and passed by
2 the House, as follows:
3 1. Page 1, by striking lines 19 through 35 and
4 inserting in lieu thereof the following:
5 1. Any matter upon which a verified complaint
6 has been filed may be removed by the complainant from
7 the jurisdiction of the commission and pursued through
8 an action in equity in the district court of the
9 county in which the alleged discriminatory practice
10 occurred if at least one hundred eighty days have
11 elapsed since the filing of the complaint and the
12 complainant has obtained a "right to sue" letter from
13 the commission. The "right to sue" letter shall
14 contain:

- 15 a. The date of filing by the complainant.
- 16 b. The names and addresses of respondents.
- 17 c. The action, if any, taken by the commission.
- 18 d. A statement by the commission that it
- 19 relinquishes jurisdiction.
- 20 2. Jurisdiction may be relinquished by the
- 21 commission sixty days after notification by the
- 22 commission to the complainant that there is no probable
- 23 cause or that endeavors to settle the complaint by
- 24 conference, conciliation, and persuasion have been
- 25 futile and the commission has not taken steps to
- 26 proceed to public hearing.
- 27 3. The commission shall respond to any request
- 28 for a "right to sue" letter within thirty days of
- 29 receipt of the request. If jurisdiction is not
- 30 relinquished, the commission shall provide the reasons
- 31 to the complainant.
- 32 4. Any suit filed under the provisions of this
- 33 section must be filed by the complainant in district
- 34 court within one hundred twenty days after the date
- 35 of issuance by the commission of the "right to sue"
- 36 letter. The commission shall close the complaint
- 37 on the thirtieth day after the issuance of the "right
- 38 to sue" letter.
- 39 5. The provisions of section six hundred one A
- 40 point fourteen (601A.14) of the Code relating to
- 41 confidentiality of information in a complaint filed
- 42 with the commission shall not apply to disclosure
- 43 under this section.
- 44 6. A complainant pursuing his or her rights and
- 45 remedies in accordance with this section shall not
- 46 be required to conform to the requirements for judicial
- 47 review set forth in section six hundred one A point
- 48 fifteen (601A.15) of the Code or the provisions of
- 49 chapter seventeen A (17A) of the Code.
- 50 2. Page 2, by striking lines 1 through 8.

ELIZABETH SHAW

S-5473

- 1 Amend House File 836, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 23, by striking the word
- 4 "concluded" and inserting in lieu thereof the words
- 5 "acted upon".
- 6 2. Page 1, line 24, by striking the word "request"
- 7 and inserting in lieu thereof the word "obtain".
- 8 3. Page 1, line 25, by inserting after the word
- 9 "a" the words "'right to sue'".
- 10 4. Page 1, line 27, by striking the word
- 11 "indicate".
- 12 5. Page 1, by striking lines 28 and 29 and
- 13 inserting in lieu thereof the words "contain a
- 14 statement that the commission relinquishes
- 15 jurisdiction. The commission shall".
- 16 6. Page 1, line 30, by striking the words "the

- 17 complainants request" and inserting in lieu thereof
18 the words "any complainant request for a 'right to
19 sue' letter".
20 7. Page 1, by striking line 35.
21 8. Page 2, by striking line 1.
22 9. Page 2, line 6, by striking the words "The
23 attorney general".
24 10. Page 2, by striking lines 7 and 8.
25 11. By renumbering subsections as necessary.

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:10
p.m., until 9:30 a.m., Thursday, April 8, 1976.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, APRIL 8, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend L. Hume Ward, pastor of the Windsor Presbyterian Church, Des Moines, Iowa.

The Journal of Wednesday, April 7, 1976, was approved

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Maplethorpe, Toledo, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nystrom for the day and Senator Kelly for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-two students from Rockwell-Swaledale High School, Rockwell, Iowa, accompanied by Jim Fredrickson. Senator Scott.

Thirty students from Nesco Junior-Senior High School, Zearing, Iowa, accompanied by Mr. Roberts and Mr. Faaborg. Senators Miller of Marshall and Nystrom.

Thirty students from Twin Rivers High School, Bode, Iowa, accompanied by Nancy Warren and Jane Enfield. Senator Priebe.

Sixty-four students from the West Harrison Community School District, Pisgah, Iowa, accompanied by Darlene Hime. Senator Culver.

Fifty students from the Red Oak Community School District, Red Oak, Iowa, accompanied by Rick Johnson and Sue Timmerman. Senator Hultman.

PETITION

The following petition was presented and placed on file:

By Senator Willits from ten residents of Polk County favoring legislation to raise the legal drinking age to nineteen, opposing pari-mutuel betting and opposing any increase in registration fees for church buses.

MOTION TO RECONSIDER WITHDRAWN**House File 614**

Senator Hultman withdrew the motion to reconsider the vote by which House File 614, a bill for an act relating to termination of parental rights and adoption and providing penalties, passed the Senate, filed by him on April 5, 1976.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1298.

House File 1298

On motion of Senator Gluba, House File 1298, a bill for an act relating to the prohibition of toxic fire extinguishers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1298) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Rodgers
Burroughs	Heying	Marshall	Schwengels
Carr	Hill of Jasper	Nolin	Scott
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Orr	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Lamborn	Rabedeaux	Winkelman
Glenn	Merritt	Ramsey	

Nays, none.**Absent or not voting, 6:**

Kelly	Norpel	Shaff	Willits
Murray	Nystrom		

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1457.

House File 1457

On motion of Senator Glenn, House File 1457, a bill for an act relating to the compensation of the beer and liquor control council, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1457) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Rodgers
Carr	Heying	Marshall	Schwengels
Coleman	Hill of Jasper	Nolin	Scott
Culver	Hill of Polk	Nolting	Shaw
Curtis	Hultman	Orr	Sovern
DeKoster	Junkins	Palmer	Taylor
Doderer	Kinley	Plymat	Tieden
Gallagher	Lamborn	Priebe	Van Gilst
Glenn	Merritt	Rabedeaux	

Nays, 1:

Burroughs

Absent or not voting, 8:

Kelly	Norpel	Robinson	Willits
Murray	Nystrom	Shaff	Winkelman

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

House File 1401

On motion of Senator Shaff, House File 1401, a bill for an act to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1401) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Rodgers
Burroughs	Heying	Marshall	Schwengels
Carr	Hill of Jasper	Nolin	Scott
Coleman	Hill of Polk	Nolting	Shaff
Culver	Hultman	Orr	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Glenn	Merritt	Rabedeaux	Winkelman

Nays, 2:

Redmond	Shaw
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Absent or not voting, 6:

Gallagher	Murray	Nystrom	Willits
Kelly	Norpel		

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1363.

House File 1363

On motion of Senator Schwengels, House File 1363, a bill for an act relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1363) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Nolin	Scott
Burroughs	Hill of Jasper	Orr	Shaff
Carr	Hill of Polk	Palmer	Shaw
Coleman	Hultman	Plymat	Sovern
Curtis	Junkins	Priebe	Taylor
DeKoster	Kinley	Rabedeaux	Tieden
Doderer	Lamborn	Ramsey	Van Gilst
Gallagher	Merritt	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 7:

Culver
Kelly

Murray
Nolting

Norpel
Nystrom

Willits

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1403.

House File 1403

On motion of Senator Schwengels, House File 1403, a bill for an act relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Schwengels offered amendment S—5431 by the committee on cities:

S—5431

1 Amend House File 1403 as passed by the House
2 as follows:

3 1. The Title, line 3, by striking the word
4 "and".

5 2. The Title, line 4, by adding after the word
6 "state" the words "and to the appointment of
7 members of utility boards".

8 3. Page 2, by adding after line 23 the
9 following section:

10 "Sec. Section three hundred eighty-eight
11 point seven (388.7), Code 1975, is amended to
12 read as follows:

13 388.7 PRIOR UTILITY BOARD. A utility board
14 functioning on the effective date of the city
15 code shall continue to function until discon-
16 tinued as provided in this chapter, and has
17 all the powers granted in this division. *Vacancies*
18 *occurring by reason of the expiration of a term,*
19 *or otherwise, shall be filled in accordance with*
20 *the provisions of section 388.3.*

21 Nothing in the city code shall be construed
22 to allow the abrogation of any franchise."

Senator Hill of Polk raised the point of order that amendment S—5431 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5431 out of order.

Senator Briles offered amendment S—5337 filed by him and moved its adoption:

S—5337

- 1 Amend House File 1403 as follows:
- 2 1. Page 2, line 2, by striking the words
- 3 "*by check*".

Amendment S—5337 was adopted.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1403) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Nolin	Shaw
Coleman	Hill of Polk	Orr	Sovern
Culver	Hultman	Palmer	Taylor
Curtis	Junkins	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedeaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn		Redmond	

Nays, none.

Absent or not voting, 6:

Kell	Nolting	Nystrom	Shaff
Murray	Norpel		

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

Senate File 1191

On motion of Senator Willits, Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, with report of the committee on ways and means recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw offered amendment S—5262 filed by Senators Shaw and DeKoster, moved its adoption and requested a record roll call:

S—5262

- 1 Amend Senate File 1191, page 1, line 12, by
- 2 striking the figure "\$149,947" and inserting in
- 3 lieu thereof the figure "\$161,663".

On the question "Shall amendment S—5262 be adopted?" (S.F. 1191) the vote was:

Rule 25 was invoked.

Ayes, 20:

Andersen	Hansen	Plymat	Shaw
Bergman	Heying	Ramsey	Taylor
Briles	Hill of Polk	Redmond	Tieden
Burroughs	Hultman	Schwengels	Winkelman
DeKoster	Miller of	Shaff	
Griffin	Marshall		

Nays, 21:

Carr	Hill of Jasper	Miller of	Rodgers
Culver	Junkins	Des Moines	Scott
Curtis	Kinley	Nolin	Sovern
Gallagher	Lamborn	Orr	Van Gilst
Glenn	Merritt	Palmer	Willits
Gluba		Priebe	

Absent or not voting, 9:

Coleman	Murray	Norpel	Rabedeaux
Doderer	Nolting	Nystrom	Robinson
Kelly			

Amendment S—5262 lost.

Senator Shaw withdrew amendment S—5217 filed by her on February 25, 1976, and found on page 609 of the Senate Journal.

Senator Shaw offered amendment S—5229 filed by her, moved its adoption and requested a record roll call:

S—5229

- 1 Amend Senate File 1191 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting in lieu thereof the following:
- 4 "For state aid\$932,052".
- 5 2. Page 1, by inserting before line 22 the
- 6 following:
- 7 "It is the intent of the general assembly that
- 8 funds appropriated in the amount of nine hundred
- 9 thirty-two thousand fifty-two (932,052) dollars by
- 10 subsection four (4) of this section shall be reduced
- 11 by such amounts as represented by the dollar amounts
- 12 of federal dollars that may be received for state
- 13 aid for the regional library system if such federal
- 14 funds become available for the fiscal year beginning
- 15 July 1, 1976 and ending June 30, 1977 and to such
- 16 extent the appropriation provided in subsection four
- 17 (4) of this section are conditional."

On the question "Shall amendment S—5229 be adopted?" (S.F. 1191) the vote was:

Rule 25 was invoked.

Ayes, 18:

Andersen	Hansen	Miller of	Shaff
Briles	Hill of Polk	Marshall	Shaw
Burroughs	Merritt	Plymat	Taylor
DeKoster	Miller of	Rabedaux	Tieden
Gluba	Des Moines	Scott	
Griffin			

Nays, 26:

Bergman	Glenn	Norpel	Rodgers
Carr	Heying	Orr	Schwengels
Coleman	Hill of Jasper	Palmer	Sovern
Culver	Hultman	Priebe	Van Gilst
Curtis	Junkins	Ramsey	Willits
Doderer	Kinley	Redmond	Winkelman
Gallagher	Lamborn		

Absent or not voting, 6:

Kelly	Nolin	Nystrom	Robinson
Murray	Nolting		

Amendment S—5229 lost.

Senator Hultman offered amendment S—5188 filed by him:

S—5188

- 1 Amend Senate File 1191 as follows:
- 2 1. Page 1, by striking lines 22 through 35.
- 3 2. Page 2, by striking lines 1 through 5.
- 4 3. Renumber the sections accordingly.

Senator Hultman asked and received unanimous consent to withdraw amendment S—5188.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1191) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Orr	Shaff
Coleman	Hultman	Palmer	Taylor
Culver	Junkins	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, 2:

DeKoster	Shaw
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Absent or not voting, 5:

Kelly
Nolin

Nolting

Nystrom

Sovern

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1191 passed the Senate on April 8, 1976.

CLIFTON C. LAMBORN

WITHDRAWN

Senator Schwengels asked and received unanimous consent that Senate File 1081 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1436.

House File 1436

On motion of Senator Willits, House File 1436, a bill for an act relating to the state psychopathic hospital, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw offered amendment S—5483:

S—5483

- 1 Amend House File 1436 as passed by the House as
- 2 follows:
- 3 1. Page 9, line 30, by striking the words
- 4 "[medical director of the]" and inserting in lieu
- 5 thereof the words "medical director of the".
- 6 2. Page 9, line 33, by striking the words
- 7 "[director] hospital" and inserting in lieu thereof
- 8 the word "director".
- 9 3. Page 9, line 35, by striking the words
- 10 "[by the director]" and inserting in lieu thereof the
- 11 words "by the director".

Senator Willits asked and received unanimous consent that action on House File 1436 be temporarily deferred.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1291.

Senate File 1291

On motion of Senator Willits, Senate File 1291, a bill for an act to legalize the incorporation of the city of Yale, Iowa, was taken up for consideration.

Senator Willits offered amendment S—5421 filed by the committee on judiciary and moved its adoption:

S—5451

- 1 Amend Senate File 1291 as follows:
- 2 Page 1, line 30 by adding after the word "all"
- 3 the words "otherwise legal".

Amendment S—5451 was adopted.

Senator Willits moved that bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1291) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Norpel	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kinley	Plymat	Taylor
Curtis	Lamborn	Priebe	Tieden
DeKoster	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba		Robinson	

Nays, none.

Absent or not voting, 6:

Doderer	Kelly	Nolting	Nystrom
Hill of Jasper	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1290.

Senate File 1290

On motion of Senator Junkins, Senate File 1290, a bill for an

act relating to liability insurance for hospitals, was taken up for consideration.

Senator Junkins asked and received unanimous consent that House File 1492 be substituted for Senate File 1290.

House File 1492

On motion of Senator Junkins, House File 1492, a bill for an act relating to liability insurance for hospitals, was taken up for consideration.

Senator Junkins offered amendment S—5485 by Senators Junkins and Curtis and moved its adoption:

S—5485

- 1 Amend House File 1492, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by inserting after line 14 the fol-
- 4 lowing new section:
- 5 "Sec. 2. This Act, being deemed of immediate im-
- 6 portance, shall take effect and be in force from and
- 7 after its publication in The Daily Gate City, a news-
- 8 paper published in Keokuk, Iowa, and in the Cherokee
- 9 Daily Times, a newspaper published in Cherokee, Iowa."

Amendment S—5485 was adopted.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1492) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Norpel	Shaff
Carr	Hill of Polk	Orr	Shaw
Coleman	Hultman	Palmer	Sovern
Culver	Junkins	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	

Nays, none.

Absent or not voting, 5:

Hill of Jasper	Nolin	Nolting	Nystrom
Kelly			

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

WITHDRAWN

Senator Junkins asked and received unanimous consent that **Senate File 1290** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1289.

Senate File 1289

On motion of Senator Hultman, Senate File 1289, a bill for an act relating to energy efficiency standards for certain appliances and providing a penalty, was taken up for consideration.

Senator Redmond asked and received unanimous consent that action on Senate File 1289 be temporarily deferred for the preparation of an amendment.

MOTION TO RECONSIDER WITHDRAWN**Senate File 368**

Senator Merritt withdrew the motion to reconsider the vote by which Senate File 368, a bill for an act relating to the marketing of livestock and providing penalties, passed the Senate, filed by him on March 17, 1976.

On motion of Senator Kinley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1299, by committee on human resources, a bill for an act relating to care review committees for health care facilities.

Read first time and **placed on calendar**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1329.

House File 1329

On motion of Senator Shaw, House File 1329, a bill for an act

relating to corporate status for the area education agencies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Tieden withdrew amendment S—5481:

S—5481

- 1 Amend House File 1329 as follows:
- 2 1. Page 1, line 8, by adding after the word
- 3 "sued," the words "acquire, dispose of, and".

Senator Tieden offered amendment S—5488 and moved its adoption:

S—5488

- 1 Amend House File 1329 as follows:
- 2 1. Page 1, line 8, by adding after the word
- 3 "sued," the words "execute lease-purchase agreements,".

President pro tempore Doderer took the chair at 2:45 p.m.

A record roll call was requested.

On the question "Shall amendment S—5488 be adopted?" (H.F. 1329) the vote was:

Ayes, 34:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Norpel	Scott
Carr	Junkins	Orr	Taylor
Culver	Kinley	Plymat	Tieden
Curtis	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	
Gluba			

Nays, 7:

DeKoster	Hill of Jasper	Nolin	Winkelman
Griffin	Lamborn	Shaw	

Absent or not voting, 9:

Coleman	Nolting	Palmer	Shaff
Gallagher	Nystrom	Robinson	Sovern
Kelly			

Amendment S—5488 was adopted.

Senator Hill of Polk moved to reconsider the vote by which amendment S—5488 was adopted by the Senate.

DEFERRED

Senator Tieden asked and received unanimous consent that further action on **House File 1329** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

House File 1436

The Senate resumed consideration of House File 1436 and amendment S—5483.

Senator Shaw offered amendment S—5490 to amendment S—5483 and moved its adoption:

S—5490

- 1 Amend amendment S—5483 to House File 1436, page
- 2 1, by inserting after line 11 the following amendment:
- 3 ".... Page 10, lines 11 and 12, by striking the
- 4 words and numerals 'two hundred twenty-five point
- 5 four (225.4),'."

Amendment S—5490 to amendment S—5483 was adopted.

On motion of Senator Willits, amendment S—5483 as amended was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1436) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolin	Scott
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Orr	Sovern
Culver	Junkins	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Gallagher	Nolting	Robinson	Shaff
Kelly	Nystrom		

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

Senator Kinley asked and received unanimous consent to take up out of order House File 91.

House File 91

On motion of Senator Murray, House File 91, a bill for an act

relating to fees for posting business signs on specific information panels and advertising permits, with report of committee recommending passage, and report of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Murray offered amendment S—5433 by the committee on transportation and moved its adoption:

S—5433

- 1 Amend House File 91 as amended, passed, and
- 2 reprinted by the House, page 1, by striking lines
- 3 17 through 22 and inserting in lieu thereof the word
- 4 "*posting*."

Amendment S—5433 was adopted.

Senator Norpel withdrew amendment S—5484:

S—5484

- 1 Amend House File 91, as amended, passed and re-
- 2 printed by the House, as follows:
- 3 1. Page 1B, by striking lines 40 through 48.
- 4 2. Page 1B, by inserting after line 48 the
- 5 following:
- 6 "Sec. Section three hundred six C point
- 7 eleven (306C.11), Code 1975, is amended by adding
- 8 the following new subsection:
- 9 *NEW SUBSECTION.* Any political advertising device
- 10 issued by a candidate advertising the candidate's
- 11 own candidacy."
- 12 3. Renumber the sections and correct internal
- 13 references as necessary in conformance with this
- 14 amendment.
- 15 4. Amend the title, line 1, by inserting after
- 16 the word "to" the words "signs providing for erection
- 17 of certain signs and assignment of".

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 91) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Carr	Heying	Marshall	Scott
Coleman	Hill of Jasper	Murray	Shaff
Culver	Hill of Polk	Norpel	Shaw
Curtis	Hultman	Orr	Taylor
DeKoster	Junkins	Palmer	Tieden
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Rabedeaux	Willits
Glenn	Merritt	Ramsey	Winkelman

Nays, 3:

Nolin

Priebe

Redmond

Voting present, 1:

Sovern

Absent or not voting, 4:

Burroughs

Kelly

Nolting

Nystrom

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1287.

Senate File 1287

On motion of Senator Murray, Senate File 1287, a bill for an act relating to ancient remains and subjecting violators to a penalty, was taken up for consideration.

Senator Murray offered amendment S—5476 filed by him and moved its adoption:

S—5476

- 1 Amend Senate File 1287 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "human" the word "skeletal".
- 4 2. Page 1, line 6, by inserting after the word
- 5 "human" the word "skeletal".
- 6 3. Page 1, line 18, by inserting after the word
- 7 "human" the word "skeletal".
- 8 4. Page 1, lines 19 and 20, by striking the words
- 9 "The cemetery shall not be open to the public." and
- 10 inserting in lieu thereof the words "The state
- 11 archeologist may restrict access to the cemetery by
- 12 the public in accordance with cultural traditions
- 13 and information."
- 14 5. Page 1, line 23, by striking the word "fifteen"
- 15 and inserting in lieu thereof the word "twenty-five".
- 16 6. Page 1, line 25, by inserting after the word
- 17 "human" the word "skeletal".
- 18 7. Page 2, line 15, by inserting after the word
- 19 "human" the word "skeletal".

Amendment S—5476 was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1287) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Carr	Hill of Jasper	Nolin	Scott
Coleman	Hill of Polk	Norpel	Shaff
Culver	Hultman	Orr	Shaw
Curtis	Junkins	Palmer	Sovern
DeKoster	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Tieden
Gallagher	Merritt	Rabedeaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman

Nays, none.**Absent or not voting, 4:**

Burroughs	Kelly	Nolting	Nystrom
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 1289

The Senate resumed consideration of Senate File 1289 temporarily deferred.

Senator Redmond offered amendment S—5491 by Senators Redmond and Gallagher:

S—5491

- 1 Amend Senate File 1289 by striking everything
- 2 after the enacting clause and inserting in lieu
- 3 thereof the following:
- 4 Section 1. Section ninety-three point one
- 5 (93.1), Code 1975, is amended by adding the following
- 6 new subsection:
- 7 **NEW SUBSECTION** "Covered appliance" means air
- 8 conditioners, refrigerators, freezers and refrigerator
- 9 freezers.
- 10 **NEW SUBSECTION.** "Energy efficiency rating" means
- 11 the ratio of the useful output of services from a
- 12 covered appliance to the energy consumption of the
- 13 covered appliance. The ratio shall be calculated at a
- 14 uniform set of rating conditions and in accordance
- 15 with such testing procedures as the council may de-
- 16 velop or select. The ratios shall be expressed in a
- 17 uniform manner and in both English and metric units.
- 18 **NEW SUBSECTION** "Energy efficiency standard" means
- 19 a performance standard which prescribes a minimum energy
- 20 efficiency rating for covered appliances in order to
- 21 ensure reasonable conservation of the State's energy
- 22 resources.
- 23 Section 2. Chapter ninety-three (93), Code 1975,
- 24 is amended by adding the following new section:
- 25 **NEW SECTION** 1. The council shall develop by

26 December 31, 1976 rules establishing energy efficiency
27 standards for covered appliances and for the disclosure
28 of the energy efficiency rating of all brands, makes,
29 and models of covered appliances. The rules shall be
30 developed in accordance with chapter seventeen A (17A)
31 of the Code except that the council shall give at least
32 sixty days notice of the public hearing on any such
33 rules and such notice shall list the time and place of
34 the hearing.

35 2. All covered appliances sold at retail in this
36 state after June 30, 1977 shall meet the energy effi-
37 ciency standards promulgated by the council pursuant
38 to subsection one (1) of this section.

39 3. After June 30, 1977 any persons who sells at
40 retail covered appliances with the energy efficiency
41 standards established pursuant to this Act shall be
42 guilty of a misdemeanor and subject to a fine not to
43 exceed one hundred dollars (\$100.00).

44 Section 3. If the council is no longer able to
45 carry out the provisions of this Act subsequent to
46 June 30, 1977, the duties established herein shall be
47 assumed by the Iowa State Commerce Commission.

DEFERRED

Senator Redmond asked and received unanimous consent that further action on Senate File 1289 be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senate File 1210

On motion of Senator Ramsey, Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, with report of committee on ways and means recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5482 by Senators Ramsey and Schwengels and moved its adoption:

S—5482

1 Amend Senate File 1210 as follows:

2 1. Page 1, line 4, by striking the words

3 "two or more".

4 2. Page 1, line 5, by striking the word "and"

5 and inserting in lieu thereof the words ", or portions
6 thereof, townships or".

7 3. Page 2, by striking lines 17, 18, and 19

8 and inserting in lieu thereof the following:
9 "The council of".

Amendment S—5482 was adopted.

Senator Shaff offered amendment S—5486:

S—5486

- 1 Amend Senate File 1210 as follows:
- 2 1. Page 2, by inserting after line 16 the fol-
- 3 lowing:
- 4 "The amount of the tax shall not exceed the amount
- 5 which would be raised by a uniform one dollar and
- 6 sixty-two cents per thousand dollars of assessed value
- 7 on all taxable property in the unified law enforcement
- 8 district, but the actual levies may be determined
- 9 as follows:
- 10 1. Determine the anticipated total cost of uni-
- 11 fied law enforcement to the unified law enforcement
- 12 district for the budget year for which the levy is
- 13 to be made.
- 14 2. Compute the per capita cost by dividing the
- 15 anticipated total cost to the unified law enforce-
- 16 ment district as determined pursuant to subsection
- 17 one (1) of this section into the total population
- 18 of the district.
- 19 3. Separate levies for the public safety fund
- 20 shall be computed for all of the unincorporated area
- 21 and for each incorporated area in the unified law
- 22 enforcement district. The levies shall in each case
- 23 be that amount which, when applied to the assessed
- 24 value in the area for which the levy is computed,
- 25 will raise an amount equal to the per capita cost
- 26 of unified law enforcement to the unified law
- 27 enforcement district multiplied by the population
- 28 of the district."

Senator Shaff asked and received unanimous consent that action on amendment S—5486 be temporarily deferred.

Senator Ramsey offered amendment S—5492 and moved its adoption:

S—5492

- 1 Amend Senate File 1210 as follows:
- 2 1. Page 2, by inserting after line 11 the fol-
- 3 lowing:
- 4 "The amount of the tax shall not exceed the amount
- 5 which would be raised by a uniform one dollar and
- 6 sixty-two cents per thousand dollars of assessed value
- 7 on all taxable property in the unified law enforcement
- 8 district, but the actual levies may be determined by
- 9 any of the following methods:"
- 10 2. Page 2, line 12 by inserting before the word
- 11 "The" the figure "1."

- 12 3. Page 2, line 16, by striking the figure
13 “.”, and inserting in lieu thereof the word “; or”.
14 4. Page 2, by inserting after line 16 the
15 following:
16 “2. The county board of supervisors and the
17 council of each city located within the unified law
18 enforcement district shall:
19 a. Determine the anticipated total cost of uni-
20 fied law enforcement to the unified law enforcement
21 district for the budget year for which the levy is
22 to be made.
23 b. Compute the per capita cost by dividing the
24 anticipated total cost to the unified law enforce-
25 ment district as determined pursuant to paragraph
26 ‘a’ of this section into the total population
27 of the district.
28 c. Separate levies for the public safety fund
29 shall be computed for all of the unincorporated area
30 and for each incorporated area in the unified law
31 enforcement district. The levies shall in each case
32 be that amount which, when applied to the assessed
33 value in the area for which the levy is computed,
34 will raise an amount equal to the per capita cost
35 of the unified law enforcement to the unified law
36 enforcement district multiplied by the population
37 of the district; or
38 3. The tax levies imposed in a unified law en-
39 forcement district to pay the anticipated total cost of
40 the unified law enforcement may be allocated among the
41 political subdivisions of the district pursuant to an
42 agreement executed according to the provisions of
43 chapter twenty-eight E (28E), of the Code.”

Amendment S—5492 was adopted.

Senator Shaff asked and received unanimous consent to with-
draw amendment S—5486.

The Senate resumed consideration of amendment S—5486.

Senator Miller of Marshall took the chair at 4:45 p.m.

Senator Ramsey offered amendment S—5496 by Senators
Ramsey and Priebe and moved its adoption:

S—5496

- 1 Amend Senate File 1210 as follows:
2 1. Page 2, line 31, by inserting after the
3 word “council” the words “and a tax may be levied
4 for unified law enforcement purposes only upon the affir-
5 mative vote of the electorate of the city in the man-
6 ner provided in this Act”.

Amendment S—5496 was adopted.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1210) the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Carr	Hill of Polk	Nolting	Schwengels
Culver	Hultman	Norpel	Scott
Curtis	Junkins	Orr	Shaff
DeKoster	Kinley	Palmer	Sovern
Doderer	Lamborn	Plymat	Taylor
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines		

Nays, 3:

Coleman	Tieden	Winkelman
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Absent or not voting, 7:

Burroughs	Kelly	Nystrom	Shaw
Griffin	Nolin	Rabedeaux	

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

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 2, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

On February 13, 1975, it was my pleasure to submit to the Senate for their consideration the name of Nancy Brown Showers for appointment as a District 3 representative to the State Judicial Nominating Commission.

Mrs. Showers has informed me this week that she wishes to have her name withdrawn as an appointee to this Commission due to the apparent conflict among the members of the Senate caused by her appointment. Pursuant to her wishes, I am therefore withdrawing my request for approval of her appointment as a member of the State Judicial Nominating Commission.

The following is an excerpt from her letter:

"I would also like to express my appreciation to Senators Doderer, Griffin, Nolting, Gluba and Hansen for their efforts in their investigation of me and their support."

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILLS

Senate File 1300, by committee on energy, a bill for an act relating to the availability of mine maps.

Read first time and placed on calendar.

Senate File 1301, by committee on human resources, a bill for an act to establish an Iowa council for children and district councils.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- S. F. 1294 Commerce
- H. F. 1052 Cities
- H. F. 1407 Transportation
- H. F. 1432 Transportation
- H. F. 1447 State government
- H. F. 1488 Commerce
- H. F. 1493 Commerce
- H. F. 1494 Commerce
- H. F. 1495 Commerce
- H. F. 1496 Education
- H. F. 1509 Agriculture
- H. F. 1513 Rules and administration
- H. F. 1534 Education

SUBCOMMITTEE ASSIGNMENTS

Senate File 1259 Ways and means Van Gilst, Chairperson Burroughs Culver	House File 1053 Transportation Doderer, Chairperson Miller of Marshall Orr	House File 1321 Ways and Means Rodgers, Chairperson Curtis Gluba
Senate File 1270 Ways and Means Junkins, Chairperson Taylor Hill of Jasper	House File 1281 State Government Glenn, Chairperson Coleman Schwengels	House File 1436 Education Willits, Chairperson Merritt Plymat
House File 1047 Cities Redmond, Chairperson Carr Hansen	House File 1320 Ways and Means Curtis, Chairperson Rodgers Gluba	House File 1520 Appropriations State Departments House File 1539 Appropriations Human Resources

REPORTS OF COMMITTEE

Senator Junkins submitted the following reports:

MR. PRESIDENT: Your committee on commerce to which was referred **Senate File 1008**, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5495

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 1, by striking lines 6 through 10, and
- 3 inserting in lieu thereof the words "Revenue Code
- 4 may agree in writing to pay any rate of interest in
- 5 excess of the rate prescribed in subsection [1] one hereof,
- 6 and any person borrowing money in the principal amount
- 7 of thirty-five thousand dollars or more for a business
- 8 or agricultural purpose may agree in writing for the
- 9 payment of interest not exceeding ten cents on the
- 10 hundred by the year, and no such corporation or real
- 11 estate investment".

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1365**, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations, begs leave to report it has had the same under consideration and recommends the same **do pass.**

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5487

- 1 Amend Senate File 1280 as follows:
- 2 1. Page 10, by striking all of lines 32 through
- 3 35.
- 4 2. Page 11, by striking all of lines 1 through
- 5 10.

LUCAS J. DeKOSTER

S—5494

- 1 Amend the Redmond amendment, S—5491 to Senate
- 2 File 1289 as follows:
- 3 1. Page 1, line 9, by inserting after the
- 4 word "freezers" the words "manufactured after December
- 5 31, 1976".
- 6 2. Page 1, by striking lines 30 through 34 and
- 7 inserting in lieu thereof the words "developed in
- 8 accordance with chapter seventeen A (17A) of the
- 9 Code except that the council shall hold a public
- 10 hearing giving sixty days notice of the hearing
- 11 which notice shall list the time and place thereof."
- 12 3. Page 1, line 40, by adding after the word
- 13 "appliances" the words "that do not comply".

JAMES M. REDMOND

S—5493

- 1 Amend the Redmond amendment S—5491 to Senate
- 2 File 1289 as follows:
- 3 1. Page 1, by striking lines 35 through 43.

LOWELL L. JUNKINS
CLIFTON C. LAMBORN

S—5497

- 1 Amend Senate File 1293 as follows:
- 2 1. Page 1 by striking lines 1 through 31 and in-
- 3 serting in lieu thereof the following:
- 4 Section 1. Section three hundred twenty-four
- 5 point sixteen (324.16), Code 1975, is amended to read
- 6 as follows:
- 7 324.16 CREDIT TO LICENSEE—NONMOTOR VEHICLE OR
- 8 WATERCRAFT USE—CASUALTY LOSSES—NONTAXABLE
- 9 —REFUNDS. A licensee having received motor fuel or
- 10 special fuel which thereafter (1) he uses for any
- 11 purpose other than as fuel for propelling motor ve-
- 12 hicles or watercraft [or], (2) while owned by him is
- 13 lost or destroyed through accountable leakage or
- 14 through fire, accident, lightning, flood, storm, act
- 15 of war or public enemy or other like cause[,] or (3)
- 16 *he uses fuel in a manner which would entitle him to*
- 17 *receive a refund under the provisions of section three*
- 18 *hundred twenty-four point seventeen (324.17) of the*

19 *Code if a person other than a licensee, shall upon*
20 **application** to the department of revenue supported
21 by two notarized affidavits covering circumstances
22 of loss as proof, be entitled to a memorandum of
23 credit which he may apply against subsequent liability
24 under this chapter, or, if an applicant having paid
25 the tax on the gallonage covered in the application
26 is no longer engaged in activity for which his license
27 was issued, the department of revenue shall refund
28 the appropriate amount to the applicant.

29 Sec. 2. Section three hundred twenty-four point
30 seventeen (324.17), unnumbered paragraph one (1),
31 Code 1975, is amended to read as follows:

32 Any person other than a licensee *as defined in*
33 *this chapter* who shall use motor fuel or *special fuel*
34 for the purpose of operating or propelling farm
35 tractors, or corn shellers, roller mills, [truck mounted]
36 and feed grinders *whether mounted on a truck or self-*
37 *propelled, truck-mounted concrete mixers*, stationary
38 gas engines, aircraft, for cleaning or dyeing or for
39 any purpose other than in watercraft or in motor
40 vehicles operated or intended to be operated upon
41 the public highways and having paid the motor fuel
42 tax on the fuel either directly to the department
43 of revenue or by having the tax added to the price
44 of the fuel, and who has a refund permit shall, upon
45 presentation to and approval by the department of
46 revenue of a claim for refund be reimbursed and repaid
47 the amount of the tax which the claimant has paid
48 on the gallonage so used. Every claim filed subsequent
49 to July [4,1957] 1, 1976, shall be subject to the
50 following conditions:

Page 2

1 Sec. 3. Section three hundred twenty-four point
2 seventeen (324.17), subsection twelve (12), Code 1975,
3 is amended to read as follows:

4 12. Refund may also be made on special fuel taxes
5 paid on fuel consumed in the operation of corn shel-
6 lers, roller mills and feed grinders *whether mounted*
7 *on trucks or self-propelled and truck-mounted concrete*
8 *mixers* under the same conditions as provided by law
9 for refunds on motor vehicle fuel.

10 Sec. 4. Section three hundred twenty-four point
11 seventeen (324.17), Code 1975, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION.

14 a. The amount of fuel for which a fuel tax refund
15 may be claimed each month under the provisions of
16 this section shall be computed to be equal to the
17 difference between the invoiced gallons used in the
18 vehicle and the gallonage used in the vehicle for
19 transportation. For the purpose of this section "gal-
20 lonage used in the vehicle for transportation" shall

21 be equal to one gallon for every three point six miles
22 traveled by a vehicle propelled by motor fuel and
23 one gallon for every four point seven miles traveled
24 by a vehicle propelled by special fuel.

25 b. Persons seeking refunds under this subsection
26 shall file on forms provided by the department which
27 shall require monthly dated odometer readings for
28 each vehicle for which a refund is claimed and shall
29 indicate the total miles traveled in the preceding
30 month for which the fuel tax is claimed.

31 c. Record for invoiced fuel purchased upon which
32 a refund is claimed and monthly dated odometer read-
33 ings on all vehicles for which a refund is claimed
34 shall be maintained by the person and open to inspec-
35 tion by agents of the department for a period of three
36 years from the date of claim. A violation of this
37 paragraph shall terminate the privilege to receive
38 a refund under this chapter.

39 Sec. 5. Section three hundred twenty-four point
40 eighteen (324.18), Code 1975, is amended to read as
41 follows:

42 324.18 REFUND PERMIT. No person may claim a
43 refund under section 324.17 until he shall have
44 obtained a refund permit from the department of revenue
45 and paid the fee therefor. A special permit shall
46 be obtained by applicants claiming a refund under
47 the provisions of this chapter on account of motor
48 fuel or *special fuel* used for the purpose of operating
49 aircraft. Application for a refund permit shall be
50 made to the department of revenue on a form provided

Page 3

1 by the department of revenue, shall be certified by
2 the applicant under penalty for false certificate
3 and shall contain among other things, the name, the
4 address and occupation of the applicant, the nature
5 of his business and a sufficient description for
6 identification of the machines and equipment in which
7 is to be used motor fuel or *special fuel* for which
8 refund may be claimed under the permit. Each permit
9 shall bear a separate number and each claim for refund
10 shall bear the number of the permit under which it
11 is made. The department of revenue shall keep a per-
12 manent record of all permits issued and a cumulative
13 record of the amount of refund claimed and paid under
14 each. A fee of one dollar shall be collected by the
15 department of revenue from each person to whom a
16 refund permit is issued. A refund permit shall
17 continue in effect until revoked as hereinafter pro-
18 vided or until the claimant shall have moved from
19 the county with which his refund permit is identified.

20 2. Amend the title, line 1, by striking the words
21 "twenty percent refund for" and inserting in lieu there-
22 of the words "refund for a portion of".

23 3. Amend the title, line 2, by striking the words
24 "concrete truck" and inserting in lieu thereof the
25 words "farm tractor, corn sheller, roller mill, feed
26 grinder or a truck-mounted concrete mixer".

COMMITTEE ON WAYS AND MEANS
NORMAN RODGERS, Chairperson

S—5489

1 Amend House File 836 as follows:
2 1. Page 1, line 33, after the word "importance."
3 insert the following:
4 "If the complainant has filed or, pursuant to any
5 regulation or statute, may file a complaint with any
6 other agency, individual, department or institution
7 which second complaint may be based upon the same
8 transaction or occurrence which is the subject of the
9 **complaint filed with the commission**, and if the com-
10 plainant may have the right to bring an action in a
11 court of competent jurisdiction based upon the second
12 complaint under which the same or substantially similar
13 relief may be sought, the complainant may not bring an
14 action pursuant to this section until such time as all
15 such claims may be combined into a single action."

C. JOSEPH COLEMAN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:10
p.m., until 10:00 a.m., Monday, April 12, 1976.

JOURNAL OF THE SENATE

NINETY-SECOND DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, APRIL 12, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Wayne Hall, pastor of the Trinity Reformed Church, Pella, Iowa.

The Journal of Thursday, April 8, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hardinger, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gluba for the morning session, Senator Junkins for the morning session and Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty students from St. Mary's of Panama-Portsmouth School, Portsmouth, Iowa, accompanied by Sister Mary and Jean Grimm. Senator Culver.

Fifty-four students from Alburnett Junior-Senior High School, Alburnett, Iowa, accompanied by Larry Hargerman. Senator Sovern.

Eighty-five students from Forest City High School, Forest City, Iowa, accompanied by Larry Reed and Ron Sanderson. Roger G. Barley of Hastings, New Zealand, was a member of the class. Senator Priebe.

PETITIONS

The following petitions were presented and placed on file:

By Senator Glenn from seven residents of Wapello County favoring legislation to prohibit the construction of nuclear power plants until it has been proven that waste material can be disposed of safely.

By Senator Nolting from ten residents of Black Hawk County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

One hundred forty-four residents of Marshall County.

Eighteen residents of Dallas County and Madison County.

Seventy-five residents of Polk County.

Twenty-six residents of Linn County.

Thirty-three residents of Polk County.

Fifty-seven residents of Cherokee County.

Thirty-five residents of Madison County.

Fourteen residents of Cass County.

Nineteen residents of Marion County.

Ninety-five residents of Muscatine, Johnson and Cedar Counties.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1055, a bill for an act to legalize and validate the proceedings of the Board of Supervisors of Jasper County, Iowa, in their appointment of Kenneth L. Whitehead, Jasper County Attorney.

Also: That the House has on April 7, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1299, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac County relating to the purchase of certain land.

Also: That the House has on April 7, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1332, a bill for an act relating to vehicles and the operation of vehicles.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1465, a bill for an act to establish district court administrators and to provide the funds therefor.

Also: That the House has on April 7, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1497, a bill for an act making amendments to the probate laws.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1544, a bill for an act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1192

S—5498

- 1 Amend Senate File 1192 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 12 through 25 and
- 4 inserting in lieu thereof the following:
- 5 **"NEW SECTION.** The academy shall be the principal
- 6 law enforcement library and media resource center
- 7 and shall coordinate the use of law enforcement
- 8 media resources with training centers and educational
- 9 institutions to insure for the efficient use of
- 10 state law enforcement media resources.
- 11 The academy shall offer state media resource
- 12 assistance to any law enforcement training center
- 13 certified by the Iowa law enforcement academy
- 14 council."

HOUSE MESSAGES CONSIDERED

House File 1299, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land.

Read first time and passed on file.

House File 1332, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operator's licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equip-

ment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation.

Read first time and passed on file.

House File 1465, a bill for an act to establish district court administrators and to provide the funds therefor.

Read first time and passed on file.

House File 1497, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending.

Read first time and passed on file.

House File 1544, a bill for an act relating to the establishment of policies and procedures for legislative employees under the jurisdiction of the legislative council.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Rabedaux called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Richard C. Grossman of Marshalltown, Marshall County, Iowa, for reappointment as a member of the Commission on Judicial Qualifications for the State of Iowa pursuant to Section 605.26, 1975 Code of Iowa, for a regular six-year term commencing January 2, 1976, and ending January 1, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
ELIZABETH R. MILLER
JAMES M. REDMOND
NORMAN RODGERS
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Rabedaux moved the appointment of Richard C. Grossman as a member of the Commission on Judicial Qualifications be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Glenn	Merritt	Rabedaux
Bergman	Griffin	Miller of	Redmond
Burroughs	Hansen	Des Moines	Schwengels
Briles	Heying	Miller of	Scott
Carr	Hill of Polk	Marshall	Shaff
Coleman	Hill of Jasper	Nolting	Sovern
Culver	Hultman	Nystrom	Taylor
Curtis	Kelly	Orr	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Lamborn	Priebe	Winkelman

Nays, none.

Absent or not voting, 12:

Gallagher	Murray	Palmer	Rodgers
Gluba	Nolin	Ramsey	Shaw
Junkins	Norpel	Robinson	Tieden

President Neu declared the appointment of Richard C. Grossman as a member of the Commission on Judicial Qualifications confirmed for the regular six-year term ending January 1, 1982.

Senator Rabedaux called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald Knudsen of Eagle Grove, Wright County, Iowa, for appointment as a member of the Iowa Real Estate Commission, under the provisions of Section 117.8, 1975 Code of Iowa, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDAUX, Chairperson
KARL NOLIN
KENNETH D. SCOTT
RAY TAYLOR
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Rabedaux moved the appointment of Donald Knudsen as a member of the Iowa Real Estate Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Glenn	Miller of	Rabedaux
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Sovern
Culver	Hultman	Nystrom	Taylor
Curtis	Kelly	Orr	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Merritt	Priebe	Winkelman

Nays, none.

Absent or not voting, 12:

Gallagher	Lamborn	Palmer	Rodgers
Gluba	Nolin	Ramsey	Shaw
Junkins	Norpel	Robinson	Tieden

President Neu declared the appointment of Donald Knudsen as a member of the Iowa Real Estate Commission confirmed for an initial term ending June 30, 1977.

Senator Priebe called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Charles W. Toney of Davenport, Scott County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Chapter 601A, 1975 Code of Iowa, for the regular four-year term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
WILLARD R. HANSEN
MILO MERRITT
ELIZABETH SHAW
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Priebe moved the appointment of Charles W. Toney as a member of the Iowa State Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Carr	Curtis	Glenn
Bergman	Coleman	DeKoster	Griffin
Burroughs	Culver	Gallagher	Hansen

Heying	Miller of	Priebe	Sovern
Hill of Polk	Marshall	Rabedaux	Taylor
Hultman	Murray	Ramsey	Tieden
Kelly	Nystrom	Schwengels	Van Gilst
Kinley	Palmer	Scott	Willits
Lamborn	Plymat	Shaff	Winkelman
Merritt			

Nays, 4:

Doderer	Nolting	Orr	Redmond
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Voting present, 1:

Miller of
Des Moines

Absent or not voting, 9:

Briles	Junkins	Norpel	Rodgers
Gluba	Nolin	Robinson	Shaw
Hill of Jasper			

President Neu declared the appointment of Charles W. Toney as a member of the Iowa State Civil Rights Commission confirmed for the regular four-year term ending June 30, 1979.

Senator Priebe called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joseph A. McCaffrey of Davenport, Scott County, Iowa, for appointment as a public member of the State Board of Medical Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an unexpired term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
LOUIS P. CULVER
WILLARD R. HANSEN
GEORGE R. KINLEY
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Priebe moved the appointment of Joseph A. McCaffrey as a member of the State Board of Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Culver	Griffin	Hultman
Bergman	Curtis	Hansen	Kelly
Burroughs	DeKoster	Heying	Kinley
Carr	Doderer	Hill of Jasper	Lamborn
Coleman	Glenn	Hill of Polk	Merritt

Miller of	Nystrom	Ramsey	Taylor
Des Moines	Orr	Redmond	Tieden
Miller of	Palmer	Schwengels	Van Gilst
Marshall	Plymat	Scott	Willits
Murray	Priebe	Shaff	Winkelman
Nolting	Rabedeaux	Sovern	

Nays, none.

Absent or not voting, 9:

Briles	Junkins	Norpel	Rodgers
Gallagher	Nolin	Robinson	Shaw
Gluba			

President Neu declared the appointment of Joseph A. McCafrey as a member of the State Board of Medical Examiners confirmed for the unexpired portion of the term ending June 30, 1976.

HOUSE AMENDMENTS CONSIDERED

Senate File 1139

Senator Carr called up for consideration Senate File 1139, a bill for an act relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money and transportation, amended by the House, and moved that the Senate concur in the following amendment:

S—5479

- 1 Amend Senate File 1139, as amended and passed
- 2 by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 through 19 and
- 4 inserting in lieu thereof the following: "inmate
- 5 is discharged, paroled, or placed on work release,
- 6 the warden or superintendent shall furnish her, at
- 7 state expense, appropriate clothing and transport-
- 8 ation to the place in this state indicated in the
- 9 inmate's discharge, parole, or work release plan.
- 10 When an inmate is discharged, paroled or placed
- 11 on work release, the warden or superintendent
- 12 shall provide her, at state expense, money in
- 13 accordance with the following schedule:
- 14 1. Upon discharge or parole, one hundred dollars.
- 15 2. Upon being placed on work release, fifty
- 16 dollars.
- 17 3. Upon going from an educational work release
- 18 to parole or discharge, fifty dollars."
- 19 2. Page 1, by striking lines 31 through 35 and
- 20 page 2, by striking lines 1 through 8 and inserting
- 21 in lieu thereof the following: "is discharged,
- 22 paroled, or placed on work release, the warden
- 23 or superintendent shall furnish him, at state
- 24 expense, appropriate clothing and transportation

25 to the place in this state indicated in the inmate's
 26 discharge, parole, or work release plan. When an
 27 inmate is discharged, paroled or placed on work
 28 release, the warden or superintendent shall provide
 29 him, at state expense, money in accordance with the
 30 following schedule:
 31 1. Upon discharge or parole, one hundred dollars.
 32 2. Upon being placed on work release, fifty
 33 dollars.
 34 3. Upon going from an educational work release
 35 to parole or discharge, fifty dollars."

The motion prevailed and the Senate concurred in House amendment S—5479.

Senator Carr moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1139) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Kelly	Orr	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Winkelman
Gallagher	Des Moines	Ramsay	
Glenn			

Nays, none.

Absent or not voting, 8:

Gluba	Junkins	Norpel	Shaw
Hill of Jasper	Nolin	Robinson	Willits

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

Senate File 1263

Senator Tieden called up for consideration Senate File 1263, a bill for an act relating to fees which certain municipal corporations charge milk plants and receiving stations, amended by the House, and moved that the Senate concur in the following amendment:

S—5478

- 1 Amend Senate File 1263 as follows:
- 2 1. Page 1, by inserting after line 9 the

3 following:

4 "Nothing in this section shall prohibit a
5 municipal corporation having an agreement with
6 the secretary of agriculture to continue agree-
7 ments with other municipal corporations for
8 inspection of their milk plants, receiving
9 stations, and for milk and milk products, and
10 allowing municipal corporations to charge a fee
11 for that inspection provided the service is
12 rendered."

The motion prevailed and the Senate concurred in House amendment S—5478.

Senator Tieden moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1263) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Kelly	Orr	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 8:

Doderer	Hill of Jasper	Nolin	Robinson
Gluba	Junkins	Norpel	Shaw

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

Senate File 488

Senator Lamborn called up for consideration Senate File 488, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils, amended by the House, as follows:

S—5480

- 1 Amend Senate File 488 as amended and passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "law" the words "or for which the membership is
- 5 appointed by more than one person".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "Sec. 2. *NEW SECTION.* If an employee of an
9 appointive board, commission, or council is a member
10 of the board, commission, or council, that
11 employee shall not be a voting member. Payment
12 of per diem and expenses shall not cause a member
13 to be considered an employee of that board,
14 commission or council.

15 Sec. 3. Section one hundred seventy-three point
16 one (173.1), subsection four (4), Code 1975, is
17 amended to read as follows:

18 4. A secretary and a treasurer to be elected
19 by the state fair board *who shall be nonvoting*
20 *members.*

21 Sec. 4. Section five hundred twenty-four point
22 two hundred five (524.205), subsection one (1),
23 Code 1975, is amended to read as follows:

24 524.205 STATE BANKING BOARD.

25 1. The state banking board shall be composed of
26 the superintendent, who shall be *an ex officio*
27 *nonvoting* [a] member and chairman [and who shall have
28 the right to vote], and six other members, appointed
29 by the governor, who shall be chosen from various
30 sections of the state. Provided, however, that in
31 no event shall more than five members of such board
32 be engaged in the business of banking in any
33 executive capacity. In case of a vacancy in the
34 state banking board, other than one resulting from
35 a vacancy in the office of the superintendent, the
36 governor shall appoint a new member to fill such
37 vacancy for the unexpired term."

38 3. Amend the title, line 1, by striking the
39 words "the political affiliation of".

Senator Hill of Polk took the chair at 10:55 a.m.

DEFERRED

Senator Doderer asked and received unanimous consent that further action on House amendment S—5480 to Senate File 488 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER LOST

Senate File 1132

Senator Taylor called up the following motion to reconsider filed by him on February 19, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1132 passed the Senate on February 19, 1976.

On the question "Shall the motion to reconsider be adopted?" (S. F. 1132) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Heying	Miller of	Redmond
Bergman	Hill of Polk	Marshall	Scott
Briles	Kelly	Murray	Shaw
Burroughs	Merritt	Nystrom	Sovern
Culver	Miller of	Plymat	Taylor
Doderer	Des Moines	Ramsey	
Hansen			

Nays, 22:

Carr	Hill of Jasper	Palmer	Shaff
Coleman	Hultman	Priebe	Tieden
Curtis	Kinley	Rabedeaux	Van Gilst
DeKoster	Lamborn	Rodgers	Willits
Gallagher	Nolting	Schwengels	Winkelman
Glenn	Orr		

Absent or not voting, 6:

Gluba	Junkins	Norpel	Robinson
Griffin	Nolin		

The motion lost.

On motion of Senator Kinley, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Conference Committee on the part of the House regarding House File 352, a bill for an act relating to dissolution of marriage, are as follows: The Representative from Woodbury, Mr. Doyle, chair; the Representative from Black Hawk, Mrs. Brandt; the Representative from Jones, Mr. Newhard; the Representative from Clinton, Mr. Oakley; and the Representative from Adams, Mr. Daggett.

DAVID L. WRAY, Chief Clerk

CONSIDERATION OF BILLS

Senate File 1293

On motion of Senator Norpel, Senate File 1293, a bill for an act to provide a twenty percent refund for the motor fuel tax paid by an operator of a concrete truck, was taken up for consideration.

Senator Norpel offered amendment S—5497 filed by the committee on ways and means April 8, 1976, and found on pages 1250-1253, inclusive, of the Senate Journal.

Senator Willits took the chair at 2:47 p.m.

DEFERRED

Senator Hill of Jasper asked and received unanimous consent that further action on **Senate File 1293** be deferred and that the bill retain its place on the calendar.

UNFINISHED BUSINESS

House File 207

On motion of Senator Rabedeaux, House File 207, a bill for an act to amend the eminent domain procedures relating to the appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests inland arising after service of notice of assessment, was taken up for further consideration.

Senator Redmond offered amendment S—5315 filed by him and moved its adoption:

S—5315

1 Amend House File 207 as follows:

2 1. Page 1, line 2, by striking the words

3 "unnumbered paragraph one (1),".

4 2. Page 1, by adding after line 16 the fol-

5 lowing:

6 "The chief judge or the acting chief judge of the
7 judicial district shall select by lot six persons
8 from the list, two persons who are owner-operators
9 of agricultural property when the property to be con-
10 demned is agricultural property; two persons who are
11 the owners of city property when the property to be
12 condemned is other than agricultural property; and
13 two persons from each of the remaining two repre-
14 sentative groups, who shall constitute a compensation
15 commission to assess the damages to all property to
16 be taken by the applicant and located in the county,
17 and shall name a chairman from the persons selected.
18 No member of the compensation commission selected
19 shall possess any interest in the proceeding which
20 would cause such person to render a biased decision."

21 3. Page 1, line 20, by inserting after the
22 word "judge", the words "*or the acting chief judge*".

23 4. Page 1, line 24, by inserting after the
24 word "*judge*" the words "*or the acting chief judge*".

Amendment S—5315 was adopted.

Senator Winkelman withdrew amendment S—5316 filed by him on March 10, 1976, and found on page 828 of the Senate Journal.

Senator Taylor offered amendment S—5335 filed by Senators Taylor and Coleman:

S—5335

1 Amend House File 207, as passed by the House, page
2 3, by inserting after line 2 the following:
3 *"When real property is purchased or condemned for*
4 *highway purposes and the property is not used for*
5 *the purposes for which it was purchased or condemned,*
6 *any unused land acquired for the construction or*
7 *improvement of any highway shall be offered for sale.*
8 *The highway authority shall offer the person who owned*
9 *the property at the time it was acquired the right*
10 *to purchase the unused property proposed to be sold*
11 *for the original acquisition price less the price*
12 *of the used portion. If the original owner of the*
13 *property fails to purchase the unused property within*
14 *sixty days, the highway authority shall offer the*
15 *unused property for public sale as provided by law.*
16 *The provisions of this paragraph shall apply to all*
17 *property acquired by a highway authority on or after*
18 *July 1, 1969."*

Senator Rabedaux raised the point of order that amendment S—5335 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5335 out of order.

Senator Taylor asked unanimous consent that further action on House File 207 be deferred and that the bill retain its place on the calendar under unfinished business.

Objection was raised.

Senator Coleman moved that further action on House File 207 be deferred and that the bill retain its place on the calendar under unfinished business.

President pro tempore Doderer took the chair at 3:30 p.m.

A record roll call was requested.

On the question "Shall the motion to defer be adopted?" (H.F. 207) the vote was:

Ayes, 24:

Bergman
Briles
Burroughs

Coleman
Culver
Hansen

Heying
Lamborn
Merritt

Miller of
Des Moines

Miller of
Marshall
Murray
Nystrom

Orr
Plymat
Priebe
Ramsey

Rodgers
Scott
Shaff
Taylor

Tieden
Van Gilst
Winkelman

Nays, 24:

Andersen
Carr
Curtis
DeKoster
Doderer
Gallagher

Glenn
Griffin
Hill of Jasper
Hill of Polk
Hultman
Junkins

Kelly
Kinley
Nolting
Norpel
Palmer
Rabedeaux

Redmond
Robinson
Schwengels
Shaw
Sovern
Willits

Absent or not voting, 2:

Gluba

Nolin

The motion lost.

Senator Rabedeaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 207) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen
Bergman
Carr
Curtis
DeKoster
Doderer

Glenn
Griffin
Hansen
Hill of Jasper
Hill of Polk
Hultman

Kelly
Kinley
Miller of
Des Moines
Palmer

Rabedeaux
Ramsey
Redmond
Schwengels
Shaw

Nays, 26:

Briles
Burroughs
Coleman
Culver
Gallagher
Heying
Junkins

Lamborn
Merritt
Miller of
Marshall
Nolting
Norpel
Nystrom

Orr
Plymat
Priebe
Robinson
Rodgers
Scott
Shaff

Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Absent or not voting, 3:

Gluba

Murray

Nolin

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 207 failed to pass the Senate on April 12, 1976.

JAMES V. GALLAGHER

MR. PRESIDENT: I move to reconsider the vote by which House File 207 failed to pass the Senate on April 12, 1976.

LOWELL JUNKINS

MOTION TO RECONSIDER WITHDRAWN

Senate File 1191

Senator Lamborn withdrew the motion to reconsider the vote by which Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, passed the Senate, filed by him on April 8, 1976.

UNFINISHED BUSINESS

Senate File 1241

On motion of Senator Priebe, Senate File 1241, a bill for an act relating to moisture sampling of grain or soybeans, was taken up for further reconsideration.

Senator Taylor offered amendment S—5372 filed by Senators Taylor, et al., and moved its adoption:

S—5372

- 1 Amend Senate 1241 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 word "test" the words "number two grade or higher on
- 4 grain and number one or higher on soybeans".

Amendment S—5372 was adopted.

Senator Scott offered amendment S—5349 filed by Senators Scott and Priebe and moved its adoption:

S—5349

- 1 Amend Senate File 1241 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "twenty" and inserting in lieu thereof the word
- 4 "ten".

Amendment S—5349 was adopted.

Senator Orr offered amendment S—5393 filed by her:

S—5393

- 1 Amend Senate File 1241 as follows:

Division S—5393A

- 2 1. Page 1, line 19, by inserting after the word
- 3 "loss" the words "and shall be refrigerated at a
- 4 temperature between fifty-five and sixty degrees
- 5 fahrenheit or its equivalent".

Division S—5393B

- 6 2. Page 1, line 23, by striking the words "five-

7 tenths".

8 3. Page 1, line 24, by striking the word "of".

Division S—5393C

9 4. Page 1, by striking lines 34 and 35.

10 5. Page 2, by striking lines 1 through 5.

Division S—5393D

11 6. Page 2, line 10, by striking the words "The
12 notice" and inserting in lieu thereof the following:
13 "These elevators shall also post a notice of the
14 discount rate being applied for weight shrinkage from
15 drying. Both notices".

President Neu took the chair at 4:25 p.m.

Senator Priebe called for a division of the amendment, section 1 to be considered as division S—5393A; sections 2 and 3 to be considered as division S—5393B; sections 4 and 5, as division S—5393C; and section 6, as division S—5393D.

Senator Orr moved the adoption of division S—5393A of the amendment.

Division S—5393A of the amendment lost.

Senator Orr moved the adoption of division S—5393B of the amendment.

A non-record roll call was requested.

The ayes were 21, nays 24.

Division S—5393B of the amendment lost.

Senator Orr moved the adoption of division S—5393C of the amendment.

A non-record roll call was requested.

The ayes were 16, nays 26.

Division S—5393C of the amendment lost.

(Senate File 1241 and division S—5393D of the amendment pending on adjournment.)

INTRODUCTION OF BILL

Senate File 1302, by committee on agriculture, a bill for an act relating to the leasing of agricultural land by state agencies.

Read first time and placed on calendar.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 1011, a bill for an act to amend the election laws of the state of Iowa.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 1011

S—5502

- 1 Amend the Senate amendment H—5955 to House
- 2 File 1011 as amended, passed and reprinted by
- 3 the House, as follows:
- 4 1. Page 1, by inserting after line 10 the
- 5 following:
- 6 **“NEW SUBSECTION. ‘Registration commission’**
- 7 **means the state voter registration commission**
- 8 **established by section of this Act.”**
- 9 2. Page 1, by striking lines 45 through 50.
- 10 3. Page 2, by striking lines 1 through 20.
- 11 4. Page 3, by striking lines 3, 4, and 5 and
- 12 inserting in lieu thereof the words “county.
- 13 Administrative and clerical”.
- 14 5. Page 3, by striking lines 10 through 19 and
- 15 inserting in lieu thereof the following:
- 16 **“47.5 PURCHASING BY COMPETITIVE BIDDING.**
- 17 **1. The commissioner shall take bids for [any]**
- 18 **goods and services which are needed in connection**
- 19 **with registration of voters or preparation for or**
- 20 **administration of elections and which will be**
- 21 **performed or provided by persons who are not**
- 22 **employees of the commissioner [and where the costs**
- 23 **of such services exceed five thousand dollars per**
- 24 **contract in the case of contracts for the printing**
- 25 **of ballots or, in the case of other services, two**
- 26 **thousand five hundred dollars per contract.] under**
- 27 **the following circumstances:**
- 28 **a. In any case where it is proposed to purchase**
- 29 **data processing services. The commissioner shall**
- 30 **give the registrar written notice in advance on each**
- 31 **occasion when it is proposed to have data processing**
- 32 **services, necessary in connecting with the**
- 33 **administration of elections, performed by any person**
- 34 **other than the registrar or an employee of the county.**
- 35 **Such notice shall be made at least thirty days prior**
- 36 **to publication of the specifications.**
- 37 **b. In the case of arrangements for printing of**
- 38 **ballots, where the cost of the printing will exceed**

39 *five thousand dollars.*

40 *c. In all other cases, where the cost of the*
41 *goods or services to be purchased will exceed one*
42 *thousand dollars.*

43 *d. No bids shall be required for legal services.*
44 *[The]*

45 *2. When it is proposed to purchase any goods or*
46 *services, other than data processing services, in*
47 *connection with administration of elections, the*
48 *commis-".*

49 *6. Page 3, line 29, by striking the words "the*
50 *date the bid is let" and inserting in lieu thereof*

Page 2

1 the words "[the] such final date [the bid is let]".

2 7. Page 3, by striking line 50, and page 4, by
3 striking lines 1 through 34, and inserting in lieu
4 thereof the following:

5 "3. The procedure for purchasing data process-
6 ing services in connection with administration of
7 elections shall be the same as prescribed in subsection
8 two (2) of this section, except that the required
9 copy of the bid specifications shall be filed with
10 the registrar rather than the state commissioner.
11 The specifications for data processing contracts
12 relative to voter registration records shall be
13 specified by the registration commission. The
14 registrar shall, not later than the final date for
15 submission of bids, inform the commissioner in writing
16 whether the state comptroller's data processing
17 facilities are currently capable of furnishing the
18 services the county proposes to purchase, and if so
19 the cost to the county of so obtaining the services
20 as determined in accordance with the standard charges
21 therefor adopted by the registration commission.
22 The commissioner, with approval of the board of
23 supervisors, may reject all bids and enter into an
24 arrangement with the registrar for the services to
25 be furnished by the state. The commissioner may
26 recommend and the board of supervisors may approve
27 purchasing the needed services from the lowest
28 responsible bidder, however if the needed services
29 could be obtained through the registrar at a lower
30 cost, the board shall publish notice twice in a
31 newspaper of general circulation in the county of
32 its intent to accept such bid and of the difference
33 in the amount of the bid and the cost of purchasing
34 the needed services from the state comptroller's data
35 processing facilities through the registrar. Each
36 contract for the furnishing of data processing
37 services, necessary in connection with the
38 administration of elections, by any person other than
39 the registrar or an employee of the county shall be
40 executed with the contractor by the board of
41 supervisors of the county purchasing the services,

42 *but only after the contract has been reviewed and*
43 *approved by the registration commission. Such contract*
44 *shall be of not more than one year's duration. Each*
45 *county exercising the option to purchase such data*
46 *processing services from a provider other than the*
47 *registrar shall provide the registrar, at the county's*
48 *expense, original and updated voter registration lists*
49 *in a form and at times prescribed by rule promulgated*
50 *by the registration commission."*

Page 3

1 8. Page 4, line 35, by striking the word "Any"
2 and inserting in lieu thereof the figure and word
3 "4. Any".

4 9. Page 4, line 43, by striking the words
5 "contract, which" and inserting in lieu thereof the
6 word "contract."

7 10. Page 4, by striking lines 44 and 45 and
8 inserting in lieu thereof the words "A new contract
9 with the same provider may be entered into in
10 accordance with subsection three (3) of this section."

11 11. Page 4, by inserting after line 45 the fol-
12 lowing new section:

13 "..... Page 9, line 21, by striking the word 'latter'
14 and inserting in lieu thereof the words 'regularly
15 scheduled'."

16 12. Page 5, line 4, by striking the word "super-
17 vise" and inserting in lieu thereof the word
18 "regulate".

19 13. Page 5, line 12, by inserting after the word
20 "state" the words " , except as otherwise provided
21 by section forty-eight point five (48.5), subsection
22 two (2), paragraph d of the Code".

23 14. Page 5, by striking lines 18 through 33 and
24 inserting in lieu thereof the following:

25 "2. The registrar shall offer to each county in
26 the state the opportunity to arrange for performance
27 of all functions referred to in subsection one (1)
28 of this section by the data processing facilities
29 of the state comptroller's office, commencing at the
30 earliest practicable time, at a cost to the county
31 determined in accordance with the standard charges
32 for those services adopted by the registration
33 commission. A county may accept this offer without
34 taking bids under section forty-seven point five
35 (47.5) of the Code.

36 3. Any county may use its own data processing
37 facilities for voter registration record keeping and
38 utilization functions, if the system design and the
39 form".

40 15. Page 5, lines 35 and 36, by striking the words
41 "adopted by the registrar" and inserting in lieu
42 thereof the words "promulgated by the registration
43 commission".

44 16. Page 5, by striking lines 49 and 50 and in-

45 serting in lieu thereof the following: "commission
46 shall consist of the state commissioner of elections,
47 or his or her designee".

48 17. Page 6, by striking line 7 and inserting
49 in lieu thereof the following:

50 "2. The registration commission shall prescribe

Page 4

1 the forms required for voter registration by rules
2 promulgated pursuant to chapter seventeen A (17A)
3 of the Code.

4 3. The registrar shall provide staff services".

5 18. Page 6, line 9, by inserting after the word
6 "to" the words "the activities of the registrar's
7 office in connection with the".

8 19. Page 6, lines 10 and 11, by striking the words
9 "two commission members" and inserting in lieu thereof
10 the words "commission member".

11 20. Page 6, by striking lines 17 through 25 and
12 inserting in lieu thereof the following:

13 "4. The registration commission shall annually
14 adopt a set of standard charges to be made for the
15 services the registrar is required to offer to the
16 several commissioners, and for furnishing of voter
17 registration records which are requested by persons
18 other than the registrar, the state commissioner or
19 any commissioner pursuant to section forty-eight point
20 five (48.5), subsection two (2) of the Code. These
21 charges shall be sufficient to reimburse the state
22 for the actual cost of furnishing such services or
23 information, and shall be specified by unit wherever
24 possible. The standard charges shall be adopted by
25 the commission by January fifteenth of each calendar
26 year."

27 21. Page 6, lines 33 and 34, by striking the words
28 "*state commissioner*" and inserting in lieu thereof
29 the words "*registration commission*".

30 22. Page 7, line 11, by striking the word
31 "*registrar*" and inserting in lieu thereof the words
32 "*registration commission*".

33 23. Page 7, by striking lines 24, 25 and 26 and
34 inserting in lieu thereof the words "by the requestor,
35 so long as that order and form are within the
36 [capability] *capacity* of the system used by the
37 [commissioner] *registrar*."

38 24. Page 8, line 17, by striking the words "[the
39 same] *a*" and inserting in lieu thereof the words "the
40 same".

41 25. Page 8, line 18, by striking the words "[,
42 which shall be]" and inserting in lieu thereof the
43 words "*, which shall be*".

44 26. Page 8, by inserting after line 33 the
45 following new section:

46 "Sec. Section forty-eight point sixteen
47 (48.16), Code 1975, is amended to read as follows:

48 48.16 PENALTIES. Any officer or employee, or
49 *any person who has contracted with a commissioner*
50 *to perform services in the implementation of this*

Page 5

1 *chapter*, who shall willfully fail to perform or enforce
2 any of the provisions of this chapter, or who shall
3 unlawfully or fraudulently remove any registration
4 card or record from its proper compartment in the
5 registration records, or who shall willfully destroy
6 any record provided by this chapter, or any person
7 who shall willfully or fraudulently register more
8 than once, or register under any but his *or her* true
9 name, or votes or attempts to vote by impersonating
10 another who is registered, or who willfully or
11 fraudulently registers in any election precinct where
12 he *or she* is not a resident at the time of registering,
13 or who adds a name or names to a page or pages, or
14 who violates any of the provisions of this chapter,
15 **shall be guilty of felony and, upon conviction, shall**
16 **be imprisoned in the state penitentiary for not less**
17 **than one year.**

18 *For the purposes of this section, the alteration*
19 *or destruction of any machine readable compilation*
20 *of voter registration records which has not been re-*
21 *placed by a more recent revision of the same record*
22 *shall constitute destruction of a record provided*
23 *by this chapter."*

24 27. Page 8, line 41, by striking the word "in-
25 dividual" and inserting in lieu thereof the words
26 "eligible elector".

27 28. Page 9, line 12, by striking the word "*sec-*
28 *tion*" and inserting in lieu thereof the word "*chapter*".

29 29. Page 10, by striking lines 30 through 50,
30 and page 11, by striking lines 1 through 3.

31 30. Page 25, line 10, by striking the word
32 "voting" and inserting in lieu thereof the word
33 "election".

34 31. Page 26, line 6, by striking the word
35 "voting" and inserting in lieu thereof the word
36 "election".

37 32. Page 27, by inserting after line 25 the
38 following new section:

39 "Sec. Chapter fifty-seven (57), Code 1975,
40 is amended by adding the following new section:

41 **NEW SECTION. CONTEST COURT FOR CONTEST OF PUB-**
LIC

42 **MEASURE.** The court for the trial of a contested
43 election on a public measure shall consist of one
44 person designated by the petitioners who are
45 contesting the election, who shall be designated in
46 writing by the petitioners at the time the contest
47 is filed, one person designated by the county
48 commissioner of elections to represent the interests

49 adverse to those of the petitioners, and a third
50 person who shall be chosen jointly by the designees

Page 6

1 of the petitioners and of the commissioner. If the
2 persons selected by the petitioners and the county
3 commissioner of elections cannot agree on a third
4 person, the chief judge of the judicial district
5 in which the contest is filed shall appoint a
6 third person to serve."

PROOF OF PUBLICATION

Published copy of House File 1299 and verified proof of publication of said bill in The Sac Sun, a newspaper published in Sac City, Iowa, on February 4, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Scott submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred **House File 1509**, a bill for an act relating to certification for applicators of restricted use of pesticides, begs leave to report it has had the same under consideration and recommends the same **do pass**.

KENNETH D. SCOTT, Ranking Member

Ordered passed on file.

AMENDMENTS FILED

S—5500

1 Amend the House amendment, S—5480, as passed
2 by the House, to Senate File 488, as amended and
3 passed by the Senate as follows:
4 1. Page 1, by inserting after line 20 the
5 following:
6 "Sec. Section one hundred seventy-three
7 point four (173.4), Code 1973, is amended to read as
8 follows:
9 173.4 VOTING POWER. On all questions arising
10 for determination by the convention, each member pre-
11 sent shall be entitled to but one vote, and no pro-
12 xies shall be recognized by the convention. *However,*
13 *a member who is also a board director at large or a*
14 *board congressional director shall not be entitled to*
15 *vote for a successor to each of the three directors*
16 *at large or a successor to each congressional direc-*

17 *tor on the board."*

18 2. Renumber the internal sections as necessary.

BERL E. PRIEBE

S—5499

1 Amend the House amendment, S—5480, as passed
2 by the House, to Senate File 488 as amended and
3 passed by the Senate as follows:

4 1. Page 1, by inserting after line 37 the
5 following:

6 "Sec. Section six hundred five point twen-
7 ty-six (605.26), unnumbered paragraph one, Code
8 1975 is amended to read as follows:

9 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.

10 A 'Commission on Judicial Qualifications' is here-
11 by created consisting of one district court judge
12 and two members, *neither of which are of the same*
13 *political affiliation*, who are practicing attorneys
14 in Iowa licensed under the provisions of chapter
15 610, appointed by the chief justice of the supreme
16 court, and four electors of the state who are not
17 attorneys, no more than two of whom shall belong to
18 the same political party, to be appointed by the
19 governor and subject to confirmation by a vote of
20 two-thirds of the membership of the senate. The
21 commission members shall serve for six-year terms,
22 shall be ineligible for a second term, shall hold
23 no other office of and shall not be employed by the
24 United States or the state of Iowa or of its pol-
25 itical subdivisions, except for the judicial mem-
26 ber. The first commission members shall take of-
27 fice January 1, 1974. Initially, two members shall
28 serve for two years, two for four years, and three
29 for six years, as shall be determined by lot among
30 the first commission members. Vacancies shall be
31 filled by appointment by the chief justice or govern-
32 nor as the case may be, for the unexpired portion
33 of the term, of the previous commission member."

34 2. Renumber the section numbers as necessary.

MINNETTE F. DODERER

S—5503

1 Amend Senate File 1241 as follows:

2 1. Page 2, by striking line 9 and inserting
3 in lieu thereof the words "who has been notified
4 pursuant to the provisions of this Act by a moisture-
5 testing facility of an incorrect determination of the
6 moisture content of the grain or soybeans stored or
7 sold."

LOWELL L. JUNKINS
CALVIN O. HULTMAN
CLOYD E. ROBINSON

S—5501

1 Amend Senate File 1241 as follows:

2 1. Page 2, by inserting after line 11 the following
3 new sections:

4 "Sec. Section two hundred fifteen A point
5 two (215A.2), Code 1975, is amended to read as follows:
6 215A.2 [INSPECTION] *USE OF DEVICES—TESTS BY*
7 DEPARTMENT. [The department shall inspect or cause
8 to be inspected at least annually every moisture-
9 measuring device used in commerce in this state,
10 except those belonging to the United States or the
11 state, or any subdivision of either, except as herein
12 provided.] *A person, other than the United States*
13 *government or its employees, who uses a moisture-*
14 *measuring device in this state shall comply with and*
15 *be subject to the provisions of this chapter. The*
16 department may inspect or cause to be inspected at
17 the convenience of the department any [moisture-
18 measuring device] *moisture test sample* [owner thereof].

19 Sec. Sections two hundred fifteen
20 A point five (215A.5), two hundred fifteen A point
21 six (215A.6), two hundred fifteen A point eight
22 (215A.8), two hundred fifteen A point nine (215A.9)
23 and two hundred fifteen A point ten (215A.10), Code
24 1975, are repealed."

25 2. By renumbering sections and correcting
26 internal references as necessary.

BERL E. PRIEBE

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:35
p.m., until 10:00 a.m., Tuesday, April 13, 1976.

JOURNAL OF THE SENATE

NINETY-THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, APRIL 13, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend A. B. Neuenschwander, pastor of the Bethel Baptist Church, Harlan, Iowa.

The Journal of Monday, April 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Argo, Oskaloosa, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Murray for the day on request of Senator Briles.

PRESENTATION OF VISITORS

President Neu welcomed a group of "Campettes" from Des Moines and Pella, Iowa, who were present in the Senate gallery. Invitations from the Camp Fire Girls were distributed to each Senator to attend the "We, the Camp Fire People" Bicentennial Celebration for all Iowa, at Waterloo, Iowa, on May 22, 1976.

President Neu welcomed the Honorable Rudy Van Drie, former member of the Senate from Story County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from Zion Lutheran School, Wilton, Iowa, accompanied by Mr. Haag. Senator Rabedaux.

Eighteen students, members of the 4-H Club from Henry and Des Moines Counties, accompanied by their leader, Les Schopfman. Senator Miller of Des Moines.

Twenty-one students from the Fonda Community School, Fonda, Iowa, accompanied by Dennis Johnson. Senator Winkelman.

Thirty students from Grant Wood Elementary School, members of Cub Scout Pack 3, Cedar Rapids, Iowa, accompanied by Clarence Burton. Senator Redmond.

PETITIONS

The following petitions were presented and placed on file:

By Senator Nolting from eleven residents of Black Hawk County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Thirty-one residents of Marshall County.

Forty-eight residents of Hardin County.

Thirty-one residents of Lucas County.

Nineteen residents of Hancock County.

Two residents of Black Hawk County.

Two hundred four residents of Polk County.

Eighty-two residents of Jasper County and Story County.

Fifteen residents of Linn County.

Eighty-eight residents of Washington County.

Fifteen residents of Wright County.

Twenty-four residents of Union County.

Two residents of Jones County.

Forty-eight residents of Fayette County.

Fifty-six residents of Plymouth County.

Forty-three residents of Tama County.

Twenty-six residents of Henry County.

Sixty-one residents of Polk County.

Thirty-three residents of Monroe County and Appanoose County.

Seventeen residents of Boone, Story and Polk Counties.

Thirty-one residents of Buena Vista, Pocahontas and Cherokee Counties.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1040, a bill for an act relating to applications and fees for high school equivalency diplomas.

Also: That the House has on April 12, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1063

S—5505

- 1 Amend Senate amendment H—6033 to House File
- 2 1063 as follows:
- 3 1. By striking lines 2 and 3 and inserting
- 4 in lieu thereof the following:
- 5 "Page 1, by adding before line 1, the
- 6 following:"

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

A record roll call was requested by Senator Priebe.

Present, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Nystrom	Shaff
Coleman	Hultman	Orr	Shaw
Culver	Junkins	Palmer	Sovern
Curtis	Kelly	Plymat	Taylor
DeKoster	Kinley	Priebe	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Absent, 2:

Murray

Nolin

Roll call revealed a quorum present.

HOUSE AMENDMENTS CONSIDERED

Senate File 1067

Senator Scott called up for consideration Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, amended by the House as follows:

S—5472

- 1 Amend Senate File 1067 as amended and passed
- 2 by the Senate as follows:

Division S—5472A

- 3 1. Page 1, line 23, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".

Division S—5472B

- 5 2. By striking lines 26 through 28 on page 1
- 6 and inserting in lieu thereof the following:
- 7 "issued under this section. The use of parking
- 8 spaces".

Division S—5472C

- 9 3. Page 2, by striking lines 4 through 15 and
- 10 inserting in lieu thereof the following:
- 11 "3. The department shall promulgate rules:
- 12 a. Establishing procedure for applying to the
- 13 department for issuance of a special identification
- 14 device under this section.
- 15 b. Requiring persons issued special identification
- 16 devices to furnish evidence at appropriate intervals
- 17 that they remain physically handicapped to the
- 18 extent described by subsection one (1) of this
- 19 section.
- 20 c. Establishing standards for dimensions and
- 21 general location of parking spaces, which must be
- 22 followed by cities and other political subdivisions
- 23 in complying with subsection two (2) of this section.
- 24 d. Governing the manner in which special
- 25 identification devices are to be displayed in motor
- 26 vehicles parked in spaces designated under sub-
- 27 section two (2) of this section."

Senator Griffin called for a division of the House amendment, section 1 to be considered as division S—5472A; sections 2 and 3 to be considered as division S—5472B.

Senator Scott moved that the Senate concur in division S—5472A of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5472A of the House amendment?" (S.F. 1067) the vote was:

Ayes, 16:

Briles	Heying	Orr	Robinson
Carr	Junkins	Palmer	Scott
Culver	Kinley	Priebe	Sovern
Gluba	Nolting	Redmond	Van Gilst

Nays, 30:

Andersen	Glenn	Miller of	Ramsey
Bergman	Griffin	Des Moines	Rodgers
Burroughs	Hansen	Miller of	Schwengels
Coleman	Hill of Jasper	Marshall	Shaw
Curtis	Hill of Polk	Norpel	Taylor
DeKoster	Kelly	Nystrom	Tieden
Doderer	Lamborn	Plymat	Willits
Gallagher	Merritt	Rabedeaux	Winkelman

Absent or not voting, 4:

Hultman	Murray	Nolin	Shaff
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The motion lost and the Senate **refused to concur** in division S—5472A of the House amendment.

Senator Hill of Polk called for a further division of the House amendment, section 3 to be considered as division S—5472C.

On motion of Senator Scott, the Senate concurred in division S—5472B of the House amendment.

Senator Hill of Polk asked and received unanimous consent that action on division S—5472C of the House amendment be temporarily deferred.

Senate File 488

Senator Glenn called up for further consideration Senate File 488, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils, and House amendment S—5480, deferred on April 12, 1976.

Senator Priebe withdrew amendment S—5500 to House amendment S—5480 filed by him on April 12, 1976, and found on pages 1276 and 1277 of the Senate Journal.

Senator Priebe offered amendment S—5506 to House amendment S—5480 and moved its adoption:

S—5506

- 1 Amend the House amendment, S—5480, as passed
- 2 by the House, to Senate File 488, as amended and
- 3 passed by the Senate as follows:
- 4 1. Page 1, by inserting after line 20 the
- 5 following:
- 6 "Sec. Section one hundred seventy-three
- 7 point four (173.4), Code 1975, is amended to read as
- 8 follows:
- 9 173.4 VOTING POWER. On all questions arising
- 10 for determination by the convention, each member pre-
- 11 sent shall be entitled to but one vote, and no pro-
- 12 xies shall be recognized by the convention. *However,*
- 13 *a member who is also a board director at large or a*
- 14 *board congressional director shall not be entitled to*
- 15 *vote for a successor to each of the three directors*
- 16 *at large or a successor to each congressional direc-*
- 17 *tor on the board."*
- 18 2. Renumber the internal sections as necessary.

Amendment S—5506 to House amendment S—5480 was adopted.

Senator Doderer offered amendment S—5499 to House amendment S—5480 filed by her:

S—5499

- 1 Amend the House amendment, S—5480, as passed
- 2 by the House, to Senate File 488 as amended and
- 3 passed by the Senate as follows:
- 4 1. Page 1, by inserting after line 37 the
- 5 following:
- 6 "Sec. Section six hundred five point twen-
- 7 ty-six (605.26), unnumbered paragraph one, Code
- 8 1975 is amended to read as follows:
- 9 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.
- 10 A 'Commission on Judicial Qualifications' is here-
- 11 by created consisting of one district court judge
- 12 and two members, *neither of which are of the same*
- 13 *political affiliation*, who are practicing attorneys
- 14 in Iowa licensed under the provisions of chapter
- 15 610, appointed by the chief justice of the supreme
- 16 court, and four electors of the state who are not
- 17 attorneys, no more than two of whom shall belong to
- 18 the same political party, to be appointed by the
- 19 governor and subject to confirmation by a vote of
- 20 two-thirds of the membership of the senate. The
- 21 commission members shall serve for six-year terms,
- 22 shall be ineligible for a second term, shall hold
- 23 no other office of and shall not be employed by the
- 24 United States or the state of Iowa or of its pol-
- 25 itical subdivisions, except for the judicial mem-
- 26 ber. The first commission members shall take of-
- 27 fice January 1, 1974. Initially, two members shall

28 serve for two years, two for four years, and three
29 for six years, as shall be determined by lot among
30 the first commission members. Vacancies shall be
31 filled by appointment by the chief justice or govern-
32 nor as the case may be, for the unexpired portion
33 of the term, of the previous commission member."
34 2. Renumber the section numbers as necessary.

(Senate File 488 and amendment S—5499 to House amendment S—5480 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

REFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that Senate File 1301 be referred to the committee on state government, under Senate Rule 38.

HOUSE AMENDMENTS CONSIDERED

Senate File 488

The Senate resumed consideration of Senate File 488 and amendment S—5499 to House amendment S—5480.

Senator Doderer asked and received unanimous consent to withdraw amendment S—5499 to House amendment S—5480.

Senator Doderer offered amendment S—5510 to House amendment S—5480 and moved its adoption:

S—5510

- 1 Amend the House amendment, S—5480, as passed
- 2 by the House, to Senate File 488 as amended and
- 3 passed by the Senate as follows:
- 4 1. Page 1, by inserting after line 37 the
- 5 following:
- 6 "Sec. Section six hundred five point twen-
- 7 ty-six (605.26), unnumbered paragraph one, Code
- 8 1975 is amended to read as follows:
- 9 605.26 COMMISSION ON JUDICIAL QUALIFICATIONS.
- 10 A 'Commission on Judicial Qualifications' is here-
- 11 by created consisting of one district court judge
- 12 and two members who are practicing attorneys
- 13 in Iowa licensed under the provisions of chapter
- 14 610 *and are not of the same political affiliation,*
- 15 appointed by the chief justice of the supreme court
- 16 and four electors of the state who are not attorneys,
- 17 no more than two of whom shall belong to the same
- 18 political party, to be appointed by the governor and
- 19 subject to confirmation by a vote of two-thirds of the
- 20 membership of the senate. The commission members shall
- 21 serve for six-year terms, shall be ineligible for a
- 22 second term, shall hold no other office of and shall
- 23 not be employed by the United States or the state of
- 24 Iowa or of its political subdivisions, except for the
- 25 judicial member. The first commission members shall
- 26 take office January 1, 1974. Initially, two members
- 27 shall serve for two years, two for four years, and
- 28 three for six years, as shall be determined by lot
- 29 among the first commission members. Vacancies shall
- 30 be filled by appointment by the chief justice or gover-
- 31 nor as the case may be, for the unexpired portion of
- 32 the term, of the previous commission member."
- 33 2. Renumber the section numbers as necessary.

Amendment S—5510 to House amendment S—5480 was adopted.

Senator Lamborn offered amendment S—5509 to House amendment S—5480 and moved its adoption:

S—5509

1 Amend the House amendment, S—5480, as passed by
 2 the House, to Senate File 488 as amended and passed
 3 by the Senate as follows:

4 1. Page 1, by inserting after line 2 the fol-
 5 lowing:

6 "1. Page 1, line 3, by inserting after the
 7 word 'state' the words 'established by the Code'.

8 2. Page 1, line 6, by inserting after the
 9 word 'council' the words 'established by the Code'.

10 3. Page 1, line 11, by inserting after the
 11 word 'council' the words 'established by the Code'."

12 2. Page 1, line 3, by striking the figure "1",
 13 and inserting in lieu thereof the figure "4".

14 3. Page 1, line 6, by striking the figure
 15 "2", and inserting in lieu thereof the figure "5".

16 4. Page 1, line 38, by striking the figure
 17 "3", and inserting in lieu thereof the figure "6".

Amendment S—5509 to House amendment S—5480 was adopted.

On motion of Senator Glenn, the Senate concurred in House amendment S—5480 as amended.

Senator Glenn moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 488) the vote was:

Ayes, 33:

Andersen	Hill of Jasper	Nolting	Rodgers
Bergman	Junkins	Norpel	Scott
Carr	Kinley	Orr	Shaw
Coleman	Lamborn	Palmer	Sovern
Culver	Merritt	Plymat	Tieden
Curtis	Miller of	Priebe	Van Gilst
Doderer	Des Moines	Rabedeaux	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall	Robinson	

Nays, 12:

Briles	Griffin	Kelly	Schwengels
Burroughs	Heying	Nystrom	Shaff
DeKoster	Hill of Polk	Ramsey	Taylor

Absent or not voting, 5:

Gallagher	Hultman	Murray	Nolin
Hansen			

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

SENATE REFUSED TO CONCUR

Senate File 1192

Senator Norpel called up for consideration Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, amended by the House, and moved that the Senate concur in the following amendment:

S—5498

- 1 Amend Senate File 1192 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 12 through 25 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SECTION. The academy shall be the principal
- 6 law enforcement library and media resource center
- 7 and shall coordinate the use of law enforcement
- 8 media resources with training centers and educational
- 9 institutions to insure for the efficient use of
- 10 state law enforcement media resources.
- 11 The academy shall offer state media resource
- 12 assistance to any law enforcement training center
- 13 certified by the Iowa law enforcement academy
- 14 council."

The motion lost and the Senate refused to concur in House amendment S—5498.

Senate File 1067

The Senate resumed consideration of Senate File 1067 and division S—5472C of the House amendment.

Senator Hill of Polk offered amendment S—5512 to division S—5472C of the House amendment by Senators Hill of Polk and Miller of Des Moines:

S—5512

- 1 Amend the House amendment S—5472 to Senate File
- 2 1067 as amended and passed by the Senate as follows:

Division S—5512A

- 3 1. Line 20, by inserting after the word "Establish-
- 4 ing" the word "advisory".
- 5 2. Line 21, by striking the words "which must"
- 6 and inserting in lieu thereof the word "to".

Division S—5512B

- 7 3. Line 22, by striking the word "followed" and
- 8 inserted in lieu thereof the word "considered".

Division S—5512A (Cont'd)

- 9 4. Line 23, by striking the words "in complying
- 10 with" and inserting in lieu thereof the words "which
- 11 elect to proceed under".

Senator DeKoster called for a division of the amendment, sections 1, 2 and 4 to be considered as division S—5512A; section 3 to be considered as division S—5512B.

On motion of Senator Hill of Polk, division S—5512A of the amendment to division S—5472C of the House amendment was adopted.

On motion of Senator Hill of Polk, division S—5512B of the amendment to division S—5472C of the House amendment was adopted.

On motion of Senator Scott, the Senate concurred in division S—5472C of the House amendment as amended.

Senator Scott moved that the bill as amended by the House, further amended and concurred in, in part, by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1067) the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Nystrom	Shaff
Coleman	Hultman	Orr	Shaw
Culver	Junkins	Palmer	Sovern
Curtis	Kelly	Plymat	Taylor
DeKoster	Kinley	Priebe	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 2:

Murray Nolin

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

UNFINISHED BUSINESS

Senate File 1241

The Senate resumed reconsideration of Senate File 1241, a bill for an act relating to moisture sampling of grain or soybeans.

Senator Bergman moved to reconsider the vote by which divi-

sion S—5393B of the Orr amendment failed to be adopted by the Senate.

The motion prevailed and division S—5393B of the amendment was taken up for reconsideration.

Senator Ramsey took the chair at 3:12 p.m.

President Neu took the chair at 3:35 p.m.

Senator Hultman moved that Senate File 1241 be referred back to the committee on agriculture and requested a record roll call.

On the question "Shall the motion to refer the bill back to committee be adopted?" (S.F. 1241) the vote was:

Ayes, 22:

Andersen	Hill of Polk	Miller of	Ramsey
Briles	Hultman	Marshall	Robinson
Curtis	Junkins	Nolting	Rodgers
DeKoster	Kelly	Norpel	Schwengels
Griffin	Miller of	Nystrom	Shaw
Hansen	Des Moines	Orr	Van Gilst

Nays, 25:

Bergman	Glenn	Merritt	Scott
Burroughs	Gluba	Palmer	Shaff
Carr	Heying	Plymat	Sovern
Coleman	Hill of Jasper	Priebe	Tieden
Culver	Kinley	Rabedeaux	Willits
Doderer	Lamborn	Redmond	Winkelman
Gallagher			

Absent or not voting, 3:

Murray	Nolin	Taylor
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The motion lost.

Senator Orr moved the adoption of division S—5393B of the amendment.

A record roll call was requested.

On the question "Shall division S—5393B of the amendment be adopted?" (S.F. 1241) the vote was:

Ayes, 33:

Andersen	Griffin	Miller of	Rabedeaux
Bergman	Hansen	Des Moines	Redmond
Briles	Hill of Polk	Miller of	Robinson
Carr	Hultman	Marshall	Rodgers
Curtis	Junkins	Nolting	Schwengels
DeKoster	Kelly	Norpel	Shaw
Doderer	Kinley	Nystrom	Sovern
Gallagher	Lamborn	Orr	Van Gilst
Glenn		Palmer	Willits

Nays, 14:

Burroughs	Heying	Priebe	Shaff
Coleman	Hill of Jasper	Ramsey	Tieden
Culver	Merritt	Scott	Winkelman
Gluba	Plymat		

Absent or not voting, 3:

Murray	Nolin	Taylor
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Division S—5393B of the amendment was adopted.

Senator Bergman moved to reconsider the vote by which division S—5393C of the amendment failed to be adopted by the Senate.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on **Senate File 1241** be deferred and that the bill retain its place on the calendar **under unfinished business**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order **House File 1365**.

House File 1365

On motion of Senator Bergman, House File 1365, a bill for an act relating to acceptance of deposits by state banks, credit unions and savings and loan associations, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Hill of Jasper moved that further action on House File 1365 be deferred and requested a non-record roll call.

Rule 25 was invoked.

The ayes were 23, nays 23.

The motion lost.

Senator Bergman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1365) the vote was:

Ayes, 17:

Bergman	Gallagher	Miller of	Redmond
Carr	Glenn	Marshall	Rodgers
Coleman	Gluba	Nolting	Scott
Culver	Hill of Polk	Priebe	Sovern
Doderer	Kinley		

Nays, 30:

Andersen	Hill of Jasper	Norpel	Shaff
Briles	Hultman	Orr	Shaw
Burroughs	Junkins	Palmer	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Griffin	Merritt	Ramsey	Willits
Hansen	Miller of	Robinson	Winkelman
Heying	Des Moines	Schwengels	

Absent or not voting, 3:

Murray	Nolin	Nystrom
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The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Kelly moved that the vote by which House File 1365 failed to pass the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 1365) the vote was:

Ayes, 20:

Briles	Heying	Merritt	Schwengels
Burroughs	Hill of Polk	Miller of	Shaff
Curtis	Hultman	Marshall	Shaw
DeKoster	Kelly	Plymat	Taylor
Griffin	Lamborn	Ramsey	Tieden
Hansen			

Nays, 27:

Andersen	Glenn	Nolting	Robinson
Bergman	Gluba	Norpel	Rodgers
Carr	Hill of Jasper	Orr	Scott
Coleman	Junkins	Palmer	Sovern
Culver	Kinley	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Gallagher	Des Moines	Redmond	Winkelman

Absent or not voting, 3:

Murray	Nolin	Nystrom
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The motion lost.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1365 failed to pass the Senate.

LOWELL JUNKINS

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 128 relating to the General Assembly that when adjournment is had on Thursday, April 15, 1976, it be to reconvene Monday, April 19, 1976, at 10:00 a.m.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1303, by committee on labor and industrial relations, a bill for an act relating to the definition of a nonresident employer.

Read first time and placed on calendar.

Senate File 1304, by committee on labor and industrial relations, a bill for an act relating to the administration of workmen's compensation claims of state employees.

Read first time and placed on calendar.

HOUSE CONCURRENT RESOLUTION 128

By Fitzgerald

- 1 *Whereas*, Many members of both houses of the
- 2 legislature wish to spend Good Friday in contempla-
- 3 tion and religious observance, and
- 4 *Whereas*, The General Assembly respects each
- 5 individual's right to worship the Almighty in what-
- 6 ever manner seems most appropriate; *Now, Therefore*,
- 7 *Be It Resolved by the House, the Senate Concurring*:
- 8 That when adjournment is had on Thursday, April 15, 1976,
- 9 it be to reconvene Monday, April 19, 1976, at 10:00 a.m.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- H. F. 1299 Judiciary
- H. F. 1332 Transportation
- H. F. 1465 Judiciary
- H. F. 1497 Judiciary
- H. F. 1544 State government

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed

by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of April, 1976: Senate Files 1122 and 1249.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William H. McNarney of Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 6, Acts of the Sixty-sixth General Assembly, 1975 Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
WILLIAM E. GLUBA
WILLIAM N. PLYMAT

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate on the morning of April 12 because of business commitments. Had I been present, I would have voted "aye" on the following confirmations: Richard C. Grossman as a member of the Commission on Judicial Qualifications; Donald Knudsen, as a member of the Iowa Real Estate Commission; Charles W. Toney, as a member of the Iowa State Civil Rights Commission; and Joseph A. McCaffrey, as a member of the State Board of Medical Examiners.

I would have voted "aye" on final passage of Senate Files 1139 and 1263 and on the motion to reconsider Senate File 1132.

LOWELL JUNKINS

MR. PRESIDENT: I was necessarily absent from the Senate chamber Tuesday, April 13, 1976, when the vote was taken on Senate File 488. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

REPORTS OF COMMITTEES

Senator Scott submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred **Senate File 1170**, a bill for an act relating to the sale of raw milk, begs leave to report it has had the same under consideration and recommends the same **do pass**.

KENNETH D. SCOTT, Ranking Member

Ordered passed on file.

Senator Junkins submitted the following reports:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1226**, a bill for an act relating to loans made by a credit union to its director, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1483**, a bill for an act relating to the Uniform Guaranty Association Act, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1493**, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1494**, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1495**, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Senator Heying submitted the following reports:

MR. PRESIDENT: Your committee on natural resources to which was referred **Senate File 1049**, a bill for an act relating to the establishment of

equestrian riding trails, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1390**, a bill for an act relating to civil damages for the taking of game or fur-bearing animals, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5507

- 1 Amend the committee on ways and means amendment,
- 2 S—5497, to Senate File 1293 as follows:
- 3 1. Page 1, line 37, by adding after the word
- 4 "mixers," the words "*bulk feed trucks*,".
- 5 2. Page 2, line 8, by adding after the word
- 6 "mixers" the words "*bulk feed trucks*,".
- 7 3. Page 3, by inserting after line 22, the
- 8 following:
- 9 3. Amend the title, line 2, by inserting after
- 10 the word "tax" the words "or special fuel tax".
- 11 4. Page 3, line 23, by striking the figure "3".
- 12 and inserting in lieu thereof the figure "4".
- 13 5. Page 3, line 26, by striking the word "or"
- 14 and inserting in lieu thereof the figure ",".
- 15 6. Page 3, line 26, by adding after the word
- 16 "mixer" the words "or bulk feed truck".

HILARIUS L. HEYING

S—5508

- 1 Amend the committee on ways and means amendment,
- 2 S—5497, to Senate File 1293 as follows:
- 3 1. Page 1, line 37, by adding after the word
- 4 "mixers" the words "*bulk feed trucks*".
- 5 2. Page 2, line 7, by striking the word "or",
- 6 and inserting in lieu thereof the figure ",".
- 7 3. Page 2, line 8, by adding after the word
- 8 "mixers" the words "*or bulk feed trucks*".
- 9 4. Page 3, by inserting after line 22, the
- 10 following:
- 11 3. Amend the title, line 2, by inserting after
- 12 the word "tax" the words "or special fuel tax".
- 13 5. Page 3, line 23, by striking the figure "3"
- 14 and inserting in lieu thereof the figure "4".
- 15 6. Page 3, line 26, by striking the word "or"

- 16 and inserting in lieu thereof the figure “,”.
17 7. Page 3, line 26, by adding after the word
18 “mixer” the words “or bulk feed truck”.

HILARIUS L. HEYING

S—5504

- 1 Amend House File 1008 as amended, passed, and
2 reprinted as follows:
3 1. Page 1, by striking lines 7 through 35.
4 2. By striking pages 2, 3, 4 and 5.
5 3. Page 6, by striking lines 1 through 14.
6 4. Page 7, by striking lines 25 through 35.
7 5. Page 8, by striking lines 1 through 17.
8 6. Title page, lines 3 and 4, by striking the words
9 “; and establishment of special distributorships”.

WILLIAM N. PLYMAT
FORREST V. SCHWENGELS

S—5511

- 1 Amend House File 1478, as amended and passed by
2 the House, as follows:
3 1. Page 13, line 21, by inserting after the word
4 “state.” the following: “However, satellite terminals
5 established in any county of this state which is
6 contiguous to a border of this state may be utilized
7 to accomplish all debit and credit transactions
8 involving financial institutions established in any
9 county of another state when that county is contiguous
10 to the same border of this state if the laws of that
11 other state and if the persons in control of satellite
12 terminals located in that other state permit customers
13 to utilize, on substantially equivalent terms and
14 conditions, satellite terminals located in that state
15 to accomplish transactions involving financial
16 institutions in this state. The administrator shall
17 promulgate rules which prohibit or limit the
18 utilization of satellite terminals established in
19 this state to accomplish transactions involving
20 financial institutions located in another state to
21 the extent necessary to assure compliance with the
22 provisions of this section.”

ELIZABETH SHAW

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:10
p.m., until 9:30 a.m., Wednesday, April 14, 1976.

JOURNAL OF THE SENATE

NINETY-FOURTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, APRIL 14, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Doctor Howard Palmer, pastor of the Ventura United Methodist Church, Clear Lake, Iowa.

The Journal of Tuesday, April 13, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona, Iowa.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-seven students from Marshalltown Community School of Nursing, Marshalltown, Iowa, accompanied by Pat Teager. Senators Miller of Marshall and Orr.

Thirty-five students, including foreign exchange students Eija Minkkinen of Finland and Kay Lange of West Germany, from Armstrong High School, Armstrong, Iowa, accompanied by their instructors, Ken Fisher and Don Klink. Senator Priebe.

Twenty-two students from Ogden High School, Ogden, Iowa, accompanied by Stan Friesen. Senator Nystrom.

Thirty students from the Central Iowa Christian Academy, Marshalltown, Iowa, accompanied by Neil McGuire, Ruth Smith and Dan Hayek. Senator Miller of Marshall.

Thirty-five students from Cardinal Stritch School, Keokuk, Iowa, accompanied by Nita Jobe. Senator Junkins.

Eight students, members of the 4-H Council of Clinton County, accompanied by Mr. Miller. Senator Shaff.

Ten students from Walnut Community School, Walnut, Iowa, accompanied by Allen De Graaf. Senator Culver.

Forty students from Danville Junior-Senior High School, Danville, Iowa, accompanied by Bob Heffelfinger. Senator Junkins.

PETITIONS

The following petitions were presented and placed on file:

By Senator Doderer from twenty-five residents of Johnson County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senator Plymat from eighty-two residents of Polk County favoring community based correctional institutions.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Thirty-five residents of Marshall County.

Two hundred eighty-five residents of Polk County.

Four hundred twelve residents of Jasper County.

Sixty-five residents of Mills County.

Ninety-nine residents of Audubon County.

Thirty residents of Madison County.

Fifty-six residents of Hancock County.

Sixty residents of Calhoun County.

Seventy-five residents of Woodbury County.

Thirteen residents of Linn County.

Thirty-one residents of Appanoose County.

Twenty-four residents of Mahaska County.

Twenty-three residents of Winneshiek County.

Nine residents of Woodbury County.

Twenty residents of Webster County.

Twenty-six residents of Warren County.

Ninety-five residents of Tama County.

Twenty-three residents of Story County.

Seventeen residents of Decatur County.

Twelve residents of Henry County.

Sixteen residents of Harrison County.

Fifty-one residents of Pottawattamie County.

Thirty-eight residents of Jefferson, Washington and Keokuk Counties.

Seventy-one residents of Jefferson County and Greene County.

Thirty-two residents of Delaware County.

Forty-five residents of Grundy County.

Thirty-two residents of Dallas County and Madison County.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1976, adopted the second conference committee report as passed by the Senate to and repassed the following bill in which the concurrence of the House was asked:

Senate File 1062, a bill for an act relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits and exemptions for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive, and making appropriations.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1305, by Senator Redmond, a bill for an act relating to safety regulations for automobile race tracks.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Briles called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harry C. Jensen of Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Accountancy under the provisions of Section 116.3, Code 1975, for the regular three-year term beginning July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
ROBERT M. CARR
HILARIUS L. HEYING
WILLIAM D. PALMER
DALE L. TIEDEN

The motion prevailed and the report was adopted.

Senator Briles moved the appointment of Harry C. Jensen as a member of the State Board of Accountancy be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Gluba	Murray	Robinson
Bergman	Hansen	Nolin	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	

Nays, none.

Absent or not voting, 4:

Griffin	Hill of Polk	Miller of Marshall	Tieden
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President Neu declared the appointment of Harry C. Jensen as a member of the State Board of Accountancy confirmed for the regular three-year term ending June 30, 1979.

Senator Nystrom called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Keith Edward Bridson of Des Moines, Polk County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
 FRED W. NOLTING
 JOAN ORR
 WILLIAM D. PALMER
 BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Nystrom moved the appointment of Keith Edward Bridson as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolin	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines	Redmond	

Nays, none.

Absent or not voting, 4:

Gallagher	Hill of Polk	Miller of Marshall	Tieden
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President Neu declared the appointment of Keith Edward Bridson as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality confirmed for an initial term ending June 30, 1978.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 1011

Senator Hill of Jasper called up for consideration House File

1011, a bill for an act to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that certain officeholders seeking other elective office resign from the office currently held to qualify for the general election ballot and that candidates nominated by write-in votes in certain elections affirm their candidacy, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, and providing that this Act shall take effect upon publication, amended by the Senate and further amended by the

House, and moved that the Senate concur in House amendment to the Senate amendment S—5502 found on pages 1271-1276, inclusive, of the Senate Journal.

The motion prevailed and the Senate concurred in House amendment to the Senate amendment S—5502.

Senator Hill of Jasper moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1011) the vote was:

Ayes, 35:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Des Moines	Redmond
Carr	Hansen	Murray	Robinson
Coleman	Hill of Jasper	Nolin	Rodgers
Culver	Junkins	Nolting	Scott
Curtis	Kelly	Norpel	Shaw
Doderer	Kinley	Orr	Sovern
Gallagher	Lamborn	Palmer	Van Gilst
Glenn	Merritt	Plymat	Willits

Nays, 12:

Briles	Heying	Nystrom	Taylor
Burroughs	Hill of Polk	Rabedaux	Tieden
DeKoster	Hultman	Schwengels	Winkelman

Absent or not voting, 3:

Miller of	Ramsey	Shaff
Marshall		

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1361.

House File 1361

On motion of Senator Nolting, House File 1361, a bill for an act relating to short-term loans of cities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Nolting moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1361) the vote was:

Ayes, 45:

Andersen	Griffin	Murray	Redmond
Bergman	Hansen	Nolin	Rodgers
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Curtis	Kelly	Palmer	Sovern
DeKoster	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Tieden
Gallagher	Merritt	Rabedaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines		

Nays, 1:

Winkelman

Absent or not voting, 4:

Culver	Hill of Jasper	Miller of Marshall	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up out of order House File 1509.

House File 1509

On motion of Senator Priebe, House File 1509, a bill for an act relating to certification for applicators of restricted use of pesticides, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1509) the vote was:

Ayes, 47:

Andersen	Hansen	Murray	Robinson
Bergman	Heying	Nolin	Rodgers
Briles	Hill of Polk	Nolting	Schwengels
Burroughs	Hultman	Norpel	Scott
Carr	Junkins	Nystrom	Shaff
Coleman	Kelly	Orr	Shaw
Culver	Kinley	Palmer	Sovern
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba	Miller of	Redmond	
Griffin	Marshall		

Nays, none.

Absent or not voting, 3:

Doderer Hill of Jasper Taylor

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

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

QUORUM CALL

Senator Lamborn requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1470, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1306, by committee on judiciary, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1470, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1280.

Senate File 1280

On motion of Senator DeKoster, Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, was taken up for consideration.

Senator DeKoster offered amendment S—5475 filed by him and moved its adoption:

S—5475

- 1 Amend Senate File 1280 as follows:
- 2 1. Page 1, by striking lines 3 through 7, and
- 3 inserting in lieu thereof the following:
- 4 "1. REPEAL—EFFECT OF. The repeal of a statute,
- 5 *after it becomes effective*, does not revive a statute,
- 6 previously repealed, nor affect any right which has
- 7 accrued, any duty imposed, any penalty incurred, or
- 8 any proceeding commenced, under or by virtue of the
- 9 statute repealed."
- 10 2. Page 3, by adding after line 32 the following
- 11 new section:
- 12 "Sec. Section one hundred ten B point three
- 13 (110B.3), Code 1975, as amended by Acts of the 66th
- 14 General Assembly, chapter one hundred thirteen (113),
- 15 section three (3), is amended to read as follows:
- 16 110B.3 FEE. The fee for each stamp issued under
- 17 this chapter shall be one dollar. Each stamp shall
- 18 expire on the last day of February [December 31]
- 19 following its issuance."
- 20 3. Page 6, by adding after line 31 the following
- 21 new section:
- 22 "Sec. Section three hundred twenty-one point two
- 23 hundred thirty-eight (321.238), Code 1975, subsection
- 24 twenty-one (21), paragraph 'a' is amended to read as
- 25 follows:
- 26 a. A senior officer of the Iowa highway safety patrol
- 27 designated by the [commissioner] *director*."

Amendment S—5475 was adopted.

Senator DeKoster offered amendment S—5515 and moved its adoption:

S—5515

- 1 Amend Senate File 1280 as follows:
- 2 1. Page 1, after line 9, by inserting the
- 3 following new section:
- 4 "Sec. Section fourteen point twenty-one (14.21),
- 5 Code 1975, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 *NEW UNNUMBERED PARAGRAPH. Commencing July 1, 1977,*

8 the Code editor shall cause to be compiled, indexed
9 and published in loose leaf form all rules of civil
10 procedure, rules of criminal procedure, rules of
11 appellate procedure, and supreme court rules. The
12 Code editor shall cause to be distributed supplements
13 to the compilation on or before the effective date of
14 either new rules, or amendments to or the repeal of
15 existing rules. All expenses incurred by the Code
16 editor under this paragraph shall be defrayed under
17 the provisions of section fourteen point twenty-two
18 (14.22) of the Code. There shall be established a
19 price for the compilation of rules, and a separate
20 price for each supplement. The price of the
21 compilation and of supplements shall represent the
22 costs of compiling and indexing, plus the amounts
23 charged for printing and distribution. A single copy
24 of each compilation and of each supplement shall be
25 distributed free of charge to each of the persons or
26 agencies referred to in subsections one (1), two (2),
27 five (5), six (6), seven (7), eight (8), and fifteen
28 (15) of section eighteen point ninety-seven (18.97)
29 of the Code."

30 2. Page 4, line 13, by inserting after the word
31 "of" the words "*the department of*".

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

34 "Sec. Section two hundred fifty-three point
35 three (253.3), Code 1975, is amended to read as follows:

36 253.3 ANNUAL PUBLISHED REPORT. The board of
37 supervisors shall, during the month of July of each
38 year, publish in the official papers of the county as
39 part of its proceedings, a financial statement of the
40 receipts of the county care facility, or county farm,
41 itemizing the same and stating the source thereof,
42 which report shall also set forth the total expendi-
43 tures thereof and the value of the property on hand
44 on [January] *July* 1 of the year for which the report is
45 made and a comparison with the inventory of the
46 previous year."

47 4. Page 6, line 17, by inserting before the word
48 "of" the words "*of the department*".

49 5. Page 16, line 15, by inserting after the figure
50 "(121)," the words "one hundred seventy-five (175)."

Page 2

1 6. Amend the title, line 2, by inserting after
2 the word "Code" the words ", and the duties of the
3 Code editor".

4 7. By renumbering the sections and correcting
5 internal references as necessary.

Amendment S—5515 was adopted.

Senator DeKoster offered amendment S—5487 filed by him
and moved its adoption:

S—5487

- 1 Amend Senate File 1280 as follows:
- 2 1. Page 10, by striking all of lines 32 through
- 3 35.
- 4 2. Page 11, by striking all of lines 1 through
- 5 10.

Amendment S—5487 was adopted.

Senator Rabedaux offered amendment S—5517 and moved its adoption:

S—5517

- 1 Amend Senate File 1280, page 11, by
- 2 striking lines 11 through 14.

Senator Glenn took the chair at 2:10 p.m.

A non-record roll call was requested.

The ayes were 11, nays 34.

Amendment S—5517 lost.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1280) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolin	Shaff
Carr	Hultman	Nolting	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Robinson	

Nays, none.

Absent or not voting, 5:

Griffin	Norpel	Nystrom	Redmond
Hansen			

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 1495.

House File 1495

On motion of Senator Briles, House File 1495, a bill for an act relating to bedding sanitation in hotels, motels, and motor inns, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1495) the vote was:

Ayes, 36:

Andersen	Gallagher	Merritt	Ramsey
Bergman	Glenn	Miller of	Robinson
Briles	Gluba	Des Moines	Schwengels
Burroughs	Heying	Miller of	Shaff
Carr	Hill of Polk	Marshall	Shaw
Coleman	Hultman	Murray	Sovern
Culver	Junkins	Norpel	Taylor
Curtis	Kelly	Orr	Willits
DeKoster	Kinley	Priebe	Winkelman
Doderer	Lamborn		

Nays, 4:

Plymat	Rabedaux	Tieden	Van Gilst
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Absent or not voting, 10:

Griffin	Nolin	Palmer	Rodgers
Hansen	Nolting	Redmond	Scott
Hill of Jasper	Nystrom		

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1226.

House File 1226

On motion of Senator Carr, House File 1226, a bill for an act relating to loans made by a credit union to its director, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1226) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Robinson
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Polk	Murray	Shaff
Burroughs	Hultman	Norpel	Shaw
Carr	Junkins	Orr	Sovern
Coleman	Kelly	Palmer	Taylor
Culver	Kinley	Plymat	Tieden
Curtis	Lamborn	Priebe	Van Gilst
DeKoster	Merritt	Rabedeaux	Willits
Doderer	Miller of	Ramsey	Winkelman
Gallagher	Des Moines		
Glenn			

Nays, none.

Absent or not voting, 9:

Griffin	Nolin	Nystrom	Rodgers
Hansen	Nolting	Redmond	Scott
Hill of Jasper			

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1493.

House File 1493

On motion of Senator Curtis, House File 1493, a bill for an act relating to credit transactions, amending the Iowa consumer credit code to permit changing the terms of an open-end account after a thirty-day notification to each customer, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

DEFERRED

Senator Gluba asked unanimous consent that further action on House File 1493 be deferred.

Objection was raised.

Senator Gluba moved that further action on **House File 1493** be deferred and requested a record roll call.

Senator Burroughs took the chair at 5:05 p.m.

On the question "Shall the motion to defer be adopted?" (H.F. 1493) the vote was:

Rule 25 was invoked.

Ayes, 22:

Carr	Gluba	Nolting	Robinson
Coleman	Hill of Jasper	Norpel	Scott
Culver	Junkins	Orr	Sovern
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Redmond	

Nays, 21:

Andersen	Heying	Miller of	Schwengels
Bergman	Hultman	Marshall	Shaff
Briles	Kelly	Murray	Taylor
Burroughs	Lamborn	Plymat	Tieden
Curtis	Merritt	Rabedeaux	Winkelman
DeKoster		Ramsey	

Absent or not voting, 7:

Griffin	Hill of Polk	Nystrom	Shaw
Hansen	Nolin	Rodgers	

The motion prevailed, and further action on **House File 1493** was deferred and the bill was placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 1494.

House File 1494

On motion of Senator Curtis, House File 1494, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Doderer took the chair at 5:20 p.m.

Senator Priebe took the chair at 5:37 p.m.

DEFERRED

Senator Gallagher asked and received unanimous consent that further action on **House File 1494** be deferred and that the bill retain its place on the calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1478 Commerce

H.C.R. 128 Rules and administration

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harris F. Seidel of Ames, Story County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
JOHN S. MURRAY
RICHARD R. RAMSEY
CLOYD E. ROBINSON
BASS VAN GILST

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, April 14, 1976, when the vote was taken on Senate File 1280. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

REPORTS OF COMMITTEE

Senator Scott submitted the following reports:

MR. PRESIDENT: Your committee on agriculture to which was referred **House File 1123**, a bill for an act relating to noxious weeds, begs leave to report it has had the same under consideration and recommends the same **do pass**.

KENNETH D. SCOTT, Ranking Member

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on agriculture to which was referred **House File 1359**, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides, begs leave to report it has had the same under consideration and recommends the same **do pass**.

KENNETH D. SCOTT, Ranking Member

Ordered passed on file.

AMENDMENTS FILED

S—5519

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 11, line 31, by striking the word
- 3 "longitudinally".
- 4 2. Page 11, line 32, by striking the words
- 5 "highways or at other than an approximate" and
- 6 inserting in lieu thereof the word "highway".

- 7 3. Page 11, line 33, by striking the words "right
8 angle to this railroad track or public highways".
9 4. Page 11, line 34, by striking the words "highway
10 commission" and inserting in lieu thereof the words
11 "state department of transportation".

WARREN E. CURTIS
LOWELL L. JUNKINS

S—5516

- 1 Amend House File 1365, page 1, line 13, by
2 inserting after the word "subsection." the following:
3 "A depositor desiring a written acknowledgement
4 pursuant to this subsection must file a written
5 request with the bank for such an acknowledgement.
6 A copy of this request must be retained by the
7 depositor and attached to the acknowledgement
8 received from the bank. A written acknowledgement
9 presented without an attached request shall be given
10 no legal effect."

CALVIN O. HULTMAN

S—5513

- 1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2 by striking everything after line
4 19 through page 4, line 6.

JAMES W. GRIFFIN, SR.

S—5518

- 1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 15, line 24, by inserting after the word
4 "state," the following: "However, satellite terminals
5 established in any county of this state which is
6 contiguous to a border of this state may be utilized
7 to accomplish all debit and credit transactions
8 involving financial institutions established in any
9 county of another state when that county is contiguous
10 to the same border of this state if the laws of that
11 other state and if the persons in control of satellite
12 terminals located in that other state permit customers
13 to utilize, on substantially equivalent terms and
14 conditions, satellite terminals located in that state
15 to accomplish transactions involving financial
16 institutions in this state. The administrator shall
17 promulgate rules which prohibit or limit the
18 utilization of satellite terminals established in
19 this state to accomplish transactions involving
20 financial institutions located in another state to
21 the extent necessary to assure compliance with the
22 provisions of this section."

ELIZABETH SHAW

S—5520

- 1 Amend House File 1493 as follows:

2 1. Page 1, by adding after line 13 the fol-
3 lowing:

4 "Sec. 2. Section five hundred thirty-seven
5 point two thousand two hundred two (537.2202), sub-
6 section three (3), Code 1975, is amended to read as
7 follows:

8 3. If the billing cycle is monthly, the charge
9 may not exceed an amount equal to one and [one-half]
10 *one-fourth* percent of [that part of] the maximum amount
11 pursuant to subsection 2 [which is five hundred dollars
12 or less and one and one-fourth percent of that part of
13 the maximum amount which is more than five hundred
14 dollars]. If the billing cycle is not monthly, the
15 maximum charge for the billing cycle shall bear the
16 same relation to the applicable monthly maximum charge
17 as the number of days in the billing cycle bears to
18 three hundred sixty-five divided by twelve. A billing
19 cycle is monthly if the closing date of the cycle is
20 the same date each month or does not vary by more than
21 four days from the regular date.

22 Sec. 3. Section five hundred thirty-seven point
23 two thousand four hundred two (537.2402), subsection
24 three (3), Code 1975, is amended to read as follows:

25 3. If the billing cycle is monthly, the charge
26 may not exceed an amount equal to one and [one-half] *one-*
27 *fourth* percent of [that part of] the maximum amount pur-
28 suant to subsection 2 [which is five hundred dollars or
29 less and one and one-fourth percent of that part of the
30 maximum amount which is more than five hundred dollars].

31 If the billing cycle is not monthly, the maximum charge
32 for the billing cycle shall bear the same relation to
33 the applicable monthly maximum charge as the number of
34 days in the billing cycle bears to three hundred sixty-
35 five divided by twelve. A billing cycle is monthly if the
36 closing date of the cycle is the same date each month
37 or does not vary by more than four days from the re-
38 gular date."

WILLIAM E. GLUBA
ROBERT M. CARR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:55
p.m., until 9:30 a.m., Thursday, April 15, 1976.

JOURNAL OF THE SENATE

NINETY-FIFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, APRIL 15, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend H. LaVern Kinzel, pastor of the Capitol Hill Christian Church, Des Moines, Iowa.

The Journal of Wednesday, April 14, 1976, was approved.

PRESENTATION OF VISITORS

President Neu welcomed the Honorable John Kibbee, former member of the Senate and the House of Representatives from Emmet County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty students from the School for Christian Instruction, Oskaloosa, Iowa, accompanied by Calvin Stan. Senator Van Gilst.

Fifty-nine students from Pella Christian Grade School, Pella, Iowa, accompanied by Elroy Vander Lay and Dale Slings. Senator Hill of Jasper.

One hundred fourteen students from the Westridge Elementary School, Waterloo, Iowa, accompanied by Harold Asmus, Betty Olds, Kevin Kelly and Carolyn Koon. Senator Hansen.

Forty-four students from the Villisca Community School District, Villisca, Iowa, accompanied by Mrs. Simpson. Senators Briles and Hultman.

Eighty students from the Grinnell-Newburg Community School District, accompanied by Mr. Nyswander, Mrs. Erskine, Miss Wilson and Mrs. Tiederman. Senator Orr.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Thirty-six residents of Adair County and Union County.

Sixteen residents of Appanoose County.

Forty-six residents of Benton County.

Forty-seven residents of Cass County.

Forty-two residents of Dallas County.

Twelve residents of Floyd County.

Thirty-one residents of Harrison County.

Fifty residents of Henry County.

Forty-four residents of Jasper County.

Seventeen residents of Jefferson County.

Forty-five residents of Mahaska County.

Sixteen residents of Page County.

Seventy-three residents of Polk County.

Sixteen residents of Sioux County.

One hundred forty residents of Woodbury County.

Thirty-two residents of Linn County.

Twenty-three residents of Guthrie County.

Eighty-two residents of Story County.

Seventy-six residents of Fayette County.

Four hundred thirteen residents of Winneshiek County.

Thirty residents of Black Hawk County.

Ten residents of Madison County.

Fifty-five residents of Pottawattamie County.

Thirty-two residents of Keokuk County.

Thirteen residents of Bremer County.

Five residents of Black Hawk County.

Sixteen residents of Humboldt County.

POINT OF PERSONAL PRIVILEGE

Senator Heying rose on a point of personal privilege to thank Mary Parker and Bessie Bagby for the Easter display in the Senate chamber, and invited all those present to help themselves to the beautifully colored eggs.

President Neu took the chair at 9:50 a.m.

WITHDRAWN

Senator Murray asked and received unanimous consent that **Senate File 1193** be withdrawn from further consideration of the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Rabedaux rose on a point of personal privilege to thank the Senate pages for the Easter greetings distributed to all those present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Priebe called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Wayne J. Barnes of Sioux City, Woodbury County, Iowa, for appointment to the State Board of Dental Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
LEONARD C. ANDERSEN
KARL NOLIN
NORMAN RODGERS
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Priebe moved the appointment of Dr. Wayne J. Barnes as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedaux	Van Gilst
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines	Redmond	
Griffin			

Nays, none.

Absent or not voting, 4:

Gallagher	Nolin	Palmer	Willits
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President Neu declared the appointment of Dr. Wayne J. Barnes as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1977.

Senator Glenn called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Thomas A. Underkofler, D.D.S., of Marshalltown, Marshall County, Iowa, for appointment to the State Board of Dental Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

GENE W. GLENN, Chairperson
WILLIAM E. GLUBA
MILO MERRITT
FORREST V. SCHWENGELS
ELIZABETH MILLER

The motion prevailed and the report was adopted.

Senator Glenn moved the appointment of Thomas A. Underkofler, D.D.S., as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 25 was invoked.

Ayes, 47:

Bergman	Heying	Murray	Rodgers
Briles	Hill of Jasper	Nolin	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines	Ramsey	Winkelman
Griffin	Miller of	Redmond	
Hansen	Marshall		

Nays, 1:

Gallagher

Absent or not voting, 2:

Andersen Robinson

President Neu declared the appointment of Thomas A. Underkofler, D.D.S., as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1977.

Senator Redmond called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carol A. Brown, of Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Barber Examiners under the provisions of Section 147.12, Code 1975, for an unexpired term ending June 30, 1976, and for a regular three-year term commencing July 1, 1976, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
 FRED W. NOLTING
 WILLIAM N. PLYMAT
 ROGER SHAFF
 STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Redmond moved the appointment of Carol A. Brown as a member of the State Board of Barber Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 25 was invoked.

Ayes, 49:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolin	Schwengels
Carr	Hultman	Nolting	Scott
Coleman	Junkins	Norpel	Shaff
Culver	Kelly	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Van Gilst
Gluba	Des Moines	Rabedeaux	Willits
Griffin		Ramsey	Winkelman

Nays, 1:

Gallagher

President Neu declared the appointment of Carol A. Brown as a member of the State Board of Barber Examiners confirmed for the unexpired portion of the term ending June 30, 1976, and for the regular three-year term ending June 30, 1979.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Lamborn presiding.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Curtis presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1201, a bill for an act relating to requirements for completion of driver's education courses.

Also: That the House has on April 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1374, a bill for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1307, by committee on human resources, a bill for an act to require autopsies of children under the age of two

years when the circumstances of death indicate that sudden infant death syndrome may be the cause of death, to require that the results of such autopsies be transmitted to a parent, to provide that the state shall pay for these autopsies, and making an appropriation.

Read first time and referred to the committee on appropriations, under Senate Rule 38.

HOUSE MESSAGES CONSIDERED

House File 1201, a bill for an act relating to requirements for completion of driver's education courses.

Read first time and passed on file.

House File 1374, a bill for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Redmond called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gretchen M. Bataille of Ames, Story County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for the regular four-year term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
MINNETTE F. DODERER
JOHN S. MURRAY
FRED W. NOLTING
RICHARD R. RAMSEY

The motion prevailed and the report was adopted.

Senator Redmond moved the appointment of Gretchen M. Bataille as a member of the Iowa State Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Andersen	Hansen	Murray	Rodgers
Bergman	Heying	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba	Miller of	Robinson	
Griffin	Marshall		

Nays, none.

Absent or not voting, 3:

Briles	Hill of Jasper	Nolin
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President Neu declared the appointment of Gretchen M. Bataille as a member of the Iowa State Civil Rights Commission confirmed for the regular four-year term ending June 30, 1979.

CONSIDERATION OF BILLS

House File 1494

On motion of Senator Curtis, House File 1494, a bill for an act exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions, was taken up for further consideration.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1494) the vote was:

Ayes, 42:

Andersen	Heying	Miller of	Rodgers
Bergman	Hill of Jasper	Marshall	Schwengels
Briles	Hill of Polk	Murray	Scott
Burroughs	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Priebe	Tieden
Gallagher	Merritt	Rabedeaux	Van Gilst
Gluba	Miller of	Redmond	Willits
Hansen	Des Moines	Robinson	Winkelman

Nays, 4:

Carr	Glenn	Nolting	Ramsey
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Absent or not voting, 4:

Doderer	Griffin	Nolin	Plymat
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED**House File 1063**

Senator Doderer called up for consideration House File 1063, a bill for an act relating to certain statutory provisions affecting the legal treatment of male and female persons, amended by the House, and moved that the Senate concur in the following amendment:

S—5505

- 1 Amend Senate amendment H—6033 to House File
- 2 1063 as follows:
- 3 1. By striking lines 2 and 3 and inserting
- 4 in lieu thereof the following:
- 5 "Page 1, by adding before line 1, the
- 6 following:"

The motion prevailed and the Senate concurred in House amendment S—5505 to the Senate amendment.

Senator Doderer moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1063) the vote was:

Ayes, 47:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Griffin

Nolin

Plymat

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1008.

Senate File 1008

On motion of Senator Van Gilst, Senate File 1008, a bill for an act relating to the maximum interest rate which may be paid by persons borrowing for a business purpose, including certain agricultural loans, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Junkins offered amendment S—5495 by the committee on commerce:

S—5495

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 1, by striking lines 6 through 10, and
- 3 inserting in lieu thereof the words "Revenue Code
- 4 may agree in writing to pay any rate of interest in
- 5 excess of the rate prescribed in subsection [1] one hereof,
- 6 *and any person borrowing money in the principal amount*
- 7 *of thirty-five thousand dollars or more for a business*
- 8 *or agricultural purpose may agree in writing for the*
- 9 *payment of interest not exceeding ten cents on the*
- 10 *hundred by the year, and no such corporation or real*
- 11 *estate investment".*

Senator Junkins offered amendment S—5523 to amendment S—5495 by Senators Junkins, et al., and moved its adoption:

S—5523

- 1 Amend the committee amendment, S—5495, to Senate
- 2 File 1008, by striking lines 7 through 11 and insert-
- 3 ing in lieu thereof the words "*of twenty-five thousand*
- 4 *dollars or more for a business or agricultural purpose*
- 5 *may agree in writing for the payment of interest at*
- 6 *a rate of not more than five percent in excess of the*
- 7 *discount rate on ninety-day commercial paper in effect*
- 8 *at the Federal reserve bank in the Federal reserve*
- 9 *district encompassing this state, and no such corpora-*
- 10 *tion or real estate investment".*

A record roll call was requested.

On the question "Shall amendment S—5523 to amendment S—5495 be adopted?" the vote was:

Rule 25 was invoked.

Ayes, 21:

Bergman	Hill of Polk	Merritt	Rabedaux
Briles	Hultman	Murray	Schwengels
Curtis	Junkins	Norpel	Shaff
DeKoster	Kelly	Nystrom	Shaw
Griffin	Lamborn	Plymat	Van Gilst
Hansen			

Nays, 24:

Andersen	Heying	Nolting	Rodgers
Carr	Hill of Jasper	Orr	Scott
Culver	Kinley	Palmer	Sovern
Doderer	Miller of	Priebe	Tieden
Gallagher	Des Moines	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Marshall		

Absent or not voting, 5:

Burroughs	Nolin	Ramsey	Taylor
Coleman			

Amendment S—5523 to amendment S—5495 lost.

Senator Coleman offered amendment S—5524 to amendment S—5495 and moved its adoption:

S—5524

- 1 Amend the committee on commerce amendment, S—
- 2 5495, to Senate File 1008 as follows:
- 3 1. Page 1, line 8, by striking the words "or
- 4 *agricultural*".

A record roll call was requested.

On the question "Shall amendment S—5524 to amendment S—5495 be adopted?" (S.F. 1008) the vote was:

Ayes, 9:

Carr	Gallagher	Hill of Jasper	Rodgers
Coleman	Gluba	Nolting	Scott
Culver			

Nays, 35:

Andersen	Hill of Polk	Murray	Robinson
Bergman	Hultman	Norpel	Schwengels
Briles	Junkins	Nystrom	Shaff
Curtis	Kelly	Orr	Shaw
DeKoster	Kinley	Palmer	Sovern
Glenn	Lamborn	Plymat	Tieden
Griffin	Merritt	Priebe	Van Gilst
Hansen	Miller of	Ramsey	Willits
Heying	Marshall	Redmond	Winkelman

Absent or not voting, 6:

Burroughs
Doderer

Miller of
Des Moines

Nolin
Rabedeaux

Taylor

Amendment S—5524 to amendment S—5495 lost.

Senator Van Gilst offered amendment S—5521 to amendment S—5495:

S—5521

- 1 Amend the committee on commerce amendment,
- 2 S—5495 to Senate File 1008 as follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "ten", and inserting in lieu thereof the word
- 5 "eleven".

DEFERRED

Senator Lamborn moved that further action on Senate File 1008 be deferred.

The motion prevailed and further action on Senate File 1008 was deferred and the bill was placed on the calendar under unfinished business.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 15, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Glen D. Madsen, D.C., West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an unexpired term ending June 30, 1978.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

Senate File 1308, by committee on human resources, a bill for an act relating to child foster care facilities and providing penalties.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1305 Transportation

H. F. 1470 Energy

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sharon Woodley Nail of Iowa Falls, Hardin County, Iowa, for reappointment as a member of the City Development Board under the provisions of Section 368.9, Code 1975, for the regular six-year term beginning July 1, 1976, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
C. JOSEPH COLEMAN
MINNETTE F. DODERER
JOHN N. NYSTROM
RAY TAYLOR

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herman Lewis of Edgewood, Clayton County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for the regular three-year term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
LOWELL L. JUNKINS
KENNETH D. SCOTT
DALE L. TIEDEN
EARL M. WILLITS

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1280 passed the Senate on April 14, 1976.

RICHARD R. RAMSEY

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 15th day of April, 1976: Senate File 1055.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 15, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1122—Relating to the employment rights of second deputy sheriffs.
- S. F. 1249—Relating to vehicles used by sheriffs and deputies.
- H. F. 1217—Appropriating funds to the general services department for a central energy plant.
- H. F. 1439—Relating to birds of prey.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 352

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

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 352, a bill for an Act relating to dissolution of marriage, respectfully submit the following report:

1. That the Senate recede from its amendment, H—4312, to House File 352, as amended, passed, and reprinted by the House.

2. That House File 352, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 2, by striking lines 8 through 20 and inserting in lieu thereof the following:

“Upon the application of the petitioner in the petition or by the respondent in the responsive pleading thereto or, within twenty days of appointment, of an attorney appointed under section five hundred ninety-eight point twelve (598.12) of the Code, the court shall require the parties to participate in conciliation efforts for a period of sixty days from the issuance of an order setting forth the conciliation procedure and the conciliator.

At any time upon its own motion or upon the application of a party the court may require the parties to participate in conciliation efforts for sixty days or less following the issuance of such an order.”

2. Page 5, by striking lines 1 and 2 and inserting in lieu thereof the following:

“Sec. 11. Sections five hundred ninety-eight point ten (598.10), five hundred ninety-eight point twenty-seven (598.27), and five hundred ninety-eight point thirty-three (598.33), Code 1975, are repealed.”

ON THE PART OF THE HOUSE:

DONALD V. DOYLE, Chairperson
DIANE BRANDT
SCOTT D. NEWHARD
BRICE C. OAKLEY
HORACE DAGGETT

ON THE PART OF THE SENATE:

MINNETTE F. DODERER, Chairperson
PHILIP B. HILL
C. JOSEPH COLEMAN
ELIZABETH SHAW
CHARLES P. MILLER

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, April 14, 1976, when the votes were taken on Senate File 1280, and House Files 1226 and 1495. Had I been present, I would have voted "aye" on these bills.

WILLARD R. HANSEN

SUBCOMMITTEE ASSIGNMENTS

Senate File 1294
Commerce
Briles, Chairperson
Rodgers
Junkins

House File 689
County Government
Miller of Des Moines,
Chairperson
Scott
Briles

House File 1161
Judiciary
Kelly, Chairperson
Shaw
Miller of Des Moines

House File 1226
Commerce
Carr, Chairperson
Rabedaux
Priebe

House File 1299
Judiciary
Shaw, Chairperson
Kelly
Miller of Des Moines

House File 1332
Transportation
Murray, Chairperson
Coleman
Shaff

House File 1407
Transportation
Gallagher,
Chairperson
Shaff
Norpel

House File 1432
Transportation
Shaff, Chairperson
Miller of Marshall
Norpel

House File 1440
County Government
Gallagher,
Chairperson
Merritt
Ramsey

House File 1465
Judiciary
Willits, Chairperson
Carr
Ramsey

House File 1478
Commerce
Curtis, Chairperson
Junkins
Carr

House File 1483
Commerce
Carr, Chairperson
Rabedaux
Glenn

House File 1488
Commerce
Carr, Chairperson
Glenn
Curtis

House File 1493
Commerce
Curtis, Chairperson
Junkins
Rodgers

House File 1494
Commerce
Curtis, Chairperson
Rodgers
Junkins

House File 1495
Commerce
Briles, Chairperson
Priebe
Bergman

House File 1496
Education
Griffin, Chairperson
Carr
Sovern

House File 1497
Judiciary
Redmond,
Chairperson
DeKoster
Hill of Polk

House File 1534
Education
Carr, Chairperson
Griffin
Sovern

REPORT OF COMMITTEE

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1165**, a bill for an act amending certain programs for elderly, handicapped and low income persons, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5525

- 1 Amend House File 1165 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, lines 33 and 34, by striking the words
- 4 "[thirty days after its convening] *January 1, 1977*"
- 5 and inserting in lieu thereof the words "thirty days
- 6 after its convening".
- 7 2. Page 4, line 15, by striking the words "*The*
- 8 *state*".
- 9 3. Page 4, by striking lines 16, 17 and 18.
- 10 4. Page 4, line 19, by striking the words "*Assembly*
- 11 *not later than May 1, 1976.*"

WILLIAM E. GLUBA, Chairperson

House File 1165 referred to the committee on **appropriations**,
under Senate Rule 38.

AMENDMENTS FILED

S—5526

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 1, by inserting after line 12 the fol-
- 3 lowing new sections:
- 4 "Sec. 2. **NEW SUBSECTION. DISCRIMINATION IN**
- 5 **LENDING PROHIBITED.** It is unlawful for any lender
- 6 to refuse to lend an amount less than thirty-five
- 7 thousand (35,000) dollars when the primary motive
- 8 for so refusing is that a higher rate of interest
- 9 can be charged on a loan for more than thirty-five
- 10 thousand (35,000) dollars, or to encourage any per-
- 11 son to borrow thirty-five thousand (35,000) dollars
- 12 or more when a lesser amount is economically suffi-
- 13 cient for said person and when by lending an amount
- 14 of thirty-five thousand (35,000) dollars or more
- 15 a higher rate of interest is allowable.
- 16 Sec. 3. **NEW SUBSECTION. CRIMINAL PENALTY.**
- 17 Any person violating the provisions of section two
- 18 (2), of this Act is subject of a fine not to exceed
- 19 one thousand dollars. Each violation of such pro-
- 20 visions shall constitute a separate offense.
- 21 Sec. 4. **NEW SUBSECTION. CIVIL PENALTY.**
- 22 Any person who in bad faith fails to comply with the
- 23 provisions of section two (2) of this Act is subject
- 24 to punitive damages not to exceed one thousand dol-
- 25 lars in addition to actual damages."
- 26 2. By renumbering the remaining sections.

ROBERT M. CARR
JAMES V. GALLAGHER

S—5522

- 1 Amend Senate File 1266 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new section:

4 "Section 1. Section five hundred seventy-two point
5 eight (572.8), Code 1975, is amended to read as
6 follows:

7 572.8 PERFECTION OF LIEN. Every person who wishes
8 to avail himself of a mechanic's lien shall file with
9 the clerk of the district court of the county in which
10 the building, land, or improvement to be charged with
11 the lien is situated *two copies of a verified statement*
12 or account of the demand due him, after allowing all
13 credits, setting forth:

14 1. The time when such material was furnished or
15 labor performed, and when completed.

16 2. The correct description of the property to
17 be charged with the lien.

18 3. *The name and address of the owner of the*
19 *property to be charged with the lien, as that name*
20 *and address is shown in the real estate tax records*
21 *in the office of the county auditor.*

22 *The clerk of the district court shall forward by*
23 *ordinary mail a copy of each lien claim filed to the*
24 *owner of the property to be charged with the lien."*

25 2. By renumbering sections of the bill.

26 3. Amend the title, line 1, by inserting after
27 the word "to" the words "mechanic's liens, and
28 providing for the mailing of copies of lien claims
29 to affected property owners, and for".

RICHARD R. RAMSEY

S—5527

1 Amend House File 1493, as passed by the House,
2 as follows:

3 1. Page 1, by inserting after line 13 the following
4 new sections:

5 "Sec. 2. Section five hundred thirty-seven point
6 two thousand two hundred one (537.2201), subsection
7 two (2), Code 1975, is amended to read as follows:

8 2. The finance charge, calculated according to
9 the actuarial method, may not exceed [fifteen] *twelve*
10 percent per year on the unpaid balances of the amount
11 financed.

12 Sec. 3. Section five hundred thirty-seven point
13 two thousand two hundred two (537.2202), subsection
14 three (3), Code 1975, is amended to read as follows:

15 3. If the billing cycle is monthly, the charge
16 may not exceed an amount equal to one and [one-half]
17 *one-fourth* percent of that part of the maximum amount
18 pursuant to subsection 2 which is [five] *three* hundred
19 dollars or less and one [and one-fourth] percent of
20 that part of the maximum amount which is more than
21 [five] *three* hundred dollars. If the billing cycle
22 is not monthly, the maximum charge for the billing
23 cycle shall bear the same relation to the applicable
24 monthly maximum charge as the number of days in the
25 billing cycle bears to three hundred sixty-five divided

26 by twelve. A billing cycle is monthly if the closing
27 date of the cycle is the same date each month or does
28 not vary by more than four days from the regular date.

29 Sec. 4. Section five hundred thirty-seven point
30 two thousand four hundred one (537.2401), subsection
31 one (1), Code 1975, is amended to read as follows:

32 1. Except as provided with respect to a finance
33 charge for loans pursuant to open end credit under
34 section 537.2402, a lender may contract for and receive
35 a finance charge not exceeding the maximum charge
36 permitted by the laws of this state or of the United
37 States for similar lenders, and, in addition, with
38 respect to a consumer loan not secured by a first
39 lien on a dwelling of the debtor given to finance
40 the acquisition of that dwelling, a supervised
41 financial organization may contract for and receive
42 a finance charge, calculated according to the actuarial
43 method, not exceeding [fifteen] *twelve* percent per year
44 on the unpaid balance of the amount financed.

45 Sec. 5. Section five hundred thirty-seven point
46 two thousand four hundred two (537.2402), subsection
47 three (3), Code 1975, is amended to read as follows:

48 3. If the billing cycle is monthly, the charge
49 may not exceed an amount equal to one and [one-half]
50 *one-fourth* percent of that part of the maximum amount

Page 2

1 pursuant to subsection 2 which is [five] *three* hundred
2 dollars or less and one [and one-fourth] percent of
3 that part of the maximum amount which is *more than*
4 [five] *three* hundred dollars. If the billing cycle
5 is not monthly, the maximum charge for the billing
6 cycle shall bear the same relation to the applicable
7 monthly maximum charge as the number of days in the
8 billing cycle bears to three hundred sixty-five divided
9 by twelve. A billing cycle is monthly if the closing
10 date of the cycle is the same date each month or does
11 not vary by more than four days from the regular date.

12 Sec. 6. Section five hundred thirty-seven point
13 two thousand five hundred two (537.2502), subsection
14 one (1), paragraph a, Code 1975, is amended to read
15 as follows:

16 a. One and [one-half] *one-fourth* percent of the
17 unpaid amount of the installment, or a maximum of
18 five dollars.

19 Sec. 7. Section five hundred thirty-seven point
20 two thousand five hundred three (537.2503), subsection
21 one (1), Code 1975, is amended to read as follows:

22 1. Before or after default in payment of a
23 scheduled installment of a precomputed consumer credit
24 transaction, the parties to the transaction may agree
25 in writing to a deferral of all or part of one or
26 more unpaid installments and the creditor may make
27 at the time of deferral and receive at that time or
28 at any time thereafter a deferral charge which is

29 not in excess of one and [one-half] *one-fourth* percent
30 per month for the period of time for which it is
31 deferred, but not to exceed the rate of finance charge
32 which was required to be disclosed in the transaction
33 to the consumer pursuant to section 537.3201 applied
34 to each amount deferred for the period for which it
35 is deferred. In computing a deferral charge for one
36 or more months, any month may be counted as one-twelfth
37 of a year and in computing a deferral charge for part
38 of a month, a day shall be counted as one three hundred
39 sixty-fifth of a year.”
40 2. Amend the title, line 2, by inserting after
41 the word “to” the words “modify the finance,
42 delinquency and deferral charges permitted in consumer
43 credit transactions, and to”.

WILLIAM E. GLUBA
ROBERT M. CARR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:40
p.m., until 10:00 a.m., Monday, April 19, 1976.

JOURNAL OF THE SENATE

NINETY-NINTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, APRIL 19, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Cletus Hawes, pastor of the Visitation Catholic Church, Stacyville, Iowa.

The Journal of Thursday, April 15, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Frank Downs, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rodgers for the morning session and Senator Nolin for the day on request of Senator Kinley; Senator Hultman for the day and Senator Bergman for the day on request of Senator Lamborn.

SPECIAL GUESTS

President Neu welcomed Mr. and Mrs. Terry Jon Heying and their daughter, Angela, who were visiting in the Senate chamber as guests of Terry's father, Senator Heying.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Thirty-eight residents of Marshall County.

Forty-one residents of Appanoose County.

Fifteen residents of Audubon County.

Eleven residents of Benton County.

Thirty-nine residents of Black Hawk County.

Five residents of Boone County.

Seventy-five residents of Bremer County.
Ten residents of Buchanan County
Seventy-seven residents of Butler County.
Seventy-three residents of Calhoun County.
Sixteen residents of Clay County.
Twenty-two residents of Dallas County.
Twenty-three residents of Emmet County.
Seventy-six residents of Floyd County.
Eight residents of Franklin County.
Twenty-seven residents of Grundy County.
Fifty-five residents of Hamilton County.
Sixty-two residents of Harrison County.
Sixteen residents of Iowa County.
Eighteen residents of Jasper County.
Forty-seven residents of Jefferson County.
Thirty-five residents of Lee County.
Forty-nine residents of Linn County.
Thirty residents of Madison County.
Fifty-two residents of Marion County.
Twelve residents of Mitchell County.
Two residents of Muscatine County.
Thirty-one residents of O'Brien County.
Ninety-four residents of Plymouth County.
Thirteen residents of Pocahontas County.
Six hundred residents of Polk County.
Three residents of Poweshiek County.
Twelve residents of Sac County.
Thirty-five residents of Sioux County.
Thirty-six residents of Story County.
Twenty-eight residents of Van Buren County.
Twenty-six residents of Warren County.
Two residents of Washington County.
Thirty-three residents of Monona County.
Twenty residents of Winneshiek County.

Seventy residents of Woodbury County.

Fourteen residents of Wright County.

Sixteen residents of Marion, Mahaska and Warren Counties.

Forty-five residents of Monona, Crawford and Iowa Counties.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Ramsey called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Grace Rasmussen, of Manilla, Crawford County, Iowa, for appointment to the State Board of Physical Therapy Examiners, pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
ROBERT M. CARR
PHILIP B. HILL
WILLIAM D. PALMER

The motion prevailed and the report was adopted.

Senator Ramsey moved the appointment of Grace Rasmussen as a member of the State Board of Physical Therapy Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Gluba	Murray	Robinson
Briles	Griffin	Nolting	Schwengels
Burroughs	Hansen	Norpel	Scott
Carr	Heying	Nystrom	Shaff
Culver	Hill of Polk	Orr	Sovern
Curtis	Junkins	Palmer	Taylor
DeKoster	Kelly	Priebe	Tieden
Gallagher	Kinley	Rabedeaux	Van Gilst
Glenn	Lamborn	Ramsey	Winkelman

Nays, none.

Absent or not voting, 14:

Bergman	Hultman	Miller of	Redmond
Coleman	Merritt	Marshall	Rodgers
Doderer	Miller of	Nolin	Shaw
Hill of Jasper	Des Moines	Plymat	Willits

President Neu declared the appointment of Grace Rasmussen as a member of the State Board of Physical Therapy Examiners confirmed for an initial term ending June 30, 1976.

Senator Ramsey called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clarence R. Hosford, D.D.S., Monticello, Jones County, Iowa, for appointment to the State Board of Dental Examiners, pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

RICHARD R. RAMSEY, Chairperson
LOUIS P. CULVER
JAMES V. GALLAGHER
RICHARD J. NORPEL, SR.
W. R. RABEDEAUX

The motion prevailed and the report was adopted.

Senator Ramsey moved the appointment of Clarence R. Hosford, D.D.S., as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Hansen	Murray	Robinson
Briles	Heying	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Glenn	Marshall	Ramsey	Winkelman
Griffin			

Nays, 1:

Gluba

Absent or not voting, 13:

Bergman	Hultman	Nolin	Rodgers
Coleman	Merritt	Plymat	Shaff
Gallagher	Miller of	Redmond	Willits
Hill of Jasper	Des Moines		

President Neu declared the appointment of Clarence R. Hosford, D.D.S., as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1978.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sister Bernadine Pieper, Ottumwa, Wapello County, Iowa, for appointment as a member of the State Board of Physical Therapy Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
GENE W. GLENN
EUGENE M. HILL
ELIZABETH R. MILLER
JOHN S. MURRAY

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Sister Bernadine Pieper as a member of the State Board of Physical Therapy examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 37:

Andersen	Griffin	Miller of	Schwengels
Burroughs	Hansen	Marshall	Scott
Carr	Heying	Murray	Shaff
Culver	Hill of Jasper	Nolting	Sovern
Curtis	Hill of Polk	Norpel	Taylor
DeKoster	Junkins	Nystrom	Tieden
Doderer	Kinley	Orr	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedeaux	Winkelman
Gluba		Ramsey	

Nays, none.

Absent or not voting, 13:

Bergman	Kelly	Palmer	Robinson
Briles	Miller of	Plymat	Rodgers
Coleman	Des Moines	Redmond	Shaw
Hultman	Nolin		

President Neu declared the appointment of Sister Bernadine Pieper as a member of the State Board of Physical Therapy Examiners confirmed for an initial term ending June 30, 1978.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Janet A. Johnson of Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Board of Parole under the provisions of Section 247.2, Code 1975, for an unexpired term ending

June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
CLIFF BURROUGHS
BERL E. PRIEBE
WILLIAM D. PALMER
CALVIN O. HULTMAN

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Janet A. Johnson as a member of the Iowa Board of Parole be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 39:

Andersen	Gluba	Miller of	Ramsey
Burroughs	Griffin	Marshall	Robinson
Carr	Hansen	Murray	Schwengels
Coleman	Heying	Nolting	Scott
Culver	Hill of Jasper	Norpel	Shaff
Curtis	Hill of Polk	Nystrom	Sovern
DeKoster	Junkins	Orr	Tieden
Doderer	Kinley	Palmer	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedaux	Winkelman

Nays, none.

Absent or not voting, 11:

Bergman	Kelly	Nolin	Rodgers
Briles	Miller of	Plymat	Shaw
Hultman	Des Moines	Redmond	Taylor

President Neu declared the appointment of Janet A. Johnson as a member of the Iowa Board of Parole confirmed for the unexpired portion of the term ending June 30, 1979.

The Senate stood at ease until 3:15 p.m.

AFTERNOON SESSION

The Senate resumed session, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

GOVERNOR'S VETO MESSAGE

The following veto message from the Governor to the Speaker of the House was presented:

April 19, 1976

The Honorable Dale M. Cochran
Speaker of the House of Representatives
Sixty-sixth General Assembly
State Capitol Building
Local

Dear Representative Cochran:

House File 1457, an Act relating to the compensation of the beer and liquor control council, is hereby disapproved and returned to the House of Representatives in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 1457 would change the compensation for the members of the Iowa Beer and Liquor Control Council from an annual salary of \$2500 to a per diem of \$40.

The explanation of the bill states that the reason for this change is to remove an apparent compensation inequity that exists among the five Council members. One member of the Council, who is designated by the Council to serve on the Department of Beer and Liquor Control's hearing board, serves approximately twice as often in one year as other Council members yet receives no extra compensation. A per diem salary supposedly would give recognition to this increased amount of service.

A closer examination of the service performed by members of the Council indicates that such corrective action is unnecessary. While service on the hearing board is an extra duty, it is an extra duty that is eventually shared by all five Council members. Service on the hearing board is on a rotation basis for a year at a time. Since the term of appointment to the Beer and Liquor Control Council is for five years, each member of the Council is given the opportunity to serve on the hearing board. Thus, in a five year period each Council member performs approximately the same amount of service.

While House File 1457 will remove no inequity, it will result in a negative corollary. Council members presently meet every month in regular session and additional times throughout the year. While the per diem provision of House File 1457 will result in a cut in compensation for Council members, it may also make it difficult to secure the type of appointees needed for this sensitive position.

The Governor's Economy Committee in 1969 recognized the contribution of management ability and experience that business executives could make to the operation of the State liquor monopoly. To help secure the participation of top-level business executives on the Beer and Liquor Control Council, the Governor's Economy Committee recommended an annual salary of between \$2000 and \$3000 instead of a per diem. That recommendation was followed and has proved to be successful. The reduction in compensation of Council members contained in House File 1457 seems to be an unnecessary and unwise departure for a system that is working well.

For the reasons I have outlined above, I hereby respectfully disapprove of this House File 1457.

Sincerely,
ROBERT D. RAY
Governor

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1976, at your request, returned to you House File 1011, a bill for an Act to amend the election laws of the state of Iowa.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 1011

S—5529

- 1 Amend the Senate amendment H—5955 to House
- 2 File 1011 as amended, passed and reprinted by
- 3 the House, as follows:
- 4 1. Page 1, by inserting after line 10 the
- 5 following:
- 6 "NEW SUBSECTION. 'Registration commission'
- 7 means the state voter registration commission
- 8 established by section of this Act."
- 9 2. Page 1, by striking lines 45 through 50.
- 10 3. Page 2, by striking lines 1 through 20.
- 11 4. Page 3, by striking lines 3, 4 and 5 and
- 12 inserting in lieu thereof the words "county.
- 13 Administrative and clerical".
- 14 5. Page 3, by striking lines 10 through 19 and
- 15 inserting in lieu thereof the following:
- 16 "47.5 PURCHASING BY COMPETITIVE BIDDING.
- 17 1. The commissioner shall take bids for [any]
- 18 goods and services *which are needed in connection*
- 19 *with registration of voters or preparation for or*
- 20 *administration of elections and which will be*
- 21 *performed or provided by persons who are not*
- 22 *employees of the commissioner [and where the costs*
- 23 *of such services exceed five thousand dollars per*
- 24 *contract in the case of contracts for the printing*
- 25 *of ballots or, in the case of other services, two*
- 26 *thousand five hundred dollars per contract.] under*
- 27 *the following circumstances:*
- 28 a. *In any case where it is proposed to purchase*
- 29 *data processing services. The commissioner shall*
- 30 *give the registrar written notice in advance on each*
- 31 *occasion when it is proposed to have data processing*
- 32 *services, necessary in connection with the*
- 33 *administration of elections, performed by any person*
- 34 *other than the registrar or an employee of the county.*
- 35 *Such notice shall be made at least thirty days prior*
- 36 *to publication of the specifications.*
- 37 b. *In the case of arrangements for printing of*
- 38 *ballots, where the cost of the printing will exceed*
- 39 *five thousand dollars.*
- 40 c. *In all other cases, where the cost of the*
- 41 *goods or services to be purchased will exceed one*

42 *thousand dollars.*

43 *d. No bids shall be required for legal services.*

44 *[The]*

45 *2. When it is proposed to purchase any goods or*
46 *services, other than data processing services, in*
47 *connection with administration of elections, the*
48 *commis-".*

49 *6. Page 3, line 29, by striking the words "the*
50 *date the bid is let" and inserting in lieu thereof*

Page 2

1 *the words "[the] such final date [the bid is let]".*

2 *7. Page 3, by striking line 50, and page 4, by*
3 *striking lines 1 through 34, and inserting in lieu*
4 *thereof the following:*

5 *"3. The procedure for purchasing data process-*
6 *ing services in connection with administration of*
7 *elections shall be the same as prescribed in subsec-*
8 *tion two (2) of this section, except that the required*
9 *copy of the bid specifications shall be filed with*
10 *the registrar rather than the state commissioner.*
11 *The specifications for data processing contracts*
12 *relative to voter registration records shall be*
13 *specified by the registration commission. The*
14 *registrar shall, not later than the final date for*
15 *submission of bids, inform the commissioner in writ-*
16 *ing whether the state comptroller's data processing*
17 *facilities are currently capable of furnishing the*
18 *services the county proposes to purchase, and if so*
19 *the cost to the county of so obtaining the services*
20 *as determined in accordance with the standard charges*
21 *therefor adopted by the registration commission.*
22 *The commissioner, with approval of the board of*
23 *supervisors, may reject all bids and enter into an*
24 *arrangement with the registrar for the services to*
25 *be furnished by the state. The commissioner may*
26 *recommend and the board of supervisors may approve*
27 *purchasing the needed services from the lowest*
28 *responsible bidder, however if the needed services*
29 *could be obtained through the registrar at a lower*
30 *cost, the board shall publish notice twice in a*
31 *newspaper of general circulation in the county of*
32 *its intent to accept such bid and of the difference*
33 *in the amount of the bid and the cost of purchasing*
34 *the needed services from the state comptroller's data*
35 *processing facilities through the registrar. Each*
36 *contract for the furnishing of data processing*
37 *services, necessary in connection with the*
38 *administration of elections, by any person other than*
39 *the registrar or an employee of the county shall be*
40 *executed with the contractor by the board of*
41 *supervisors of the county purchasing the services,*
42 *but only after the contract has been reviewed and*
43 *approved by the registration commission. Such contract*
44 *shall be of not more than one year's duration. Each*

45 *county exercising the option to purchase such data*
46 *processing services from a provider other than the*
47 *registrar shall provide the registrar, at the county's*
48 *expense, original and updated voter registration lists*
49 *in a form and at times prescribed by rules promulgated*
50 *by the registration commission."*

Page 3

- 1 8. Page 4, line 35, by striking the word "Any"
- 2 and inserting in lieu thereof the figure and word
- 3 "4. Any".
- 4 9. Page 4, line 43, by striking the words
- 5 "*contract, which*" and inserting in lieu thereof the
- 6 word "*contract.*"
- 7 10. Page 4, by striking lines 44 and 45 and
- 8 inserting in lieu thereof the words "*A new contract*
- 9 *with the same provider may be entered into in*
- 10 *accordance with subsection three (3) of this section.*"
- 11 11. Page 4, by inserting after line 45 the fol-
- 12 lowing new section:
- 13 Page 9, line 21, by striking the word "*latter*"
- 14 and inserting in lieu thereof the word "*regularly*
- 15 *scheduled*".
- 16 12. Page 5, line 4, by striking the word "super-
- 17 vise" and inserting in lieu thereof the word
- 18 "regulate".
- 19 13. Page 5, line 12, by inserting after the word
- 20 "state" the words ", except as otherwise provided
- 21 by section forty-eight point five (48.5), subsection
- 22 two (2), paragraph d of the Code".
- 23 14. Page 5, by striking lines 18 through 33 and
- 24 inserting in lieu thereof the following:
- 25 "2. The registrar shall offer to each county in
- 26 the state the opportunity to arrange for performance
- 27 of all functions referred to in subsection one (1)
- 28 of this section by the data processing facilities
- 29 of the state comptroller's office, commencing at the
- 30 earliest practicable time, at a cost to the county
- 31 determined in accordance with the standard charges
- 32 for those services adopted by the registration
- 33 commission. A county may accept this offer without
- 34 taking bids under section forty-seven point five
- 35 (47.5) of the Code.
- 36 3. Any county may use its own data processing
- 37 facilities for voter registration record keeping and
- 38 utilization functions, if the system design and the
- 39 form".
- 40 15. Page 5, lines 35 and 36, by striking the words
- 41 "adopted by the registrar" and inserting in lieu
- 42 thereof the words "promulgated by the registration
- 43 commission".
- 44 16. Page 5, by striking lines 49 and 50 and in-
- 45 serting in lieu thereof the following: "commission
- 46 shall consist of the state commissioner of elections,

47 or his or her designee".

48 17. Page 6, by striking line 7 and inserting
49 in lieu thereof the following:

50 "2. The registration commission shall prescribe

Page 4

1 the forms required for voter registration by rules
2 promulgated pursuant to chapter seventeen A (17A)
3 of the Code.

4 3. The registrar shall provide staff services".

5 18. Page 6, line 9, by inserting after the word
6 "to" the words "the activities of the registrar's
7 office in connection with the".

8 19. Page 6, lines 10 and 11, by striking the words
9 "two commission members" and inserting in lieu thereof
10 the words "commission member".

11 20. Page 6, by striking lines 17 through 25 and
12 inserting in lieu thereof the following:

13 "4. The registration commission shall annually
14 adopt a set of standard charges to be made for the
15 services the registrar is required to offer to the
16 several commissioners, and for furnishing of voter
17 registration records which are requested by persons
18 other than the registrar, the state commissioner or
19 any commissioner pursuant to section forty-eight point
20 five (48.5), subsection two (2) of the Code. These
21 charges shall be sufficient to reimburse the state
22 for the actual cost of furnishing such services or
23 information, and shall be specified by unit wherever
24 possible. The standard charges shall be adopted by
25 the commission by January fifteenth of each calendar
26 year."

27 21. Page 6, lines 33 and 34, by striking the words
28 "*state commissioner*" and inserting in lieu thereof
29 the words "*registration commission*".

30 22. Page 7, line 11, by striking the word
31 "*registrar*" and inserting in lieu thereof the words
32 "*registration commission*".

33 23. Page 7, by striking lines 24, 25 and 26 and
34 inserting in lieu thereof the words "by the requestor,
35 so long as that order and form are within the
36 [capability] *capacity* of the system used by the
37 [commissioner] *registrar*."

38 24. Page 8, line 17, by striking the words "[the
39 same] *a*" and inserting in lieu thereof the words "*the*
40 *same*".

41 25. Page 8, line 18, by striking the words "[,
42 which shall be]" and inserting in lieu thereof the
43 words "*, which shall be*".

44 26. Page 8, by inserting after line 33 the
45 following new section:

46 "Sec. Section forty-eight point sixteen
47 (48.16), Code 1975, is amended to read as follows:

48 48.16 PENALTIES. Any officer or employee, or

49 *any person who has contracted with a commissioner*
50 *to perform services in the implementation of this*

Page 5

1 *chapter, who shall willfully fail to perform or enforce*
2 *any of the provisions of this chapter, or who shall*
3 *unlawfully or fraudulently remove any registration*
4 *card or record from its proper compartment in the*
5 *registration records, or who shall willfully destroy*
6 *any record provided by this chapter, or any person*
7 *who shall willfully or fraudulently register more*
8 *than once, or register under any but his or her true*
9 *name, or votes or attempts to vote by impersonating*
10 *another who is registered, or who willfully or*
11 *fraudulently registers in any election precinct where*
12 *he or she is not a resident at the time of registering,*
13 *or who adds a name or names to a page or pages, or*
14 *who violates any of the provisions of this chapter,*
15 *shall be guilty of felony and, upon conviction, shall*
16 *be imprisoned in the state penitentiary for not less*
17 *than one year.*

18 *For the purposes of this section, the alteration*
19 *or destruction of any machine readable compilation*
20 *of voter registration records which has not been re-*
21 *placed by a more recent revision of the same record*
22 *shall constitute destruction of a record provided*
23 *by this chapter."*

24 27. Page 8, line 41, by striking the word "in-
25 dividual" and inserting in lieu thereof the words
26 "eligible elector".

27 28. Page 9, line 12, by striking the word "sec-
28 tion" and inserting in lieu thereof the word "chapter".

29 29. Page 10, by striking lines 30 through 50,
30 and page 11, by striking lines 1 through 3.

31 30. Page 10, by inserting after line 29, the
32 following:

33 Page 25, line 10, by striking the word
34 "voting" and inserting in lieu thereof the word
35 "election".

36 Page 26, line 6, by striking the word
37 "voting" and inserting in lieu thereof the word
38 "election".

39 Page 27, by inserting after line 25 the
40 following new section:

41 Sec. Chapter fifty-seven (57), Code 1975,
42 is amended by adding the following new section:

43 **NEW SECTION. CONTEST COURT FOR CONTEST OF PUB-
LIC**

44 **MEASURE.** The court for the trial of a contested
45 election on a public measure shall consist of one
46 person designated by the petitioners who are
47 contesting the election, who shall be designated
48 in writing by the petitioners at the time the
49 contest is filed, one person designated by the county
50 commissioner of elections to represent the

Page 6

- 1 interests adverse to those of the petitioners, and
- 2 a third person who shall be chosen jointly by
- 3 the designees of the petitioners and of the
- 4 commissioner. If the persons selected by the
- 5 petitioners and the county commissioner of elections
- 6 cannot agree on a third person, the chief judge
- 7 of the judicial district in which the contest
- 8 is filed shall appoint a third person to serve.

INTRODUCTION OF BILL

Senate File 1309, by committee on appropriations, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1201 Education

H. F. 1374 Human resources

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with Section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to an investigating committee:

Glen D. Madsen, D.C., West Des Moines, Polk County, Iowa, as a member of the State Board of Chiropractic Examiners for the unexpired portion of a term ending June 30, 1978.

Senator Gallagher, Chairperson
Senator Hansen
Senator Hill of Polk
Senator Norpel
Senator Van Gilst

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donna P. Gabriel, of Clinton, Clinton County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for the regular one-year term beginning July 1, 1975, and ending June 30,

1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
FRED W. NOLTING
ROGER J. SHAFF

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of David L. Dahlquist, of Des Moines, Polk County, Iowa, for appointment to the State Board of Landscape Architectural Examiners for the State of Iowa under the provisions of Section 118A.3, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
CLIFF BURROUGHS
LOUIS P. CULVER
FRED W. NOLTING
WILLIAM N. PLYMAT

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1038**, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5530

- 1 Amend House File 1038 as amended and passed by
- 2 the House as follows:
- 3 Page 2, by inserting after line 21 the following:
- 4 "c. For the establishment
- 5 and operation of a foreign
- 6 trade office\$150,000".

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

AMENDMENT FILED

S—5528

- 1 Amend Senate File 552 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "institution" and inserting in lieu thereof the words

4 "state agency".

5 2. Page 1, by inserting after line 9 the following:

6 "If a county medical examiner is requested by a
7 state agency to perform an autopsy or investigate
8 the circumstances of the death of a person, the state
9 agency making the request shall pay the costs of the
10 county medical examiner."

BERL E. PRIEBE
C. JOSEPH COLEMAN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 9:30 a.m., Tuesday, April 20, 1976.

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, APRIL 20, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Phillip Schmitt, pastor of the Saint Peter and Paul Catholic Church, Springbrook, Iowa.

The Journal of Monday, April 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. A. W. Owca, Centerville, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rodgers for the morning session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty-five students from Orchard Hill Elementary School, Cedar Falls, Iowa, accompanied by Kathy Krull and Mr. Barnhouse. Senator Hansen.

Fifty-one students from Franklin Elementary School, Boone, Iowa, accompanied by their principal, Ken Erpelding. Senator Nystrom.

Fifty-five students from the Panora-Linden Middle School, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rossow. Senator Rodgers.

Sixty students from Southeast Elementary School, Ankeny, Iowa, accompanied by Alan Bell and Marjorie Banney. Senator Willits.

Fifty-five students from St. Augustin School, Des Moines,

Iowa, accompanied by Mrs. Bess, Mrs. Joynt and Mrs. Diehl. Senator Hill of Polk.

Forty students from the Dow City Junior High School, Dow City, Iowa, accompanied by Mr. Ray. Senator Culver.

PETITIONS

The following petition was presented and placed on file:

By Senator Nolting from thirty-eight residents of Black Hawk County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-five residents of Marshall County.

Forty-five residents of Allamakee County.

Nine residents of Boone County and Story County.

One hundred one residents of Bremer County.

Nineteen residents of Butler County.

Seventy-three residents of Cherokee, Ida and Sioux Counties.

Eleven residents of Clayton County.

Twenty residents of Guthrie County.

Fifty-five residents of Hamilton County.

Seventeen residents of Howard County.

Twenty-seven residents of Jasper County.

One hundred fifteen residents of Linn County.

Six residents of Lyon County.

Thirty-four residents of Madison County.

Five residents of Mahaska County.

Seventy-eight residents of Marion County.

Fourteen residents of Polk County and Warren County.

Twenty-one residents of Polk County.

Twenty-five residents of Poweshiek County.

Fifty-seven residents of Sioux County.

Eighteen residents of Tama County.

Two residents of Winneshiek County.

Twenty-three residents of Woodbury County.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 91, a bill for an act relating to fees for posting business signs on specific information panels and advertising permits.

Also: That the House has on April 15, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 200, a bill for an act relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state.

Also: That the House has on April 15, 1976, receded from that portion of the amendment to which the Senate insisted to the following bill in which the concurrence of the House was asked:

House File 292, a bill for an act to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

Also: That the House has on April 15, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 614, a bill for an act relating to termination of parental rights and adoption and providing penalties.

Also: That the House has on April 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1107, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

Also: That the House has on April 15, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1162, a bill for an act to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls.

Also: That the House has on April 15, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1403, a bill for an act relating to cities and specifically to

authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

Also: That the House has on April 15, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1436, a bill for an act relating to the state psychopathic hospital.

Also: That the House has on April 15, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1492, a bill for an act relating to liability insurance for hospitals.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1107, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

Read first time and passed on file.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Plymat called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Fredine M. Branson of Iowa City, Johnson County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Chapter 138, Section 2, Acts of the Sixty-sixth General Assembly, 1975 Session, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM N. PLYMAT, Chairperson
CLIFF BURROUGHS
C. JOSEPH COLEMAN
LOUIS P. CULVER
MINNETTE DODERER

The motion prevailed and the report was adopted.

Senator Plymat moved the appointment of Fredine M. Branson as a member of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Andersen	Griffin	Miller of	Ramsey
Bergman	Hansen	Marshall	Redmond
Briles	Heying	Murray	Robinson
Burroughs	Hill of Jasper	Nolin	Schwengels
Carr	Hultman	Nolting	Scott
Coleman	Junkins	Norpel	Shaff
Culver	Kelly	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Rabedaux	Willits
Gluba			Winkelman

Nays, none.

Absent or not voting, 2:

Hill of Polk Rodgers

President Neu declared the appointment of Fredine M. Branson as a member of the Iowa Housing Finance Authority confirmed for an initial term ending June 30, 1977.

Senator Gluba called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ronald D. Brown of Muscatine, Muscatine County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for an initial two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
LOUIS P. CULVER
E. KEVIN KELLY
WILLIAM D. PALMER
W. R. RABEDEAUX

The motion prevailed and the report was adopted.

Senator Gluba moved the appointment of Ronald D. Brown as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Culver	Gluba	Hultman
Bergman	Curtis	Griffin	Junkins
Briles	DeKoster	Hansen	Kelly
Burroughs	Doderer	Heying	Kinley
Carr	Glenn	Hill of Jasper	Lamborn

Merritt	Nolting	Rabedaux	Sovern
Miller of	Norpel	Ramsey	Taylor
Des Moines	Nystrom	Redmond	Tieden
Miller of	Orr	Robinson	Van Gilst
Marshall	Palmer	Scott	Willits
Murray	Plymat	Shaff	Winkelman
Nolin	Priebe	Shaw	

Nays, none.

Absent or not voting, 5:

Coleman	Hill of Polk	Rodgers	Schwengels
Gallagher			

President Neu declared the appointment of Ronald D. Brown as a member of the State Board of Engineering Examiners confirmed for an initial two-year term ending June 30, 1977.

Senator Nolting called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Harris F. Seidel of Ames, Story County, Iowa, for appointment as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
JOHN S. MURRAY
RICHARD R. RAMSEY
CLOYD E. ROBINSON
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Nolting moved the appointment of Harris F. Seidel as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	DeKoster	Hill of Jasper	Miller of
Bergman	Doderer	Hultman	Marshall
Briles	Gallagher	Junkins	Murray
Burroughs	Glenn	Kelly	Nolin
Carr	Gluba	Kinley	Nolting
Coleman	Griffin	Lamborn	Norpel
Culver	Hansen	Merritt	Nystrom
Curtis	Heying		Orr

Palmer
Plymat
Priebe
Rabedeaux

Ramsey
Redmond
Schwengels
Scott

Shaff
Shaw
Sovern
Taylor

Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 4:

Hill of Polk

Miller of
Des Moines

Robinson

Rodgers

President Neu declared the appointment of Harris F. Seidel as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality confirmed for an initial term ending June 30, 1976.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

Senator Taylor called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Sharon Woodley Nail of Iowa Falls, Hardin County, Iowa, for reappointment as a member of the City Development Board under the provisions of Section 868.9, Code 1975, for the regular six-year term beginning July 1, 1976, and ending June 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
C. JOSEPH COLEMAN
MINNETTE F. DODERER
JOHN N. NYSTROM
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Taylor moved the appointment of Sharon Woodley Nail as a member of the City Development Board be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Griffin	Miller of	Palmer
Bergman	Heying	Des Moines	Priebe
Burroughs	Hill of Jasper	Miller of	Rodgers
Carr	Hill of Polk	Marshall	Scott
Culver	Hultman	Murray	Shaff
Curtis	Junkins	Nolin	Sovern
DeKoster	Kelly	Nolting	Taylor
Doderer	Kinley	Norpel	Van Gilst
Glenn	Lamborn	Nystrom	Willits
Gluba	Merritt	Orr	Winkelman

Nays, none.

Absent or not voting, 12:

Briles	Hansen	Ramsey	Schwengels
Coleman	Plymat	Redmond	Shaw
Gallagher	Rabedaux	Robinson	Tieden

President Neu declared the appointment of Sharon Woodley Nail as a member of the City Development Board confirmed for the regular six-year term ending June 30, 1982.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1288.

Senate File 1288

On motion of Senator Doderer, Senate File 1288, a bill for an act relating to the economic impact of an administrative rule, was taken up for consideration.

Senator Doderer asked and received unanimous consent to withdraw amendment S—5532 by Senators Priebe, Doderer and Kelly:

S—5532

- 1 Amend Senate File 1288, page 1, line 12, by
- 2 striking the word "action" and inserting in lieu
- 3 thereof the following: "adoption, amendment or
- 4 repeal of the rule. In the case of a rule issued
- 5 under subsection two (2), or made effective under
- 6 the provisions of seventeen A point five (17A.5),
- 7 subsection two (2), paragraph 'b', an estimate
- 8 shall be published within thirty days of the request."

Senator Priebe offered amendment S—5534 by Senators Priebe and Doderer and moved its adoption:

S—5534

1 Amend Senate File 1288, page 1, line 12, by
2 striking the word "action" and inserting in lieu
3 thereof the following: "adoption, amendment or
4 repeal of the rule. In the case of a rule issued
5 under subsection two (2), or made effective under
6 the provisions of seventeen A point five (17A.5),
7 subsection two (2), paragraph 'b', an estimate, or
8 the reasons for the impossibility of formulating an
9 estimate, shall be published within thirty days of
10 the request."

Amendment S—5534 was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1288) the vote was:

Ayes, 42:

Andersen	Hill of Jasper	Murray	Robinson
Bergman	Hultman	Nolin	Rodgers
Burroughs	Junkins	Nolting	Schwengels
Carr	Kelly	Norpel	Scott
Culver	Kinley	Nystrom	Shaff
Curtis	Lamborn	Orr	Shaw
DeKoster	Merritt	Palmer	Sovern
Glenn	Miller of	Plymat	Taylor
Gluba	Des Moines	Priebe	Van Gilst
Hansen	Miller of	Rabedeaux	Willits
Heying	Marshall	Ramsey	Winkelman

Nays, 3:

Doderer	Griffin	Hill of Polk
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Absent or not voting, 5:

Briles	Gallagher	Redmond	Tieden
Coleman			

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

WITHDRAWN

Senator Priebe asked and received unanimous consent that Senate File 1199 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1303.

Senate File 1303

On motion of Senator Robinson, Senate File 1303, a bill for an act relating to the definition of a nonresident employer, was taken up for consideration.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1303) the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Ramsey
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolin	Schwengels
Carr	Junkins	Nolting	Scott
Culver	Kelly	Norpel	Shaff
Curtis	Kinley	Nystrom	Shaw
DeKoster	Lamborn	Orr	Sovern
Gallagher	Merritt	Palmer	Taylor
Glenn	Miller of	Plymat	Van Gilst
Gluba	Des Moines	Priebe	Willits
Griffin		Rabedeaux	Winkelman

Nays, none.

Absent or not voting, 5:

Coleman	Hultman	Redmond	Tieden
Doderer			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1304.

Senate File 1304

On motion of Senator Merritt, Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees, was taken up for consideration.

Senator Merritt moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1304) the vote was:

Ayes, 46:

Andersen	Glenn	Kinley	Nolting
Bergman	Gluba	Lamborn	Norpel
Briles	Griffin	Merritt	Nystrom
Burroughs	Hansen	Miller of	Orr
Carr	Heying	Des Moines	Palmer
Culver	Hill of Jasper	Miller of	Plymat
Curtis	Hill of Polk	Marshall	Priebe
DeKoster	Hultman	Murray	Rabedeaux
Gallagher	Junkins	Nolin	Ramsey

Redmond
Robinson
Rodgers

Schwengels
Scott
Shaff

Shaw
Sovern
Taylor

Van Gilst
Willits
Winkelman

Nays, 1:
Kelly

Absent or not voting, 3:
Coleman

Doderer

Tieden

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1123.

House File 1123

On motion of Senator Taylor, House File 1123, a bill for an act relating to noxious weeds, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel offered amendment S—5535:

S—5535

- 1 Amend House File 1123 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "biennial" the words "*, multiflora rose, (rosa*
- 5 *multiflora)*".

Senator Shaw took the chair at 2:35 p.m.

Senator Priebe moved that House File 1123 be rereferred to the committee on agriculture.

Senator Redmond raised the point of order that a fiscal note was required on House File 1123, under Senate Rule 32.

The Chair ruled the point not well taken.

Senator Priebe restated his motion to rerefer House File 1123 to the committee on agriculture.

A record roll call was requested.

On the question "Shall the motion to rerefer the bill to committee be adopted?" (H.F. 1123) the vote was:

Ayes, 20:

Andersen
Culver
Doderer
Gallagher
Gluba
Griffin

Heying
Hill of Polk
Kelly
Kinley
Miller of
Des Moines

Nolin
Nystrom
Orr
Palmer
Priebe

Ramsey
Redmond
Scott
Shaw

Nays, 28:

Bergman	Hill of Jasper	Murray	Schwengels
Briles	Hultman	Nolting	Shaff
Burroughs	Junkins	Norpel	Sovern
Carr	Lamborn	Plymat	Taylor
Curtis	Merritt	Rabedeaux	Van Gilst
DeKoster	Miller of	Robinson	Willits
Glenn	Marshall	Rodgers	Winkelman
Hansen			

Absent or not voting, 2:

Coleman	Tieden
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The motion lost and the Senate resumed consideration of amendment S—5535.

Senator Norpel moved the adoption of amendment S—5535.

A record roll call was requested.

On the question "Shall amendment S—5535 be adopted?" (H.F. 1123) the vote was:

Ayes, 19:

Carr	Junkins	Miller of	Priebe
Culver	Kinley	Marshall	Redmond
Curtis	Lamborn	Norpel	Robinson
Doderer	Miller of	Palmer	Schwengels
Glenn	Des Moines	Plymat	Willits
Heying			

Nays, 28:

Andersen	Hansen	Nolin	Scott
Bergman	Hill of Jasper	Nolting	Shaff
Briles	Hill of Polk	Nystrom	Shaw
Burroughs	Hultman	Orr	Sovern
DeKoster	Kelly	Rabedeaux	Taylor
Gallagher	Merritt	Ramsey	Van Gilst
Gluba	Murray	Rodgers	Winkelman

Absent or not voting, 3:

Coleman	Griffin	Tieden
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Amendment S—5535 lost.

Senator Doderer withdrew amendment S—5537:

S—5537

- 1 Amend House File 1123 as follows:
- 2 1. Page 1, line 11, by striking after the
- 3 figure "L.", the words "*annual, silver plumegrass*
- 4 (*Miscanthus sacchariflorus*)".

Senator Doderer offered amendment S—5538 and moved its adoption:

S—5538

- 1 Amend House File 1123 as follows:

- 2 1. Page 1, line 11, by striking after the
 3 word "*annual*," the words "*silver plumegrass*
 4 (*Miscanthus sacchariflorus*),".

Amendment S—5538 was adopted.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1123) the vote was:

Ayes, 31:

Andersen	Hill of Jasper	Miller of	Scott
Bergman	Hultman	Marshall	Shaff
Briles	Junkins	Murray	Shaw
Burroughs	Kinley	Nystrom	Taylor
Coleman	Lamborn	Orr	Tieden
DeKoster	Merritt	Palmer	Van Gilst
Glenn	Miller of	Rodgers	Willits
Griffin	Des Moines	Schwengels	Winkelman
Hansen			

Nays, 18:

Carr	Heying	Norpel	Ramsey
Culver	Hill of Polk	Plymat	Redmond
Curtis	Kelly	Priebe	Robinson
Gallagher	Nolin	Rabedaux	Sovern
Gluba	Nolting		

Absent or not voting, 1:

Doderer

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1123 passed the Senate on April 20, 1976.

ELIZABETH SHAW

DISTINGUISHED VISITOR

The Chair presented the Honorable Larry Young, a member of the House of Delegates representing the Thirty-eighth Legislative District, Baltimore, Maryland, who was present in the Senate chamber as a guest of Senator Culver. Mr. Young also serves on the national staff of the Izaak Walton League.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1359.

House File 1359

On motion of Senator Taylor, House File 1359, a bill for an act relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1359) the vote was:

Ayes, 40:

Andersen	Heying	Murray	Robinson
Bergman	Hultman	Nolting	Rodgers
Briles	Junkins	Norpel	Schwengels
Burroughs	Kelly	Nystrom	Scott
Carr	Kinley	Orr	Shaff
Culver	Lamborn	Palmer	Sovern
Curtis	Merritt	Plymat	Taylor
DeKoster	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Rabedaux	Willits
Griffin	Miller of	Ramsey	Winkelman
Hansen	Marshall		

Nays, 9:

Coleman	Gluba	Hill of Polk	Redmond
Doderer	Hill of Jasper	Nolin	Shaw
Glenn			

Absent or not voting, 1:

Tieden

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

MOTION TO RECONSIDER WITHDRAWN**Senate File 1280**

Senator Ramsey asked and received unanimous consent to withdraw the motion to reconsider the vote by which Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, passed the Senate, filed by him on April 15, 1976.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

INTRODUCTION OF BILL

Senate File 1310, by committee on commerce, a bill for an act

relating to health care malpractice, and providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, for arbitration as a method of resolving disputes arising from health care services, and for review by the courts of the legal fees incurred by plaintiffs in health care malpractice actions, and providing penalties.

Read first time and placed on calendar.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald J. Bell of New London, Henry County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council under the provisions of Section 123.6, Code 1975, for the regular five-year term commencing July 1, 1976, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
CLIFF BURROUGHS
WILLIAM E. GLUBA
ELIZABETH R. MILLER
RICHARD R. RAMSEY

REPORT BY THE SECRETARY OF THE SENATE

MR. PRESIDENT: House File 1281 was referred under Senate Rule 38 to the committee on state government on April 2, 1976. It creates an interagency coordinating council on radiation safety and prescribes its powers and duties. The committee has been in possession of the bill for ten legislative days after referral, without reporting it out to the Senate calendar. I have, therefore, pursuant to Senate Rule 38, returned it to the calendar with the same priority which it had immediately before referral.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 19, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1055—To legalize and validate the proceedings of the board of supervisors of Jasper County, Iowa.
- H. F. 114—To modify certain accounting procedures of the office of auditor of state.
- H. F. 1106—Relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.
- H. F. 1298—Relating to the prohibition of toxic extinguishers.
- H. F. 1363—Relating to cities and notice that must be given before

public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

H. F. 1401—To authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the act retroactive.

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1539**, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5536

1	Amend House File as amended and passed by the House	
2	by striking all after the enacting clause and inserting	
3	in lieu thereof the following:	
4	“Section 1. There is appropriated from the general	
5	fund of the state to the department of social services,	
6	division of adult corrections, the following amounts,	
7	or so much thereof as is necessary, to be used in	
8	the manner designated:	
9	1. To establish or contract for the	
10	establishment of not less than ten	
11	residential halfway houses	\$ 911,250
12	Within six months of the establishment of any	
13	residential halfway house, the division of adult	
14	corrections shall, if at all practicable, contract	
15	with the community-based correctional program as	
16	defined in section two hundred seventeen point twenty-	
17	four (217.24) of the Code, in the judicial district	
18	where established for the control and operation of	
19	that residential facility.	
20	2. For additional operating costs for the	
21	halfway houses established by subsection one	
22	(1) of this section	77,292
23	3. For additional staff and remodeling of	
24	the Riverview release center in order to	
25	develop it to full capacity	158,000
26	4. For conversion of a minimum security	
27	dormitory and intake building at the state	
28	penitentiary at Fort Madison including fifty	
29	thousand (50,000) dollars to convert and	
30	improve the dormitory at farm 3	300,000
31	5. For the purchase, maintenance, and	
32	conversion of the facilities at Denison,	
33	Iowa to a medium security institution	2,910,000

34	6. For additional probation, parole,	
35	and clerical staff	400,000
36	7. For additional personnel for the	
37	state penitentiary at Fort Madison	626,500
38	8. For additional personnel for the	
39	state reformatory at Anamosa	115,700
40	9. For replacement of federal funds for	
41	community-based correction programs	1,800,000
42	Sec. 2. There is appropriated from the general	
43	fund of the state to the Iowa drug abuse authority	
44	the sum of two hundred ten thousand (210,000) dollars,	
45	or so much thereof as is necessary, for the fiscal	
46	year beginning July 1, 1976 and ending June 30, 1977	
47	to be used to provide aid for the alternatives in	
48	drug abuse prevention and treatment program.	
49	Sec. 3. Unobligated or unencumbered funds remaining	
50	on June 30, 1980 from the funds appropriated by section	

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1 one (1) of this Act for capital improvements and used
2 for such purposes shall revert to the general fund
3 of the state on September 30, 1980. Unobligated or
4 unencumbered funds remaining on June 30, 1977 from
5 funds appropriated by section one (1) of this Act
6 for staff services, or purposes other than capital
7 improvements, shall revert to the general fund on
8 September 30, 1977.

9 Sec. 4. All federal grants to and the federal
10 receipts of the agencies appropriated funds under
11 this Act are appropriated for the purposes set forth
12 in such federal grants or receipts.

13 Sec. 5.

14 1. It is the intent of the general assembly to
15 seek an analysis of the state's total adult corrections
16 system, independent of advice thus far received, from
17 qualified persons chosen by the judicial, executive
18 and legislative branches of state government, and
19 to consider this analysis before deciding upon a long-
20 term program to update the state's prisons and make
21 their capacity adequate for the actual needs of the
22 state.

23 2. To carry out the intent expressed in subsection
24 one (1) of this section, there is created as a
25 temporary body the advisory commission on corrections
26 relief composed of six persons, none of whom shall
27 be members of or candidates for election to the general
28 assembly during their tenure on the commission, two
29 of whom shall be appointed by the chief justice of
30 the Iowa supreme court, two by the governor and two
31 by the legislative council. The members of the
32 commission who are not state employees shall be
33 entitled to receive forty dollars per diem for each
34 day devoted to their duties as commission members.
35 All members shall receive reimbursement for expenses

36 actually and necessarily incurred in discharge of
37 these duties. Staff assistance shall be provided
38 to the commission by the legislative service bureau.

39 3. The commission shall make such interim progress
40 reports as the legislative council may request, and
41 shall submit a final report not later than March 1,
42 1977. The final report shall include, but need not
43 be limited to, information concerning:

44 a. Whether present major correctional facilities
45 in the state are sufficient to contain and treat
46 current and foreseeable populations of adult male
47 and female offenders.

48 b. Whether present community corrections facilities
49 are sufficient for female offenders.

50 c. The need for one or more new medium security

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1 institutions in this state, in the form of either
2 new construction or of modification of one or more
3 existing state facilities.

4 d. The alternatives to construction as contemplated
5 by paragraph b of this subsection.

6 e. The economic and other impacts of construction
7 of new facilities or modification of existing ones
8 on community corrections facilities and the philosophy
9 of community placement in this state.

10 f. The appropriate actions for the legislative
11 and executive branches of Iowa government in resolving
12 the conflicting demands and proposals for relief of
13 Iowa's corrections problems.

14 4. There is appropriated from the general fund
15 of the state to the legislative service bureau for
16 the fiscal period beginning July 1, 1976, to be used
17 for the per diem and expenses of members of the
18 advisory commission on corrections relief and for
19 other expenses incidental for the study, the sum of
20 ten thousand (10,000) dollars or so much thereof as
21 may be necessary. The legislative service bureau
22 may expend other funds available to it to carry out
23 this Act. The commission is abolished July 1, 1977.

24 Sec. 5. This Act, being deemed of immediate
25 importance, shall take effect and be in force from
26 and after its publication in _____,
27 a newspaper published in _____, Iowa, and in the
28 _____, a newspaper published in _____,
29 Iowa."

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on energy to which was referred **House File 1470**, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties, begs leave to

report it has had the same under consideration and recommends the same do pass.

JAMES V. GALLAGHER, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5539

- 1 Amend Senate File 1008 by striking everything
- 2 after the enacting clause and inserting in lieu
- 3 thereof the following:
- 4 Section 1. Pursuant to Public Law 93-501, Laws
- 5 of the 93rd Congress, 2nd Session, 1974, section
- 6 two hundred six (206), the State of Iowa prohibits
- 7 the charging of interest at the rates provided
- 8 by Public Law 93-501, Laws of the 93rd Congress,
- 9 2nd Session, 1974, Title II.

EARL M. WILLITS

S—5531

- 1 Amend House amendment S—5529, to Senate amend-
- 2 ment to House File 1011 as amended, passed and re-
- 3 printed by the House, as follows:
- 4 1. Page 3, by inserting after line 39 the
- 5 following:
- 6 "..... Page 5, by inserting after line 41 the
- 7 following:
- 8 '4. Notwithstanding any other provisions of
- 9 the Code and prior to distribution, the state
- 10 comptroller shall deduct from the funds remitted
- 11 to a political party pursuant to chapter fifty-six
- 12 (56) of the Code, the standard charges of preparing
- 13 all state and county voter registration lists for
- 14 that party.'"
- 15 2. Renumber the remaining operations as
- 16 necessary.

CALVIN O. HULTMAN

S—5533

- 1 Amend House File 1488 as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "positions." the following: "The blanket bond form
- 5 provided to counties must provide a minimum of one
- 6 million dollars coverage, in the aggregate, on county
- 7 treasurers of counties with a population in excess
- 8 of 250,000 and five hundred thousand dollars coverage,
- 9 in the aggregate, on county treasurers of counties
- 10 less than 250,000 in population, for losses of funds
- 11 in the legal custody of a county treasurer, resulting
- 12 from any act of omission or commission for which the
- 13 treasurer is legally responsible, except losses which
- 14 are or may be occasioned by depositing funds in
- 15 authorized depositories."

- 16 2. Page 8, by inserting after line 31 the following
17 new section:
18 "Sec. Section sixty-four point ten (64.10),
19 Code 1975, is amended to read as follows:
20 64.10 BOND OF COUNTY TREASURER. The bond of
21 the county treasurer shall be [in the sum of twenty-
22 five thousand dollars per annum] *not less than one*
23 *million dollars for county treasurers of counties*
24 *with a population in excess of 250,000 and not less*
25 *than five hundred thousand dollars for county*
26 *treasurers of counties with less than 250,000*
27 *population.*"
28 3. By renumbering sections as necessary.

JAMES W. GRIFFIN, SR.

S—5540

- 1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539 as follows:
3 1. Page 1, line 1, by inserting after the
4 word "File" the figure "1539".
5 2. Page 3, line 24, by striking the figure "5"
6 and inserting in lieu thereof the figure "6".

WILLIAM E. GLUBA

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:15
p.m., until 9:30 a.m., Wednesday, April 21, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, APRIL 21, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Kenneth Thiele, pastor of the American Zion Lutheran Church, LaPorte City, Iowa.

The Journal of Tuesday, April 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, Odebolt, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nystrom for the morning session on request of Senator Lamborn; Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

President Neu welcomed the Honorable George O'Malley, former member of the Senate and the House of Representatives from Polk County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-six students from Southdale Elementary School, Cedar Falls, Iowa, accompanied by Doris Mauer, Mr. Graf, Mr. Jaeger, Miss Ortezt, Mrs. Hinton and Mrs. Bachhuber. Senator Hansen.

Sixty students from Southeast Elementary School, Ankeny, Iowa, accompanied by Miss Kopacek and Miss Allen. Senator Willits.

Sixty-six students from Farrar Elementary School, Bondurant, Iowa, accompanied by Dorothy Pharese, Mrs. Boyd and Mrs. Sullivan. Senators Palmer and Murray.

Seventy-one students from Corning Elementary School, Corning, Iowa. Senator Briles.

Thirty-five students from West Branch High School, West Branch, Iowa, accompanied by Dan Wilson. Senator Lamborn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Gallagher from fifty-two residents of Black Hawk County favoring an appropriation to complete construction and renovation of the Iowa Veterans' Home.

By Senator Gluba from eighteen residents of Pottawattamie County favoring community based correctional institutions.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-four residents of Marshall County.

Forty-two residents of Butler County.

Twenty-eight residents of Dickinson County.

Twenty-seven residents of Fayette County.

Seven residents of Hardin County.

Seventy-two residents of Polk County.

Seventeen residents of Sac County and Ida County.

Eighteen residents of Sioux County.

Thirty-seven residents of Story County.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1300.

Senate File 1300

On motion of Senator Scott, Senate File 1300, a bill for an act

relating to the availability of mine maps, was taken up for consideration.

Senator Scott moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1300) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, none.

Absent or not voting, 4:

Hansen	Nolin	Nystrom	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1300 passed the Senate on April 21, 1976.

RICHARD J. NORPEL, SR.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1483.

House File 1483

On motion of Senator Carr, House File 1483, a bill for an act relating to the Uniform Guaranty Association Act, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1483) the vote was:

Ayes, 43:

Andersen	Gluba	Merritt	Redmond
Bergman	Griffin	Miller of	Rodgers
Burroughs	Hansen	Marshall	Schwengels
Carr	Heying	Nolting	Scott
Coleman	Hill of Jasper	Norpel	Shaff
Culver	Hill of Polk	Orr	Shaw
Curtis	Hultman	Palmer	Sovern
DeKoster	Junkins	Plymat	Tieden
Doderer	Kelly	Priebe	Van Gilst
Gallagher	Kinley	Rabedeaux	Willits
Glenn	Lamborn	Ramsey	Winkelman

Nays, none.

Absent or not voting, 7:

Briles	Murray	Nystrom	Taylor
Miller of	Nolin	Robinson	
Des Moines			

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1306.

Senate File 1306

On motion of Senator Redmond, Senate File 1306, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty, was taken up for consideration.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1306) the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Des Moines	Rodgers
Briles	Heying	Miller of	Schwengels
Burroughs	Hill of Jasper	Marshall	Scott
Carr	Hill of Polk	Murray	Shaff
Coleman	Hultman	Nolting	Shaw
Culver	Junkins	Norpel	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Glenn	Merritt	Rabedeaux	Willits
Gluba		Ramsey	Winkelman

Nays, none.

Absent or not voting, 5:

Gallagher	Nystrom	Palmer	Robinson
Nolin			

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

RULE SUSPENDED

Senator Hill of Jasper moved that Senate Rule 26 be suspended for the purpose of reconsidering House File 1011 and House amendment S—5502 to Senate amendment H—5955.

A non-record roll call was requested.

The ayes were 38, nays 3.

The motion prevailed.

MOTION TO RECONSIDER ADOPTED

House File 1011

Senator Hill of Jasper moved to reconsider the vote by which House File 1011 passed the Senate on April 14, 1976.

A non-record roll call was requested.

The ayes were 39, nays 3.

The motion prevailed.

Senator Hill of Jasper moved to reconsider the vote by which House File 1011 went to its last reading, which motion prevailed.

Senator Hill of Jasper called up for reconsideration House File 1011, a bill for an act to amend the election laws of the state of Iowa, amended by the Senate and further amended by the House.

Senator Hill of Jasper moved to reconsider the vote by which the Senate concurred in House amendment S—5502 to Senate amendment H—5955.

The motion prevailed and House amendment S—5502 to Senate amendment H—5955 was taken up for reconsideration.

Senator Hill of Jasper asked and received unanimous consent that House amendment S—5502 to Senate amendment H—5955 be withdrawn.

Senator Hill of Jasper called up for consideration House amendment S—5529 to Senate amendment H—5955 found on pages 1342-1347, inclusive, of the Senate Journal.

Senator Hultman offered amendment S—5531 to House amendment S—5529 to Senate amendment H—5955 filed by him, moved its adoption and requested a record roll call:

S—5531

- 1 Amend House amendment S—5529, to Senate amend-
 2 ment to House File 1011 as amended, passed and re-
 3 printed by the House, as follows:
 4 1. Page 3, by inserting after line 39 the
 5 following:
 6 "..... Page 5, by inserting after line 41 the
 7 following:
 8 '4. Notwithstanding any other provisions of
 9 the Code and prior to distribution, the state
 10 comptroller shall deduct from the funds remitted
 11 to a political party pursuant to chapter fifty-six
 12 (56) of the Code, the standard charges of preparing
 13 all state and county voter registration lists for
 14 that party.'"
 15 2. Renumber the remaining operations as
 16 necessary.

On the question "Shall amendment S—5531 to House amend-
 ment S—5529 to Senate amendment H—5955 be adopted?"
 (H.F. 1011) the vote was:

Ayes, 16:

Bergman	Hill of Polk	Rabedaux	Shaw
Briles	Hultman	Ramsey	Taylor
Burroughs	Miller of	Schwengels	Tieden
Curtis	Marshall	Shaff	Winkelman
DeKoster			

Nays, 29:

Andersen	Hansen	Miller of	Priebe
Carr	Heying	Des Moines	Redmond
Coleman	Hill of Jasper	Nolting	Rodgers
Culver	Junkins	Norpel	Scott
Doderer	Kelly	Orr	Sovern
Gallagher	Kinley	Palmer	Van Gilst
Glenn	Lamborn	Plymat	Willits
Gluba	Merritt		

Absent or not voting, 5:

Griffin	Nolln	Nystrom	Robinson
Murray			

Amendment S—5531 to House amendment S—5529 to Senate
 amendment H—5955 lost.

Senator Hill of Jasper moved that the Senate concur in House
 amendment S—5529 to Senate amendment H—5955.

The motion prevailed and the Senate concurred in House
 amendment S—5529 to Senate amendment H—5955.

Senator Hill of Jasper moved that the bill as amended by the
 Senate, further amended by the House, reconsidered and con-
 curred in by the Senate be read the last time now, which motion
 prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1011) the vote was:

Ayes, 36:

Andersen	Gluba	Miller of	Rabedaux
Bergman	Hansen	Marshall	Redmond
Carr	Heying	Murray	Rodgers
Coleman	Hill of Jasper	Nolting	Scott
Culver	Junkins	Norpel	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines		

Nays, 10:

Briles	Hultman	Schwengels	Tieden
Burroughs	Lamborn	Shaff	Winkelman
Hill of Polk	Ramsey		

Absent or not voting, 4:

Griffin	Nolin	Nystrom	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1258.

Senate File 1258

On motion of Senator Curtis, Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission, was taken up for consideration.

Senator Curtis asked and received unanimous consent that Gary D. Stewart, Assistant Commerce Counsel of the Iowa State Commerce Commission, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

President pro tempore Doderer took the chair at 11:30 a.m.

Senator Curtis offered amendment S—5339 filed by the committee on commerce and moved its adoption:

S—5339

- 1 Amend Senate File 1258 as follows:
- 2 1. Page 4, by striking lines 20 through 22, and
- 3 inserting in lieu thereof the following:
- 4 "d. All rights of cities under chapter four hundred
- 5 seventy-two (472) of the Code are preserved. However,
- 6 prior to the institution of condemnation proceedings,

- 7 the city shall obtain a certificate of authority from
8 the commission in accordance with this Act and the
9 commission's determination of price under this Act
10 shall be conclusive evidence of damages in these
11 condemnation proceedings."
12 2. Page 7, line 9, by striking the misspelled
13 word "prosective" and inserting in lieu thereof the
14 word "prospective".
15 3. Page 7, by striking lines 11 through 17.

Amendment S—5339 was adopted.

Senator Willits offered amendment S—5474 filed by the committee on cities:

S—5474

- 1 Amend Senate File 1258, page 4, line 7, by striking
2 the words "If not inconsistent with" and inserting
3 in lieu thereof the word "Notwithstanding".

(Senate File 1258 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Glenn presiding.

INTRODUCTION OF BILLS

Senate File 1311, by Senator Redmond, a bill for an act relating to the partial unemployment under employment security.

Read first time and **passed on file**.

Senate File 1312, by Senator Redmond, a bill for an act prohibiting conflicts of interest by state officials.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 1258

The Senate resumed consideration of Senate File 1258 and amendment S—5474.

President pro tempore Doderer took the chair at 1:45 p.m.

President Neu took the chair at 2:20 p.m.

President pro tempore Doderer took the chair at 3:00 p.m.

Senator Willits moved the adoption of amendment S—5474.

A record roll call was requested.

On the question "Shall amendment S—5474 be adopted?" (S.F. 1258) the vote was:

Ayes, 11:

Carr	Griffin	Kinley	Shaw
Doderer	Hill of Jasper	Palmer	Willits
Gluba	Hill of Polk	Redmond	

Nays, 36:

Andersen	Heying	Murray	Rodgers
Bergman	Hultman	Nolting	Schwengels
Briles	Junkins	Norpel	Scott
Burroughs	Kelly	Nystrom	Shaff
Coleman	Lamborn	Orr	Sovern
Culver	Merritt	Plymat	Taylor
Curtis	Miller of	Priebe	Tieden
DeKoster	Des Moines	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Winkelman
Hansen	Marshall		

Voting present, 1:

Glenn

Absent or not voting, 2:

Nolin Robinson

Amendment S—5474 lost.

Senator Willits offered amendment S—5543:

S—5543

- 1 Amend Senate File 1258, page 2, lines 31
- 2 and 32, by striking the words, "after being
- 3 authorized by a vote of the people."

Action on amendment S—5543 was temporarily deferred.

Senator Kelly offered amendment S—5544, moved its adoption and requested a non-record roll call:

S—5544

- 1 Amend Senate File 1258, as follows:
- 2 1. Page 3, line 35, by striking everything
- 3 after the word "interest."
- 4 2. Page 4, by striking lines 1 and 2.

The ayes were 11, nays 32.

Amendment S—5544 lost.

The Senate resumed consideration of amendment S—5543.

Senator Willits asked and received unanimous consent to withdraw amendment S—5543.

Action on Senate File 1258 was temporarily deferred for the preparation of an amendment.

CONSIDERATION OF BILLS

Senate File 1309

On motion of Senator Norpel, Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1309) the vote was:

Ayes, 37:

Andersen	Glenn	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Junkins	Norpel	Scott
Carr	Kinley	Nystrom	Shaff
Coleman	Lamborn	Orr	Shaw
Culver	Merritt	Palmer	Sovern
Curtis	Miller of	Plymat	Van Gilst
Doderer	Des Moines	Priebe	Willits
Gallagher		Rabedeaux	Winkelman

Nays, 9:

DeKoster	Hill of Jasper	Kelly	Ramsey
Gluba	Hultman	Nolting	Taylor
Heying			

Absent or not voting, 4:

Griffin	Nolin	Robinson	Tieden
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1309 passed the Senate on April 21, 1976.

NORMAN RODGERS

Senator Miller of Des Moines took the chair at 3:55 p.m.

Senate File 1258

The Senate resumed consideration of Senate File 1258.

Senator Norpel withdrew amendment S—5551:

S—5551

1 Amend Senate File 1258, page 2, by inserting after
 2 line 11 the following:
 3 "Sec. Section four hundred ninety A point
 4 one (490A.1), unnumbered paragraph three (3), Code
 5 1975, is amended to read as follows:
 6 Mutual telephone companies in which at least fifty
 7 percent of the users are owners, telephone companies
 8 having less than two thousand stations, municipally-
 9 owned utilities *furnishing communications services*
 10 *to the public for compensation or furnishing water*
 11 *by piped distribution system to the public for*
 12 *compensation*, unincorporated villages which own their
 13 own distribution system, and co-operative corporations
 14 or associations shall not be subject to the rate
 15 regulation provided for in this chapter; provided,
 16 however, that nothing contained in this chapter shall
 17 be construed to apply to municipally-owned water works
 18 or rural water districts incorporated and organized
 19 pursuant to chapters 357A and 504A. Telephone
 20 companies otherwise exempt from rate regulation and
 21 having telephone exchange facilities which cross state
 22 lines may elect, in writing, filed with the commission,
 23 to have their rates regulated by the commission.
 24 When such election, in writing, has been filed with
 25 the commission, the commission shall assume rate
 26 regulation jurisdiction over said companies."

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1258) the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Rodgers
Briles	Hultman	Murray	Schwengels
Burroughs	Junkins	Nolting	Scott
Carr	Kelly	Norpel	Shaff
Coleman	Kinley	Nystrom	Sovern
Culver	Lamborn	Orr	Taylor
Curtis	Merritt	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Rabedeaux	Winkelman
Gluba		Ramsey	

Nays, 7:

DeKoster	Hill of Jasper	Palmer	Willits
Griffin	Hill of Polk	Shaw	

Voting present, 1:

Glenn (under Senate Rule 25)

Absent or not voting, 2:

Nolin

Robinson

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

President Neu took the chair at 4:05 p.m.

MOTION TO RECONSIDER ADOPTED

Senate File 552

Senator Priebe called up the following motion to reconsider filed by Senators Priebe, Coleman and Scott and moved its adoption:

MR. PRESIDENT: We move to reconsider the vote by which Senate File 552 passed the Senate on April 6, 1976.

A non-record roll call was requested.

The ayes were 46, nays 1.

The motion prevailed.

Senator Priebe moved to reconsider the vote by which Senate File 552 went to its last reading, which motion prevailed.

On motion of Senator Priebe, Senate File 552, a bill for an act relating to the payment of services rendered to a state institution by a county medical examiner, was taken up for reconsideration.

Senator Priebe offered amendment S—5528 filed by Senators Priebe and Coleman and moved its adoption:

S—5528

- 1 Amend Senate File 552 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "institution" and inserting in lieu thereof the words
- 4 "state agency".
- 5 2. Page 1, by inserting after line 9 the following:
- 6 "If a county medical examiner is requested by a
- 7 state agency to perform an autopsy or investigate
- 8 the circumstances of the death of a person, the state
- 9 agency making the request shall pay the costs of the
- 10 county medical examiner."

Amendment S—5528 was adopted.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 552) the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Lamborn	Priebe	Willits
Gallagher	Merritt	Rabedeaux	Winkelman
Glenn	Miller of	Ramsey	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 3:

Nolin	Robinson	Taylor
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE INSISTS

House File 614

Senator Ramsey called up for consideration House File 614, a bill for an act relating to termination of parental rights and adoption and providing penalties, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate **insisted** on its amendment to House File 614.

SENATE RECEDES

House File 1436

Senator Willits called up for consideration House File 1436, a bill for an act relating to the state psychopathic hospital, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed and the Senate **receded** from its amendment.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1436) the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Orr	Sovern
Culver	Junkins	Palmer	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedeaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 3:

Nolin	Nystrom	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1302.

Senate File 1302

On motion of Senator Priebe, Senate File 1302, a bill for an act relating to the leasing of agricultural land by state agencies, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1302) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, none.

Absent or not voting, 4:

Hill of Jasper	Nolin	Nystrom	Robinson
----------------	-------	---------	----------

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1278.

Senate File 1278

On motion of Senator DeKoster, Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1278) the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Heying	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, none.

Absent or not voting, 4:

Hill of Jasper	Nolin	Nystrom	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN

Senate File 1300

Senator Norpel withdrew his motion to reconsider the vote by which Senate File 1300, a bill for an act relating to the availability of mine maps, passed the Senate, filed by him on April 21, 1976.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on April 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 121, a bill for an act relating to the taxation of coin-operated laundries.

Also: That the House has on April 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 909, a bill for an act relating to the platting of land.

Also: That the House has on April 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1408, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

Also: That the House has on April 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1481, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen.

Also: That the House has on April 15, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1555, a bill for an act relating to the township tax levy for fire protection purposes.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1313, by committee on natural resources, a bill for an act to provide for a state land preservation policy, creating state and county land preservation commissions and specifying the powers and duties of such commissions.

Read first time and referred to the committee on state government, under Senate Rule 38.

HOUSE MESSAGES CONSIDERED

House File 121, a bill for an act relating to the taxation of coin-operated laundries.

Read first time and passed on file.

House File 909, a bill for an act relating to the platting of land.

Read first time and passed on file.

House File 1408, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

Read first time and passed on file.

House File 1481, a bill for an act relating to the prevention and

eradication of disease communicated by breeding bulls and bull semen, and providing a penalty.

Read first time and passed on file.

House File 1555, a bill for an act relating to the township tax levy for fire protection purposes.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1107 Ways and means

H. F. 1555 County government

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Shirley A. Thompson of Keokuk, Lee County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
CLIFF BURROUGHS
JAMES V. GALLAGHER
LOWELL L. JUNKINS
JOHN N. NYSTROM

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clarence A. Gordy of Oskaloosa, Mahaska County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
MILO MERRITT
JOHN N. NYSTROM
RICHARD R. RAMSEY
BASS VAN GILST

EXPLANATIONS OF VOTES

MR. PRESIDENT: Due to a meeting of the Medical Advisory Committee of which I am a legislative member, I was absent from the Senate chamber on Tuesday, April 20, 1976, when the votes were taken on Senate Files 1288, 1303 and 1304. Had I been present I would have voted "aye."

DALE L. TIEDEN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Wednesday, April 21, 1976, when the vote was taken on Senate File 1300. Had I been present, I would have voted "aye" on this bill.

WILLARD R. HANSEN

REPORTS OF COMMITTEE

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1053**, a bill for an act relating to the notation of an anatomical gift on an operator's or chauffeur's license, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1332**, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1432**, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5548

- 1 Amend House File 1432 as amended and passed by the
- 2 House as follows:
- 3 1. Page 1, by striking lines 1 through 10.
- 4 2. Page 3, by striking lines 24 through 32.

- 5 3. Page 6, line 18, by striking the word "fifty" and
6 inserting in lieu thereof the word "twenty-five".

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5541

- 1 Amend the Norpel, et al., amendment S—5453 to
2 Senate File 1172 as follows:
3 1. Page 2, by striking lines 34 through 46 and
4 inserting in lieu thereof the following:
5 **Sec. 21. NEW SECTION. REGULATIONS—ENFORCEMENT.**
6 1. The council shall make all necessary rules
7 in accordance with chapter seventeen A (17A) of the
8 Code for the purpose of carrying out the provisions
9 of this division. The council shall have power gen-
10 erally to do whatever is reasonably necessary for the
11 carrying out of the intent of this division.
12 2. The Department of Public Safety shall be
13 responsible for the enforcement of the provisions of
14 this division and the enforcement of all valid rules
15 promulgated by the council pursuant to subsection
16 one (1) of this section.

EARL M. WILLITS
RICHARD J. NORPEL, SR.

S—5542

- 1 Amend Senate File 1296 as follows:
2 1. Page 1, by inserting before line 1 the following
3 section:
4 "Section 1. Section seventy-nine point one (79.1),
5 unnumbered paragraph one (1), Code 1975, as amended
6 by Acts of the Sixty-sixth General Assembly, 1975
7 Session, chapter ninety (90), section fourteen (14),
8 is amended to read as follows:
9 Salaries specifically provided for in an
10 appropriation Act of the general assembly shall be
11 in lieu of existing statutory salaries, for the
12 positions provided for in any such Act, and all
13 salaries, *including longevity where applicable by*
14 *express provision in the Code*, shall be paid according
15 to the provisions of this Act and shall be in full
16 compensation of all services, [except as otherwise
17 expressly provided] *including any service on committees,*
18 *boards, commissions or similar duty for Iowa*
19 *government, except for members of the general assembly.*
20 All employees of the state including highway
21 maintenance employees of the state department of
22 transportation shall earn two weeks' vacation per
23 year during the first year of employment and through
24 the fourth year of employment, and three weeks'
25 vacation per year during the fifth and through the

26 eleventh year of employment, and four weeks' vacation
27 per year during the twelfth year and all subsequent
28 years of employment, with pay. One week vacation
29 shall be equal to the number of hours in the employee's
30 normal work week. Vacation allowances shall be accrued
31 according to the provisions of this Act as provided
32 by the rules of the Iowa merit employment department.
33 Said vacations shall be granted at the discretion
34 and convenience of the head of the department, agency
35 or commission, except that in no case may an employee
36 be granted vacation in excess of the amount earned
37 by him. In the event that the employment of an
38 employee of the state is terminated the provisions
39 of this Act relating to such termination shall apply."

40 2. Amend the title, line 2, by inserting after
41 the word "institutions" the words "and relating to
42 salaries of other employees of the state".

43 3. Renumber the remaining sections to conform
44 with this amendment.

RAY TAYLOR

S—5553

1 Amend Senate File 1310 as follows:

2 1. Page 4, line 14, by striking the words "an
3 order" and inserting in lieu thereof the words "a
4 decision".

5 2. Page 5, line 23, by striking the words "an
6 order" and inserting in lieu thereof the words "a
7 written decision".

8 3. Page 6, line 17, by striking the word "order"
9 and inserting in lieu thereof the word "decision".

10 4. Page 7, lines 31 and 32, by striking the words
11 "disciplinary orders or other final dispositions of
12 the board" and inserting in lieu thereof the words
13 "final decisions of the board relating to disciplinary
14 proceedings".

15 5. Page 10, line 29, by striking the word "order"
16 and inserting in lieu thereof the words "enter a
17 decision imposing".

18 6. Page 11, line 26, by striking the word "order"
19 and inserting in lieu thereof the word "decision".

20 7. Page 12, line 5, by striking the word "order"
21 and inserting in lieu thereof the word "decision".

22 8. Page 12, by striking lines 26 through 35, and
23 inserting in lieu thereof the words "and investiga-
24 tion files, and all other investigative reports and
25 other investigative information in the possession
26 of a health care board or its employees or agents
27 and relating to licensee discipline shall be privileged
28 and shall be kept confidential. However, a final
29 decision of a board in a disciplinary proceeding,
30 including a decision referred to in subsection four
31 (4) of section eight (8) of this Act, and all evidence
32 considered in reaching that decision, shall be public
33 records and shall be subject to examination by any

34 person. Nothing contained in this section shall be
35 deemed to prohibit the disclosure by a health care
36 board to or by its attorneys, employees or agents,
37 of otherwise privileged and confidential information
38 when necessary for the purpose of complying with
39 duties prescribed by law."

LOWELL L. JUNKINS
WARREN E. CURTIS

S—5546

1 Amend House File 1332 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 7, by inserting after line 5 the following:
4 "Sec. Section three hundred twenty-one point
5 two hundred eighty-five (321.285), subsection eight
6 (8), Code 1975, as amended by Acts of the Sixty-sixth
7 General Assembly, 1975 Session, chapter one hundred
8 eighty (180), section one (1), is amended to read
9 as follows:
10 8. Notwithstanding any other speed restrictions,
11 the speed limits for all vehicular traffic, except
12 vehicles subject to the provisions of section 321.286
13 on fully controlled-access, divided, multilaned
14 highways including the national system of interstate
15 highways designated by the federal highway
16 administration and this state, 23 U.S.C. 103 (d),
17 shall be [fifty-five] *sixty-five* miles per hour.
18 However, the department or the cities, with the
19 approval of the department, may establish a lower
20 speed limit upon such highways located within the
21 corporate limits of any city used as city alternate
22 routes, commonly referred to as 'freeways'. For the
23 purposes of this subsection a fully controlled-access
24 highway is a highway that gives preference to through
25 traffic by providing access connections with selected
26 public roads only and by prohibiting crossings at
27 grade or direct private driveway connections. It
28 is further provided that a minimum speed of forty
29 miles per hour, road conditions permitting, shall
30 be established on the highways referred to in this
31 subsection.
32 Sec. Section three hundred twenty-one point
33 two hundred eighty-six (321.286), subsection one (1),
34 Code 1975, as amended by Acts of the Sixty-sixth
35 General Assembly, 1975 Session, chapter one hundred
36 eighty (180), section two (2), is amended to read
37 as follows:
38 1. [Fifty-five] *Sixty-five* miles per hour on all
39 fully controlled-access, divided, multilaned high-
40 ways including interstate highways."
41 2. Renumber the sections and correct internal
42 references as necessary in conformance with this
43 amendment.

RICHARD J. NORPEL, SR.

S—5545

- 1 Amend House File 1332 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, by inserting after line 34 the
4 following:
5 "Sec. Section three hundred twenty-one point
6 three hundred eighty-one (321.381), Code 1975, is
7 amended to read as follows:
8 321.381 SCOPE AND EFFECT OF REGULATIONS. It is
9 a misdemeanor, punishable as provided in section
10 321.482, for any person to drive or move or for the
11 owner to cause or knowingly permit to be driven or
12 moved on any highway any vehicle or combination of
13 vehicles which is in such unsafe condition as to
14 endanger any person, or which does not contain those
15 parts or is not at all times equipped with such lamps
16 and other equipment in proper condition and adjustment
17 as required in this chapter, or which is equipped
18 with one or more unsafe tires or which is equipped
19 in any manner in violation of this chapter. *However,*
20 *a warning ticket shall be issued for the first*
21 *violation for failing to have lights in operational*
22 *order. The owner shall have fourteen days from the*
23 *issuance of the warning ticket to repair the defective*
24 *lights for which the warning ticket is issued."*
25 2. Page 14, by inserting after line 6 the
26 following:
27 "Sec. Section seven hundred fifty-three point
28 fifteen (753.15), subsection three (3), Code 1975,
29 is amended to read as follows:
30 3. Improper lights, *for the second and subse-*
31 *quent violations*, ten dollars."
32 3. Renumber sections and correct internal refer-
33 ences in conformance with this amendment.

RICHARD J. NORPEL, SR.

S—5547

- 1 Amend House File 1332, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 14, by inserting after line 6 the
4 following:
5 "Sec. Section seven hundred fifty-three point
6 fifteen (753.15), subsection six (6), Code 1975, is
7 amended by striking the subsection and inserting in
8 lieu thereof the following:
9 6. For speed in excess of the posted speed limit,
10 five dollars, which violation shall not be noted on
11 a person's operator or chauffeur license and shall
12 not be recorded in the records maintained by the
13 department of public safety or the state department
14 of transportation."
15 2. Renumber the sections and correct internal
16 references in conformance with this amendment.

RICHARD J. NORPEL, SR.

S—5550

1 Amend House File 1470 as amended and passed by
2 the House as follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 "7. 'Spent fuel' means fuel removed from a nuclear
6 reactor which can no longer be used in its form at
7 the time of its removal for the nuclear generation
8 of electricity."

9 2. Page 2, by inserting after line 15 the fol-
10 lowing:

11 "Sec. *NEW SECTION. PRELIMINARY PERMIT*
12 *REQUIRED.*

13 1. Commencing July 1, 1976, a person shall not
14 commence to construct a facility which will use a
15 nuclear reactor to generate electricity unless the
16 person has obtained a preliminary permit from the
17 commission. The application for a preliminary permit
18 shall be filed on such forms as the commission may
19 prescribe. Persons required to obtain a preliminary
20 permit who are also required to obtain a certificate
21 pursuant to this Act shall file the application for
22 the permit either before the filing of the application
23 for a certificate or simultaneously with the
24 application for the certificate. If a certificate
25 is required for the construction of the facility,
26 the certificate shall not be issued until the person
27 has obtained a preliminary permit.

28 2. The commission shall not issue a preliminary
29 permit unless the person proves by clear and con-
30 vincing evidence that:

31 a. A plant which reprocesses spent fuel and which
32 is licensed by the United States nuclear regulatory
33 commission has been operating at its average design
34 capacity within the United States for at least six
35 months; and,

36 b. The plant is capable of reprocessing the spent
37 fuel of the facility on a continuing basis; and,

38 c. The person has contracted for the reprocessing
39 of the spent fuel of the facility.

40 3. This section shall apply only to the new con-
41 struction of facilities which will use a nuclear
42 reactor to generate electricity and shall not apply
43 to alterations to existing facilities which use a
44 nuclear reactor to generate electricity, even if the
45 alteration may require a certificate or an amendment
46 to a certificate pursuant to this Act."

47 3. By renumbering the remaining sections and
48 correcting internal references in accordance with
49 this amendment.

WILLIAM E. GLUBA
NORMAN G. RODGERS
ROBERT M. CARR
EARL M. WILLITS

WILLIAM N. PLYMAT
MINNETTE F. DODERER
JAMES V. GALLAGHER
JOAN ORR

S—5552

- 1 Amend House File 1470 as amended, and passed
- 2 and reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 2 the
- 4 following:
- 5 "d. Have, where applicable, obtained the
- 6 necessary construction licenses or permits
- 7 from federal regulatory agencies."

ROBERT CARR
WILLIAM PALMER
C. JOSEPH COLEMAN

S—5549

- 1 Amend House File 1470 as follows:
- 2 1. Page 5, line 1, by striking the figures and
- 3 word "; and," and inserting in lieu thereof the
- 4 figure ".".
- 5 2. Page 5, by striking lines 2 through 9.

NORMAN RODGERS
C. JOSEPH COLEMAN
JAMES E. BRILES
KENNETH SCOTT
FRED W. NOLTING

S—5554

- 1 Amend the committee on appropriations amendment
- 2 S—5536 to House File 1539 as amended and passed by
- 3 the House, page 1, by striking lines 31, 32 and 33.

WILLIAM E. GLUBA

S—5556

- 1 Amend the committee on appropriations amendment
- 2 S—5536, to House File 1539 as amended and passed by
- 3 the House as follows:
- 4 1. Page 2, line 31, by inserting after the
- 5 word "council." the words "These appointments shall
- 6 be made within thirty days after the effective date
- 7 of this Act."

WILLIAM E. GLUBA

S—5555

- 1 Amend the committee on appropriations amendment
- 2 S—5536 to House File 1539 as amended and passed by
- 3 the House, page 3, by striking lines 24 through 29
- 4 and inserting in lieu thereof the following:
- 5 "Sec. 5. This Act, being deemed of immediate im-
- 6 portance, shall take effect and be in force from and
- 7 after its publication in The Bancroft Register, a
- 8 newspaper published in Bancroft, Iowa, and in the

- 9 Quad-City Times, a newspaper published in Davenport,
10 Iowa."

WILLIAM E. GLUBA
BERL E. PRIEBE

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:40
p.m., until 9:30 a.m., Thursday, April 22, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, APRIL 22, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Robert Ruppert, pastor of the St. Luke's United Methodist Church, Dubuque, Iowa.

The Journal of Wednesday, April 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John L. Bailey, Anamosa, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Plymat for the morning session on request of Senator Curtis.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty students from the Corwith-Wesley Community School District, Corwith, Iowa, accompanied by Mike and Diane Pearson and Jim and Eileen Blain. Senator Priebe.

Thirty-nine students from the Arnold's Park Consolidated School, Arnold's Park, Iowa, accompanied by Mildred Anderson and Jim Van Pelt. Senator Bergman.

Sixty-five students from Rockford High School, Rockford, Iowa, accompanied by Robert Sinclair, Dennis Haller and Marlene Marsh. Senator Merritt.

Twenty-five students, members of the Girl Scouts from Victor, Iowa, accompanied by Vivian Kalambaheti. Senator Orr.

Thirty-seven students from Our Lady of Mount Carmel School, Carroll, Iowa, accompanied by Father Seuntjens. Senator Winkelman.

Sixty students from Prairie High School, Cedar Rapids, Iowa. Senator Redmond.

Twenty-seven students from Stowe Elementary School, Des Moines, Iowa, accompanied by Ray Faltonson. Senator Palmer.

Ten students, members of the National Honor Society, from Dunlap High School, Dunlap, Iowa, accompanied by Jim Altwegg. Senator Culver.

Fifty-five students from the Lutheran Inter Parish School, Williamsburg, Iowa, accompanied by Marvin Muhlenbruck, Lois Klein and Neil Koch. Senator Orr.

Nineteen students from Steamboat Rock High School, Steamboat Rock, Iowa, accompanied by their instructor, Kay Roelfsema. Senator Taylor.

PETITIONS

The following petition was presented and placed on file:

By Senator Doderer from three hundred ninety-nine residents of Johnson County opposing the showing of R-rated and X-rated movies.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file:

By Senator Coleman from thirty-one residents of Webster County.

By Senator Miller of Marshall from:

One hundred thirty-four residents of Marshall County.

Forty-six residents of Appanoose County.

Eight residents of Audubon County.

Twenty-one residents of Buena Vista County.

Forty residents of Cerro Gordo County.

Forty-two residents of Chickasaw County.

Seventeen residents of Clarke County.

Eighteen residents of Clay County.

Twenty-seven residents of Clayton County.
Forty-three residents of Clinton County.
Eighteen residents of Crawford County.
Thirty-four residents of Dallas County and **Madison County**.
Twenty-one residents of Decatur County.
Sixteen residents of Des Moines County.
Twenty-three residents of Dickinson County.
Four residents of Emmet County.
Fifty-one residents of Franklin County.
Twelve residents of Guthrie County.
Four residents of Harrison County.
Four residents of Henry County.
Thirty-four residents of Humboldt County.
Forty-two residents of Jasper County.
Forty-three residents of Jefferson County.
Nineteen residents of Johnson County.
Fifteen residents of Louisa County.
Eighteen residents of Lyon County.
Thirty-seven residents of Monona County and Woodbury County.
Sixty-three residents of Monroe County.
Sixteen residents of O'Brien County.
Eighteen residents of Page County.
Thirty-two residents of Polk County and Dallas County.
Eighty-three residents of Polk County.
Nineteen residents of Poweshiek County.
Seventy-four residents of Scott County.
Twelve residents of Shelby County.
Seventy-two residents of Shelby County and Audubon County.

Seventeen residents of Winneshiek County.

Four residents of Sioux County.

Sixteen residents of Story County.

Fifty-six residents of Warren County.

Thirty-one residents of Webster County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Nystrom called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Phyllis J. Peters of Sioux City, Woodbury County, Iowa, for appointment as a member of State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
E. KEVIN KELLY
JOAN ORR
BERL E. PRIEBE
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Nystrom moved the appointment of Phyllis J. Peters as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	

Nays, none.

Absent or not voting, 5:

Coleman
Hansen

Nolin

Plymat

Rabedaux

President Neu declared the appointment of Phyllis J. Peters as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1976.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1470.

House File 1470

On motion of Senator Hultman, House File 1470, a bill for an act relating to the location and construction of electric power generating facilities and providing penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba offered amendment S—5550 filed by Senators Gluba, et al.:

S—5550

- 1 Amend House File 1470 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, by inserting after line 27 the
- 4 following:
- 5 "7. 'Spent fuel' means fuel removed from a nuclear
- 6 reactor which can no longer be used in its form at
- 7 the time of its removal for the nuclear generation
- 8 of electricity."
- 9 2. Page 2, by inserting after line 15 the fol-
- 10 lowing:
- 11 "Sec. *NEW SECTION. PRELIMINARY PERMIT*
- 12 *REQUIRED.*
- 13 1. Commencing July 1, 1976, a person shall not
- 14 commence to construct a facility which will use a
- 15 nuclear reactor to generate electricity unless the
- 16 person has obtained a preliminary permit from the
- 17 commission. The application for a preliminary permit
- 18 shall be filed on such forms as the commission may
- 19 prescribe. Persons required to obtain a preliminary
- 20 permit who are also required to obtain a certificate
- 21 pursuant to this Act shall file the application for
- 22 the permit either before the filing of the application
- 23 for a certificate or simultaneously with the
- 24 application for the certificate. If a certificate
- 25 is required for the construction of the facility,
- 26 the certificate shall not be issued until the person
- 27 has obtained a preliminary permit.

- 28 2. The commission shall not issue a preliminary
 29 permit unless the person proves by clear and con-
 30 vincing evidence that:
- 31 a. A plant which reprocesses spent fuel and which
 32 is licensed by the United States nuclear regulatory
 33 commission has been operating at its average design
 34 capacity within the United States for at least six
 35 months; and,
- 36 b. The plant is capable of reprocessing the spent
 37 fuel of the facility on a continuing basis; and,
- 38 c. The person has contracted for the reprocessing
 39 of the spent fuel of the facility.
- 40 3. This section shall apply only to the new con-
 41 struction of facilities which will use a nuclear
 42 reactor to generate electricity and shall not apply
 43 to alterations to existing facilities which use a
 44 nuclear reactor to generate electricity, even if the
 45 alteration may require a certificate or an amendment
 46 to a certificate pursuant to this Act."
- 47 3. By renumbering the remaining sections and
 48 correcting internal references in accordance with
 49 this amendment.

Senator Willits took the chair at 11:15 a.m.

Senator Gluba moved the adoption of amendment S—5550 and requested a record roll call.

On the question "Shall amendment S—5550 be adopted?" (H.F. 1470) the vote was:

Ayes, 18:

Carr	Junkins	Priebe	Scott
Doderer	Nolting	Redmond	Sovern
Gluba	Nystrom	Robinson	Van Gilst
Heying	Orr	Rodgers	Willits
Hill of Polk	Palmer		

Nays, 29:

Andersen	Glenn	Merritt	Ramsey
Bergman	Griffin	Miller of	Schwengels
Burroughs	Hansen	Des Moines	Shaff
Coleman	Hill of Jasper	Miller of	Shaw
Culver	Hultman	Marshall	Taylor
Curtis	Kelly	Murray	Tieden
DeKoster	Kinley	Norpel	Winkelman
Gallagher	Lamborn	Rabedeaux	

Absent or not voting, 3:

Briles	Nolin	Plymat
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Amendment S—5550 lost.

(House File 1470 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

House File 1470

The Senate resumed consideration of House File 1470.

Senator Carr offered amendment S—5552 filed by Senators Carr, Palmer and Coleman and moved its adoption:

S—5552

- 1 Amend House File 1470 as amended, and passed
- 2 and reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 2 the
- 4 following:
- 5 "d. Have, where applicable, obtained the
- 6 necessary construction licenses or permits
- 7 from federal regulatory agencies."

A record roll call was requested.

On the question "Shall amendment S—5552 be adopted?" (H.F. 1470) the vote was:

Ayes, 7:

Briles	Coleman	Orr	Willits
Carr	Heying	Rodgers	

Nays, 30:

Andersen	Hill of Polk	Miller of	Scott
Burroughs	Hultman	Marshall	Shaff
Curtis	Junkins	Norpel	Shaw
DeKoster	Kelly	Plymat	Sovern
Gallagher	Kinley	Rabedaux	Taylor
Glenn	Lamborn	Ramsey	Van Gilst
Griffin	Miller of	Robinson	Winkelman
Hansen	Des Moines	Schwengels	
Hill of Jasper			

Absent or not voting, 13:

Bergman	Merritt	Nolting	Priebe
Culver	Murray	Nystrom	Redmond
Doderer	Nolin	Palmer	Tieden
Gluba			

Amendment S—5552 lost.

Senator Rodgers offered amendment S—5560 filed by Senators Rodgers, et al.:

S—5560

- 1 Amend House File 1470 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 4, lines 32 and 33 by striking the words
- 4 "commission:
- 5 a. Authorizes" and inserting in lieu thereof the
- 6 words "commission authorizes".
- 7 2. Page 5, line 1, by striking the words
- 8 "proceeding; and," and inserting in lieu thereof the
- 9 word "proceeding."
- 10 3. Page 5, by striking lines 2 through 9.

President Neu took the chair at 1:45 p.m.

Senator Van Gilst asked and received unanimous consent that action on amendment S—5560 be temporarily deferred.

Senator Hill of Polk offered amendment S—5561:

S—5561

- 1 Amend House File 1470 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, lines 32 and 33 by striking the
- 4 words "commission:
- 5 a. Authorizes" and inserting in lieu thereof the
- 6 words "commission authorizes".
- 7 2. Page 5, line 1, by striking the words "pro-
- 8 ceeding; and," and inserting in lieu thereof the
- 9 word "proceeding."
- 10 3. Page 5, by striking lines 2 through 9.
- 11 4. Page 7, by striking lines 32 through 35.
- 12 5. Page 8, by striking lines 1 through 25.

Senator Junkins took the chair at 2:23 p.m.

Senator Hill of Polk moved the adoption of amendment S—5561.

A record roll call was requested.

On the question "Shall amendment S—5561 be adopted?" (H.F. 1470) the vote was:

Rule 25 was invoked.

Ayes, 22:

Briles
Carr
Coleman
Culver
Glenn
Gluba

Heying
Hill of Polk
Merritt
Miller of
Marshall
Norpel

Orr
Palmer
Plymat
Priebe
Redmond
Rodgers

Scott
Sovern
Van Gilst
Willits
Winkelman

Nays, 24:

Andersen	Hansen	Lamborn	Robinson
Bergman	Hill of Jasper	Miller of	Schwengels
Burroughs	Hultman	Des Moines	Shaff
Curtis	Junkins	Murray	Shaw
DeKoster	Kelly	Rabedaux	Taylor
Gallagher	Kinley	Ramsey	Tieden
Griffin			

Absent or not voting, 4:

Doderer	Nolin	Nolting	Nystrom
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Amendment S—5561 lost.

The Senate resumed consideration of amendment S—5560.

Senator Rodgers moved the adoption of amendment S—5560 and requested a record roll call.

On the question "Shall amendment S—5560 be adopted?" (H.F. 1470) the vote was:

Ayes, 19:

Briles	Gluba	Orr	Scott
Carr	Heying	Plymat	Sovern
Coleman	Merritt	Priebe	Willits
Culver	Nolting	Redmond	Winkelman
Doderer	Nystrom	Rodgers	

Nays, 29:

Andersen	Hansen	Miller of	Robinson
Bergman	Hill of Jasper	Des Moines	Schwengels
Burroughs	Hill of Polk	Miller of	Shaff
Curtis	Hultman	Marshall	Shaw
DeKoster	Junkins	Murray	Taylor
Gallagher	Kelly	Norpel	Tieden
Glenn	Kinley	Rabedaux	Van Gilst
Griffin	Lamborn	Ramsey	

Absent or not voting, 2:

Nolin	Palmer
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Amendment S—5560 lost.

Amendment S—5549 filed by Senators Rodgers, et al., April 21, 1976, and found on page 1393 of the Senate Journal was ruled out of order with the rejection of amendment S—5560.

Senator Gluba offered amendment S—5564, moved its adoption and requested a non-record roll call.

S—5564

- 1 Amend House File 1470 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 9, by inserting after the
- 4 word "certificate.", the words "This section shall
- 5 not permit private investor-owned utilities to
- 6 exercise the power of eminent domain."

The ayes were 8, nays 41.

Amendment S—5564 lost.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1470) the vote was:

Ayes, 38:

Andersen	Hill of Jasper	Miller of	Schwengels
Bergman	Hill of Polk	Marshall	Scott
Burroughs	Hultman	Murray	Shaff
Culver	Junkins	Nolting	Shaw
Curtis	Kelly	Norpel	Sovern
DeKoster	Kinley	Priebe	Taylor
Doderer	Lamborn	Rabedeaux	Tieden
Gallagher	Merritt	Ramsey	Van Gilst
Glenn	Miller of	Redmond	Willits
Griffin	Des Moines	Robinson	
Hansen			

Nays, 11:

Briles	Gluba	Orr	Rodgers
Carr	Heying	Palmer	Winkelman
Coleman	Nystrom	Plymat	

Absent or not voting, 1:

Nolin

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

WITHDRAWN

Senator Gallagher asked and received unanimous consent that Senate File 1219 be withdrawn from further consideration of the Senate.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1470 passed the Senate on April 22, 1976.

PHILIP B. HILL

CONSIDERATION OF BILLS

House File 1038

On motion of Senator Kelly, House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River Park-

way commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Robinson offered amendment S—5530 by the committee on appropriations and moved its adoption:

S—5530

- 1 Amend House File 1038 as amended and passed by
- 2 the House as follows:
- 3 Page 2, by inserting after line 21 the following:
- 4 "c. For the establishment
- 5 and operation of a foreign
- 6 trade office\$150,000".

President Neu took the chair at 4:07 p.m.

A record roll call was requested.

On the question "Shall amendment S—5530 be adopted?" (H.F. 1038) the vote was:

Rule 25 was invoked.

Ayes, 26:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Schwengels
Burroughs	Hill of Polk	Murray	Shaff
Curtis	Hultman	Nystrom	Shaw
DeKoster	Junkins	Orr	Tieden
Glenn	Kelly	Plymat	Winkelman
Griffin	Lamborn	Rabedeaux	

Nays, 23:

Briles	Gluba	Nolting	Rodgers
Carr	Hill of Jasper	Norpel	Scott
Coleman	Kinley	Palmer	Sovern
Culver	Merritt	Priebe	Taylor
Doderer	Miller of	Ramsey	Van Gilst
Gallagher	Des Moines	Redmond	Willits

Absent or not voting, 1:

Nolin

Amendment S—5530 was adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1038) the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Hill of Jasper	Nolin	Ramsey
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN**Senate File 1309**

Senator Rodgers withdrew the motion to reconsider the vote by which Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use, passed the Senate, filed by him on April 21, 1976.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1311	Labor and industrial relations
S. F. 1312	State government
H. F. 121	Ways and means
H. F. 909	Ways and means
H. F. 1408	Ways and means
H. F. 1481	Agriculture

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight E. Fry, R.Ph., of Greenfield, Adair County,

Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for the regular two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
GENE W. GLENN
JAMES W. GRIFFIN, SR.
NORMAN RODGERS
FORREST V. SCHWENGELS

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1278 passed the Senate on April 21, 1976.

STEVE SOVERN

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of April, 1976: Senate Files 1062, 1139 and 1263.

STEVEN C. CROSS
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

House File 1201
Education
Shaw, Chairperson
Willits
Merritt

House File 1447
State Government
Coleman, Chairperson
Andersen
Redmond

House File 1555
County Government
Briles, Chairperson
Miller of Des Moines
Merritt

House File 1374
Human Resources
Murray, Chairperson
Palmer
Plymat

House File 1544
State Government
Coleman, Chairperson
Hill of Jasper
Miller of Marshall

REPORTS OF COMMITTEES

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **House File 689**, a bill for an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CHARLES P. MILLER, Chairperson

Ordered passed on file.

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred **House File 467**, a bill for an act relating to approval of plans for constructing school buildings, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1280**, a bill for an act to merge the division of alcoholism and the Iowa drug abuse authority into a single state chemical substances abuse agency effective July 1, 1977, and to require that the governor submit by January 17, 1977 initial proposals relative to the statutory provisions under which the merged agency will function, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5565

1 Amend House File 1280 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:
4 "Section 1. Effective July 1, 1977 the division
5 of alcoholism of the department of health and the
6 Iowa drug abuse authority shall be merged into a
7 single new division of the department of health having
8 responsibility for education about, prevention efforts
9 directed against, and treatment programs to aid victims
10 of the abuse of chemical substances. The official
11 title of the new division and the provisions for its
12 administration within the department of health and
13 its powers, duties and limitations shall be as may
14 be prescribed by the general assembly. Initial
15 proposals relative to these matters shall be delivered
16 to the general assembly by the governor on or before
17 January 17, 1977.

18 If the governor determines that merger effective
19 July 1, 1977 would not be in the best interest of
20 the state of Iowa, the governor may by executive order
21 delay the merger to a date not later than January
22 1, 1978.

23 Sec. 2. The general assembly declares that the
24 priorities of the merger to be effected pursuant to
25 section one (1) of this Act are:

26 1. Improved assistance to residents of Iowa who
27 are abusing or seeking to recover from the effects
28 of abuse of chemical substances; and
29 2. Reduced administrative costs and greater program
30 efficiency, relative to the quantity and quality of
31 services being offered.

32 Sec. 3. In preparing proposals to be submitted
33 to the general assembly as required by section one

34 (1) of this Act, the governor shall be guided by the
35 priorities established in section two (2) of this
36 Act. The proposals submitted by the governor shall
37 include, but not be limited to, the following:

38 1. Administrative structure of the new division
39 of the department of health, including any limitations
40 on the authority of the commissioner of public health
41 over the head of the new division, and whether or
42 not an advisory council should be established for
43 the new division and if so its composition, manner
44 of selection and responsibilities.

45 2. Continuation of strong local community and
46 local treatment program input into a state plan.

47 3. Annual development of a state plan, with comment
48 and review by local agencies and groups.

49 4. Specific recommendations for funding mechanisms
50 and criteria, including a maximum state liability

Page 2

1 equal to seventy-five percent of total program cost,
2 with additional recommendations for the related roles
3 of counties and local communities.

4 5. Specific designation of education, treatment
5 and prevention programs, outlining the state's role
6 and the related responsibilities of counties and
7 communities.

8 6. Proposed relationship to other state agencies.

9 7. Common (so far as feasible) licensing and
10 certification standards and procedures.

11 8. Monitoring and evaluation mechanisms.

12 9. A goal of statewide availability of acute care
13 for chemical substance abusers.

14 Sec. 4. Chapters one hundred twenty-five (125)
15 and two hundred twenty-four B (224B), Code 1975, are
16 repealed effective July 1, 1977. However, if the
17 merger of the division of alcoholism and the Iowa
18 drug abuse authority is delayed pursuant to section
19 one (1) of this Act, the two agencies shall continue
20 to be governed by the provisions of those chapters
21 as if they were in full force and effect until the
22 merger takes effect.

23 Sec. 5.

24 1. The governor shall deliver to the general
25 assembly, on or before March 1, 1977, detailed
26 alternative proposals for merger of the Iowa mental
27 health authority and those components of the division
28 of mental health of the department of social services
29 which are responsible for providing services to
30 mentally ill persons, including but not limited to
31 the state mental health institutes at Cherokee,
32 Clarinda, Independence and Mount Pleasant, in
33 accordance with each of the three following general
34 organizational patterns.

35 a. Merger as an independent agency of state
36 government.

- 37 b. Merger as a new division of the department
38 of health.
- 39 c. Merger as a division of the department of
40 social services.
- 41 2. The proposals prepared by the governor with
42 respect to each of the alternatives identified by
43 subsection one (1) of this Act shall give attention
44 to, but need not be confined exclusively to, the
45 following matters:
- 46 a. The scope and objectives of the program to
47 be administered by the merged mental health agency.
- 48 b. The internal administrative structure of the
49 merged mental health agency, and its relationship
50 to local governing bodies and mental health facilities.

Page 3

- 1 c. The fiscal impact of the merged mental health
2 agency upon the state and upon other sources of funds
3 which support mental health services in this state.
- 4 Sec. 6. The governor shall deliver to the general
5 assembly, on or before March 1, 1977, recommendations
6 for administrative reorganization of the department
7 of social services with the objective of providing
8 more effective administration of the department and
9 more effective implementation of the programs and
10 services it is responsible to provide. These
11 recommendations shall give attention to, but need
12 not be confined exclusively to, the following matters:
- 13 1. Whether the division of administrative services
14 is so organized as to most effectively support the
15 other units of the department?
- 16 2. Whether the division of community services
17 should be further divided into two or more major
18 units, so as to permit more direct administrative
19 control of various program areas presently under the
20 jurisdiction of this division?
- 21 3. Whether the department generally, and in
22 particular the division of community services as
23 presently constituted, is adequately staffed to
24 discharge its responsibilities?
- 25 The recommendations delivered to the general
26 assembly pursuant to this section shall be accompanied
27 by specific proposals for any legislation that is
28 necessary to support or permit the adoption of the
29 recommendations.
- 30 Sec. 7. The governor shall deliver to the general
31 assembly on or before March 1, 1977, detailed
32 alternative proposals for the establishment of a new
33 department of state government, to assume from the
34 department of social services the responsibility for
35 administration of the state's penal facilities and
36 for implementation of other correctional programs
37 and services, including but not necessarily limited
38 to those now under the jurisdiction of the department
39 of social services. The alternative proposals shall

40 be formulated so as to offer the general assembly,
41 at a minimum, the two following alternative general
42 organizational patterns for the new correctional
43 agency:
44 1. The structure proposed by Senate File five
45 hundred seventy-eight (578) of the Sixty-sixth General
46 Assembly.
47 2. The structure under consideration by the
48 Corrections Subcommittee of the Social Services and
49 Mental Health Study Committee during the 1975
50 legislative interim.

Page 4

1 Sec. 8. It is the intent of the general assembly
2 in adopting this Act that the proposals developed
3 in response to sections four (4), five (5) and seven
4 (7) of this Act be based on the needs of persons being
5 directly served by the programs and facilities
6 involved, and the needs of the community in general,
7 as determined from public hearings held widely
8 throughout the state."
9 2. Title, line 3, by inserting after the word
10 "agency" the words "within the department of health".
11 3. Title, line 6, by inserting after the word
12 "function" the words "and to certain other alternative
13 merger or reorganization proposals affecting the
14 department of social services".

WILLIAM E. GLUBA, Chairperson

House File 1280 referred to the committee on state govern-
ment, under Senate Rule 38.

AMENDMENTS FILED**S—5559**

1 Amend Senate File 1310 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "tist," the words "dental hygienist,".
4 2. Page 2, by inserting after line 4 the following
5 new section:
6 "Sec. Acts of the Sixty-sixth General
7 Assembly, 1975 Session, chapter two hundred thirty-
8 nine (239), sections sixteen (16), twenty-five (25),
9 twenty-six (26) and twenty-seven (27), are amended
10 by striking the word "dentist" wherever the word
11 appears in those sections and inserting in lieu
12 thereof the words "dentist, dental hygienist".
13 3. By renumbering sections and correcting
14 internal references as necessary.

CHARLES P. MILLER

S—5558

1 Amend Senate File 1310 as follows:
2 1. Page 6, by striking lines 10 through 16.

- 3 2. Page 10, by striking lines 31 through 35, and
4 page 11, by striking lines 1 through 4.
5 3. By relettering paragraphs and by renumbering
6 subsections in conformity with this amendment.

CHARLES P. MILLER
CALVIN O. HULTMAN
FRED W. NOLTING
ELIZABETH R. MILLER
JAMES W. GRIFFIN, SR.
MILO MERRITT

S—5568

- 1 Amend Senate File 1810 as follows:
2 1. Page 15, by inserting after line 30, the
3 following new sections:
4 "Sec. 22. The general assembly finds that a
5 critical situation continues to exist because of the
6 high cost and impending unavailability of medical
7 malpractice insurance. The general assembly further
8 finds that to assure the uninterrupted delivery of
9 health care services to the citizens of Iowa it is
10 necessary to curtail excessive verdicts to persons
11 who are damaged by medical accidents in order to keep
12 medical malpractice insurance available in this state.
13 The general assembly further finds that without medical
14 liability insurance, physicians, other health care
15 providers and hospitals cannot provide health care
16 services to the public. It is the intent of section
17 twenty-three (23) of this Act to protect the health
18 and welfare of the people of this state by assuring
19 health care.
20 Sec. 23. Chapter one hundred forty-seven (147),
21 Code 1975, is amended by adding the following new
22 section:
23 *NEW SECTION.* In an action for damages for personal
24 injury against a health care practitioner or hospital,
25 based on the alleged negligence of the health care
26 practitioner in the practice of the profession or
27 occupation, or upon the alleged negligence of the
28 hospital in patient care, in which liability is
29 admitted or established, the damages awarded for
30 noneconomic losses incurred or to be incurred in the
31 future by the claimant by reason of the personal
32 injury, shall not exceed the sum of two hundred
33 thousand dollars."
34 2. Amend the title, line 6, by inserting after
35 the word "services," the words "for limitations on
36 damages recoverable in health care malpractice
37 actions,".

W. R. RABEDEAUX
BERL E. PRIEBE
IRVIN L. BERGMAN
JAMES E. BRILES
JAMES V. GALLAGHER

S-5557

1 Amend Senate File 1310 as follows:

2 1. Page 15, by inserting after line 30 the
3 following:

4 Sec. Chapter six hundred twenty-four (624),
5 Code 1975, is amended by adding the following new
6 section:

7 **NEW SECTION. JUDGMENTS IN MEDICAL MALPRACTICE**
8 **ACTIONS.**

9 1. As used in this section, the following
10 definitions shall apply unless the context otherwise
11 requires:

12 a. "Health care provider" means as provided in
13 section one (1) of this Act.

14 b. "Health care practitioner" means as provided
15 in section one (1) of this Act.

16 c. "Hospital" means as provided in section one
17 (1) of this Act.

18 d. "Medical malpractice action" means every action
19 for damages for personal injury against a health care
20 provider based upon alleged acts or omissions of a
21 health care practitioner in the practice of his or
22 her profession or occupation, or based upon alleged
23 acts or omissions of a hospital in patient treatment
24 or care.

25 e. "Future injuries" means and includes all legal
26 harm which the trier of fact determines will be
27 incurred by the injured party subsequent to the entry
28 of judgment.

29 f. "Injured person" means the person during whose
30 medical treatment or care the acts or omissions of
31 malpractice are determined to have occurred.

32 g. "Injured party" means a party plaintiff to
33 a medical malpractice action who is determined to
34 have suffered legal harm, and includes the injured
35 person when a party.

36 h. "Injury" means and includes every legal harm
37 for which damages are recoverable.

38 2. The trier of fact in every medical malpractice
39 action shall find as separate facts with respect to
40 each injured party the total amount to be awarded
41 as damages for past injuries, if any, and the specific
42 amounts to be awarded as damages for future injuries,
43 if any. The award for future injuries shall be
44 expressed in three elements, to the extent that each
45 of the elements is found to be present: Loss of future
46 income, future expenses for care and treatment, and
47 future noneconomic harm to be endured by the party.

48 3. The court, in a medical malpractice action
49 in which damages awarded for future injuries to a
50 party exceeds fifty thousand dollars, shall enter,

Page 2

1 upon establishing that security for payment exists
2 as provided in subsection four (4) of this section,

3 a judgment ordering that those damages, in whole or
4 in part, shall be payable to that party in
5 installments, subject to the limitations contained
6 in this section. Interest at the legal rate shall
7 accrue on the unpaid balances of amounts awarded for
8 future injuries. The court shall make a specific
9 finding as to the dollar amount of regular installments
10 which will be required to compensate the party for
11 loss of future income and future noneconomic harm.
12 The judgment shall specify the recipient of periodic
13 payments, the dollar amount of each regular payment,
14 the portion of each payment attributable to each
15 element of damages awarded, the interval between
16 payments, the number of payments required to be made,
17 and the amount of the judgment awarded for future
18 expenses for care and treatment. A judgment ordering
19 installment payments shall constitute a final judgment
20 for purposes of appeal.

21 4. The court shall not enter a judgment for
22 installment payments unless the judgment debtor
23 establishes security for payment. Security for payment
24 may be established by filing with the court a surety
25 bond in the amount of the total damages which are
26 payable in installments and conditioned on the timely
27 payment of all damages payable pursuant to this
28 section, or by filing of record in the action an
29 admission of liability for payment of the judgment
30 by one or more liability insurance carriers by whom
31 the judgment debtor was insured, or by filing both
32 a surety bond and admissions of liability in amounts
33 sufficient to secure the payment of the total amount
34 payable in installments.

35 A surety bond may be reduced in amount from time
36 to time as permitted by the court, and may be
37 terminated and the surety exonerated in the event
38 of satisfaction of the judgment as provided in this
39 section, or in the event admissions of liability are
40 filed by liability insurance carriers subsequent to
41 the filing of the surety bond which establish security
42 for the then outstanding balance of the judgment.

43 The judgment debtor or any other person on behalf
44 of the judgment debtor may purchase from any life
45 insurance company which holds a certificate of
46 authority under the laws of the state an annuity to
47 satisfy the obligations of the judgment. Upon approval
48 by the court, such an annuity shall constitute security
49 for payment within the meaning of this subsection.
50 Upon filing of a copy of that annuity with the court,

Page 3

1 any other security for payment previously filed shall
2 be exonerated.

3 Nothing contained in this subsection shall require
4 any liability insurance carrier to admit liability
5 in excess of its policy limits, nor shall anything

6 contained in this section impose liability upon an
7 insurance carrier in excess of the amount specified
8 in its admission of liability.

9 5. In the event that the court finds upon notice
10 and hearing that the judgment debtor, or a person
11 making payments on behalf of the judgment debtor,
12 has exhibited a repeated failure to make timely
13 payments, the court shall find the obligor in contempt
14 of court, and shall set aside the judgment for
15 installment payments and enter judgment for payment
16 of the balance owing in full.

17 6. Except with respect to amounts representing
18 loss of future income, a judgment for installment
19 payment of damages for future injuries shall be a
20 contingent award, and the right to payment shall vest
21 only at such times and in such amounts as accrue
22 pursuant to the judgment.

23 In the event of the death of the injured party
24 that portion of the judgment constituted of damages
25 for future expenses for care and treatment and damages
26 for future noneconomic harm shall be deemed satisfied
27 upon payment of amounts accrued up to the time of
28 death. That portion of installments constituted of
29 damages for loss of future income shall be paid to
30 a spouse and minor children to whom the deceased owed
31 a legal duty of support, as provided by law,
32 immediately prior to his or her death. In the event
33 there are no such persons who survive the deceased,
34 that portion of the judgment shall be deemed satisfied
35 upon payment of amounts accrued up to the time of
36 death.

37 The district court shall retain jurisdiction of
38 any judgment in a medical malpractice action which
39 orders installment payments, and upon the death of
40 the recipient of installment payments, the dependents
41 of the decedent in the case of an award for loss of
42 future income or any other interested party to the
43 action or a representative may petition the court
44 for a modification of the judgment and for a
45 redesignation of the recipient of payments, if any,
46 in accordance with the rights of persons as estab-
47 lished by this section. Unless otherwise ordered,
48 the redesignated recipients of an award for loss of
49 future income shall be paid in those amounts and at
50 those intervals specified in the original judgment.

Page 4

1 Payments shall continue until the remaining amounts
2 awarded for that purpose have been depleted, or until
3 the death of the last of those dependents, whichever
4 occurs sooner. In the event of the death of the last
5 surviving person to whom the injured party owed a
6 duty of support prior to depletion of the amount
7 awarded for loss of future income, the outstanding
8 portions of the judgment shall be deemed satisfied

9 upon payment of amounts accrued up to the time of
10 death.

11 7. The supreme court is authorized to adopt rules
12 requiring the equitable apportionment of attorney
13 fees of an injured party against past damages and
14 future damages, and any other rules which may be
15 necessary to implement the provisions of this section.

16 8. It is the intent of the general assembly in
17 enacting this section to authorize the entry of
18 judgments in malpractice actions against health care
19 providers which provide for the payment of future
20 damages through periodic payments rather than lump-
21 sum payments. By authorizing periodic payment
22 judgments, it is the further intent of the general
23 assembly that the courts shall utilize such judgments
24 to provide compensation sufficient to meet the needs
25 of an injured plaintiff and those persons who are
26 dependent on the plaintiff while eliminating the
27 potential windfall from a lump-sum recovery which
28 was intended to provide for the care of an injured
29 plaintiff over an extended period who then dies shortly
30 after the judgment is paid, leaving the balance of
31 the judgment award to persons and purposes for which
32 it was not intended. It is also the intent of the
33 general assembly that all elements of the periodic
34 payment program be specified with certainty in the
35 judgment ordering such payments and that the judgment
36 not be subject to modification at some future time
37 which might alter the provisions of the original
38 judgment other than as expressly permitted by this
39 section.

40 This section shall apply to a judgment entered
41 in a medical malpractice action on or after September
42 1, 1976, regardless of when the action was commenced.

43 2. Amend the title, line 6, by inserting after
44 the word "services," the words "for payment of certain
45 portions of judgments in health care malpractice
46 actions in installments rather than as a lump-sum,".

WILLIAM D. PALMER
WARREN E. CURTIS
WILLARD R. HANSEN
ROBERT M. CARR

S—5562

1 Amend House File 1432, as amended and passed by
2 the House, as follows:

3 1. Page 3, by adding after line 23 the following:

4 "Sec. Section three hundred twenty-one E
5 point sixteen (321E.16), Code 1975, is amended to
6 read as follows:

7 321E.16 VIOLATIONS—PENALTIES. *A person shall not*
8 *commit any act forbidden or fail to perform any act*
9 *required by the provisions of this chapter or any*
10 *provision of rules adopted pursuant to section three*

11 *hundred twenty-one E point fifteen (321E.15) of the*
12 *Code.* Any person who is convicted of a violation
13 of any provision other than length, height, width,
14 or weight of any permit issued under this chapter
15 shall be punished by a fine of not less than one
16 hundred dollars, nor more than five hundred dollars.
17 The fine for violation of the length, height, width,
18 and weight allowed by permit shall be based upon the
19 difference between the actual length, height, width,
20 and weight of the vehicle and load and the maximum
21 allowable by permit and in accordance with section
22 321.482 for violations of length, height, or width
23 limitations and sections 321.482 and 321.463 for
24 violation of weight limitations. If a vehicle with
25 indivisible load traveling under permit is found to
26 be in violation of weight limitations, the vehicle
27 operator shall be allowed a reasonable amount of time
28 to remove any ice, mud, snow, and other weight
29 attributable to climatic conditions accumulated along
30 the route prior to application of the penalties
31 prescribed in sections 321.463 and 321.482."
32 2. By renumbering the sections in accordance with
33 this amendment.

C. JOSEPH COLEMAN
ROGER J. SHAFF
W. R. RABEDEAUX

S—5566

- 1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539, as amended and passed by
3 the House as follows:
4 1. Page 1, line 10, by striking the word "less"
5 and inserting in lieu thereof the word "more".
6 2. Page 1, line 14, by striking the words ", if
7 at all practicable,".

JOHN S. MURRAY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On the motion of Senator Kinley, the Senate adjourned at
4:40 p.m., until 10:00 a.m., Monday, April 26, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, APRIL 26, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Lyle Norris, pastor of the First Congregational Church, Osage, Iowa.

The Journal of Thursday, April 22, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steven Krogh, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-six students from the Grundy Center Community School, Grundy Center, Iowa, accompanied by Wendy Mueller, Nancy Broussard, Maxine Brubaker and Joan Braun. Senator Burroughs.

Fifty-six students from the Pella Community Junior High School, Pella, Iowa, accompanied by Mrs. Caldwell and Mr. Kaai. Senator Hill of Jasper.

Fifty students from the Lucas Elementary School and the Van Allen Elementary School, Chariton, Iowa, accompanied by Mrs. Jim Cooper and May Finley. Senator Ramsey.

PETITIONS

The following petitions were presented and placed on file:

By Senator Sovern from two thousand one hundred forty-two residents of Iowa favoring repeal of the law that requires motorcyclists to wear protective headgear.

By Senator Curtis from five hundred seventeen residents of Cherokee County and adjoining counties favoring repeal of the law that requires motorcyclists to wear protective headgear.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Eighteen residents of Marshall County.

Sixty-two residents of Buchanan County.

Fifty residents of Buena Vista County.

One hundred fifty-six residents of Butler County.

Twenty-five residents of Calhoun County.

Fifty-three residents of Cerro Gordo County.

Thirty-six residents of Chickasaw County and Bremer County.

Sixty residents of Dallas County.

Sixteen residents of Davis County.

Ninety-two residents of Delaware County.

Thirty-four residents of Fremont County.

Forty-three residents of Grundy County.

Thirty-five residents of Harrison County.

Sixty-five residents of Iowa County.

Twenty-five residents of Jefferson County.

Forty residents of Johnson County.

Forty-eight residents of Kossuth County.

Forty-four residents of Linn County.

Fourteen residents of Louisa County.

Eleven residents of Madison County.

Eighteen residents of Mahaska County.

Seventeen residents of Marion County.

Sixteen residents of Mitchell County.

Eighteen residents of Plymouth County and Woodbury County.

Forty-nine residents of Sac County.

Fifty-eight residents of Sioux County.

Forty-five residents of Wapello County and Monroe County.

Fourteen residents of Warren County.

Thirty-four residents of Webster County.

Sixteen residents of Woodbury County and Ida County.

Fifty-six residents of Wright County.

Five hundred twelve residents of Polk County.

Twenty-five residents of Polk County and Story County.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1976, refused to concur in the Senate amendment, as amended, to the following bill in which the concurrence of the House was asked:

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1277

S—5567

- 1 Amend Senate amendment H—6095 to House File
- 2 1277 as follows:
- 3 1. Page 3, line 5, by inserting after the
- 4 numerals "1975," the following: "as amended by
- 5 Acts of the Sixty-sixth General Assembly,
- 6 1975 Session, chapter ten (10), section four (4),".

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Redmond called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Clarence A. Gordy of Oskaloosa, Mahaska County,

Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES M. REDMOND, Chairperson
 MILO MERRITT
 JOHN N. NYSTROM
 RICHARD R. RAMSEY
 BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Hultman took the chair at 10:10 a.m.

Senator Redmond moved the appointment of Clarence A. Gordy as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Heying	Miller of	Schwengels
Burroughs	Hill of Jasper	Marshall	Scott
Carr	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Sovern
Culver	Junkins	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Lamborn	Priebe	Winkelman
Gallagher		Rabedaux	

Nays, none.

Absent or not voting, 10:

Gluba	Murray	Robinson	Shaw
Hansen	Nolin	Rodgers	Willits
Merritt	Palmer		

The Chair declared the appointment of Clarence A. Gordy as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1976.

Senator Sovrn called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donald J. Bell of New London, Henry County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council under the provisions of Section 123.6, Code 1975, for the regular five-year term commencing July 1, 1976, and ending June 30, 1981, begs leave to

report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
CLIFF BURROUGHS
WILLIAM E. GLUBA
ELIZABETH R. MILLER
RICHARD R. RAMSEY

The motion prevailed and the report was adopted.

Senator Sovern moved the appointment of Donald J. Bell as a member of the Iowa Beer and Liquor Control Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Redmond
Bergman	Griffin	Des Moines	Schwengels
Briles	Heying	Miller of	Scott
Burroughs	Hill of Jasper	Marshall	Shaff
Carr	Hill of Polk	Nolting	Sovern
Coleman	Hultman	Norpel	Taylor
Culver	Junkins	Nystrom	Tieden
Curtis	Kelly	Orr	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Lamborn	Rabedeaux	Winkelman
Gallagher		Ramsey	

Nays, 1:

Hansen

Absent or not voting, 9:

Gluba	Nolin	Priebe	Rodgers
Merritt	Palmer	Robinson	Shaw
Murray			

The Chair declared the appointment of Donald J. Bell as a member of the Iowa Beer and Liquor Control Council confirmed for the regular five-year term ending June 30, 1981.

Senator Nolting called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Shirley A. Thompson of Keokuk, Lee County, Iowa, for appointment as a member of the State Board of Podiatry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
CLIFF BURROUGHS

JAMES V. GALLAGHER
LOWELL L. JUNKINS
JOHN N. NYSTROM

The motion prevailed and the report was adopted.

Senator Nolting moved the appointment of Shirley A. Thompson as a member of the State Board of Podiatry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Glenn	Merritt	Ramsey
Bergman	Griffin	Miller of	Redmond
Briles	Hansen	Des Moines	Schwengels
Burroughs	Heying	Miller of	Scott
Carr	Hill of Jasper	Marshall	Shaff
Coleman	Hill of Polk	Nolting	Sovern
Culver	Hultman	Norpel	Taylor
Curtis	Junkins	Nystrom	Tieden
DeKoster	Kelly	Orr	Van Gilst
Doderer	Kinley	Plymat	Willits
Gallagher	Lamborn	Rabedeaux	Winkelman

Nays, none.

Absent or not voting, 8:

Gluba	Nolin	Priebe	Rodgers
Murray	Palmer	Robinson	Shaw

The Chair declared the appointment of Shirley A. Thompson as a member of the State Board of Podiatry Examiners confirmed for an initial term ending June 30, 1978.

PRESENTATION OF PELLA TULIP QUEEN

Senator Hill of Jasper appeared on the rostrum and presented to the Senate Ruth Van Gorp, the Queen of Pella, Iowa's Forty-first Annual Tulip Time Festival. The Queen introduced the members of her court, Jackie Evers, Vicki Newendorp, Debbie Koyman, and Laurie Van Gorp, and extended an invitation to attend the Festival in Pella on May 6, 7 and 8, 1976.

In keeping with tradition, the girls, dressed in beautiful Dutch costumes, distributed the famous Pella cookies to all those present in the Senate chamber. They were accompanied by Ray DeHaan, also in Dutch costume.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1310.

Senate File 1310

On motion of Senator Junkins, Senate File 1310, a bill for an act relating to health care malpractice, and providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, for arbitration as a method of resolving disputes arising from health care services, and for review by the courts of the legal fees incurred by plaintiffs in health care malpractice actions, and providing penalties, was taken up for consideration.

President Neu took the chair at 10:30 a.m.

Senator Miller of Des Moines offered amendment S—5559 filed by him and moved its adoption:

S—5559

- 1 Amend Senate File 1310 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "tist," the words "dental hygienist,".
- 4 2. Page 2, by inserting after line 4 the following
- 5 new section:
- 6 Sec. Acts of the Sixty-sixth General
- 7 Assembly, 1975 Session, chapter two hundred thirty-
- 8 nine (239), sections sixteen (16), twenty-five (25),
- 9 twenty-six (26) and twenty-seven (27), are amended
- 10 by striking the word "dentist" wherever the word
- 11 appears in those sections and inserting in lieu
- 12 thereof the words "dentist, dental hygienist".
- 13 3. By renumbering sections and correcting
- 14 internal references as necessary.

Amendment S—5559 was adopted.

Senator Curtis offered amendment S—5553 filed by Senators Junkins and Curtis and moved its adoption:

S—5553

- 1 Amend Senate File 1310 as follows:
- 2 1. Page 4, line 14, by striking the words "an
- 3 order" and inserting in lieu thereof the words "a
- 4 decision".
- 5 2. Page 5, line 23, by striking the words "an
- 6 order" and inserting in lieu thereof the words "a
- 7 written decision".
- 8 3. Page 6, line 17, by striking the word "order"
- 9 and inserting in lieu thereof the word "decision".
- 10 4. Page 7, lines 31 and 32, by striking the words
- 11 "disciplinary orders or other final dispositions of
- 12 the board" and inserting in lieu thereof the words
- 13 "final decisions of the board relating to disciplinary
- 14 proceedings".
- 15 5. Page 10, line 29, by striking the word "order"

16 and inserting in lieu thereof the words "enter a
17 decision imposing".

18 6. Page 11, line 26, by striking the word "order"
19 and inserting in lieu thereof the word "decision".

20 7. Page 12, line 5, by striking the word "order"
21 and inserting in lieu thereof the word "decision".

22 8. Page 12, by striking lines 26 through 35, and
23 inserting in lieu thereof the words "and investiga-
24 tion files, and all other investigative reports and
25 other investigative information in the possession
26 of a health care board or its employees or agents
27 and relating to licensee discipline shall be privileged
28 and shall be kept confidential. However, a final
29 decision of a board in a disciplinary proceeding,
30 including a decision referred to in subsection four
31 (4) of section eight (8) of this Act, and all evidence
32 considered in reaching that decision, shall be public
33 records and shall be subject to examination by any
34 person. Nothing contained in this section shall be
35 deemed to prohibit the disclosure by a health care
36 board to or by its attorneys, employees or agents,
37 of otherwise privileged and confidential information
38 when necessary for the purpose of complying with
39 duties prescribed by law."

Amendment S—5553 was adopted.

Senator Miller of Des Moines offered amendment S—5558 filed
by Senators Miller of Des Moines, et al., moved its adoption and
requested a non-record roll call:

S—5558

1 Amend Senate File 1310 as follows:

2 1. Page 6, by striking lines 10 through 16.

3 2. Page 10, by striking lines 31 through 35, and
4 page 11, by striking lines 1 through 4.

5 3. By relettering paragraphs and by renumbering
6 subsections in conformity with this amendment.

The ayes were 20, nays 27.

Amendment S—5558 lost.

Senator Kelly raised the point of order that a fiscal note was
required on the bill under Senate Rule 32.

(Senate File 1310 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:30
p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

BUSINESS PENDING

Senate File 1310

The Senate resumed consideration of Senate File 1310.

The Chair ruled the Kelly point of order well taken and Senate Rule 32 was invoked.

Senator Carr offered amendment S—5568 and moved its adoption:

S—5568

- 1 Amend Senate File 1310, page 10, line 13, by adding
- 2 after the word "committee." the words:
- 3 "Any health care provider who violates the terms of
- 4 this section shall be liable to any person aggrieved
- 5 thereby for actual and punitive damages plus reasonable
- 6 attorney fees."

Amendment S—5568 was adopted.

Senator DeKoster offered amendment S—5573 and moved its adoption:

S—5573

- 1 Amend Senate File 1310, page 15, by striking
- 2 lines 28 through 30.

Amendment S—5573 was adopted.

Senator Palmer offered amendment S—5557 filed by Senators Palmer, et al., April 22, 1976, and found on pages 1412–1416, inclusive, of the Senate Journal.

Senator Palmer offered amendment S—5570 to amendment S—5557 and moved its adoption:

S—5570

- 1 Amend the Palmer amendment S—5557 to Senate File
- 2 1310 as follows:
- 3 1. Page 2, by inserting after line 20 the follow-
- 4 ing new subsection:
- 5 "4. Attorney fees of the party receiving an award,
- 6 if payable out of the judgment, shall be assessed by
- 7 the court and applied pro rata against amounts awarded
- 8 for past injuries and for future injuries. The amount
- 9 thus determined by the court to be payable out of
- 10 damages for future injuries shall be deducted by the
- 11 court from the amount to be ordered paid in install-
- 12 ments as provided in subsection three (3) of this
- 13 section, and shall be deducted pro rata from those
- 14 amounts awarded, if any, for loss of future income,
- 15 future care and treatment, and future noneconomic
- 16 harm. The amount thus determined for attorney fees
- 17 attributable to the award for future injuries shall

- 18 be payable upon entry of judgment."
19 2. By correcting internal references and renumber-
20 ing the following subsections.

Amendment S—5570 to amendment S—5557 was adopted.

Senator Hill of Polk took the chair at 2:15 p.m.

Action on amendment S—5557 was temporarily deferred.

Senator Redmond offered amendment S—5578:

S—5578

- 1 Amend Senate File 1310 as follows:
2 1. Page 12, line 12, by striking the word
3 "may" and inserting in lieu thereof the word "shall".
4 2. Page 12, line 21, by adding after the period
5 the following: "Said rule shall provide:
6 1. Any insurer or self-insurance association
7 approved by the commissioner that issues or under-
8 writes professional liability insurance in this state
9 to any health care provider as defined in this Act
10 shall report any claim against the insured for alleged
11 professional negligence to the commissioner of in-
12 surance within thirty days after receiving notice of
13 the claim from the insured or any other person.
14 2. Such report shall include the name of the
15 insured, the name of the person making the claim and
16 the reason or reasons for which the claim is made.
17 3. Any insurer or approved self-insurance
18 association required to report to the commissioner
19 under this section shall also be required to advise
20 the commissioner of any settlements, awards or judg-
21 ments against a health care provider."

Action on amendment S—5578 was deferred.

Senator Redmond offered amendment S—5574 and moved its adoption:

S—5574

- 1 Amend Senate File 1310, page 13, by striking
2 lines 1 through 35, and page 14, by striking lines
3 1 through 18.

President Neu took the chair at 2:55 p.m.

A record roll call was requested.

On the question "Shall amendment S—5574 be adopted?"
(S.F. 1310) the vote was:

Ayes, 14:

Burroughs
Carr
Coleman
DeKoster

Doderer
Hansen
Hill of Polk
Kelly

Miller of
Des Moines
Orr
Ramsey

Redmond
Shaw
Willits

Nays, 29:

Andersen	Griffin	Miller of	Priebe
Bergman	Heying	Marshall	Rabedeaux
Briles	Hill of Jasper	Murray	Rodgers
Culver	Hultman	Nolting	Schwengels
Curtis	Junkins	Norpel	Sovern
Gallagher	Kinley	Nystrom	Tieden
Glenn	Merritt	Palmer	Winkelman
Gluba		Plymat	

Absent or not voting, 7:

Lamborn	Robinson	Shaff	Van Gilst
Nolin	Scott	Taylor	

Amendment S—5574 lost.

Senator DeKoster offered amendment S—5571:

S—5571

1 Amend Senate File 1310 as follows:

Division S—5571A

2 1. Page 13, line 20, by inserting after the

3 comma (,) the following:

4 *"and if the plaintiff shall request,"*.

5 2. Page 13, line 24, by striking the word *"shall"*

6 **wherever it appears and substituting therefor the**

7 **word *"may"*.**

8 3. Page 13, line 25, by inserting after the word

9 *"consider"* the following:

10 *"all of the factors involved in the case including,*

11 *but not limited to"*.

Division S—5571B

12 4. Page 14, by striking lines 1 through 18.

Senator Junkins called for a division of the amendment, sections 1, 2 and 3 to be considered as division S—5571A; section 4 to be considered as division S—5571B.

On motion of Senator DeKoster, division S—5571A of the amendment was adopted.

On motion of Senator DeKoster, division S—5571B of the amendment was adopted.

Senator Redmond withdrew amendment S—5579:

S—5579

1 Amend Senate File 1310, page 13, by striking lines

2 8 through 35, and page 14, by striking lines 1 through

3 18, and inserting in lieu thereof the following:

4 *"In any action for personal injury or wrongful death*

5 *against any [physician and surgeon, osteopath, osteopathic*

6 *physician and surgeon, dentist, podiatrist, optometrist,*

7 *pharmacist, chiropractor, or nurse licensed under this*

8 *chapter or against any hospital licensed under chapter*

9 one hundred thirty-five B (135B) of the Code] *health care*
10 *practitioner or hospital, as defined in section one*
11 *hundred forty-seven point one (147.1) of the Code,*
12 *based upon the alleged negligence of the [licensee] health*
13 *care practitioner or hospital in the practice of that*
14 *profession or occupation, or upon the alleged negligence*
15 *of the hospital in patient care, the court shall determine*
16 *the reasonableness of, any contingent fee arrangement*
17 *between the plaintiff and the plaintiff's attorney in the*
18 *event of a judgment for the plaintiff or defendant and*
19 *determine whether the fees charged to the parties are*
20 *equitable."*

Amendment S—5577 by Senator Kelly was ruled out of order with the adoption of division S—5571B of the DeKoster amendment:

S—5577

1 Amend Senate File 1310, page 14, by adding after
2 line 15 the following new subsection:
3 "5. *Nothing contained in this section shall*
4 *apply to those cases where the court has by order*
5 *approved in advance of the filing of the case the*
6 *contingency fee contract between the lawyer and*
7 *his client."*

The Senate resumed consideration of amendment S—5557 previously deferred.

Senator Carr offered amendment S—5583 to amendment S—5557 and moved its adoption:

S—5583

1 Amend the Palmer, et al., amendment, S—5557, to
2 Senate File 1310 as follows:
3 1. Page 2, line 11, by striking the words
4 "of future income and future noneconomic harm".
5 2. Page 2, lines 14 and 15, by striking the
6 words "the portion of each payment attributable to
7 each element of damages awarded,".
8 3. Page 2, line 16, by inserting after the
9 word "payments," the word "and".
10 4. Page 2, line 16, by striking after the
11 word "made", the figure ",".
12 5. Page 2, lines 17 and 18 by striking the
13 words "and the amount of the judgment awarded for
14 future expenses for care and treatment".
15 6. Page 3, by striking lines 17 through 36.
16 7. Page 3, lines 41 and 42 by striking the
17 words "in the case of an award for loss of future
18 income".
19 8. Page 3, lines 48 and 49, by striking the
20 words "for loss of future income".
21 9. Page 4, line 2, by striking the words
22 "for that purpose".

- 23 10. Page 4, line 11, by striking the words
24 "is authorized to" and inserting in lieu thereof
25 the words "shall, prior to September 1, 1976,".
26 11. Page 4, line 12, by inserting after the
27 word "apportionment" the words "and pro rata payout".
28 12. Page 4, line 26, by striking everything
29 after the word "plaintiff" through line 31.
30 13. Page 4, line 32, by striking the words
31 "it was not intended".

A non-record roll call was requested.

The ayes were 17, nays 30.

Amendment S—5583 to amendment S—5557 lost.

Senator Hill of Polk raised the point of order that amendment S—5557 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5557 as amended out of order.

(Senate File 1310 pending on adjournment.)

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on House File 614 on the part of the Senate: Senators Gluba, chairperson; Redmond, Doderer, Ramsey and Shaw.

INTRODUCTION OF BILL

Senate File 1314, by committee on appropriations, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department.

Read first time and placed on calendar.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson

JAMES W. GRIFFIN, SR.
CHARLES P. MILLER
FRED W. NOLTING
WILLIAM P. WINKELMAN

AMENDMENTS FILED

S—5584

1 Amend Senate File 1218 as follows:

2 1. Page 1, by striking lines 1 and 2 and insert-
3 ing in lieu thereof the following:

4 "Sec. Chapter two (2), Code 1975, is amended
5 by adding the following new section:

6 **NEW SECTION.**

7 1. All appointments by the governor to boards,
8 commissions, councils and committees which are subject
9 to senate confirmation except those listed in
10 subsection two (2) of this section shall be subject
11 to senate confirmation by the procedure provided by
12 this subsection. Unless within ten legislative days
13 of the submission of the appointment by the governor
14 to the senate five senators file with the secretary
15 of the senate requests that the appointment be
16 considered as provided in section two point thirty-
17 two (2.32) of the Code, the appointment shall be
18 deemed to be confirmed. If five such requests are
19 filed, the appointment shall be considered as provided
20 in section two point thirty-two (2.32) of the Code.

21 2. Confirmation of appointments to the following
22 boards, commissions, councils, and committees shall
23 be considered as provided in section two point thirty-
24 two (2.32) of the Code: the Iowa civil rights
25 commission, the Iowa state commerce commission, the
26 Iowa employment security commission, the state judicial
27 nominating commission, the state board of medical
28 examiners, the board of parole, the public employment
29 relations board, the state board of public instruction,
30 the state board of regents, the state transportation
31 commission, and the transportation regulation board.

32 Sec. Section two point thirty-two (2.32),
33 Code 1975, is amended to read as follows:"

34 2. Page 1, line 14, by inserting after the word
35 "approval" the words "*by a constitutional majority*
36 *of the members of the senate*".

37 3. Page 2, lines 12 and 13, by striking the words
38 "approval of two-thirds of the members of" and
39 inserting in lieu thereof the words "[approval of two-
40 thirds of the members of] *confirmation by*".

41 4. Page 2, by inserting after line 24 the
42 following:

43 "Sec. Section twenty-two point one (22.1),
44 Code 1975, is amended to read as follows:

45 22.1 BOARD CREATED. There shall be [nominated]
46 appointed by the governor [and appointed in the manner
47 required for the appointment of the state comptroller]

48 *subject to confirmation by the senate, two competent*
49 *persons to act with the comptroller as members of*
50 *an appeal board in certain cases. Their terms of*

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1 office shall be for four years, beginning on the first
2 day of July of each odd-numbered year."

3 5. Page 2, line 35, by striking the words "a two-
4 thirds vote of" and inserting in lieu thereof the
5 words "[a two-thirds vote of]".

6 6. Page 5, by striking lines 28 and 29 and
7 inserting in lieu thereof the following:

8 "Sec. Section eighty-eight point ten (88.10),
9 subsections one (1) and two (2), Code 1975, are amended
10 to read as follows:

11 1. The occupational safety and health review
12 commission is hereby established. The commission
13 shall be composed of three members who shall be
14 appointed by the governor with the approval of [two-
15 thirds of the members of] the senate, which shall
16 include among its members one member qualified by
17 experience and affiliation to represent the employers,
18 one member similarly qualified to represent labor,
19 and one representative who shall be impartial and
20 represent the public. The governor shall designate
21 one of the members of the commission to serve as
22 chairman."

23 7. Page 6, by inserting after line 5 the following:

24 "Sec. Section ninety-three point two (93.2),
25 Code 1975, as amended by Acts of the Sixty-sixth
26 General Assembly, 1975 Session, chapter ninety-one
27 (91), is amended to read as follows:

28 93.2 ESTABLISHMENT. There is established an
29 energy policy council which shall consist of fifteen
30 members. Two members shall be appointed by the
31 president of the senate from the membership of the
32 senate with no more than one member being appointed
33 from the same political party. Two members shall
34 be appointed by the speaker of the house of
35 representatives from the members of the house with
36 no more than one member being appointed from the same
37 political party. The governor shall appoint five
38 members who shall be reasonably knowledgeable in the
39 field of energy. Not more than three of the governor's
40 appointees shall be of the same political party.
41 They shall be subject to confirmation by [two-thirds
42 of the membership of] the senate. The state geologist,
43 the secretary of agriculture, the chairman of the
44 Iowa state commerce commission, the administrative
45 officer of the state soil conservation committee,
46 the director of transportation and the executive
47 director of environmental quality shall serve as ex
48 officio nonvoting members of the council. If an ex
49 officio nonvoting member is unable to attend a meeting
50 of the council, the member shall designate a

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1 replacement who shall be authorized to represent the
2 member at the meeting.”
3 8. Page 6, by inserting after line 25 the
4 following:
5 “Sec. Section ninety-seven B point eight
6 (97B.8), Code 1975, is amended to read as follows:
7 97B.8 ADVISORY INVESTMENT BOARD. A board shall
8 be established to be known as the ‘Advisory Invest-
9 ment Board of the Iowa Public Employee’s Retirement
10 System’, hereinafter called the ‘board’, whose duties
11 shall be to advise and confer with the commission
12 in matters relating to the investment of the trust
13 funds of the Iowa public employees’ retirement system.
14 The powers of the board shall be purely advisory and
15 the commission shall not be bound in the making of
16 any investment by the recommendations of the board.
17 The board shall consist of seven members. Five of
18 the members shall be appointed by the governor, one
19 of whom shall be an executive of a domestic life
20 insurance company, one an executive of a state or
21 national bank operating within the state of Iowa,
22 the third shall be an executive of a major industrial
23 corporation located within the state of Iowa, and
24 two shall be active members of the system, one of
25 whom shall be an employee of a school district, county
26 school system, joint county system or merged area
27 and one of whom shall not be an employee of a school
28 district, county school system, joint county system
29 or merged area. The president of the senate shall
30 appoint one member from the membership of the senate
31 and the speaker of the house of representatives shall
32 appoint one member from the membership of the house.
33 The two members appointed by the president of the
34 senate and the speaker of the house of representatives
35 and the two active members of the system appointed
36 by the governor shall be ex officio members of the
37 board. The members who are executives of a domestic
38 life insurance company, a state or national bank and
39 a major industrial corporation shall be paid their
40 actual expenses incurred in performance of their
41 duties and shall receive in addition thereto the sum
42 of forty dollars for each day of service not exceeding
43 forty days per year. Legislative members shall receive
44 the sum of forty dollars for each day of service and
45 their actual expenses incurred in the performance
46 of their duties. The per diem and expenses of the
47 legislative members shall be paid from funds.
48 appropriated under section 2.12. The members who
49 are active members of the system shall be paid their
50 actual expenses incurred in the performance of their

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1 duties as members of the board and performance of
2 their duties as members of the board shall not affect

3 their salaries, vacation or leaves of absence for
4 sickness or injury. The appointive terms of the
5 members appointed by the governor shall be for a
6 period of six years dating from July [1] *first* of the
7 year in which they are appointed. In the event of
8 vacancy, through resignation or any other cause, in
9 the membership of the board, the governor shall have
10 the power of appointment. Appointees to this board
11 shall be subject to confirmation by [a two-thirds
12 vote of] the senate, but in the event of interim
13 appointments, such confirmation shall be necessary
14 at the next session of the senate."

15 9. Page 6, line 31, by striking the words "*two-*
16 *thirds of the members of*".

17 10. Page 6, by inserting after line 33 the
18 following:

19 "Sec. Section one hundred fourteen point
20 three (114.3), Code 1975, is amended to read as
21 follows:

22 114.3 ESTABLISHMENT OF BOARD. There is established
23 a board of engineering examiners which shall consist
24 of five members who are registered professional
25 engineers and two members who are not registered
26 professional engineers and who shall represent the
27 general public. Members shall be appointed by the
28 governor subject to the approval of [two-thirds of
29 the members of] the senate. A registered member shall
30 be actively engaged in the practice of engineering
31 and shall have been so engaged for five years preceding
32 his appointment, the last two of which shall have
33 been in Iowa. No two registered members of the board
34 shall be from the same branch of the profession of
35 engineering. Professional associations or societies
36 composed of registered engineers may recommend the
37 names of potential board members to the governor,
38 but the governor shall not be bound by the
39 recommendations. A board member shall not be required
40 to be a member of any professional association or
41 society composed of professional engineers.

42 Sec. Section one hundred sixteen point three
43 (116.3), subsection one (1), Code 1975, is amended
44 to read as follows:

45 1. There is established a board of accountancy.
46 The board of accountancy shall consist of seven
47 members, five of whom shall be certified public
48 accountants and two members who shall not be certified
49 public accountants and who shall represent the general
50 public. A certified member shall be actively engaged

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1 in practice as a certified public accountant and shall
2 have been so engaged for five years preceding his
3 appointment, the last two of which shall have been
4 in Iowa. Professional associations or societies
5 composed of certified public accountants may recommend

6 the names of potential board members to the governor,
7 but the governor shall not be bound by the
8 recommendations. A board member shall not be required
9 to be a member of any professional association or
10 society composed of certified public accountants.
11 Members shall be appointed by the governor, subject
12 to the approval of [two-thirds of the members of] the
13 senate. The term 'board' as used in this chapter
14 means the board of accountancy established by this
15 section. Within sixty days after July 1, 1975, the
16 governor shall appoint the certified public accountant
17 members of the board for terms as follows: Two members
18 for a term ending June 30, 1976, and two members for
19 a term ending June 30, 1977, one member for a term
20 ending June 30, 1978. Within sixty days after July
21 1, 1975, the governor shall appoint the members
22 representing the general public, one member for a
23 term ending June 30, 1976 and one member for a term
24 ending June 30, 1978. Upon the expiration of each
25 of the terms and of each succeeding term, a successor
26 shall be appointed for a term of three years. Members
27 shall serve a maximum of three terms or nine years,
28 whichever is less. Vacancies occurring in the
29 membership of the board for any cause shall be filled
30 in the same manner by the governor for the unexpired
31 term and shall be subject to senate confirmation.
32 The public members of the board of accountancy shall
33 not participate in devising, administering or grading
34 of examinations referred to in section 116.5.

35 A member of the board whose term has expired shall
36 continue to serve until his successor is appointed
37 and qualified.

38 The governor shall remove from the board any member
39 whose certificate as a certified public accountant
40 has been revoked or suspended.

41 Sec. Section one hundred seventeen point
42 eight (117.8), Code 1975, is amended to read as
43 follows:

44 117.8 COMMISSION ESTABLISHED. There is estab-
45 lished the Iowa real estate commission which shall
46 consist of three members licensed under this chapter
47 and two members not licensed under this chapter and
48 who shall represent the general public. At least
49 one of the licensed members shall be a licensed real
50 estate salesman, except that if the licensed real

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1 estate salesman becomes a licensed real estate broker
2 during his term of office, he shall be allowed to
3 complete his term, but shall not be eligible for
4 reappointment on the commission as a licensed real
5 estate salesman. A licensed member shall be actively
6 engaged in the real estate business and shall have
7 been so engaged for five years preceding his
8 appointment, the last two of which shall have been

9 in Iowa. Professional associations or societies of
10 real estate brokers or real estate salesmen may
11 recommend the names of potential commission members
12 to the governor, but the governor shall not be bound
13 by their recommendations. A commission member shall
14 not be required to be a member of any professional
15 association or society composed of real estate brokers
16 or salesmen. Commissioners shall be appointed by
17 the governor subject to the approval of [two-thirds
18 of the members of] the senate. Appointments shall
19 be for three-year terms and shall commence on July
20 [1] *first of the year in which the appointment is made.*
21 A commissioner shall serve no more than three terms
22 or nine years, whichever is less. No more than one
23 commissioner shall be appointed from a county. A
24 commissioner shall not hold any other elective or
25 appointive state or federal office. Vacancies shall
26 be filled for the unexpired term by appointment of
27 the governor and shall be subject to senate
28 confirmation. A majority of the commissioners shall
29 constitute a quorum.

30 Sec. Section one hundred eighteen point one
31 (118.1), unnumbered paragraph one (1), Code 1975,
32 is amended to read as follows:

33 There is established the board of architectural
34 examiners which shall consist of five members who
35 possess a certificate of registration issued under
36 section 118.9 and who have been in active practice
37 of architecture for not less than five years, the
38 last two of which shall have been in Iowa, and two
39 members who do not possess a certificate of
40 registration issued under section 118.9 and who shall
41 represent the general public. Members shall be
42 appointed by the governor subject to the approval
43 of [two-thirds of the members of] the senate.

44 Sec. Section one hundred eighteen A point
45 three (118A.3), unnumbered paragraph one (1), Code
46 1975, is amended to read as follows:

47 There is established a board of landscape archi-
48 tectural examiners which shall consist of five members
49 who are registered landscape architects and two members
50 who are not registered landscape architects and who

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1 shall represent the general public. Members shall
2 be appointed by the governor, subject to the approval
3 of [two thirds of the members of] the senate. A
4 registered member shall be actively engaged in the
5 practice of landscape architecture or the teaching
6 of landscape architecture in an accredited college
7 or university, and shall have been so engaged for
8 five years preceding his appointment, the last two
9 of which shall have been in Iowa. Professional
10 associations or societies composed of registered
11 landscape architects may recommend the names of

12 potential board members to the governor, but the
13 governor shall not be bound by the recommendations.
14 A board member shall not be required to be a member
15 of any professional association or society composed
16 of professional landscape architects.

17 Sec. Section one hundred twenty point three
18 (120.3), subsection one (1), unnumbered paragraph
19 one (1), Code 1975, is amended to read as follows:

20 There is established a board of watchmaking
21 examiners which shall consist of five members who
22 possess certificates of registration as watchmakers
23 and two members who do not possess certificates of
24 registration as watchmakers and who shall represent
25 the general public. Members shall be appointed by
26 the governor, subject to the approval of [two-thirds
27 of the members of] the senate. A registered member
28 shall be actively engaged in the practice of
29 watchmaking and shall have been so engaged for five
30 years preceding his appointment, the last two of which
31 shall have been in Iowa. Professional associations
32 or societies composed of registered watchmakers may
33 recommend the names of potential board members to
34 the governor, but the governor shall not be bound
35 by the recommendations. A board member shall not
36 be required to be a member of any professional
37 association or society composed of professional
38 watchmakers."

39 11. Page 7, line 4, by striking the words "two-
40 thirds of" and inserting in lieu thereof the words
41 "[two-thirds of]".

42 12. Page 7, by inserting after line 13 the
43 following:

44 "Sec. Section one hundred forty-seven point
45 twelve (147.12), Code 1975, is amended to read as
46 follows:

47 147.12 EXAMINING BOARDS. For the purpose of
48 giving examinations to applicants for licenses to
49 practice the professions for which a license is
50 required by this title, the governor shall appoint,

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1 subject to the approval [of two-thirds of the members]
2 of the senate, a board of examiners for each of the
3 professions. The board members shall not be required
4 to be members of professional societies or associations
5 composed of members of their professions."

6 13. Page 7, line 20 and 21, by striking the words
7 "of two-thirds of the members" and inserting in lieu
8 thereof the words "[of two-thirds of the members]".

9 14. Page 8, by inserting after line 6 the
10 following:

11 "Sec. Section one hundred sixty-nine point
12 fifteen (169.15), Code 1975, is amended to read as
13 follows:

14 169.15 EXAMINING BOARD. For the purpose of

15 administering examinations to applicants for license
16 to practice veterinary medicine, the governor shall
17 appoint, subject to the approval of [two-thirds of
18 the members of] the senate, a board of five examiners,
19 three who shall be licensed veterinarians and two
20 who shall not be licensed veterinarians and who shall
21 represent the general public. Such board shall be
22 known as the board of veterinary medical examiners.
23 Each licensed examiner shall be actively engaged in
24 veterinary medicine and shall have been so engaged
25 for a period of five years just preceding his
26 appointment, the last two of which shall have been
27 in Iowa. No member of the board shall be employed
28 by any wholesale or jobbing house dealing in supplies,
29 equipment or instruments used or useful in the practice
30 of veterinary medicine. The chief of the division
31 of animal industry of the department shall serve as
32 secretary to the board of veterinary medical examiners.

33 Professional associations or societies composed
34 of licensed veterinarians may recommend the names
35 of potential board members to the governor, but the
36 governor shall not be bound by the recommendations.
37 Sec. Section two hundred seventeen point
38 two (217.2), Code 1975, is amended to read as follows:

39 217.2 COUNCIL ON SOCIAL SERVICES. There is hereby
40 created within the department of social services a
41 council on social services which shall act in a policy-
42 making and advisory capacity on matters within the
43 jurisdiction of the department. The council shall
44 consist of five members appointed by the governor
45 with the consent [of two-thirds] of the senate.
46 Appointments shall be made on the basis of interest
47 in public affairs, good judgment, and knowledge and
48 ability in the field of social services. Such
49 appointments shall be made to provide a diversity
50 of interest and point of view in the membership and

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1 without regard to religious opinions or affiliations.
2 The term of each member of the council shall be for
3 six years[, except that those initially appointed shall
4 serve as follows:
5 One member shall serve until June 30, 1969.
6 Two members shall serve until June 30, 1971.
7 Two members shall serve until June 30, 1973].
8 Each term shall commence on July [1] *first* of the
9 year of appointment.
10 All members of the council shall be electors of
11 the state of Iowa. No more than three such members
12 shall belong to the same political party and no two
13 such members shall, at the time of appointment, reside
14 in the same congressional district. Vacancies
15 occurring during a term of office shall be filled
16 in the same manner as the original appointment for
17 the balance of the unexpired term subject to

18 confirmation by [two-thirds of] the senate within sixty
19 days of convening at its next regular session."

20 15. Page 9, line 34, by striking the words "of
21 two-thirds vote" and inserting in lieu thereof the
22 words "[of two-thirds vote]".

23 16. Page 10, by striking lines 6 and 7 and
24 inserting in lieu thereof the following:

25 "(384.13), subsection four (4) and unnumbered
26 paragraph two (2), Code 1975, are amended to read
27 as follows:

28 4. Four city officials who are regularly involved
29 in budget preparation. One official must be from
30 a city with a population of at least two thousand
31 but not over five thousand, one from a city with a
32 population of over five thousand but not over fifteen
33 thousand, one from a city with a population of over
34 fifteen thousand but not over fifty thousand, and
35 one from a city with a population of over fifty
36 thousand. The governor shall select and appoint,
37 with the approval [of two-thirds of the members] of
38 the senate, the city officials."

39 17, Page 10, by inserting after line 18 the
40 following:

41 "Sec. Section four hundred twenty-one point
42 one (421.1), unnumbered paragraph four (4), Code 1975,
43 is amended to read as follows:

44 Members shall be appointed by the governor subject
45 to confirmation by [two-thirds of the members of] the
46 senate. Appointments to the board shall be bipartisan
47 and of the first appointees, one shall be for two
48 years, one shall be for four years and one shall be
49 for six years."

50 18. Page 10, line 32, by striking the words "of

Page 10

1 two-thirds of the members" and inserting in lieu
2 thereof the words "[of two-thirds of the members]".

3 19. Page 11, by striking lines 7 and 8 and
4 inserting in lieu thereof the following:

5 "(455B.4), subsections one (1) through four (4)
6 and unnumbered paragraph two (2), Code 1975, are
7 amended to read as follows:

8 1. The air quality commission shall consist of
9 the president of the Iowa medical society or his
10 designee and the following four members appointed
11 by the governor with the consent [of two-thirds] of
12 the senate:

13 a. A member actively engaged in diversified
14 farming.

15 b. A member actively engaged in the management
16 of a privately owned manufacturing company.

17 c. Two members who are electors of the state.

18 2. The water quality commission shall consist
19 of the chairman of the Iowa development commission
20 or his designee and the following four members

21 appointed by the governor with the consent [of two-
22 thirds] of the senate:
23 a. A member actively engaged in diversified
24 farming.
25 b. A member actively engaged in the management
26 of a privately owned manufacturing company.
27 c. Two members who are electors of the state.
28 3. The solid waste disposal commission shall
29 consist of the president of the Iowa engineering
30 society or his designee and the following four members
31 appointed by the governor with the consent [of two-
32 thirds] of the senate:
33 a. A member actively engaged in diversified
34 farming.
35 b. A member actively engaged in the management
36 of a privately owned manufacturing company.
37 c. Two members who are electors of the state."
38 20. Page 11, line 20, by striking the words "of
39 two-thirds" and inserting in lieu thereof the words
40 "[of two-thirds]".
41 21. Page 12, line 7, by striking the words "of
42 two-thirds" and inserting in lieu thereof the words
43 "[of two-thirds]".
44 22. Page 12, by inserting after line 9 the
45 following:
46 "Sec. Section four hundred fifty-five B point
47 fifty-three (455B.53), unnumbered paragraph one (1),
48 Code 1975, is amended to read as follows:
49 The governor shall appoint, subject to the approval
50 [of two-thirds of the members] of the senate, a board

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1 of certification consisting of the following five
2 members:"
3 23. Page 15, by inserting after line 18 the
4 following:
5 "Sec. Section six hundred one B point one
6 (601B.1), Code 1975, is amended to read as follows:
7 601B.1 MEMBERSHIP. The Iowa commission for the
8 blind is hereby created. Said commission shall consist
9 of three members to be appointed by the governor with
10 the approval [of two-thirds] of the members of the
11 senate."
12 24. Page 16, by striking line 10 and inserting
13 in lieu thereof the following:
14 "(2), subsections one (1) and two (2), are amended
15 to read as follows:
16 1. The Iowa housing finance authority is estab-
17 lished, and constituted a public instrumentality and
18 agency of the state exercising public and essential
19 governmental functions, established to undertake
20 programs which assist in attainment of adequate housing
21 for low or moderate income families, elderly families,
22 families which include one or more persons who are
23 handicapped or disabled, and the Iowa homesteading

24 program. The powers of the authority shall be vested
25 in and exercised by a board of nine members appointed
26 by the governor with the approval [of two-thirds of
27 the members] of the senate. No more than five members
28 shall belong to the same political party. Any individ-
29 ual or organization may submit the names of nominees
30 for membership to the governor in writing within
31 thirty days of the effective date of this section,
32 but the governor is not bound to select the members
33 from the nominees submitted. As far as possible the
34 governor shall include within the membership per-
35 sons determined by him to represent the following
36 interests:

- 37 a. Community and housing development industries.
- 38 b. Housing finance industries.
- 39 c. Real estate sales industry.
- 40 d. Elderly families.
- 41 e. Minorities.
- 42 f. Lower income families.
- 43 g. Very low-income families.
- 44 h. Handicapped and disabled families.
- 45 i. Average taxpayer."

RAY TAYLOR
WILLARD R. HANSEN

S—5581

- 1 Senate File 1310 is amended as follows:
2 1. Page 12, by adding after line 35 the follow-
3 ing new section:
4 "Sec. **NEW SECTION. Failure by any person**
5 to comply with the provisions of this division or
6 any rule promulgated under this division shall not
7 constitute a violation of this title within the mean-
8 ing of section one hundred forty-seven point eighty-
9 six (147.86), Code 1975, nor shall such failure be
10 subject to the penalties imposed by that section."

EUGENE M. HILL

S—5582

- 1 Amend Senate File 1310 as follows:
2 1. Page 15, by striking lines 14 through 23, and
3 inserting in lieu thereof the following:
4 "f. The agreement must provide that the patient,
5 or the person executing the agreement on the patient's
6 behalf, has the absolute right to rescind the agreement,
7 without reason, within sixty days after the health care
8 practitioner releases the patient from treatment or
9 within 60 days after the discovery of the malpractice
10 occurrence, whichever occurs later; if the agreement
11 is with a hospital or other health care facility to
12 which the patient is admitted on either an in-patient
13 or out-patient basis, the right to rescind shall extend
14 until sixty days after discharge from the hospital or
15 facility or within sixty days after the discovery of

16 the malpractice occurrence, whichever is later.

17 At the time of the execution of the agreement the
18 health care provider shall furnish the patient or the
19 person executing the agreement on the patient's behalf
20 with a form providing for the revocation of said agree-
21 ment together with a self-addressed, stamped envelope
22 addressed to said provider."

23 2. Page 15, line 27, by adding after the period:

24 "If the health care provider refuses treatment or
25 services because the patient refuses to sign the arbi-
26 tration agreement, then such health care provider shall
27 be liable for any and all damages accruing from such
28 refusal to treat or render services to the patient. A
29 health care provider's refusal to treat the patient or
30 provide services to the patient following the patient's
31 refusal to sign an arbitration agreement shall be pre-
32 sumptive evidence that the health care provider's refusal
33 to treat the patient or provide the services to the
34 patient was occasioned by the patient's refusal to sign
35 the arbitration agreement."

36 3. Page 15, by striking lines 28 through 30 and
37 inserting in lieu thereof the following:

38 "h. The agreement must specifically provide that a
39 patient signing the arbitration agreement without advice
40 of counsel can rescind same at any time. The agreement
41 must carry a caveat that the patient should consult his
42 attorney."

JAMES M. REDMOND

S—5586

1 Amend the Redmond amendment, S—5582, to Senate
2 File 1310 as follows:

3 1. Page 1, by striking lines 17 through 22.

4 2. Page 1, by striking lines 38 through 42

5 and inserting in lieu thereof the following:

6 "h. The agreement must carry a caveat that
7 the patient should consult her attorney before sign-
8 ing same."

RICHARD R. RAMSEY

S—5576

1 Amend Senate File 1310, page 15, by adding after
2 line 30 the following new subsection:

3 "3. **NEW SUBSECTION.** Any party aggrieved by the
4 decision of the arbitrator shall have the right to
5 appeal the same to the district court of the county
6 in which the arbitration was held within thirty
7 days after receipt of the arbitrator's decision.
8 If the party appealing was not represented by
9 counsel at the arbitration hearing, then the case
10 shall be heard de novo. However, if the party
11 appealing was represented by counsel at the arbi-
12 tration hearing, then the appeal will be heard on
13 the record. Upon appeal the court shall have the

- 14 right to sustain, reverse, modify, amend or enlarge
15 upon the decision of the arbitrator."

E. KEVIN KELLY

S—5572

- 1 Amend Senate File 1310, page 15, line 30, by
2 adding the following new paragraph:
3 "..... The agreement shall also
4 provide that a written record of the arbitration
5 will be made by a certified shorthand reporter,
6 the cost of which shall be borne equally by the
7 parties to the arbitration."

LUCAS J. DeKOSTER

S—5575

- 1 Amend the DeKoster amendment, S—5572, to Senate
2 File 1310 as follows:
3 1. Page 1, line 1, by inserting after the figure
4 "15," the word "after".

LUCAS J. DeKOSTER

S—5569

- 1 Amend Senate File 1310 as follows:
2 1. Page 15, by inserting after line 30 the
3 following new section:
4 "Sec. Acts of the Sixty-sixth General
5 Assembly, 1975 Session, chapter two hundred thirty-
6 nine (239), section two (2), is amended by adding
7 the following new subsection:
8 **NEW SUBSECTION.** 'Specific type of licensed health
9 care provider' means and includes either the licensed
10 members of any one of the professions whose members
11 are designated by subsection five (5) of this section
12 to be health care providers, or any subgroup of the
13 licensed members of any one such profession who
14 primarily engage in a professionally recognized
15 specialty."

WILLARD R. HANSEN
LOWELL L. JUNKINS

S—5580

- 1 Amend the Redmond amendment, S—5578, to page
2 12 of Senate File 1310 as follows:
3 1. By inserting after line 21 the following
4 new subsection:
5 "4. The reports received by the commissioner
6 pursuant to subsections one (1) through three (3)
7 of this section shall be confidential and shall not
8 be disclosed except to a health care board pursuant
9 to this section. However, the commissioner may
10 disclose aggregate information compiled from such
11 reports if the aggregate information is not identi-
12 fied as to the individual health care practitioners
13 to whom it relates."

JAMES M. REDMOND
LOWELL L. JUNKINS

S—5585

1 Amend Senate File 1313, as follows:

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

4 "Section 1. Section three hundred fifty-eight
5 A point one (358A.1), Code 1975, is amended to read
6 as follows:

7 358A.1 WHERE APPLICABLE. The provisions of this
8 chapter shall be applicable to [any] *every* county of
9 the state [at the option of the board of supervisors
10 of any such county].

11 Sec. 2. Section three hundred fifty-eight A point
12 three (358A.3), Code 1975, is amended to read as
13 follows:

14 358A.3 POWERS. Subject to the provisions of
15 [sections 358A.1 and] *section* 358A.2, the board of
16 supervisors of [any] *every* county [is hereby empowered
17 to] *shall* regulate and restrict the height, number
18 of structures, and size of buildings and other
19 structures, the percentage of lot that may be occupied,
20 the size of wards, courts and other open spaces, the
21 density of population, and the location and use of
22 buildings, structures, and land for trade, industry,
23 residence or other purposes, and to regulate, restrict
24 and prohibit the use for residential purposes of
25 tents, trailers and portable or potentially portable
26 structures; provided that such powers shall be
27 exercised only with reference to land and structures
28 located within the county but lying outside of the
29 corporate limits of any city. The board of supervisors
30 of any county may prescribe and charge a reasonable
31 building permit fee, and upon receipt of an application
32 containing all required information, in due form and
33 properly executed, showing that the proposed structure
34 will comply with all applicable regulations of the
35 political subdivision in which it is to be located
36 and upon payment of the required permit fee, the board
37 of supervisors shall, within seven days, issue a
38 permit to the applicant."

39 2. Amend the title, line 1, by striking everything
40 after the word "Act" and all of lines 2 and 3, and
41 inserting in lieu thereof the words "to require county
42 zoning."

LEONARD C. ANDERSEN

S—5588

1 Amend Senate File 1313 as follows:

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

4 Section 1. *NEW SECTION.* STATEMENT OF LEGISLATIVE
5 INTENT. It is the intent of the general assembly
6 of the state of Iowa to provide for the orderly use
7 and development of land and related natural resources
8 in Iowa, to preserve private property rights, to

9 preserve the use of prime agricultural land for
10 agricultural production, to preserve natural, cultural
11 and historical areas, to provide for future housing,
12 commercial, industrial and recreational needs and
13 for such other uses as needed, to provide for the
14 coordination of comprehensive plans for land use,
15 and to control urban sprawl, and thereby provide for
16 the protection and preservation of the private and
17 public interest in the land, water and related
18 resources of this state for the public health, safety
19 and general welfare, and for the benefit of present
20 and future generations.

21 **Sec. 2. NEW SECTION. DEFINITIONS.** As used in
22 this Act unless the context otherwise requires:

23 1. "Department" means the department of soil
24 conservation and land use created by this Act.

25 2. "State commission" means the state land use
26 policy commission.

27 3. "Director" means the director of the department
28 of soil conservation and land use or his designee.

29 4. "State permit area" means any state critical
30 area, mining operation, or large-scale development.

31 5. "State critical area" means an area designated
32 by the general assembly where substantial evidence
33 indicates that uncontrolled or incompatible development
34 could result in damage to the environment, life or
35 property, or an area where the long-term public
36 interest is of more than local significance. Such
37 areas shall include but not necessarily be limited
38 to:

39 a. "Fragile or historic lands" where uncontrolled
40 or incompatible development could result in
41 irreversible damage to important historic, cultural,
42 scientific, or aesthetic values or natural systems
43 which are of more than local significance including
44 shorelands of rivers, lakes, and streams, rare or
45 valuable ecosystems and geological formations,
46 significant wildlife habitats, and unique scenic or
47 historic sites.

48 b. "Natural hazard lands" where uncontrolled or
49 incompatible development could unreasonably endanger
50 life and property including flood plains and areas

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1 frequently subject to weather disasters, and areas
2 of unstable geological formations.

3 c. "Renewable resource lands" where uncontrolled
4 or incompatible development which results in the loss
5 or reduction of continued long-range productivity
6 could endanger future water, food, and fiber
7 requirements of more than local concern including
8 watershed lands, aquifers and aquifer recharge areas,
9 and forest lands.

10 6. "Key facility" means a public facility
11 designated by the state commission, on the basis of

12 criteria adopted by the general assembly, which is
13 expected to result in development and urbanization
14 exceeding local impact, including but not limited
15 to major airports, major highway interchanges including
16 interchanges with frontage roads, access streets and
17 other limited access highways, major recreational
18 land and facilities and major facilities for the
19 development, generation or transmission of energy.

20 7. "Large-scale development" means any private
21 development which is determined by the state
22 commission, on the basis of criteria adopted by the
23 general assembly, to likely generate issues of more
24 than local significance because of its magnitude or
25 because of its location with respect to its
26 surroundings.

27 8. "Local critical area" means any fragile or
28 historic lands or sites, natural hazard lands, or
29 renewable resource lands of local significance,
30 designated by a city or county, where substantial
31 evidence indicates that the uncontrolled or
32 incompatible development could result in damage to
33 the environment, life or property, or the long-term
34 public interest, and which is not designated as a
35 state permit area.

36 9. "County commission" means any county land use
37 policy commission.

38 10. "Special district" means a benefited water
39 district, a rural water district, a benefited fire
40 district, a benefited street lighting district, school
41 district or a sanitary district.

42 11. "Land use" means all activities, occupations,
43 practices, and utilization of space, including ground
44 space, water, subsurface and air space.

45 12. "Land use planning" means the art, science,
46 and process of arranging ground space, and its
47 accompanying activity patterns, structures, systems
48 and functions so as to adapt it most economically,
49 functionally, and gracefully to the diverse present
50 and anticipated future activities and occupations

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1 of civilized man.

2 13. "Land use policy" means a definite course
3 of action selected after evaluation of alternative
4 courses in order to effectuate wise and prudent
5 decisions for the use of land.

6 14. "Land use guideline" means a statement of
7 the criteria, standards, specifications, and procedures
8 to be used in developing land use policy.

9 15. "Land use goal or objective" means a broad
10 statement of ideals, aims, and desired results of
11 land use planning and policy projected as far as
12 possible into the future.

13 16. "Comprehensive plan" means a document or
14 documents in map, text, tabular, chart or similar

15 form which illustrates land use goals or objectives
16 and which is used as a tool in present and future
17 land use decision-making.

18 17. "Urban sprawl" means the irregular and
19 uncontrolled development of urban land uses without
20 regard to land use planning as defined in this section.

21 18. "Aggrieved person" means any person whose
22 property rights are adversely affected or who
23 establishes that a substantial public interest is
24 adversely affected by a policy, guideline,
25 comprehensive plan provision, action, decision,
26 ordinance, or regulation relating to land use.

27 Sec. 3. **NEW SECTION. DEPARTMENT CREATED.** There
28 is created a department of soil conservation and land
29 use. The department shall be responsible for the
30 administration of programs relating to a state land
31 use policy, the protection of soil and water resources,
32 and the prevention of soil erosion and sedimentation
33 damage as provided by law.

34 Sec. 4. **NEW SECTION. STATE COMMISSION.**

35 1. There is created within the department a state
36 land use policy commission consisting of thirteen
37 voting members appointed by the governor with the
38 consent of two-thirds of the members of the senate
39 and fourteen ex officio, nonvoting members. No more
40 than eight members shall be of the same political
41 affiliation. The term of each voting member shall
42 be effective on the first day of July of the year
43 of appointment except in the case of a vacancy which
44 shall be filled by appointment of the governor with
45 the consent of two-thirds of the members of the senate
46 for the unexpired term subject to the same
47 qualifications as the original appointment. Voting
48 members shall not be appointed to serve more than
49 two complete terms excluding an unexpired term to
50 which they may be appointed.

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1 2. The thirteen voting members of the commission
2 shall be selected and appointed for six-year terms
3 subject to the following qualifications:
4 a. Six members shall be persons engaged in actual
5 farming operations with each being a resident of a
6 different soil conservancy district established in
7 section four hundred sixty-seven D point three (467D.3)
8 of the Code and none being a resident of the same
9 county.

10 b. One member shall be selected from the state
11 at large to be representative of the mining industry.

12 c. One member shall be selected from the state
13 at large to be representative of cities.

14 d. One member shall be a representative of a city
15 with a population of over twenty-five thousand.

16 e. One member shall be a representative of a city
17 with a population of at least ten thousand but not

18 over twenty-five thousand.

19 f. One member shall be a representative of a city
20 with a population of under ten thousand.

21 g. Two members shall represent a broad cross
22 section of the public interest.

23 However, of the members of the initial state commission, the
24 eight members selected and appointed to meet the
25 qualifications of paragraphs a, b, and c of this
26 subsection shall be the members of the state soil
27 conservation committee on the effective date of this
28 Act and such members shall serve the balance of their
29 unexpired terms to which they were appointed as members
30 of such committee. The five members of the initial
31 state commission selected and appointed to meet the
32 qualifications of paragraphs d, e, f, and g of this
33 subsection shall be appointed to staggered terms,
34 one member being appointed to an initial term of six
35 years, two members being appointed to an initial term
36 of four years, and two members being appointed to
37 an initial term of two years. The five members
38 appointed under paragraphs d, e, f, and g of this
39 subsection shall not be elected or appointed officers
40 or employees of the federal government or the state
41 government.

42 3. The fourteen ex officio, nonvoting members
43 of the state commission are the secretary of
44 agriculture, the director of the state agricultural
45 extension service, the director of the state
46 conservation commission, the director of the Iowa
47 natural resources council, the executive director
48 of the department of environmental quality, the
49 director of the office for planning and programming,
50 the state geologist, the director of the Iowa

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1 development commission, the director of the department
2 of transportation, the chairman of the city develop-
3 ment board, the chairman of the Iowa state commerce
4 commission, the director of the energy policy council,
5 or their respective designees, a member of a county
6 commission appointed by the league of Iowa
7 municipalities, and a member of a county commission
8 appointed by the Iowa state association of counties.
9 The two members appointed by the league of Iowa
10 municipalities and the Iowa state association of
11 counties shall serve terms as determined by their
12 respective appointing authorities.

13 4. The state commission shall organize annually
14 by the election of a chairman and vice chairman from
15 among its voting members. Meetings may be called
16 by the chairman at any time and shall be called by
17 the chairman on the written request of a majority
18 of the voting members. A majority of the voting
19 members shall constitute a quorum and the concurrence
20 of a quorum of the voting members shall be required

21 to determine any matter relating to its official
22 duties.

23 5. Each member of the state commission, not
24 otherwise in the full-time employment of a public
25 agency, is entitled to receive the sum of forty dollars
26 for each day that he is engaged in the discharge of
27 his official duties. Each member is also entitled
28 to receive reimbursement for travel and other necessary
29 expenses incurred in the performance of his official
30 duties.

31 **Sec. 5. NEW SECTION. DUTIES OF THE STATE**
32 **COMMISSION.** In addition to other duties provided
33 by law, the state commission shall:

34 1. Identify and evaluate on a continuing basis
35 the land use policy issues in this state.

36 2. Evaluate the impact of current laws, ordinances,
37 policies, regulations and taxes in this state upon
38 land use decisions.

39 3. Prepare and recommend, for adoption by the
40 general assembly, a state land use policy and state
41 land use policy guidelines based on the state land
42 use policy objectives specified in section nine (9)
43 of this Act, for the guidance and direction of state
44 agencies, county land use policy commissions, cities,
45 counties, and special districts on matters relating
46 to land use. The policy and guidelines shall be
47 reviewed annually and recommendations for revision
48 or modification shall be transmitted to the general
49 assembly. While formulating the initial state land
50 use policy and preparing state land use policy

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1 guidelines or upon recommendation for revision of
2 such policy or a guideline, the state commission shall
3 hold at least ten regional public hearings throughout
4 the state and receive testimony from any interested
5 person relating to a state land use policy or any
6 state land use policy guideline. The state commission
7 shall give public notice of the dates, times, and
8 locations of such public hearings by publication in
9 a newspaper of general circulation within each regional
10 area where the hearing is to be conducted not later
11 than two weeks before the date of hearing. The initial
12 recommendations of the state commission shall be
13 submitted to the general assembly not later than
14 eighteen months after the effective date of this Act.

15 4. Provide for the preparation and revision of
16 a state inventory of land and natural resources.

17 5. Provide for the compilation and revision of
18 data related to population densities, population
19 trends, economic characteristics and projections,
20 environmental conditions and trends, and the directions
21 and extent of urban and rural growth.

22 6. Provide for the compilation and revision of
23 statewide projections of the nature, quantity, and

24 compatability of land needed and suitable for
25 recreation, parks, and open spaces; scientific and
26 educational purposes; protection of areas of critical
27 environmental concern; conservation and preservation
28 of natural resources including any known commercial
29 mineral deposits; agriculture, mineral development,
30 and forestry; industry and commerce, including the
31 exploration, development, production, mining,
32 generation, and transmission of energy; solid waste
33 management and resource recovery; transportation;
34 housing; urban development, including the revitali-
35 zation of existing communities, the development of
36 new cities, and the economic diversification of
37 existing communities having a narrow economic base;
38 rural development; and state and local governmental
39 services.

40 7. Provide for the periodic monitoring of land
41 use data to determine changes in land usage, the
42 comparison of such changes to state and local land
43 use guidelines, plans, programs, and projections,
44 and the reporting of the findings to the affected
45 local governments, state agencies and the federal
46 government, upon request.

47 8. Provide for the preparation and revision of
48 an inventory of state, local government, and private
49 needs and priorities concerning the use of federal
50 lands within the state.

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1 9. Provide for the preparation and revision of
2 an inventory of public and private institutional and
3 financial resources, including citizen public interest
4 organizations, available for land use planning and
5 implementation within the state and of state and local
6 programs and activities which have a land use impact
7 of more than local concern.

8 10. Provide, where appropriate, technical
9 assistance for, and training programs for state and
10 local governmental personnel who are concerned with,
11 the development and implementation of state and local
12 land use guidelines and comprehensive plans.

13 11. Consult and cooperate in the establishment
14 of the exchange of land use planning and data
15 information with state agencies, local governments,
16 the federal government, and other states and their
17 political subdivisions. Each state agency and agency
18 of a political subdivision of this state shall
19 cooperate, within time, personnel and budgetary
20 limitations, in providing information, data, surveys
21 and studies as requested by the state commission.

22 12. Provide information and educational programs
23 through existing educational institutions.

24 13. Authorize the application for, receipt, and
25 expenditure of any private or public funds for the
26 purpose of carrying out the provisions of this Act.

27 The state commission may apportion such funds to
28 county land use policy commissions for developing
29 and enforcing land use plans as provided in section
30 sixteen (16) of this Act.

31 14. Recommend, for adoption by the general
32 assembly, the designation of state critical areas.
33 Each recommendation shall specify the criteria
34 developed and reasons for the proposed designation,
35 the damages that would result from uncontrolled
36 development within the area, the reasons for the
37 implementation of state regulations for the proposed
38 area, and the suggested state regulations to be applied
39 to the area.

40 15. Establish criteria, for adoption by the general
41 assembly, for the designation of key facilities by
42 the state commission.

43 16. Establish criteria, for adoption by the general
44 assembly, for the designation of large scale
45 developments by the state commission. In develop-
46 ing such criteria, the state commission shall consider
47 the amount of pedestrian or vehicular traffic likely
48 to be generated, the number of persons likely to be
49 present, the potential for creating air, water, or
50 noise pollution, the size of the site to be occupied,

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1 the possibility of additional or subsidiary
2 development, and other factors deemed pertinent.

3 17. Establish criteria, for adoption by the general
4 assembly, for the designation of mining operations
5 as state permit areas by the state commission.

6 18. Recommend, for adoption by the general
7 assembly, a definition of confined feedlot operation.

8 19. Establish, by rule, procedures for the review
9 and approval of county land use policy guidelines
10 based on compliance with the state land use policy
11 and the state land use policy guidelines. If the
12 state commission determines that a county guideline
13 does not comply, the state commission shall recommend
14 modifications which will bring the guideline into
15 compliance.

16 20. Establish, by rule, procedures for the review
17 of comprehensive plans of cities, counties, and special
18 districts which have been approved by the county
19 commission, based on compliance with the state land
20 use policy and state land use policy guidelines.
21 If the state commission determines that a com-
22 prehensive plan does not comply, the state commission
23 shall recommend modifications which will bring the
24 comprehensive plan provision into compliance; however,
25 the state commission shall not have the authority
26 to require changes in any county or city comprehensive
27 plan unless the state commission identifies an
28 unresolved conflict in the comprehensive plans of
29 two contiguous counties. If the counties are unable

30 to reconcile their plans, the conflict shall be
31 resolved by the state commission. Upon recommendation
32 for modification, the comprehensive plan shall be
33 returned to such city, county, or special district
34 through the county commission which approved and
35 recommended such plan.

36 21. Establish, by rule, procedures for the review
37 and approval of state agency comprehensive plans and
38 plan modifications which shall include the locations
39 of key facilities, based on compliance with the state
40 land use policy and state land use policy guidelines.
41 If the state commission determines that a com-
42 prehensive plan provision does not comply, the
43 commission shall recommend modifications which will
44 bring the comprehensive plan provision into compliance.

45 22. Establish, by rule, for the hearing and
46 determination of a petition by a state agency that
47 a land use action or activity planned or taken by
48 another state agency is in conflict with the state
49 land use policy, state land use policy guidelines,
50 or a comprehensive plan provision of a state agency.

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1 The decision of the state commission shall be final.

2 23. Issue permits for activities and development
3 of state permit areas.

4 24. Prepare model zoning, subdivision or other
5 ordinances and regulations to guide state agencies,
6 cities, counties and special districts in implementing
7 state and county land use policy guidelines.

8 25. Advise, consult and cooperate with state
9 agencies and other public or private agencies in the
10 development of a state land use policy and state land
11 use policy guidelines.

12 26. Make a concise annual report to the governor
13 and the general assembly, which report shall contain
14 information relating to the accomplishments of the
15 state commission and include recommendations for
16 legislative action. The annual report shall conform
17 to the provisions of section seventeen point three
18 (17.3) of the Code.

19 27. Approve a budget for the department relating
20 to its powers and duties under this Act.

21 28. Allocate state appropriated funds to the
22 county land use policy commission.

23 29. Approve all contracts and agreements between
24 the department and other public or private persons
25 or agencies relating to its powers and duties under
26 this Act. The state commission may contract with
27 any public agency for the performance of services
28 or the exchange of employees or services and may
29 contract for the services of and consultation with
30 professional persons, not otherwise available through
31 federal, state and local governments, as may be
32 necessary to carry out the provisions of this Act.

33 30. Obtain an adequate public employees' fidelity
34 bond to cover those employees of the department
35 accountable for property or funds of this state under
36 this Act.

37 31. Adopt, amend, or repeal internal rules to
38 provide for the effective administration of the
39 department under this Act.

40 **Sec. 6. NEW SECTION. TEMPORARY EMERGENCY POWER**
41 **OF THE STATE COMMISSION.** When prior to the effective
42 date for compliance with the provisions of this Act,
43 the state commission determines that there is in
44 progress or proposed, a land use activity which
45 constitutes a danger of irreparable injury, loss,
46 or damage of serious and major proportions to the
47 public health, welfare or safety and is not in
48 compliance with the state land use policy objectives
49 as provided in section nine (9) of this Act, the state
50 commission shall immediately give written notice to

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1 the board of supervisors or the city council of each
2 county and city involved, of the pertinent facts and
3 dangers with respect to such activity. If the county
4 board of supervisors or the city council does not
5 remedy the situation within sixty days, the state
6 commission may, upon one-week's written notice to
7 the affected city council or board of supervisors,
8 and the person involved in such land use activity,
9 hold a public hearing on the matter. If, after the
10 hearing, the state commission determines that the
11 activity does constitute a danger, the state commis-
12 sion after approval of the executive council may issue
13 a written cease and desist order to the person in
14 control of the activity. If the activity is continued,
15 the attorney general, at the request of the state
16 commission, shall initiate civil proceedings in the
17 name of the state to enjoin such person from the
18 activity. Any such action shall be given precedence
19 over all other matters pending in the district court.
20 The court may, in this action as a matter of judicial
21 review inconsistent with chapter seventeen A (17A)
22 of the Code, uphold, modify, or overrule the order
23 of the state commission.

24 **Sec. 7. NEW SECTION. DIRECTOR APPOINTED.** The
25 state commission shall appoint a director who shall
26 be the chief administrative officer of the department
27 and shall serve at its pleasure.

28 The salary of the director shall be set by the
29 general assembly.

30 **Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE**
31 **DIRECTOR.** In addition to other powers and duties
32 provided by law, the director shall:

33 1. Recommend to the state commission the adoption
34 of internal rules and the appointment of technical,
35 professional, secretarial, and clerical staff, subject

36 to the provisions of chapter nineteen A (19A) of the
37 Code, that are necessary for the effective
38 administration of the department under this Act.

39 2. Direct and administer the land use programs
40 and services of the department in compliance with
41 provisions of this Act and the rules adopted by the
42 state commission.

43 3. Establish or reorganize, with the approval
44 of the state commission, the administrative structure
45 of the department.

46 4. Prepare, pursuant to chapter eight (8) of the
47 Code, a budget for the department relating to its
48 duties under this Act.

49 5. Perform other duties assigned by the state
50 commission.

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1 The director may appoint a member of his staff
2 to be acting director in his absence. Such acting
3 director shall have the powers delegated to him by
4 the director.

5 The director and other employees of the department
6 shall receive, in addition to salary, their necessary
7 traveling and related expenses when engaged in the
8 performance of official duties.

9 **Sec. 9. NEW SECTION. STATE LAND USE POLICY**
10 **OBJECTIVES.** In developing a state land use policy
11 and preparing state land use policy guidelines for
12 adoption by the general assembly, the state commission
13 shall conform its recommended guidelines to the
14 following state land use policy objectives. Where
15 the objectives conflict the state commission shall
16 submit a statement of the reasons for and the merits
17 of the proposed guidelines. The state land use policy
18 objectives include:

19 1. Preservation of agricultural land for food
20 and fiber production.

21 2. Preservation of state or local critical areas.

22 3. Establishment of criteria for the approval
23 of large-scale developments.

24 4. Establishment of criteria for the approval
25 of key facilities and any development adjacent to
26 or near such key facilities.

27 5. Establishment of criteria for the approval
28 of residential, commercial and industry developments.

29 6. Establishment of criteria for the approval
30 of the use of underground resources.

31 7. Provision for the maximum degree of uniformity
32 of county land use policy guidelines with due
33 consideration given to the unique characteristics
34 and problems of the geographical areas of the state
35 and each local government.

36 8. Supervision of and guidance for state agencies
37 relating to the acquisition and use of land.

38 9. Provision for future recreational areas and

39 facilities.

40 10. Provisions for an orderly and efficient
41 transition from rural to urban land use.

42 11. Provision and encouragement for a safe,
43 convenient and economic transportation system including
44 all modes of transportation and recognition of
45 differences in the social costs in the various modes
46 of transportation.

47 12. Development of a timely, orderly and efficient
48 arrangement of public facilities and services to serve
49 as a framework for urban and rural development.

50 13. Diversification and improvement of the economy

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1 of this state.

2 14. Assurance that the development of properties
3 within the state is commensurate with the character
4 and the physical limitations of the land.

5 15. Provision for a balance of anticipated energy
6 resources and consumption.

7 **Sec. 10. NEW SECTION. STATE PLANNING AND SITING**
8 **PERMITS.** After a state permit area has been designated
9 as provided in section five (5) of this Act, a person
10 shall not initiate a proposed project for the
11 development or use of a state permit area without
12 obtaining a planning and siting permit from the
13 department or without approval of the state commission
14 as provided in section eleven (11) of this Act.

15 If a permit is required under this section, any
16 person desiring to initiate a project constituting
17 the development or use of a state permit area shall
18 apply to the department for a planning and siting
19 permit for such project. The application shall include
20 plans for the project and a land use impact statement
21 containing such information as required by rules of
22 the state commission.

23 The department shall transmit copies of the
24 application to affected county land use policy
25 commissions and state agencies for their review and
26 recommendation. Within sixty days after the mailing
27 of the application, the affected county land use
28 policy commissions and state agencies shall submit
29 their recommendations to the state commission.

30 If the state commission finds after review of the
31 application and the recommendations of the affected
32 city, county, special district, county land use policy
33 commission, and state agency that the proposed project
34 complies with its comprehensive plans, and the state
35 land use policy guidelines, it shall approve the
36 application and issue a planning and siting permit
37 for the proposed project. Approval or disapproval
38 of the application shall be made by the state
39 commission within one hundred twenty days follow-
40 ing receipt of the application.

41 The state commission may prescribe and include
42 in the planning and siting permit such conditions
43 or restrictions that it considers necessary to assure
44 that the proposed project complies with the state
45 land use policy, state land use policy guidelines,
46 and the comprehensive plans of the city, county or
47 special district. As a condition for the issuance
48 of a planning and siting permit, the state commission
49 may require the submission of a surety bond or a
50 financial statement by the applicant.

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1 Sec. 11. *NEW SECTION. APPROVAL BY STATE*
2 *COMMISSION.* If a state agency, other than the
3 department, has jurisdiction to regulate the
4 development or use of a state permit area, any person
5 desiring to initiate a project constituting the
6 development or use of a state permit area shall apply
7 to that state agency for an appropriate permit.
8 However, before the permit is issued to the applicant,
9 the state agency shall submit the application with
10 plans for the project and a land use impact statement
11 containing such information as required by rules of
12 the state commission to the department for review
13 and approval. If the state commission finds that
14 the application and plans for the proposed project
15 comply with the state land use policy and state land
16 use policy guidelines, it shall approve the
17 application. If the application is not approved,
18 the state commission shall return the application
19 with the reasons for the disapproval. Approval or
20 disapproval of the application shall be made by the
21 state commission within sixty days of receipt of the
22 application.

23 The state commission may prescribe and attach to
24 an approved application such conditions and
25 restrictions that it considers necessary to assure
26 that the proposed project on or use of a state permit
27 area complies with the state land use policy and state
28 land use policy guidelines.

29 Sec. 12. *NEW SECTION. QUESTION ON PERMIT*
30 *REQUIREMENT.* If any person is in doubt whether a
31 proposed project requires a planning and siting permit
32 as required under section ten (10) of this Act or
33 approval of the state commission as provided in section
34 eleven (11) of this Act, he may petition for a
35 declaratory ruling from the state commission on the
36 question. Within sixty days after the date of the
37 receipt of the request, the state commission shall
38 issue a binding declaratory ruling with respect to
39 the proposed project. Requests for declaratory ruling
40 under this section shall be made to the state
41 commission in writing and in such form and containing
42 such information as may be prescribed by rule of the
43 state commission.

44 **Sec. 13. NEW SECTION. INJUNCTION.** If any person
45 initiates a project for the development or use of
46 a state permit area without obtaining a planning and
47 siting permit or approval of the state commission
48 as provided in sections ten (10) or eleven (11) of
49 this Act, the attorney general, at the request of
50 the state commission, shall initiate civil proceeding

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1 in the name of the state to enjoin such person from
2 such development or use.

3 **Sec. 14. NEW SECTION. INVESTIGATIONS. If the**
4 department determines the existence of an actual or
5 alleged violation of the provisions of sections ten
6 (10) or eleven (11) of this Act, the director may
7 enter at any reasonable time in and upon any private
8 or public property, except private dwellings, to
9 investigate any such actual or alleged violation.
10 Before carrying out any investigations or exercising
11 any other power authorized under this Act which may
12 require entry in or upon private property, the director
13 shall notify the owner, renter or other person in
14 charge of such property of his presence and the purpose
15 for which he is entering in or upon such property.

16 1. If the owner or occupant of any property refuses
17 admittance thereto, or if prior to such refusal the
18 director demonstrates the necessity for a search
19 warrant, the director may make application under oath
20 or affirmation to the district court of the county
21 in which the property is located for the issuance
22 of a search warrant.

23 2. In the application the director shall state
24 that an inspection of the premises is mandated by
25 the laws of this state or that a search of certain
26 premises, areas, or things designated in the
27 application may result in evidence tending to reveal
28 the existence of violations of public health, safety,
29 or welfare requirements imposed by statutes, rules
30 or ordinances adopted pursuant to this Act established
31 by the state or a political subdivision thereof.
32 The application shall describe the area, premises,
33 or thing to be searched, give the date of the last
34 inspection if known, give the date and time of the
35 proposed inspection, declare the need for such
36 inspection, recite that notice of desire to make an
37 inspection has been given to affected persons and
38 that admission was refused if that be the fact, and
39 state that the inspection has no purpose other than
40 to carry out the purpose of this Act or statutes,
41 rules, or ordinances adopted pursuant to this Act
42 for which inspection is to be made.

43 3. If the court is satisfied from the examination
44 of the applicant, and of other witnesses, if any,
45 and of the allegations of the application of the
46 existence of the grounds of the application, or that

47 there is probable cause to believe their existence,
48 the court may issue a search warrant.
49 4. In making inspections and searches pursuant
50 to the authority of this Act, the director must execute

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1 the warrant, in a reasonable manner within ten days
2 after its date, and subject to any other restrictions
3 imposed by the statute or regulation pursuant to which
4 inspection is made.

5 Sec. 15. *NEW SECTION. COUNTY LAND USE POLICY*
6 *COMMISSION.* There is established in each county of
7 the state a county land use policy commission. The
8 county commission shall consist of not less than nine
9 nor more than fifteen members, an equal number selected
10 from and appointed by the board of supervisors, the
11 soil conservation district commissioners, and the
12 mayors and councilmen of the county. In counties
13 having more than three members on the board of
14 supervisors, the board of supervisors, the soil
15 district commissioners, and the mayors and councilmen
16 of the county may agree to appoint four or five mem-
17 bers respectively to the county commission.

18 Within thirty days after the effective date of
19 this Act, the county auditor shall call a convention
20 of the mayors and councilmen of all cities in the
21 county by giving written notice of the date, time
22 and place of the convention to each mayor and
23 councilman. The convention shall meet at the place,
24 time and date of the notice, organize itself, and
25 select from its membership the number of members of
26 the county commission as determined under this Act.
27 For the purposes of selecting its membership, each city
28 shall have one vote. However, in a county where one
29 city has fifty percent or more of the total popula-
30 tion of the incorporated areas, that city shall be
31 entitled to at least fifty percent of the persons
32 selected by the convention. Each fourth year
33 thereafter during the month of January or as soon
34 as possible after he becomes aware of a vacancy on
35 the county commission which must be filled by the
36 convention, the county auditor shall call the
37 convention of mayors and councilmen by written notice
38 as provided in this section.

39 The members of the county commission shall be
40 appointed to four-year terms except that of the
41 membership of the initial county commission, one-third
42 of the members shall serve a two-year term, one-third
43 of the members shall serve a three-year term, and
44 one-third of the members shall serve a four-year term.
45 In the case of a nine-member county commission, one
46 member appointed by each appointing authority shall
47 be appointed to an initial term of two years, one
48 member to an initial term of three years, and one

49 member to an initial term of four years. In the case
50 of a twelve-member county commission, one member

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1 appointed by each appointing authority shall be
2 appointed to an initial term of two years, one member
3 to an initial term of three years, and two members
4 to an initial term of four years. In the case of
5 a fifteen-member county commission, one member
6 appointed by each appointing authority shall be
7 appointed to an initial term of two years, two members
8 to an initial term of three years, and two members
9 to an initial term of four years. The term of each
10 member shall be effective on the first day of January
11 of the year of appointment except in the case of a
12 vacancy which shall be filled by appointment for the
13 unexpired term subject to the same qualifications
14 as the original appointment. A vacancy shall occur
15 when a member of the county commission dies, resigns
16 or no longer holds the office which qualified him
17 for appointment to the county commission.

18 All members of the initial county commission shall
19 be appointed and the county commission shall meet
20 and organize by the election of a chairman and vice
21 chairman from among its membership within sixty days
22 after the effective date of this Act. Thereafter,
23 the county commission shall organize annually by
24 election of a chairman and vice chairman from among
25 its membership. Meetings may be called by the chair-
26 man at any time and shall be called within five days
27 by the chairman on the written request of a majority
28 of the membership. A majority of the members of the
29 county commission shall constitute a quorum and the
30 concurrence of a quorum of the county commission shall
31 be required to determine any matter relating to its
32 official duties.

33 Each member of the commission is entitled to receive
34 reimbursement for travel and other necessary expenses
35 incurred in the performance of his official duties.

36 **Sec. 16. NEW SECTION. POWERS AND DUTIES OF THE**
37 **COUNTY COMMISSION.**

38 1. The county commission shall inventory and
39 evaluate on a continuing basis the physical, social,
40 and economic resources of the county.

41 2. The county commission shall study and evaluate
42 the current comprehensive plans, ordinances, policies
43 and regulations of the county, special districts,
44 and the cities within the county relating to land
45 use.

46 3. In compliance with the state land use policy
47 and state land use policy guidelines adopted by the
48 general assembly, and to provide an integrated
49 comprehensive plan for the county, the county
50 commission shall adopt guidelines for the preparation

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- 1 of comprehensive plans for:
- 2 a. Coordinated systems of solid waste disposal,
- 3 sewage collection and treatment, and water supply
- 4 and distribution.
- 5 b. The siting and development of industrial,
- 6 commercial, educational, cultural, residential and
- 7 recreational facilities and areas.
- 8 c. The designation, development, or use of local
- 9 critical areas.
- 10 d. A coordinated countywide transportation system
- 11 which shall include elements of a statewide transporta-
- 12 tion plan.
- 13 e. The designation, siting and development of
- 14 confined feedlot operations which are not designated
- 15 as state permit areas.
- 16 4. Before adopting the county land use policy
- 17 guidelines, the county commission shall conduct at
- 18 least one public hearing and receive testimony from
- 19 any interested person relating to any such guideline.
- 20 The county commission shall annually review the county
- 21 land use policy guidelines and may revise or modify
- 22 any guidelines. The county commission shall give
- 23 public notice of the date, time and location of each
- 24 public hearing by publication in a newspaper of general
- 25 circulation within the county not later than two weeks
- 26 before the date of such hearing. The county land
- 27 use policy guidelines shall be adopted not later than
- 28 thirty months after the effective date of this Act,
- 29 however, a county land use policy guideline shall
- 30 not be adopted or become effective until it is approved
- 31 by the state commission.
- 32 5. The county commission may employ a director
- 33 and such other professional, technical, and secretarial
- 34 personnel deemed necessary.
- 35 6. The county commission shall annually adopt
- 36 a budget which shall be funded by the board of
- 37 supervisors from state funds appropriated for that
- 38 purpose.
- 39 7. The county commission shall approve all
- 40 contracts and agreements between the county commission
- 41 and other public or private persons or agencies on
- 42 matters relating to its powers and duties.
- 43 8. The county commission shall advise, consult,
- 44 and cooperate with the state land use policy
- 45 commission, the department, the county, and cities
- 46 and special districts of the county in carrying out
- 47 the provisions of this Act.
- 48 9. Upon the expiration of one year after the state
- 49 land use policy and state land use policy guidelines
- 50 are adopted by the general assembly, the county

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- 1 commission shall report to the state commission on
- 2 the status of the comprehensive plans of the county

3 and each city and special district of the county.

4 Each report shall include:

5 a. Copies of the comprehensive plans reviewed
6 by the county commission and copies of the land use
7 ordinances and regulations applied to the respective
8 jurisdictions.

9 b. For the county and cities and special districts
10 within the county without comprehensive plans, a
11 statement and review of the progress made toward the
12 preparation and adoption of such plans and compliance
13 with the provisions of this Act.

14 10. The county commission shall review all
15 comprehensive plans, ordinances or regulations for
16 land use, recommended or being prepared by the county,
17 special districts and cities within the county as
18 provided in the Act to assure an integrated
19 comprehensive plan for the county. The county
20 commission shall advise the county, the special
21 districts and the cities whether or not their
22 respective comprehensive plans and ordinances or
23 regulations are in conformity with the county land
24 use policy guidelines. A comprehensive plan or a
25 modification of such plan and any ordinances or
26 regulations relating to land use prepared by a city,
27 county or special district under this Act shall not
28 be adopted or become effective until approved by the
29 county commission as provided in this Act.

30 11. A county commission may apply for, receive,
31 and spend any public or private funds for the purpose
32 of accomplishing its responsibilities for land use
33 under this Act.

34 12. If the county commission determines that an
35 action taken by a county, city or special district
36 affecting land use is in conflict with the county
37 land use policy guidelines or any comprehensive plan
38 provision, ordinance, or regulation of a county, city,
39 or special district within the county, the county
40 commission may issue an order to require compliance
41 or a conflicting activity to cease. If such
42 conflicting action or activity continues, the county
43 attorney shall petition, at the request of the county
44 commission, the district court of the county for
45 injunctive relief.

46 Sec. 17. **NEW SECTION. JURISDICTION OF COUNTY**
47 **COMMISSION—OVERLAPPING BOUNDARIES OF POLITICAL**
48 **SUBDIVISIONS.** A city or special district, the
49 boundaries of which overlap two or more counties,
50 shall be subject to the jurisdiction of the county

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1 commission of the county in which the largest portion
2 of the land area of such city or special district
3 is located.

4 Sec. 18. **NEW SECTION. COMPREHENSIVE PLANS FOR**
5 **LAND USE.**

6 1. Each city and county shall prepare and the
7 city council or board of supervisors shall adopt a
8 comprehensive plan for land use in accordance with
9 the adopted state land use policy, state land use
10 policy guidelines, county land use policy guidelines
11 and the time schedule as provided in section nineteen
12 (19) of this Act. A city, in lieu of preparing and
13 adopting its own comprehensive plan, may agree to
14 be included in the comprehensive plan of the county.
15 A city or a county may contract with a metropolitan
16 or regional planning commission or a council of govern-
17 ments or other public or private agency to prepare
18 a comprehensive plan for land use, which a city or
19 a county may adopt. However, a comprehensive plan
20 shall not be adopted or become effective until it
21 has been approved by the county commission and reviewed
22 by the state commission.

23 2. Each special district shall cooperate in the
24 preparation of a comprehensive plan for land use with
25 the appropriate city or county, and exercise its
26 powers and responsibilities that are authorized by
27 law with respect to programs affecting land use in
28 accordance with the adopted state land use policy,
29 state land use policy guidelines, county land use
30 policy guidelines and the time schedule as provided
31 in section nineteen (19) of this Act. However, a
32 comprehensive plan shall not be adopted or become
33 effective until it has been approved by the county
34 commission and reviewed by the state commission.

35 3. Each state agency having jurisdiction or control
36 of land shall prepare a comprehensive plan for land
37 use and exercise its powers and responsibilities that
38 are authorized by law with respect to programs affect-
39 ing land use in accordance with the adopted state
40 land use policy, state land use policy guidelines,
41 and the time schedule as provided in section nineteen
42 (19) of this Act. However, a comprehensive plan shall
43 not be adopted or become effective until it has been
44 approved by the state commission.

45 Sec. 19. **NEW SECTION. NONCOMPLIANCE BY PUBLIC**
46 **AGENCIES.**

47 1. If a state agency fails to prepare and adopt
48 a comprehensive plan for land use approved by the
49 state commission and exercise its powers and duties
50 as provided by law to enforce the provisions of such

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1 comprehensive plan as provided in this Act within
2 three years after the effective date of this Act,
3 the state commission shall provide for the preparation
4 and adoption of a comprehensive plan for land use
5 and the enforcement of necessary rules in behalf of
6 such state agency through the department or by contract
7 with another agency of this state. However, the state
8 commission may grant an extension of time for

9 compliance if it finds that satisfactory progress
10 is being made toward compliance.

11 2. If a city or county fails to prepare and adopt
12 a comprehensive plan for land use and exercise its
13 powers and duties as provided by law to enforce the
14 provisions of such comprehensive plan as provided
15 in this Act within three years after the effective
16 date of this Act, the state commission may provide
17 for the preparation of a comprehensive plan for land
18 use for such city or county, which plan shall be
19 adopted and enforced by such city or county. However,
20 the state commission may grant an extension of time
21 for compliance if it finds that satisfactory progress
22 is being made toward compliance.

23 **Sec. 20. NEW SECTION. EMPLOYMENT OF LEGAL COUNSEL.**

24 In any legal proceedings taken under this Act, the
25 county commission may employ private legal counsel
26 for such proceedings.

27 **Sec. 21. NEW SECTION. PRIOR PLANS, ORDINANCES,**
28 **AND REGULATIONS.** Comprehensive plans and zoning,
29 subdivision and other ordinances and regulations
30 whether adopted prior or subsequent to the effective
31 date of this Act shall remain in effect until revised
32 under this Act.

33 **Sec. 22. NEW SECTION. JOINT EXERCISE OF POWERS**
34 **AND DUTIES.** A state agency, city, county, county
35 commission, or special district may contract with
36 any regional or metropolitan planning commission or
37 any other private or public agency under chapters
38 twenty-eight E (28E) or four hundred seventy-three
39 A (473A) for any planning purposes authorized or
40 required under this Act.

41 **Sec. 23. NEW SECTION. APPEAL TO THE STATE**
42 **COMMISSION.**

43 1. As provided in sections twenty-five (25) and
44 twenty-six (26) of this Act, the state commission
45 shall review upon:

46 a. Petition by a county commission, a comprehensive
47 plan provision or land use action or activity of a
48 state agency that the county commission considers
49 in conflict with the state land use policy or a state
50 land use policy guideline adopted by the general

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1 assembly.
2 b. Petition by a city council, board of
3 supervisors, or special district, a comprehensive
4 plan provision or land use action or activity of a
5 state agency or an order of the county commission
6 issued under subsection ten (10) of section sixteen
7 (16) of this Act that the city council, board of
8 supervisors, or special district considers to be in
9 conflict with the state land use policy and state
10 land use policy guidelines adopted by the general

11 assembly.

12 c. Petition by an aggrieved person, a land use
13 action or activity or a comprehensive plan provision
14 of a state agency or an order of the county commission
15 issued under subsection ten (10) of section sixteen
16 (16) of this Act alleged to be in violation of the
17 state land use policy and a state land use policy
18 guideline approved by the general assembly.

19 2. A petition filed with the state commission
20 under subsection one (1) of this section shall be
21 filed not later than sixty days after the date of
22 final adoption or approval of the action or com-
23 prehensive plan provision for land use upon which
24 the petition is based.

25 3. An appeal to the state commission stays all
26 proceedings in furtherance of the action appealed
27 from, unless the authority from whom the appeal is
28 taken certifies to the state commission after notice
29 of appeal shall have been filed with such authority
30 that by reason of facts stated in the certificate,
31 a stay would cause imminent peril to life or property.
32 In such case, proceedings shall not be stayed other
33 than by a restraining order which may be issued by
34 the state commission or by a district court on
35 application on notice to the authority from which
36 the appeal is taken and on due cause shown.

37 **Sec. 24. NEW SECTION. APPEALS TO COUNTY COMMIS-**
38 **SION.**

39 1. The county commission shall review upon:

40 a. Petition by a city council, board of
41 supervisors, or special district, a comprehensive
42 plan provision or any zoning, subdivision, or other
43 ordinance, or regulation adopted or land use action
44 taken by a city, county or special district that the
45 city council, board of supervisors, or special district
46 directors consider to be in conflict with the county
47 land use policy guidelines.

48 b. Petition by an aggrieved person, any
49 comprehensive plan provision or zoning, subdivision,
50 or other ordinance or regulation adopted or land use

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1 action taken by a city, county or special district
2 that the aggrieved person considers to be in conflict
3 with the county land use policy guidelines.

4 2. A petition filed with the county commission
5 under subsection one (1) of this section shall be
6 filed not later than sixty days after the date of
7 final adoption or approval of the action, comprehensive
8 plan provision, or zoning, subdivision or other
9 ordinance or regulation upon which the petition is
10 based.

11 3. An appeal to the county commission stays all
12 proceedings in furtherance of the action appealed
13 from, unless the authority from whom the appeal is

14 taken certifies to the county commission after notice
15 of appeal shall have been filed with such authority
16 that by reason of facts stated in the certificate,
17 a stay would cause imminent peril to life or property.
18 In such case, proceedings shall not be stayed other
19 than by a restraining order which may be issued by
20 the county commission or by a district court on
21 application on notice to the authority from which
22 the appeal is taken and on due cause shown.

23 4. All review proceedings conducted by the county
24 commission under this Act shall be based on the
25 administrative record, if any, prepared with respect
26 to the proceedings for the adoption or approval of
27 the comprehensive plan provision, subdivision or other
28 ordinance or regulation, or action that is the subject
29 of the review proceeding and the provisions of sections
30 twenty-five (25), twenty-six (26) and twenty-seven
31 (27) of this Act shall govern the conduct of all
32 review proceedings before the county commission.

33 5. The county commission may enforce orders issued
34 pursuant to a review proceeding under this section
35 in appropriate judicial proceedings brought by the
36 county commission.

37 **Sec. 25. NEW SECTION. APPEAL PROCEDURES.**

38 1. All review proceedings conducted by the state
39 commission pursuant to section twenty-three (23) of
40 this Act shall be based on the administrative record,
41 if any, prepared with respect to the proceedings for
42 the adoption or approval of the comprehensive plan
43 provision or action that is the subject of the review
44 proceeding.

45 2. The state commission shall adopt, pursuant
46 to chapter seventeen A (17A) of the Code, such rules
47 procedures and regulations for the conduct of review
48 proceedings held pursuant to section twenty-three
49 (23) of this Act.

50 3. A city, county, state agency, special district

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1 or any aggrieved person may intervene in and be made
2 a party to any review proceedings conducted by the
3 state commission with the approval of the state
4 commission, upon the request of the hearings officer
5 appointed to conduct such proceeding or upon the
6 approval by the hearings officer of a request by such
7 agency or person for intervention in the review
8 proceedings.

9 **Sec. 26. NEW SECTION. HEARING OFFICER—PRO-**
10 **CEDURES.**

11 1. In carrying out its duties under section twenty-
12 three (23) of this Act, the chairman of the state
13 commission may assign each petition to be reviewed
14 by the state commission to a hearing officer who shall
15 conduct the review proceeding.

16 2. A hearing officer shall conduct a review

17 proceeding in accordance with the rules, procedures
18 and regulations adopted by the state commission.
19 Upon the conclusion of a hearing, the hearing officer
20 shall make a proposed decision pursuant to chapter
21 seventeen A (17A) of the Code and submit a copy of
22 his recommendation to the state commission and to
23 each party to the proceedings.

24 **3. The state commission shall upon appeal by a**
25 party or on its own motion, review the proposed
26 decision of the hearing officer and the record of
27 the proceeding and issue its order with respect to
28 the review proceeding within sixty days following
29 the date of the filing of the petition upon which
30 such review proceeding is based. The state commission
31 may adopt, reject or amend the recommendation of the
32 hearing officer in any matter.

33 **4. No order of the state commission issued under**
34 subsection three (3) of this section is valid unless
35 all members of the state commission have received
36 the recommendation of the hearing officer in the
37 matter and at least a quorum of the members of the
38 state commission concur in its action in the matter.

39 **5. The state commission may enforce orders issued**
40 under subsection three (3) of this section in
41 appropriate judicial proceedings brought by the
42 attorney general at the request of the state
43 commission.

44 **Sec. 27. NEW SECTION. ADDITIONAL INFORMATION.**

45 **1. If, upon its review of the proposed decision**
46 of a hearing officer and the record of the review
47 proceeding prepared following a review proceeding
48 before the state commission, the state commission
49 is unable to reach a decision in the matter without
50 further information or evidence, it may refer the

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1 matter back to the hearing officer and request that
2 the additional information or evidence be acquired
3 by him or that he correct any errors or deficiencies
4 found by the state commission to exist in his
5 recommendation or record of the proceeding.

6 **2. In case of a referral of a matter back to the**
7 hearing officer pursuant to subsection one (1) of
8 this section, the sixty-day period referred to in
9 subsection three (3) of section twenty-six (26) of
10 this Act is suspended for an interval not to exceed
11 sixty days.

12 **Sec. 28. NEW SECTION. JUDICIAL REVIEW. Judicial**
13 review of an order by the state commission may be
14 sought in accordance with the provisions of chapter
15 seventeen A (17A) of the Code and judicial review
16 of an order of a county commission may be sought in
17 the district court of the county.

18 **Sec. 29. NEW SECTION. RULES OF THE STATE**
19 **COMMISSION. All rules adopted by the state commission**

20 under the provisions of this Act are subject to chapter
21 seventeen A (17A) of the Code.

22 Sec. 30. **NEW SECTION. PRIVATE PROPERTY RIGHTS.**

23 Nothing in this Act shall be construed to deprive
24 a person of his property without just compensation
25 and due process of law as guaranteed by the Fifth
26 and Fourteenth Amendments of the Constitution of the
27 United States and the Constitution of the State of
28 Iowa.

29 Sec. 31. Section sixty-eight B point two (68B.2),
30 subsection four (4), Code 1975, is amended to read
31 as follows:

32 4. "Regulatory agency" means department of
33 agriculture, industrial commissioner, bureau of labor,
34 employment security commission, department of banking,
35 insurance department of Iowa, state department of
36 health, department of public safety, department of
37 public instruction, state board of regents, department
38 of social services, department of revenue, Iowa state
39 commerce commission, Iowa beer and liquor control
40 department, board of pharmacy examiners, state conser-
41 vation commission, state department of transportation,
42 Iowa state civil rights commission, department of
43 soil conservation *and land use*, department of public
44 defense, and Iowa natural resources council.

45 Sec. 32. Section eighty-three A point two (83A.2),
46 subsections eleven (11) and fourteen (14), Code 1975,
47 is amended to read as follows:

48 11. "Department" means the department of soil
49 conservation *and land use*.

50 14. "[Administrator] *Director*" means the [adminis-

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1 trative officer] *director* of the department responsible
2 for administration or enforcement of this chapter
3 or his designee.

4 Sec. 33. Section eighty-three A point three
5 (83A.3), unnumbered paragraph one (1), Code 1975,
6 is amended to read as follows:

7 There is [hereby] established within the department
8 of social conservation *and land use* a land rehabilitation
9 advisory board which shall consist of seven members
10 appointed by the governor, as follows:

11 Sec. 34. Section eighty-three A point twenty-six
12 (83A.26), Code 1975, is amended to read as follows:

13 83A.26 INSPECTION OF SITE. The [administrator]
14 *director* of the department [or his designee] may enter
15 at all times upon any lands on which any operator
16 is authorized to operate a mine for the purpose of
17 determining whether the operator is or has been
18 complying with the provisions of this chapter. The
19 department shall give written notice to any opera-
20 tor who violates any of the provisions of this chapter
21 or any rules adopted by the department pursuant to
22 this chapter. If corrective measures approved by

23 the department are not commenced within ninety days,
24 the violation shall be referred to the committee.
25 **The operator shall be notified in writing of the**
26 **referral. All operators shall co-operate with the**
27 **department in seeking methods of operation which will**
28 **cause minimum disruption to the land and property**
29 **adjoining a mining operation.**

30 Sec. 35. Chapter eighty-four (84), Code 1975,
31 is amended by adding the following new section:

32 **NEW SECTION. APPROVAL OF PERMIT. After a state**
33 **permit area has been designated as provided in section**
34 **five (5) of this Act, a permit shall not be issued**
35 **under this chapter affecting the use or development**
36 **of such state permit area without the approval of**
37 **the state land use policy commission as provided in**
38 **section eleven (11) of this Act.**

39 Sec. 36. Chapter one hundred ten A (110A), Code
40 1975, is amended by adding the following new section:

41 **NEW SECTION. APPROVAL OF LICENSE. After a state**
42 **permit area has been designated as provided in section**
43 **five (5) of this Act, a license shall not be issued**
44 **under this chapter affecting the use or development**
45 **of such state permit area without the approval of**
46 **the state land use policy commission as provided in**
47 **section eleven (11) of this Act.**

48 Sec. 37. Chapter one hundred eleven (111), Code
49 1975, is amended by adding the following new section:

50 **NEW SECTION. APPROVAL OF PERMIT. After a state**

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1 permit area has been designated as provided in section
2 five (5) of this Act, a construction permit or water
3 recreational area permit shall not be issued under
4 this chapter affecting the use or development of such
5 state permit area without the approval of the state
6 land use policy commission as provided in section
7 eleven (11) of this Act.

8 Sec. 38. Chapter one hundred twelve (112), Code
9 1975, is amended by adding the following new section:

10 **NEW SECTION. PERMIT FOR CONSTRUCTION. After a**
11 **state permit area has been designated as provided**
12 **in section five (5) of this Act, a dam or spillway**
13 **shall not be constructed or reconstructed under this**
14 **chapter affecting such state permit area without**
15 **obtaining a permit from the state land use policy**
16 **commission as provided in section ten (10) of this**
17 **Act.**

18 Sec. 39. Chapter three hundred six (306), Code
19 1975, is amended by adding the following new section:

20 **NEW SECTION. PERMIT FOR HIGHWAY CONSTRUCTION.**
21 **After a state permit area has been designated as**
22 **provided in section five (5) of this Act, a highway**
23 **authority shall not establish, construct or reconstruct**
24 **a highway or road under this chapter affecting such**
25 **state permit area without obtaining a permit from**

26 the state land use policy commission as provided in
27 section ten (10) of this Act.

28 Sec. 40. Chapter three hundred six A (306A), Code
29 1975, is amended by adding the following new section:

30 **NEW SECTION. PERMIT FOR CONSTRUCTION.** After a
31 state permit area has been designated as provided
32 in section five (5) of this Act, a highway authority
33 shall not establish, construct or reconstruct a con-
34 trolled-access highway under this chapter affecting
35 such state permit area without obtaining a permit
36 from the state land use policy commission as provided
37 in section ten (10) of this Act.

38 Sec. 41. Chapter three hundred eight (308), Code
39 1975, is amended by adding the following new section:

40 **NEW SECTION. PERMIT FOR CONSTRUCTION.** After a
41 state permit area has been designated as provided
42 in section five (5) of this Act, the state
43 transportation commission shall not establish,
44 construct or reconstruct a highway or road under this
45 chapter affecting such state permit area without
46 obtaining a permit from the state land use policy
47 commission as provided in section ten (10) of this
48 Act.

49 Sec. 42. Section three hundred twenty-nine point
50 three (329.3), Code 1975, is amended to read as

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1 follows:

2 329.3 ZONING REGULATIONS—POWERS GRANTED. Every
3 municipality having an airport hazard area within
4 its territorial limits *or under its jurisdiction* may
5 adopt, administer, and enforce in the manner and upon
6 the conditions prescribed by this chapter, zoning
7 regulations for such airport hazard area, which
8 regulations may divide such area into zones and,
9 within such zones, specify the land uses permitted,
10 and regulate and restrict, for the purpose of
11 preventing airport hazards, the height to which struc-
12 tures and trees may be erected or permitted to grow
13 *except that three years after the effective date of*
14 *this Act, it shall be mandatory that such zoning*
15 *ordinances or regulations are adopted and enforced*
16 *in accordance with a comprehensive plan adopted as*
17 *provided in this Act, unless a time extension is*
18 *granted as provided in section nineteen (19) of this*
19 *Act.*

20 Sec. 43. Section three hundred fifty-eight A point
21 one (358A.1), Code 1975, is amended to read as follows:

22 358A.1 WHERE APPLICABLE. The provisions of this
23 chapter shall be applicable to any county of the state
24 at the option of the board of supervisors of any such
25 county *except that effective three years after the*
26 *effective date of this Act it shall be mandatory that*
27 *a comprehensive plan for land use be adopted in*
28 *accordance with the state land use policy, state land*

29 *use policy guidelines, and county land use policy*
30 *guidelines; and that appropriate subdivision, zoning,*
31 *or other ordinances or regulations are adopted and*
32 *enforced, unless a time extension is granted as*
33 *provided in section nineteen (19) of this Act.*

34 Sec. 44. Section four hundred fourteen point one
35 (414.1), Code 1975, is amended to read as follows:

36 **414.1 BUILDING RESTRICTIONS—POWERS GRANTED.**

37 For the purpose of promoting the health, safety,
38 morals, or the general welfare of the community, any
39 city is hereby empowered to regulate and restrict
40 the height, number of stories, and size of buildings
41 and other structures, the percentage of lot that may
42 be occupied, the size of yards, courts, and other
43 open spaces, the density of population, and the
44 location and use of buildings, structures, and land
45 for trade, industry, residence, or other purposes.
46 *However, three years after the effective date of this*
47 *Act it shall be mandatory that zoning, subdivision,*
48 *or other ordinances and regulations are adopted and*
49 *enforced in accordance with a comprehensive plan*
50 *adopted as provided in this Act, unless a time*

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1 *extension is granted as provided in section nineteen*
2 *(19) of this Act.*

3 Sec. 45. Chapter four hundred fifty-five A (455A),
4 Code 1975, is amended by adding the following new
5 section:

6 **NEW SECTION. APPROVAL OF PERMIT.** After a state
7 permit area has been designated as provided in section
8 five (5) of this Act, a permit shall not be issued
9 under this chapter affecting the use of development
10 of such state permit area without the approval of
11 the state land use policy commission as provided in
12 section eleven (11) of this Act.

13 Sec. 46. Section four hundred fifty-five A point
14 nineteen (455A.19), subsection three (3), Code 1975,
15 is amended to read as follows:

16 3. The water commissioner shall cause due notice
17 of the hearing to be published. Said notice shall
18 specify the date, time and place of hearing and shall
19 include a concise statement of the designated
20 beneficial purposes for which diversion is sought,
21 the specific limits as to quantity, time, place, and
22 rate of diversion, storage or withdrawal of waters,
23 the name of the applicant and the description of the
24 land upon which waters are to be diverted, stored
25 or withdrawn. In addition to the foregoing, the water
26 commissioner shall cause a copy of the notice to be
27 sent to the director of the conservation commission,
28 commissioner of public health, the [secretary of the
29 soil conservation committee] *director of the department*
30 *of soil conservation and land use, secretary of*
31 *agriculture, director of the Iowa geological survey,*

32 the director of the Iowa development commission, and
33 to any other person who has filed a written request
34 for a notification of any hearings affecting a
35 designated area, by ordinary mail, prior to the date
36 of last publication.

37 Sec. 47. Section four hundred fifty-five B point
38 four (455B.4), subsection four (4), unnumbered
39 paragraph one (1), Code 1975, is amended to read as
40 follows:

41 4. The chemical technology commission shall consist
42 of the secretary of agriculture, the commissioner
43 of public health, the director of the Iowa natural
44 resources council, the chairman of the state [soil
45 conservation committee] *land use policy commission*,
46 the chief executive of the league of Iowa municipi-
47 palities, the state conservation director, and the
48 dean, college of agriculture of Iowa State University
49 of science and technology, or their designees, a
50 representative of a firm in Iowa actively engaged

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1 in the manufacture or formulation of agricultural
2 chemicals, and a farmer experienced in the application
3 of agricultural chemicals to be appointed by the
4 governor with the consent of two-thirds of the senate.
5 The members appointed by the governor shall serve
6 four-year terms, except that of the membership of
7 the initial commission, the members appointed by the
8 governor shall be the appointed members of the chemical
9 technology review board abolished by this chapter,
10 whose terms expired on the thirtieth of June, 1974.
11 The terms of these two members shall expire on the
12 thirtieth of June, 1974.

13 Sec. 48. Section four hundred fifty-five B point
14 six (455B.6), Code 1975, is amended to read as
15 follows:

16 455B.6 EXECUTIVE COMMITTEE. The executive
17 committee of the department shall consist of the
18 chairmen of the four commissions within the department.
19 When a member of the executive committee is unable
20 to attend a meeting, the vice chairman of the
21 respective commission shall serve in his or her place.
22 The director of the state conservation commission,
23 the [administrative officer] *director* of the department
24 of soil conservation and land use, the director of
25 the bacteriological laboratory at the state University
26 of Iowa, the secretary of agriculture, the commissioner
27 of public health, and the state geologist, or their
28 designees shall be ex officio, nonvoting members of
29 the executive committee. The executive committee
30 shall organize annually during the month of July and
31 select a chairman and vice chairman. The executive
32 director shall act as the secretary of the executive
33 committee. Meetings shall be called by the chairman
34 or upon written request of any two voting members.

35 A majority of the executive committee shall consti-
36 tute a quorum and the concurrence of a majority of
37 the executive committee shall be required to determine
38 any matter relating to its duties. The voting members
39 of the executive committee shall be paid a forty-
40 dollar per diem while in session, and shall be
41 reimbursed for their actual and necessary expenses
42 while engaged in the performance of their official
43 duties as members of the executive committee. All
44 per diem and expense moneys paid to members shall
45 be paid from funds appropriated to the commission
46 of which they are members.

47 Sec. 49. Chapter four hundred fifty-five B (455B),
48 Code 1975, is amended by adding the following new
49 section:

50 **NEW SECTION. APPROVAL OF PERMIT. After a state**

Page 30

1 permit area has been designated as provided in section
2 five (5) of this Act, a permit shall not be issued
3 by a commission or the department under this chapter
4 affecting the use or development of such state permit
5 area without the approval of the state land use policy
6 commission as provided in section eleven (11) of this
7 Act.

8 Sec. 50. Chapter four hundred sixty-seven A (467A),
9 Code 1975, is amended by inserting the word "district"
10 before the word "commissioner" wherever such word
11 is found in chapter four hundred sixty-seven A (467A)
12 of the Code.

13 Sec. 51. Chapters four hundred sixty-seven A
14 (467A) and four hundred sixty-seven D (467D), Code
15 1975, are amended by striking the words "committee"
16 and "state soil conservation committee" and inserting
17 in lieu thereof the words "commission" and "state
18 land use policy commission" respectively wherever
19 such words are found in chapters four hundred sixty-
20 seven A (467A) and four hundred sixty-seven D (467D)
21 of the Code.

22 Sec. 52. Section four hundred sixty-seven A point
23 three (467A.3), subsection three (3), Code 1975, is
24 amended to read as follows:

25 3. "Department" [or "department of soil
26 conservation" means the agency created by section
27 467A.4] *means the department of soil conservation and*
28 *land use.*

29 Sec. 53. Section four hundred sixty-seven A point
30 three (467A.3), subsection four (4), Code 1975, is
31 amended to read as follows:

32 4. "[COMMITTEE] COMMISSION or "STATE [SOIL
33 CONSERVATION COMMITTEE] LAND USE POLICY **COMMISS-
SION"**

34 means the [committee] *commission* established by section
35 [467A.4] *four (4) of this Act.*

36 **Sec. 54. Section four hundred sixty-seven A point**

37 three (467A.3), Code 1975, is amended by adding the
38 following new subsection:

39 **NEW SUBSECTION.** "Director" means the director
40 of the department of soil conservation and land use
41 or his designee.

42 Sec. 55. Section four hundred sixty-seven A point
43 four (467A.4), subsection one (1), Code 1975, is
44 amended by striking the subsection and inserting in
45 lieu thereof the following:

46 1. The department of soil conservation and land
47 use shall serve as the agency of the state to perform
48 the functions conferred on it by this chapter in
49 accordance with the policies of the state land use
50 policy commission. The commission shall adopt a seal

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1 which shall be judicially noticed and may perform
2 such acts, hold public hearings and promulgate rules
3 pursuant to chapter seventeen A (17A) of the Code
4 as may be necessary for the execution of its functions
5 under this chapter.

6 Sec. 56. Section four hundred sixty-seven A point
7 four (467A.4), subsection two (2), Code 1975, is
8 amended to read as follows:

9 2. The [state soil conservation committee may
10 employ an] **director shall be the chief administrative**
11 **officer of the department and he may appoint such**
12 other agents and employees, permanent and temporary,
13 as [it may require] **required, and shall determine their**
14 qualifications, duties and compensation. The committee
15 or department may call upon the attorney general of
16 the state for such legal services as either may
17 require. The committee shall have authority to
18 delegate to its chairman, to one or more of its
19 members, or to one or more agents or employees, such
20 **powers and duties as it may deem proper. Upon request**
21 of the committee, for the purpose of carrying out
22 any of the functions assigned the committee or the
23 department by law, the supervising officer of any
24 state agency, or of any state institution of learning
25 shall, insofar as may be possible under available
26 appropriations, and having due regard to the needs
27 of the agency to which the request is directed, assign
28 or detail to the department members of the staff or
29 personnel of such agency or institution of learning,
30 and make such special reports, surveys, or studies
31 as the committee may request.

32 Sec. 57. Section four hundred sixty-seven A point
33 four (467A.4), Code 1975, is amended by striking
34 subsection three (3).

35 **Sec. 58. Section four hundred sixty-seven A point**
36 **four (467A.4), subsection four (4), unnumbered**
37 **paragraph one (1), Code 1975, is amended to read as**
38 **follows:**

39 In addition to the duties and powers hereinafter

40 conferred upon the department [of soil conservation],
41 it shall have the following duties and powers:

42 Sec. 59. Section four hundred sixty-seven A point
43 six (567A.6), unnumbered paragraph four (4), Code
44 1975, is amended to read as follows:

45 The commissioners may call upon the attorney general
46 of the state for such legal services as they may
47 require. The commissioners may delegate to their
48 chairman, to one or more commissioners or to one or
49 more agents, or employees, such powers and duties
50 as they may deem proper. The commissioners shall

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1 furnish to the department [of soil conservation], upon
2 request, copies of such ordinances, rules, regulations,
3 orders, contracts, forms, and other documents as they
4 shall adopt or employ, and such other information
5 concerning their activities as it may require in the
6 performance of its duties under this chapter.

7 Sec. 60. Section four hundred sixty-seven D point
8 two (467D.2), subsection five (5), Code 1975, is
9 amended to read as follows:

10 5. "Department" or "department of soil conservation
11 and land use" means the agency established by section
12 467A.4.

13 Sec. 61. Chapter four hundred sixty-nine (469),
14 Code 1975, is amended by adding the following new
15 section:

16 **NEW SECTION. APPROVAL OF PERMIT.** After a state
17 permit area has been designated as provided in section
18 five (5) of this Act, a permit shall not be issued
19 under this chapter affecting the use or development
20 of a state permit area without the approval of the
21 state land use policy commission as provided in section
22 eleven (11) of this Act.

23 Sec. 62. Chapter four hundred sixty-nine A (469A),
24 Code 1975, is amended by adding the following new
25 section:

26 **NEW SECTION. APPROVAL OF CERTIFICATE.** After a
27 state permit area has been designated as provided
28 in section five (5) of this Act, a certificate of
29 convenience and necessity shall not be issued under
30 this chapter affecting the use or development of a
31 state permit area without approval of the state land
32 use policy commission as provided in section eleven
33 (11) of this Act.

34 Sec. 63. Section four hundred eighty-eight point
35 one (488.1), Code 1975, is amended to read as follows:

36 488.1 **RIGHT OF WAY.** [Any] Subject to the provisions
37 of section ten (10) of this Act, any person or firm,
38 and any corporation organized for such purpose, within
39 or without the state, may construct a telegraph or
40 telephone line along the public roads of the state,
41 or across the rivers or over any lands belonging to
42 the state or any private individual, and may erect

43 the necessary fixtures therefor.

44 Sec. 64. Chapter four hundred eighty-nine (489),
45 Code 1975, is amended by adding the following new
46 section:

47 **NEW SECTION. APPROVAL OF FRANCHISE OR PERMIT.**

48 After a state permit area has been designated as
49 provided in section five (5) of this Act, a franchise
50 or permit shall not be issued under this chapter

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1 affecting the use or development of a state permit
2 area without the approval of the state land use policy
3 commission as provided in section eleven (11) of this
4 Act.

5 Sec. 65. Chapter four hundred ninety (490), Code
6 1975, is amended by adding the following new section:

7 **NEW SECTION. APPROVAL OF PERMIT. After a state**
8 permit area has been designated as provided in section
9 five (5) of this Act, a permit shall not be issued
10 under this chapter affecting the use or development
11 of a state permit area without the approval of the
12 state land use policy commission as provided in section
13 eleven (11) of this Act.

14 Sec. 66. Section three hundred sixty-eight point
15 sixteen (368.16), subsection two (2), Code 1975, is
16 amended to read as follows:

17 2. Recommendations of the *local or regional*
18 planning authority for the area.

19 2. Amend the title by striking lines 1 through
20 3 and inserting in lieu thereof the following:

21 "An Act to provide for a state land use policy,
22 and to create a department of soil conservation and
23 land use, a state land use policy commission, county
24 land use policy commissions, and to specify the powers
25 and duties of such agencies."

STEVE SOVERN
ROGER J. SHAFF
GEORGE R. KINLEY
CLIFTON C. LAMBORN
WILLIAM P. WINKELMAN
MILO MERRITT
IRVIN L. BERGMAN
LOWELL L. JUNKINS
EARL M. WILLITS
CLIFF BURROUGHS
PHILIP B. HILL

S-5589

1 Amend Senate File 1314 as follows:

2 Page 9, line 28, by inserting after the word
3 "facility." the words "Assistance shall be furnished
4 only when it is determined that adequate funding is
5 available."

COMMITTEE ON APPROPRIATIONS
WILLIAM D. PALMER, Chairperson

S—5587

1 Amend House File 1470 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 5, line 5, by inserting after the word
4 "necessity," the words "not exceeding six hundred
5 forty acres for the construction of a facility and".

**PHILIP B. HILL
H. L. HEYING
NORMAN RODGERS
BASS VAN GILST**

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:35
p.m., until 9:30 a.m., Tuesday, April 27, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, APRIL 27, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Edward J. Shepherd, pastor of the Saint James Catholic Church, Washington, Iowa.

The Journal of Monday, April 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Kimball, Osceola, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Doderer for the morning session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty-five students from Adel Junior-Senior High School, Adel, Iowa, accompanied by Mike Myers and Bill Kimber. Senator Rodgers.

Seventy students from East Buchanan Junior High School, Winthrop, Iowa, accompanied by Mr. Foster and Mrs. Quint. Senator Gallagher.

Forty students from Norway High School, Norway, Iowa, accompanied by Edward Crosby. Senator Orr.

Twenty-three students from the Havelock-Plover Community School District, Havelock, Iowa, accompanied by Anna Marie Olson. Senators Winkelman and Curtis.

Forty-one students from John F. Kennedy High School, Cedar Rapids, Iowa. Senators Sovern and Robinson.

Forty students from Plainfield Junior-Senior High School, Plainfield, Iowa, accompanied by Mrs. Dietz and Mrs. Klamfort. Senator Burroughs.

One hundred students from the Interstate 35 Community School District, Truro, Iowa, accompanied by Harrison Cass, Betty Williams, Gregg Sweet and Laurene Corsby. Senator Rodgers.

Fifty students from Lucas Elementary School and Van Allen Elementary School, Chariton, Iowa, accompanied by Mrs. Turnquist and Mrs. Swanson. Senator Ramsey.

Nine students from Plymouth County, winners in an essay contest sponsored by the Plymouth County Rural Electric Company, accompanied by Pat Winter. Senator DeKoster.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file:

By Senator Priebe from twenty-eight residents of Kossuth County.

By Senator Miller of Marshall from:

Sixty-two residents of Black Hawk County.

Twenty residents of Bremer County.

Forty-seven residents of Carroll County.

Twenty-five residents of Cedar County.

Eighty-seven residents of Cerro Gordo County.

Ninety-three residents of Cherokee County.

Seventy-six residents of Clayton County.

Twenty-five residents of Chickasaw County.

Thirty-six residents of Dickinson County.

Thirty-one residents of Fayette County.

Forty residents of Floyd County.

Sixty-four residents of Greene County.

Forty residents of Hamilton County.

Thirteen residents of Hardin County.

Seventy-one residents of Harrison County and Crawford County.

Fifteen residents of Humboldt County.

Eighteen residents of Ida County.

Thirty-nine residents of Jasper County and Marion County.

Twenty-eight residents of Jones County.

Sixty residents of Linn County.

One hundred thirty-five residents of Lyon County and Osceola County.

Twenty-five residents of Mitchell County.

Seventeen residents of Monona County.

Seventeen residents of O'Brien County.

Forty-one residents of Palo Alto County.

Five residents of Polk County and adjoining counties.

Seventy-seven residents of Polk County.

Seventy-two residents of Pottawattamie County.

Thirty-two residents of Sac County.

Thirty-one residents of Sioux County.

Thirty-six residents of Story County.

Twelve residents of Tama County.

Twenty-four residents of Wapello County.

Eleven residents of Woodbury County and Ida County.

UNFINISHED BUSINESS

Senate File 1310

The Senate resumed consideration of Senate File 1310, a bill for an act relating to health care malpractice, and providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts and omissions of practitioners, for arbitration as a method of resolving disputes arising from health care services, and for review by the courts of

the legal fees incurred by plaintiffs in health care malpractice actions, and providing penalties.

Senator Junkins asked and received unanimous consent that William H. Huff, III, Commissioner of Insurance, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator Rabedeaux offered amendment S—5563 filed by Senators Rabedeaux, et al., and moved that the amendment be taken up for full consideration and debate by the Senate:

S—5563

1 Amend Senate File 1310 as follows:

2 1. Page 15, by inserting after line 30, the
3 following new sections:

4 "Sec. 22. The general assembly finds that a
5 critical situation continues to exist because of the
6 high cost and impending unavailability of medical
7 malpractice insurance. The general assembly further
8 finds that to assure the uninterrupted delivery of
9 health care services to the citizens of Iowa it is
10 necessary to curtail excessive verdicts to persons
11 who are damaged by medical accidents in order to keep
12 medical malpractice insurance available in this state.
13 The general assembly further finds that without medical
14 liability insurance, physicians, other health care
15 providers and hospitals cannot provide health care
16 services to the public. It is the intent of section
17 twenty-three (23) of this Act to protect the health
18 and welfare of the people of this state by assuring
19 health care.

20 Sec. 23. Chapter one hundred forty-seven (147),
21 Code 1975, is amended by adding the following new
22 section:

23 **NEW SECTION.** In an action for damages for personal
24 injury against a health care practitioner or hospital,
25 based on the alleged negligence of the health care
26 practitioner in the practice of the profession or
27 occupation, or upon the alleged negligence of the
28 hospital in patient care, in which liability is
29 admitted or established, the damages awarded for
30 noneconomic losses incurred or to be incurred in the
31 future by the claimant by reason of the personal
32 injury, shall not exceed the sum of two hundred
33 thousand dollars."

34 2. Amend the title, line 6, by inserting after
35 the word "services," the words "for limitations on
36 damages recoverable in health care malpractice
37 actions,".

Senator Hill of Polk raised the point of order that the motion was out of order for the reason that amendment S—5563 was not germane to the bill.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Rabedeaux moved that the rules governing germaneness be suspended for the purpose of taking up for consideration amendment S—5563.

A record roll call was requested.

On the question "Shall the motion that the rules governing germaneness be suspended for the purpose of taking up for consideration amendment S—5563 be adopted?" (S.F. 1310) the vote was:

Ayes, 31:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Briles	Heying	Murray	Shaff
Burroughs	Hill of Jasper	Nolting	Shaw
Coleman	Hultman	Nystrom	Taylor
Culver	Merritt	Plymat	Tieden
Curtis	Miller of	Priebe	Van Gilst
Gallagher	Des Moines	Rabedeaux	Winkelman
Gluba			

Nays, 16:

Carr	Junkins	Norpel	Redmond
DeKoster	Kelly	Orr	Rodgers
Glenn	Kinley	Palmer	Sovern
Hill of Polk	Lamborn	Ramsey	Willits

Absent or not voting, 3:

Doderer	Nolin	Robinson
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The motion prevailed and amendment S—5563 was taken up for consideration.

Senator Hultman took the chair at 11:10 a.m.

President Neu took the chair at 11:55 a.m.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

GOVERNOR'S ITEM VETO MESSAGE

The following item veto message from the Governor to the Secretary of State was presented:

April 26, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1062, an Act relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive, and making appropriations.

Senate File 1062 is approved April 26, 1976, with the following exceptions which I hereby disapprove.

I am unable to approve Item 4 designated as Section 4 in the Act which reads as follows:

"Sec. 4. SPECIAL DISTRICT LEVY LIMITATION. The maximum amount in dollars which may be levied by a special purpose district over the amount in dollars levied for the base year shall be limited to an aggregate increase of nine percent for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978, for the following designated property tax levies except as otherwise provided in this division:

1. The tax levy by a benefited water district for the maintenance of the water system authorized pursuant to section three hundred fifty-seven point twenty-five (357.25) of the Code.

2. The tax levy by a benefited fire district to provide fire protection within the district authorized pursuant to section three hundred fifty-seven B point five (357B.5) of the Code which permits the county board of supervisors to continue the levy upon dissolution of the district until all debts and obligations of the dissolved district are paid.

3. The tax levy by a benefited street lighting district authorized pursuant to section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-seven C point eleven (357C.11) of the Code.

4. The tax levy authorized pursuant to section four hundred sixty-six point four (466.4) of the Code permitting a levy sufficient to raise the amount necessary for maintenance of a system to provide internal drainage necessary by the construction of a levee along a navigable stream forming a part of the boundary of the state.

5. The tax levy for a soil conservation district authorized pursuant to section four hundred sixty-seven A point twenty (467A.20) of the Code.

6. The tax levy authorized pursuant to section four hundred eighty-three point one (483.1) of the Code to provide aid to railroads."

I am unable to approve Item 17 designated as Section 17 of the Act which reads as follows:

"Sec. 17. AGRICULTURAL PROPERTY VALUATION. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the actual value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists. If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976."

I am unable to approve Item 18 designated as Section 18 of the Act which reads as follows:

"Sec. 18. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1977, in assessing and determining the actual value of agricultural land, except structures located thereon, the value shall be computed on the basis of the productivity and net earning capacity of the land determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property. The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1977."

I am unable to approve Item 19 designated as Section 19 of the Act which reads as follows:

"Sec. 19. EFFECTIVE DATE. The provisions of section seventeen (17) of this Act shall be effective to January 1, 1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive."

I am unable to approve Item 23 designated as Section 23 of the Act which reads as follows:

"Sec. 23. Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3),

and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first five thousand dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1976 and July 1, 1976 and approved and for each homestead tax credit claimed between January 1, 1977 and July 1, 1977 and approved except as provided in sections forty (40) and forty-one (41) of this Act."

I am unable to approve Item 24 designated as Section 24 of the Act which reads as follows:

"Sec. 24. EFFECTIVE DATE. The provisions of section twenty-three (23) of this Act are effective to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of section twenty-three (23) of this Act are retroactive."

I am unable to approve Item 40 designated as Section 40 of the Act which reads as follows:

"Sec. 40. If the unencumbered balance of the general fund of the state on June 30, 1976 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1976 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-three (23) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1976, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1977 and ending June 30, 1978 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1977 and ending June 30, 1978.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller."

I am unable to approve Item 41 designated as Section 41 of the Act which reads as follows:

"Sec. 41. If the unencumbered balance of the general fund of the state on June 30, 1977 does not exceed fifty million dollars, the homestead tax credit computed in the manner provided in section twenty-three (23) of this Act shall not apply and the homestead tax credit for claims filed in 1977 shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The county auditor shall compute the homestead tax credit in the manner provided in section twenty-three (23) of this Act and if the general fund balance does not exceed fifty million dollars, the department of revenue shall reduce the amount of each homestead tax credit claim certified to the department by ten percent and recertify the amount of the credit to be allowed on each eligible homestead to the county treasurers of the respective counties.

If the unencumbered balance of the general fund of the state on June 30, 1977, does not exceed fifty million dollars, there is appropriated for the fiscal year beginning July 1, 1978 and ending June 30, 1979 an amount equal to thirteen million (13,000,000) dollars, or so much thereof as may be necessary, to the agricultural land credit fund and the provisions of section four hundred twenty-six point one (426.1) of the Code shall not apply for the fiscal year beginning July 1, 1978 and ending June 30, 1979.

If the provisions of this section become effective and the amount of funds appropriated to the agricultural land credit fund is the amount specified in this section, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller."

During the past decade, considerable public debate has centered on property tax and the burdens it imposes. When concern over property taxes was at a fever pitch in 1971, we developed and passed the school foundation program. This long-term plan, which shifted the funding of increased school costs from property taxes to state revenues, has been a key to our success in recent years in stabilizing previously skyrocketing property taxes.

That property tax stability was jolted with the equalization order issued by the Director of Revenue in October, 1975. Required by law, and necessary to make our tax system an equitable one, the equalization order reflected the inordinate increase in property valuations across Iowa. As a result of the average increase of 30% in property valuations, Iowans faced the very real prospect of a substantial shift in school funding from state aid to property taxes and the possibility of local governments increasing their budgets to take advantage of the higher valuations.

In mid-January, we presented to the General Assembly our proposals to cushion what we believed would be an undesirable and unnecessary shock if no action were taken. Our proposals included a substantial increase in state aid to schools, reasonable limits on the additional property tax dollars that could be raised by local governments, and—very important—a task force on local government services and funding sources. This task force could amass the information so a more refined analytical approach could be developed for the rendition and funding of local government services. We offered these recommendations to the General Assembly, willing to accept improvements that might be made during the law-making session.

Now, after more than 90 days and after a cascade of words of emotional debate in both Houses, we are convinced of the soundness of our approach—to limit property tax increases by having the state bear the major share of increased school costs.

* * * * *

Before we submitted our recommendations, the General Assembly had begun to wrestle with the property tax problem. Property tax deliberations by the General Assembly during the past six months have followed a tortuous trail beginning with an inconclusive interim study committee, progressing to lengthy Ways and Means Committee sessions, heated and protracted floor debates and intricate off-the-floor negotiations, and culminating in extraordinary conference committee deliberations and decisions.

From the time the Senate Ways and Means Committee first approved Senate File 1062 for debate on January 27 to the final vote by the House on April 13, the members of the General Assembly studied and considered a wide range of alternatives. Various budget limits, changes in our school aid formula, new property tax credits and exemptions, local option taxation and property valuation rollback and weightings are only some of the major options seriously debated by the legislature.

The final version of Senate File 1062 is a reflection and product of the often painful deliberations by the legislature on this subject. Its numerous provisions are an amalgam of the various proposals doggedly pursued throughout the deliberations. The raw political fact that no single approach enjoyed the support of a majority of both Houses, when combined with the exigencies of time, resulted in a bill where much—perhaps too much—was sacrificed for compromise. The many doubts expressed by so many of those who voted for the measure underscore the unusual odyssey of Senate File 1062.

* * * * *

Any bill of this scope and magnitude will contain both positive and negative provisions. Indeed Senate File 1062 contains several meritorious sections.

It improves our elderly tax credit program by providing more relief to our senior citizens.

The temporary property tax growth limitations of Senate File 1062 for local governments may prevent some otherwise potentially large increases in property tax levies during the next three years. An appeals process is established to accommodate unusual and exceptional needs.

Throughout the debate on Senate File 1062, it was apparent that the data and research needed to pursue the comprehensive and long-range changes being proposed were lacking. This is the reason why we proposed a task force to answer many of the presently unanswerable questions and give us a surer footing to develop a more permanent solution.

Provision for a task force is contained in Senate File 1062. Unfortunately it is restricted in its structure and capabilities. The geographic and partisan restrictions on the task force's membership will make it difficult to secure members with the kind of stature and the varied talents and backgrounds we feel essential for a top-notch task force. And the early reporting date for the task force to make its recommendations may inhibit comprehensive review and analysis of the complex issues at stake.

The most inexplicable and indefensible provision in the task force section is the requirement that public members work without pay while the legislative members receive \$40 per day.

While the task force is a far cry from what we had recommended, we intend to make it work.

* * * * *

It is imperative that in important, far-ranging bills that the meritorious features outweigh the countervailing negative aspects. Regrettably, I find this is not the case in Senate File 1062. There are several very serious considerations that weigh strongly against complete acceptance of this bill.

One consideration of paramount concern to all Iowans is the eventual cost of this legislation. It is estimated by the Revenue Department and State Comptroller that the total cost of the first year of Senate File 1062 (FYE 77) is approximately \$7 million more than we recommended. But the real spending problem is in the second year (FYE 78) when it is estimated that the bill will cost approximately \$21 million more than we originally recommended.

Even these substantial cost estimates are conservative. We have reason to believe that with the weaker limitations on property tax increases by local governments, the cost of new homestead credits in Senate File 1062 may be considerably more than estimated.

One would have to view Senate File 1062 with much hesitation and trepidation solely because of its cost, especially since we do not know what other spending measures this legislature may adopt. Should the State be required to seek new or increased taxes in two or three years because of this bill, Iowans would have the kind of tax relief they can hardly afford.

* * * * *

Senate File 1062 makes a long-term commitment with two marked departures from our present taxing system—a changed and greatly enlarged homestead credit and the use of 100% productivity for the assessment of agricultural land with a twist that could be detrimental to some farmers. While these departures may be desirable, Senate File 1062 initiates them based on little more than cursory knowledge of their impact on our tax system, long-term implications, and desirability vis-a-vis future alternatives. Further, the task force should not be preempted from considering all alternatives.

The deviation from existing policies contained in Senate File 1062 is demonstrated in its effect on state aid for schools. For the first time in many years, and contrary to the direction we have been pursuing, state aid for schools will actually decrease next year—from about \$383 million to \$378 million. Considering that school costs next year will be in excess of \$55 million more than this year, the decrease in state aid for schools is a radical shift from our present policy of increased school costs being financed primarily from state revenues. The approach we have had is a proven method of property tax relief—and has equalized education for our young people.

* * * * *

While Senate File 1062 would soften the blow of increased property taxes in some areas more than our proposal, it provides no relief for Iowans who rent. It is estimated that roughly one-fifth of all homes in

the residential class of property in the State are rental units. Since the homestead credit is available only to owner-occupants, renters will receive no benefits under the bill even though their rental payments will reflect increased property taxes.

Finally, I point out that Senate File 1062 does little to keep industrial, personal, and utility property from enjoying a reduction in taxes while agricultural and residential property taxes increase—a point often criticized during the debate on this bill.

* * * * *

As we have reviewed Senate File 1062, it has become more and more apparent that this measure is poorly conceived and ill-designed. The bill is so fraught with uncertainties and difficulties that we have found few legislators willing to sing its praises. It is indeed surprising that a bill of such consequence would elicit so little support following passage while generating, from members of both parties, so many requests for a full or item veto.

If I were to veto Senate File 1062 in total, for which a good argument can be made, the General Assembly would be compelled to reconsider the bill, start all over, or return in special session in order to keep Iowans from being unduly hit by excessive property tax increases. Yet as legislators continue to tell me, there is little reason to believe this legislature could turn out a better product. The same differences and the same problems frustrating the General Assembly during the development of Senate File 1062 still exist.

While there is no assurance that the legislature would give us an improved bill should I veto Senate File 1062, there would be a guarantee of more lost time in the local budgetary process. Should this occur, local units of government would be delayed in their tax collections and would incur extra interest cost of some \$2 million a month.

While I am tempted to veto Senate File 1062, the prospect of havoc, little or no improvement, and added expense for local governments persuades me to sign into law the first year of this bill. Iowans must have some help and the first year under Senate File 1062 does send state revenues back to give some relief to some taxpayers.

The same considerations do not hold true for the second and third years of Senate File 1062. Next year we will have better information relative to the amount of money available from state resources for financing a property tax package for future years. We also will have the benefit of the efforts of the task force and can act upon its recommendations after they are made—instead of before. The new General Assembly will be in a position to consider improvements in or alternatives to the second and third year provisions of Senate File 1062 in a timely fashion. It could, of course, accept the second and third year provisions of Senate File 1062 if the data, statistics, and judgment accumulated during the interim warranted it.

Because of these considerations, I have decided to item veto from Senate File 1062 the homestead credits for FYE 1978 and FYE 1979, the change in assessment procedures for agricultural property for the same two years, and the automatic surplus triggers which are operative only because of the second and third years of the bill.

By vetoing the second and third years of this bill, I realize that prompt action will have to be taken to achieve a fair and equitable tax program when the next legislative session convenes.

This item veto should not be construed as opposition on my part to the establishment of additional productivity for agricultural land or assessment changes for other classes of property. It does mean that there are unknowns contained in this tax package that, if uncorrected, could do more harm than good to many taxpayers who are hoping for some relief.

I am also item vetoing the property tax limitations for special districts. It was intended that these special purpose districts be under the property tax limitations, but further study convinces us that the administration of and compliance with the limitations would be virtually impossible.

* * * * *

While I recognize there is always risk in an action such as I am taking today with this item veto, I truly believe that the risk is well worth it when we consider the definite possibility of writing into law next session a far superior plan—one that will be supported by fact and which will help the farmer and the residential dweller. It is hard to imagine that next year's effort will not produce something at least as good and hopefully much better than Senate File 1062.

It must now be apparent that an equitable solution to the basic problem—how local government services can be supplied to our people and how the costs of these services should be allocated—is not simple to develop—but neither is it impossible. The combination of better data and the dedication of people to improve the existing system can surely result in the evolution of a program that can meet the tests of time.

For these reasons, I hereby disapprove the aforementioned eight items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1062 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

UNFINISHED BUSINESS

Senate File 1310

The Senate resumed consideration of Senate File 1310 and amendment S—5563.

Senator Nystrom took the chair at 2:30 p.m.

President Neu took the chair at 3:30 p.m.

Senator Rabedaux moved the adoption of amendment S—5563, and requested a record roll call.

On the question "Shall amendment S—5563 be adopted?" (S.F. 1310) the vote was:

Ayes, 24:

Andersen	Heying	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Briles	Hultman	Nolting	Shaff
Culver	Lamborn	Nystrom	Taylor
Curtis	Miller of	Plymat	Tieden
Griffin	Des Moines	Priebe	Van Gilst
Hansen		Rabedaux	

Nays, 25:

Burroughs	Gluba	Murray	Robinson
Carr	Hill of Polk	Norpel	Rodgers
Coleman	Junkins	Orr	Shaw
DeKoster	Kelly	Palmer	Sovern
Doderer	Kinley	Ramsey	Willits
Gallagher	Merritt	Redmond	Winkelman
Glenn			

Absent or not voting, 1:

Nolin

Amendment S—5563 lost.

Senator Hansen offered amendment S—5569 filed by Senators Hansen and Junkins and moved its adoption:

S—5569

- 1 Amend Senate File 1310 as follows:
- 2 1. Page 15, by inserting after line 30 the
- 3 following new section:
- 4 "Sec. Acts of the Sixty-sixth General
- 5 Assembly, 1975 Session, chapter two hundred thirty-
- 6 nine (239), section two (2), is amended by adding
- 7 the following new subsection:
- 8 *NEW SUBSECTION.* 'Specific type of licensed health
- 9 care provider' means and includes either the licensed
- 10 members of any one of the professions whose members
- 11 are designated by subsection five (5) of this section
- 12 to be health care providers, or any subgroup of the
- 13 licensed members of any one such profession who
- 14 primarily engage in a professionally recognized
- 15 specialty."

Amendment S—5569 was adopted.

Senator DeKoster offered amendment S—5572 filed by him:

S—5572

- 1 Amend Senate File 1310, page 15, line 30, by
- 2 adding the following new paragraph:
- 3 "..... The agreement shall also
- 4 provide that a written record of the arbitration
- 5 will be made by a certified shorthand reporter,
- 6 the cost of which shall be borne equally by the
- 7 parties to the arbitration."

Senator DeKoster offered amendment S—5575 to amendment S—5572 filed by him and moved its adoption:

S—5575

- 1 Amend the DeKoster amendment, S—5572, to Senate
- 2 File 1310 as follows:
- 3 1. Page 1, line 1, by inserting after the figure
- 4 “15,” the word “after”.

Amendment S—5575 to amendment S—5572 was adopted.

On motion of Senator DeKoster, amendment S—5572 as amended was adopted.

Senator Kelly offered amendment S—5576 filed by him and moved its adoption:

S—5576

- 1 Amend Senate File 1310, page 15, by adding after
- 2 line 30 the following new subsection:
- 3 “3. *NEW SUBSECTION.* Any party aggrieved by the
- 4 decision of the arbitrator shall have the right to
- 5 appeal the same to the district court of the county
- 6 in which the arbitration was held within thirty
- 7 days after receipt of the arbitrator's decision.
- 8 If the party appealing was not represented by
- 9 counsel at the arbitration hearing, then the case
- 10 shall be heard de novo. However, if the party
- 11 appealing was represented by counsel at the arbi-
- 12 tration hearing, then the appeal will be heard on
- 13 the record. Upon appeal the court shall have the
- 14 right to sustain, reverse, modify, amend or enlarge
- 15 upon the decision of the arbitrator.”

Amendment S—5576 was adopted.

Senator Miller of Des Moines offered amendment S—5590 and moved its adoption:

S—5590

- 1 Amend Senate File 1310, page 3, by inserting
- 2 after line 5 the following:
- 3 “i. The board of psychology examiners.
- 4 j. The board of speech pathology and audiology
- 5 examiners.”

Amendment S—5590 was adopted.

Amendment S—5578 by Senator Redmond, offered and deferred on April 26, 1976, was taken up for further consideration.

Senator Redmond offered amendment S—5580 to amendment

S—5578 filed by Senators Redmond and Junkins and moved its adoption:

S—5580

- 1 Amend the Redmond amendment, S—5578, to page
- 2 12 of Senate File 1310 as follows:
- 3 1. By inserting after line 21 the following
- 4 new subsection:
- 5 "4. The reports received by the commissioner
- 6 pursuant to subsections one (1) through three (3)
- 7 of this section shall be confidential and shall not
- 8 be disclosed except to a health care board pursuant
- 9 to this section. However, the commissioner may
- 10 disclose aggregate information compiled from such
- 11 reports if the aggregate information is not identi-
- 12 fied as to the individual health care practitioners
- 13 to whom it relates."

Amendment S—5580 to amendment S—5578 was adopted.

On motion of Senator Redmond, amendment S—5578 as amended was adopted.

Senator Hill of Jasper offered amendment S—5581 filed by him and moved its adoption:

S—5581

- 1 Senate File 1310 is amended as follows:
- 2 1. Page 12, by adding after line 35 the follow-
- 3 ing new section:
- 4 "Sec. *NEW SECTION.* Failure by any person
- 5 to comply with the provisions of this division or
- 6 any rule promulgated under this division shall not
- 7 constitute a violation of this title within the mean-
- 8 ing of section one hundred forty-seven point eighty-
- 9 six (147.86), Code 1975, nor shall such failure be
- 10 subject to the penalties imposed by that section."

Amendment S—5581 was adopted.

Senator Redmond offered amendment S—5582 filed by him:

S—5582

- 1 Amend Senate File 1310 as follows:

Division S—5582A

- 2 1. Page 15, by striking lines 14 through 23, and
- 3 inserting in lieu thereof the following:
- 4 "f. The agreement must provide that the patient,
- 5 or the person executing the agreement on the patient's
- 6 behalf, has the absolute right to rescind the agreement,
- 7 without reason, within sixty days after the health care
- 8 practitioner releases the patient from treatment or
- 9 within 60 days after the discovery of the malpractice

10 occurrence, whichever occurs later; if the agreement
11 is with a hospital or other health care facility to
12 which the patient is admitted on either an in-patient
13 or out-patient basis, the right to rescind shall extend
14 until sixty days after discharge from the hospital or
15 facility or within sixty days after the discovery of
16 the malpractice occurrence, whichever is later.

17 At the time of the execution of the agreement the
18 health care provider shall furnish the patient or the
19 person executing the agreement on the patient's behalf
20 with a form providing for the revocation of said agree-
21 ment together with a self-addressed, stamped envelope
22 addressed to said provider."

Division S—5582B

23 2. Page 15, line 27, by adding after the period:

24 "If the health care provider refuses treatment or
25 services because the patient refuses to sign the arbi-
26 tration agreement, then such health care provider shall
27 be liable for any and all damages accruing from such
28 refusal to treat or render services to the patient. A
29 health care provider's refusal to treat the patient or
30 provide services to the patient following the patient's
31 refusal to sign an arbitration agreement shall be pre-
32 sumptive evidence that the health care provider's refusal
33 to treat the patient or provide the services to the
34 patient was occasioned by the patient's refusal to sign
35 the arbitration agreement."

36 3. Page 15, by striking lines 28 through 30 and
37 inserting in lieu thereof the following:

38 "h. The agreement must specifically provide that a
39 patient signing the arbitration agreement without advice
40 of counsel can rescind same at any time. The agreement
41 must carry a caveat that the patient should consult his
42 attorney."

Senator Ramsey offered amendment S—5586 to amendment
S—5582 filed by him and moved its adoption:

S—5586

1 Amend the Redmond amendment, S—5582, to Senate
2 File 1310 as follows:

3 1. Page 1, by striking lines 17 through 22.

4 2. Page 1, by striking lines 38 through 42
5 and inserting in lieu thereof the following:

6 "h. The agreement must carry a caveat that
7 the patient should consult her attorney before sign-
8 ing same."

Amendment S—5586 to amendment S—5582 was adopted.

Senator Redmond called for a division of the amendment, sec-
tion 1 to be considered as division S—5582A; sections 2 and 3
to be considered as division S—5582B.

Senator Redmond moved the adoption of division S—5582A of the amendment as amended.

A non-record roll call was requested.

The ayes were 6, nays 39.

Division S—5582A of the amendment as amended lost.

Senator Redmond moved the adoption of division S—5582B of the amendment as amended.

A record roll call was requested.

On the question “Shall division S—5582B of the amendment as amended be adopted?” (S.F. 1310) the vote was:

Aye, 20:

Carr	Hill of Polk	Norpel	Robinson
Coleman	Junkins	Orr	Rodgers
DeKoster	Kelly	Palmer	Shaw
Glenn	Kinley	Ramsey	Sovern
Gluba	Merritt	Redmond	Willits

Nays, 28:

Andersen	Griffin	Murray	Scott
Bergman	Hansen	Nolting	Shaff
Briles	Heying	Nystrom	Taylor
Burroughs	Hill of Jasper	Plymat	Tieden
Culver	Hultman	Priebe	Van Gilst
Curtis	Lamborn	Rabedeaux	Winkelman
Doderer	Miller of	Schwengels	
Gallagher	Des Moines		

Absent or not voting, 2:

Miller of	Nolin
Marshall	

Division S—5582B of the amendment as amended lost.

Senator Lamborn offered amendment S—5593 and moved its adoption:

S—5593

- 1 Amend Senate File 1310 as follows:
- 2 1. Page 15, line 17, by striking the word
- 3 “sixty” and inserting in lieu thereof the words “one
- 4 hundred twenty”.
- 5 2. Page 15, line 20, by striking the word
- 6 “sixty” and inserting in lieu thereof the words “one
- 7 hundred twenty”.
- 8 3. Page 15, line 21 by striking the word “sixty”
- 9 and inserting in lieu thereof the words “one hundred
- 10 twenty”.

A non-record roll call was requested.

The ayes were 42, nays 4.

Amendment S—5593 was adopted.

Senator Bergman moved to reconsider the vote by which amendment S—5558 failed to be adopted by the Senate on April 26, 1976.

Senator Kelly took the chair at 5:50 p.m.

President Neu took the chair at 6:00 p.m.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S—5558 be adopted?" (S.F. 1310) the vote was:

Rule 25 was invoked.

Ayes, 25:

Bergman	Heying	Murray	Rabedaux
Briles	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Lamborn	Nystrom	Shaw
DeKoster	Merritt	Plymat	Taylor
Doderer	Miller of	Priebe	Winkelman
Griffin	Des Moines		

Nays, 22:

Andersen	Hansen	Palmer	Shaff
Burroughs	Hill of Jasper	Ramsey	Sovern
Carr	Junkins	Redmond	Tieden
Curtis	Kelly	Robinson	Van Gilst
Glenn	Kinley	Rodgers	Willits
Gluba	Orr		

Absent or not voting, 3:

Gallagher	Miller of	Nolin
	Marshall	

The motion prevailed, and amendment S—5558 was taken up for reconsideration.

Senator Miller of Des Moines moved the adoption of amendment S—5558 and requested a record roll call.

On the question "Shall amendment S—5558 be adopted?" (S.F. 1310) the vote was:

Rule 25 was invoked.

Ayes, 22:

Bergman	Hultman	Nolting	Schwengels
Briles	Lamborn	Norpel	Scott
Culver	Merritt	Nystrom	Shaw
Griffin	Miller of	Plymat	Taylor
Heying	Des Moines	Priebe	Winkelman
Hill of Polk	Murray	Rabedaux	

Nays, 25:

Andersen	Glenn	Kinley	Rodgers
Burroughs	Gluba	Orr	Shaff
Carr	Hansen	Palmer	Sovern
Coleman	Hill of Jasper	Ramsey	Tieden
Curtis	Junkins	Redmond	Van Gilst
DeKoster	Kelly	Robinson	Willits
Doderer			

Absent or not voting, 3:

Gallagher	Miller of	Nolin
	Marshall	

Amendment S—5558 lost.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1310) the vote was:

Ayes, 47:

Andersen	Hansen	Murray	Rodgers
Bergman	Heying	Nolting	Schwengels
Briles	Hill of Jasper	Norpel	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, none.

Absent or not voting, 3:

Gallagher	Miller of	Nolin
	Marshall	

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1976, concurred in Senate amendment to the House amendment and repassed the following bill in which the concurrence of the House was asked:

Senate File 488, a bill for an act relating to the political affiliation of persons serving on state boards, commissions, and councils.

DAVID L. WRAY, Chief Clerk

RETURNED TO COMMITTEE

Senator Kinley asked and received unanimous consent that Senate File 1274 be returned to the committee on cities.

COMMUNICATION FROM THE SECRETARY OF STATE

April 26, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1401, was published in the West Des Moines Express, West Des Moines, Iowa on April 22, 1976, and in The Forest City Summit, Forest City, Iowa on April 22, 1976.

I further certify that House File 1458, was published in The Sioux City Journal, Sioux City, Iowa on April 16, 1976, and in the Highland Park News, Des Moines, Iowa on April 15, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 26, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1139—Relating to providing discharged and paroled inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money, and transportation.
- S. F. 1263—Relating to fees which certain municipal corporations charge milk plants and receiving stations.
- H. F. 1040—Relating to applications and fees for high school equivalency diplomas.
- H. F. 1226—Relating to loans made by a credit union to its director.
- H. F. 1361—Relating to short-term loans of cities.
- H. F. 1494—Exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.
- H. F. 1495—Relating to bedding sanitation in hotels, motels, and motor inns.
- H. F. 1509—Relating to certification for applicators of restricted use of pesticides.

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marie L. Holz of Grand Junction, Greene County, Iowa, for appointment as a member of the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for

the initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
JOHN N. NYSTROM
JOAN ORR
CLOYD E. ROBINSON
ELIZABETH SHAW

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Stanley C. Romans. D.V.M., Mason City, Cerro Gordo County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
JOHN N. NYSTROM
KENNETH D. SCOTT
DALE L. TIEDEN
EARL M. WILLITS

AMENDMENTS FILED

S—5591

- 1 Amend the Sovern amendment S—5588 to Senate File
- 2 1313 as follows:
- 3 1. Page 4, line 37, by striking the word "five"
- 4 and inserting in lieu thereof the word "voting".
- 5 2. Page 4, lines 38 and 39, by striking the words
- 6 "appointed under paragraphs d, e, f, and g of this
- 7 subsection" and inserting in lieu thereof the words
- 8 "of the state commission".
- 9 3. Page 4, line 40, by striking the words
- 10 "government or the state" and inserting in lieu thereof
- 11 the words "or state".
- 12 4. Page 5, line 43, by inserting after the word
- 13 "Act" the words "and recommendations received from
- 14 public hearings held by the county commissions as
- 15 provided by section sixteen (16) of this Act".
- 16 5. Page 6, line 1, by inserting after the word
- 17 "for" the word "substantive".
- 18 6. Page 7, line 31, by inserting after the word
- 19 "Recommend" the word "criteria".
- 20 7. Page 7, by striking lines 32 through 39 and
- 21 inserting in lieu thereof the following: "assembly,
- 22 for the designation of state critical areas by the
- 23 state commission. Each administrative order issued
- 24 by the state commission designating a state critical
- 25 area shall include a statement specifying the reasons
- 26 for the designation, the physical boundaries of the
- 27 designated area, the damages that would result from

28 uncontrolled development within the area, and the
29 state regulations to be applied to the area. The
30 total area of all designated state critical areas
31 shall not exceed five percent of the area of this
32 state."

33 8. Page 7, line 40, by striking the word
34 "Establish" and inserting in lieu thereof the word
35 "Recommend".

36 9. Page 7, line 43, by striking the word
37 "Establish" and inserting in lieu thereof the word
38 "Recommend".

39 10. Page 8, line 3, by striking the word
40 "Establish" and inserting in lieu thereof the word
41 "Recommend".

42 11. Page 16, by inserting after line 35 the
43 following:

44 "Sec. 16. INITIAL RECOMMENDATIONS TO STATE
45 COMMISSION.

46 1. It is the intent of the general assembly that,
47 under the provisions of subsection two (2) of this
48 section, interested citizens of this state be given
49 an opportunity to recommend provisions to be included
50 in the initial state land use policy and state land

Page 2

1 use policy guidelines.

2 2. Each county commission shall, within one hundred
3 twenty days after the effective date of this Act,
4 conduct a public hearing, receive testimony from any
5 interested person relating to what provisions should
6 be included in the initial recommendations of the
7 state commission for a state land use policy and state
8 land use policy guidelines, and transmit such testimony
9 to the state commission. The county commission shall
10 give public notice of the date, time and location
11 of the public hearing in a newspaper having general
12 circulation within the county not later than two weeks
13 before the date of such hearing."

14 12. Page 20, line 31, by striking the word "until"
15 and inserting in lieu thereof the word "unless".

16 13. By renumbering the sections and internal
17 references to sections to conform with this amendment.

STEVE SOVERN
ROGER J. SHAFF
HILARIUS L. HEYING
MILO MERRITT

S—5594

1 Amend Senate File 1314, page 2, line 13 by
2 adding after the word "programs" the words, "and
3 juvenile interim detention facilities and shelter
4 care facilities".

MINNETTE DODERER

S—5592

1 Amend House File 1332 as follows:

2 1. Page 8, line 35, by inserting after the
3 words "APPLICATIONS OF" the word "UNMARRIED".

4 2. Page 8, line 35, by inserting after the
5 word "any" the word "unmarried".

6 3. Page 4, by striking lines 7 through 9.

7 4. Page 4, line 10, by striking the words

8 "*years and*", and inserting in lieu thereof the word

9 "; if".

MINNETTE F. DODERER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:45
p.m., until 9:30 a.m., Wednesday, April 28, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, APRIL 28, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Randall R. Teeuwen, pastor of the United Church of Christ, Cedar Falls, Iowa.

The Journal of Tuesday, April 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William A. Castles, Dallas Center, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day on request of Senator Kinley; Senator Murray for the day on request of Senator Briles.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixteen students from Charles City High School, Charles City, Iowa, accompanied by their instructor, Charles Rodenius. Senator Merritt.

Thirty-five students from Logan Junior High School, Waterloo, Iowa, accompanied by Mr. Miller. Senators Hansen and Nolting.

Thirty students from Fort Dodge High School and St. Edmond High School, Fort Dodge, Iowa, accompanied by Ron Hageman and Mike Penning. Senator Coleman.

Forty-four students from Lake Mills High School, Lake Mills, Iowa, accompanied by Jim Blum and Mark Mortenson. Senator Priebe.

Six foreign exchange students from Marshalltown Community College, Marshalltown, Iowa, sponsored by the League of Women Voters. Senator Miller of Marshall.

PETITIONS

The following petition was presented and placed on file:

By Senator Tieden from twenty-three residents of Allamakee County and Clayton County favoring legislation to alleviate overcrowded conditions at state correctional institutions.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

One hundred ten residents of Allamakee, Winneshiek and Clayton Counties.

Twenty-five residents of Black Hawk County and Bremer County.

Twenty-one residents of Buena Vista County.

Forty-eight residents of Cerro Gordo County.

Seventy-nine residents of Cherokee County.

Thirty-seven residents of Clay County.

Eleven residents of Clayton County.

Nineteen residents of Decatur, Clarke and Wayne Counties.

Forty-four residents of Dubuque County.

Thirty-three residents of Floyd County.

Fourteen residents of Jasper County.

Three residents of Johnson County.

Forty-one residents of Kossuth County and Winnebago County.

Thirteen residents of Louisa County.

Twenty-two residents of Madison County.

Thirty-two residents of Monona County.

Ninety-two residents of Polk County.

Nine residents of Polk County and Warren County.

Thirty residents of Sac County.

Thirty-eight residents of Taylor County.

Forty-two residents of Warren County.

Fifteen residents of Washington County.

The Senate stood at ease until 10:30 a.m.

The Senate resumed session, President Neu presiding.

MOTION TO RECONSIDER LOST

House File 1470

Senator Hill of Polk called up the following motion to reconsider filed by him on April 22, 1976, moved its adoption, and requested a record roll call:

MR. PRESIDENT: I move to reconsider the vote by which House File 1470 passed the Senate on April 22, 1976.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1470) the vote was:

Rule 25 was invoked.

Ayes, 24:

Briles	Hill of Polk	Nystrom	Scott
Carr	Merritt	Orr	Sovern
Coleman	Miller of	Palmer	Taylor
Doderer	Des Moines	Plymat	Van Gilst
Glenn	Nolting	Redmond	Willits
Gluba	Norpel	Rodgers	Winkelman
Heying			

Nays, 22:

Andersen	Griffin	Kinley	Ramsey
Bergman	Hansen	Lamborn	Robinson
Burroughs	Hill of Jasper	Miller of	Schwengels
Curtis	Hultman	Marshall	Shaw
DeKoster	Junkins	Priebe	Tieden
Gallagher	Kelly	Rabedaux	

Absent or not voting, 4:

Culver	Murray	Nolin	Shaff
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The motion having failed to receive a constitutional majority was declared to have failed.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

CONSIDERATION OF BILLS

House File 1539

On motion of Senator Priebe, House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe offered amendment S—5536 filed by the committee on appropriations April 20, 1976, and found on pages 1365-1367, inclusive, of the Senate Journal.

Senator Gluba offered amendment S—5540 to amendment S—5536 filed by him and moved its adoption:

S—5540

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as follows:
- 3 1. Page 1, line 1, by inserting after the
- 4 word "File" the figure "1539".
- 5 2. Page 3, line 24, by striking the figure "5"
- 6 and inserting in lieu thereof the figure "6".

Amendment S—5540 to amendment S—5536 was adopted.

Senator Palmer offered amendment S—5600 to amendment S—5536 by Senators Palmer and Lamborn:

S—5600

- 1 Amend the committee on appropriations amendment
- 2 S—5536 to House File 1539 as follows:
- 3 1. Page 1, by striking lines 4 through 41 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. There is appropriated from the gen-
- 6 eral fund of the state to the department of social
- 7 services, division of adult corrections, the following
- 8 amounts, or so much thereof as is necessary, to be
- 9 used in the manner designated:
- 10 1. For replacement of federal funds
- 11 for community-based correction programs,
- 12 the establishment of residential half-
- 13 way houses and pre-institutional residential
- 14 facilities and for operating costs of such
- 15 halfway houses and pre-institutional residential
- 16 facilities\$2,550,000.
- 17 2. For additional staff and remodeling
- 18 of the Riverview release center in order
- 19 to develop it to full capacity 158,000
- 20 3. To convert and improve the dormitory
- 21 at farm 3 50,000
- 22 4. For construction and operation of

23 a medium security facility or acquisition
 24 of a facility to be used or converted into
 25 a medium security facility, located in an
 26 area determined by the department which will
 27 provide access to a merged area school offering
 28 appropriate vocational education courses
 29 designed to provide educational opportunities
 30 to inmates to develop a vocation 3,500,000
 31 The department of social services shall
 32 have authority to convert any institution now
 33 under its control to a medium security institution.
 34 5. For additional probation, parole,
 35 and clerical staff 400,000
 36 6. For additional personnel for the
 37 state penitentiary at Fort Madison and state
 38 reformatory at Anamosa 742,200".
 39 2. By renumbering the remaining sections in the
 40 amendment.

Senator Schwengels asked unanimous consent that further action on amendment S—5600 to amendment S—5536 be deferred for the purpose of taking up for consideration amendment S—5602 to amendment S—5536.

Objection was raised.

Senator Schwengels moved that further action on amendment S—5600 to amendment S—5536 be deferred for the purpose of taking up for consideration amendment S—5602 to amendment S—5536.

President pro tempore Doderer took the chair at 3:15 p.m.

President Neu took the chair at 3:30 p.m.

A record roll call was requested.

On the question "Shall the motion to defer action on amendment S—5600 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Ayes, 20:

Bergman	Hansen	Miller of	Robinson
Briles	Hill of Polk	Des Moines	Rodgers
Burroughs	Hultman	Nystrom	Schwengels
Coleman	Junkins	Rabedeaux	Shaw
Curtis	Merritt	Ramsey	Tieden
Glenn			

Nays, 26:

Andersen	Griffin	Nolting	Scott
Carr	Hill of Jasper	Norpel	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Lamborn	Plymat	Willits
Gallagher	Miller of	Priebe	Winkelman
Gluba	Marshall	Redmond	

Absent or not voting, 4:

Heying	Murray	Nolin	Shaff
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The motion lost and the Senate continued consideration of amendment S—5600 to amendment S—5536.

Senator Palmer moved the adoption of amendment S—5600 to amendment S—5536.

A record roll call was requested.

On the question "Shall amendment S—5600 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Ayes, 20:

Andersen	Hansen	Miller of	Redmond
Burroughs	Hultman	Marshall	Schwengels
Curtis	Kelly	Nystrom	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Ramsey	Van Gilst
Glenn			

Nays, 25:

Bergman	Hill of Jasper	Norpel	Rodgers
Carr	Hill of Polk	Orr	Scott
Coleman	Junkins	Plymat	Shaw
Culver	Merritt	Priebe	Sovern
Gallagher	Miller of	Rabedaux	Willits
Gluba	Des Moines	Robinson	Winkelman
Griffin	Nolting		

Absent or not voting, 5:

Briles	Murray	Nolin	Shaff
Heying			

Amendment S—5600 to amendment S—5536 lost.

Senator Hill of Jasper offered amendment S—5595 to amendment S—5536:

S—5595

- 1 Amend the committee on appropriations amendment
- 2 S—5536 to House File 1539 as amended and passed by
- 3 the House as follows:
- 4 1. Page 1, by striking lines 31 through 33 and
- 5 inserting in lieu thereof the following:
- 6 "5. For conversion of a portion of the mental
- 7 health institute at Mount Pleasant to a medium
- 8 security correctional institution\$1,000,000".

Senator Ramsey took the chair at 4:50 p.m.

QUORUM CALL

Senator Redmond requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

Senator Hill of Jasper moved the adoption of amendment S—5595 to amendment S—5536 and requested a record roll call.

President Neu took the chair at 5:16 p.m.

On the question "Shall amendment S—5595 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Ayes, 4:

Hill of Jasper	Miller of Marshall	Ramsey	Redmond
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Nays, 36:

Andersen	Glenn	Merritt	Robinson
Bergman	Gluba	Miller of	Rodgers
Briles	Hansen	Des Moines	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Sovern
Coleman	Junkins	Orr	Tieden
Culver	Kelly	Plymat	Van Gilst
Curtis	Kinley	Priebe	Willits
Doderer	Lamborn	Rabedeaux	Winkelman
Gallagher			

Absent or not voting, 10:

DeKoster	Murray	Palmer	Shaw
Griffin	Nolin	Shaff	Taylor
Heying	Nystrom		

Amendment S—5595 to amendment S—5536 lost.

Senator Kelly offered amendment S—5604 to amendment S—5536:

S—5604

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by striking lines 31 through 33.
- 4 2. Page 1, by inserting after line 41 the fol-
- 5 lowing:
- 6 "..... For hiring professional corrections con-
- 7 sultants to evaluate the state's correctional
- 8 needs\$100,000
- 9 The evaluation established by this subsection shall
- 10 include, but shall not be limited to, a study of the
- 11 achievement of correctional objectives and physical
- 12 facilities of the state's existing correctional faci-
- 13 lities, and recommendations concerning the upgrading
- 14 and improvement of same. This evaluation shall be
- 15 completed and submitted to the legislative council
- 16 no later than January 1, 1977."
- 17 3. Renumber the subsections as necessary.

Senator Kelly asked and received unanimous consent that

further action on amendment S—5604 to amendment S—5536 be deferred.

Senator Carr offered amendment S—5612 to amendment S—5536 by Senators Carr, et al.:

S—5612

- 1 Amend the committee on appropriations amendment,
- 2 S—5536 to House File 1539, as amended and passed
- 3 by the House, as follows:
- 4 1. Page 1, by striking lines 31 through 33 and
- 5 inserting in lieu thereof the following:
- 6 "5. For the conversion and construction
- 7 of facilities on the grounds of the Training
- 8 School for Girls at Mitchellville, Iowa, to
- 9 a medium security institution and for the
- 10 maintenance and operation of such facili-
- 11 ties 3,500,000
- 12 The department of social services shall have
- 13 authority to convert the institution at Mitchellville
- 14 to a medium security facility."

(Senate File 1539 pending on adjournment.)

APPOINTMENT OF OFFICIAL DELEGATION

The Chair announced the appointment of the following official delegation to represent the Senate at the funeral services for the Honorable James T. Caffrey, Representative from Polk County, on Thursday, April 29, 1976, at 10:00 a.m.: Senators Palmer, Hill of Polk, Kinley, Rabedeaux, Griffin and Willits.

INTRODUCTION OF BILLS

Senate File 1315, by Senator Winkelman, a bill for an act relating to assessment of real property.

Read first time and passed on file.

Senate File 1316, by Senator Winkelman, a bill for an act relating to the assessment and equalization of property values.

Read first time and passed on file.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state.

Also: That the members of the conference committee on the part of the House to consider the differences between the House and Senate concerning House File 614, a bill for an act relating to termination of parental rights and adoption and providing penalties, are as follows: The Representative from Black Hawk, Mr. Middleton, chair; the Representative from Scott, Mr. Higgins; the Representative from Boone, Mrs. Lonergan; the Representative from Clinton, Mr. Oakley; and the Representative from Linn, Mrs. Lipsky.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 85

S—5603

- 1 Amend Senate File 85, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 9 through 14, and
- 4 inserting in lieu thereof the following:
- 5 "Sec. PUBLIC OFFENSE. A public offense
- 6 is that which is prohibited by statute and is
- 7 punishable by fine or imprisonment."
- 8 2. Page 2, line 7, by striking the words "A
- 9 person's".
- 10 3. Page 2, by striking lines 8 through 20.
- 11 4. Page 2, by striking lines 35 and 36.
- 12 5. Page 3, by striking line 1.
- 13 6. Page 3, line 17, by striking the word "meanings"
- 14 and inserting in lieu thereof the word "meaning" and
- 15 by striking the words "to that term".
- 16 7. Page 3, line 18, by striking the words "is
- 17 clear that the term".
- 18 8. Page 3, by striking line 23, and inserting
- 19 the word "vertebrate".
- 20 9. Page 4, by striking lines 1 and 2.
- 21 10. Page 4, lines 5 and 6, by striking the words
- 22 "other living creature" and inserting in lieu
- 23 thereof the word "animal".
- 24 11. Page 4, line 12, by inserting after the
- 25 word "weapon." the following: "Dangerous
- 26 weapons include, but are not limited to, any
- 27 offensive weapon, pistol, revolver, or other
- 28 firearm, dagger, razor, stiletto, or knife
- 29 having a blade of three inches or longer in
- 30 length."
- 31 12. Page 4, by inserting after line 12 the follow-
- 32 ing:
- 33 "Sec. NEW SECTION. DEATH. 'Death' means
- 34 the condition determined by the following standard:
- 35 A person will be considered dead if in the announced
- 36 opinion of a physician, based on ordinary standards
- 37 of medical practice, that person has experienced an
- 38 irreversible cessation of spontaneous respiratory and
- 39 circulatory functions. In the event that artificial
- 40 means of support preclude a determination that these
- 41 functions have ceased, a person will be considered

42 dead if in the announced opinion of two physicians, based
43 on ordinary standards of medical practice, that per-
44 son has experienced an irreversible cessation of
45 spontaneous brain functions. Death will have occurred
46 at the time when the relevant functions ceased."

47 13. Page 4, line 13, by striking the words
48 "FRAUDULENT PRACTICE. Fraudulent" and inserting in
49 lieu thereof the word "DECEPTION".

50 14. Page 4, line 14, by striking the word

Page 2

1 "practice" and inserting in lieu thereof the
2 word "Deception".

3 15. Page 5, line 10, by striking the word
4 "homicide" and inserting in lieu thereof the
5 word "murder".

6 16. Page 5, line 13 by striking the word
7 "building" and inserting in lieu thereof the word
8 "building,".

9 17. Page 5, line 21, by inserting after the
10 word "during" the words "part or".

11 18. Page 6, by striking lines 2 through 11.

12 19. Page 6, by striking lines 12 through 16,
13 and inserting in lieu thereof the following:

14 Sec. *NEW SECTION. RECKLESS.* A person is
15 reckless or acts recklessly when he or she will-
16 fully or wantonly disregards the safety of person
17 or property.

18 20. Page 6, line 19, by striking the words
19 "either natural or deviate,".

20 21. Page 6, by striking lines 21 and 22, and
21 inserting in lieu thereof the following: "mouth or
22 tongue of one person and genitalia of another person
23 or by contact between genitalia of one person and
24 the genitalia or anus of another person, or by contact
25 between a finger of one person and the genitalia of
26 another person for the purpose of arousing or
27 satisfying the sexual desires of either, or by use
28 of artificial".

29 22. Page 6, by deleting lines 24 through 29,
30 and inserting in lieu thereof the following:

31 Sec. 219. *NEW SECTION. SERIOUS INJURY.*

32 "Serious injury" means disabling mental illness,
33 or bodily injury which creates a substantial risk
34 of death or which causes serious permanent dis-
35 figurement, or protracted loss or impairment of the
36 function of any bodily member or organ.

37 23. Page 6, by striking lines 34 through page 7
38 line 10 and inserting in lieu thereof the following:

39 "Sec. 301. *NEW SECTION. AIDING AND ABETTING.* All
40 persons concerned in the commission of a public
41 offense, whether they directly commit the act con-
42 stituting the offense or aid and abet its commission,
43 shall be charged, tried and punished as principals.
44 The guilt of a person who aids and abets the com-

45 mission of a crime must be determined upon the facts
46 which show the part he or she had in it, and does not
47 depend upon the degree or another person's guilt."

48 24. Page 7, line 12, by inserting after the word
49 "concert," the word "knowingly".

50 25. Page 7, line 16, by striking the words "which

Page 3

1 he did not".

2 26. Page 7, line 17, by striking the words
3 "expressly or tacitly acquiesce in" and inserting
4 in lieu thereof the words "in which he did not
5 consent".

6 27. Page 7, line 23, by striking the word "felon"
7 and inserting in lieu thereof the words "person
8 accused of committing the felony".

9 28. Page 7, line 24, by striking the words "of
10 the felon" and inserting in lieu thereof the words
11 "of the accused person" and by striking the words
12 "conceals the felon" and inserting in lieu thereof
13 the words "conceals the accused person".

14 29. Page 7, line 28, by striking the word "of-
15 fender" and inserting in lieu thereof the words
16 "person accused of committing the misdemeanor".

17 30. Page 7, line 29, by striking the word "of-
18 fender" and inserting in lieu thereof the words
19 "accused person".

20 31. Page 7, line 30, by striking the word "of-
21 fender" and inserting in lieu thereof the words
22 "accused person".

23 32. Page 7, line 32, by inserting after the word
24 "officer" the word ", director,".

25 33. Page 7, line 33, by striking the word "a" and
26 inserting in lieu thereof the words "the same".

27 34. Page 8, line 21, by inserting after the word
28 "officer" the word ", director,".

29 35. Page 8, line 22, by striking the words "his
30 authority" and inserting in lieu thereof the words
31 "the authority of the agent, officer, director or
32 employee".

33 36. Page 9, by striking lines 4 through 9 and
34 inserting in lieu thereof the following: "or
35 threat. Reasonable force, including deadly force,
36 may be used even if an alternative course of
37 action is available if the alternative entails a
38 risk to one's life or safety, or the life or
39 safety of a third party, or requires one to abandon
40 or retreat from his dwelling or place of business
41 or employment."

42 37. Page 9, line 28, by inserting after the
43 word "property." the words "Nothing in this section
44 authorizes the use of any spring gun or trap which
45 is left unattended and unsupervised and which is
46 placed for the purpose of preventing or terminating
47 criminal interference with the possession of or

48 other right in property."

49 38. Page 9, line 31, by inserting after the

50 word "of" the words "his rights in property or in

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1 any public".

2 39. Page 10, lines 15 and 16, by striking the
3 words "felon, any force which he reasonably believes
4 to be necessary" and inserting in lieu thereof the
5 words "perpetrator, reasonable force".

6 40. Page 10, line 19, by inserting after the
7 word "using" the word "reasonable".

8 41. Page 10, lines 20 and 21, by striking the
9 words ", which he reasonably believes to be
10 necessary".

11 42. Page 10, by striking lines 27 through 29 and
12 inserting in lieu thereof the following: "place.
13 An officer is justified in using deadly force only
14 when the officer reasonably believes that the
15 person attempting to escape is armed with a dangerous
16 weapon, or is confined on a charge or conviction of
17 a felony or an aggravated misdemeanor, or that there
18 is a substantial risk that the person attempting to
19 escape will cause death or serious physical injury
20 unless his or her escape is prevented".

21 43. Page 11, by striking lines 1 through 13.

22 44. Page 11, by striking lines 14 through 19.

23 45. Page 12, by inserting after line 15 the
24 following new section:

25 "Sec. **NEW SECTION. TERMINATION OF**
26 **LIFE SUPPORT SERVICES.** Upon the concurrence
27 of the guardian and family of a comatose hospital
28 patient, should the responsible attending physi-
29 cians conclude that there is no reasonable possi-
30 bility of the patient's ever emerging from a
31 present comatose condition to a cognitive,
31 sapient state and that the life-support apparatus
33 now being administered the patient should be dis-
34 continued, they shall consult with the hospital
35 'Ethics Committee' or like body of the institution
36 in which the patient is then hospitalized. If
37 that consultative body agrees that there is no
38 reasonable possibility of the patient's ever
39 emerging from a present comatose condition to a
40 cognitive, sapient state, the present life-
41 support system may be withdrawn and said action
42 shall be without any civil or criminal liability
43 therefor, on the part of any participant, whether
44 guardian, physician, hospital or others."

45 46. Page 12, by striking lines 18 through 27 and
46 inserting in lieu thereof the following:

47 "Sec. **NEW SECTION. CONSPIRACY.** Conspiracy is
48 an agreement or combination between two or more persons
49 to engage in a course of conduct which will consist, in
50 whole or in part, of criminal acts to be committed by

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1 one or more of the conspirators. A person shall not be
2 convicted of a conspiracy without proof of an overt act
3 by one of more of the conspirators evidencing a design
4 to accomplish the purpose of the conspiracy by criminal
5 means."

6 47. Page 12, line 30, by striking the words
7 "voluntary alliance" and inserting in lieu thereof
8 the word "combination".

9 48. Page 12, line 32, by striking the words
10 "voluntary alliance" and inserting in lieu thereof
11 the word "combination".

12 49. Page 13A, by striking lines 2 through 4 and
13 inserting in lieu thereof the following: "in such
14 county; provided, that a person may not be prosecuted
15 more than once for a conspiracy based on the same
16 agreement or combination."

17 50. Page 13A, by striking lines 5 through 15, and
18 inserting in lieu thereof the following:

19 "Sec. **NEW SECTION. PENALTIES.** A person
20 who commits a conspiracy to commit a forcible felony
21 is guilty of a class C felony. A person who commits
22 a conspiracy to commit a felony, other than a forcible
23 felony, is guilty of a class D felony. A person
24 who commits a conspiracy to commit a misdemeanor is
25 guilty of a misdemeanor of the same class."

26 51. Page 13A, line 22, by striking the word
27 "HOMICIDE" and inserting in lieu thereof the word
28 "MURDER".

29 52. Page 13A, line 23, by striking the words
30 "CRIMINAL HOMICIDE" and inserting in lieu thereof
31 the word "MURDER".

32 53. Page 13A, lines 25 and 26, by striking the
33 words "criminal homicide" and inserting in lieu
34 thereof the word "murder".

35 54. Page 13A, line 27, by striking the words
36 "CRIMINAL HOMICIDE" and inserting in lieu thereof
37 the word "MURDER".

38 55. Page 13A, line 28, by striking the words
39 "criminal homicide" and inserting in lieu thereof
40 the word "murder".

41 56. Page 13A, lines 29 and 30, by striking the
42 words "criminal homicide" and inserting in lieu
43 thereof the word "murder".

44 57. Page 13B, by inserting after line 36 the
45 following new subsection:

46 "The person kills a peace officer, correctional
47 officer, public employee, or hostage while such person
48 is imprisoned in a correctional institution under
49 the jurisdiction of the department of social services,
50 or in a city or county jail."

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1 58. Page 13B, line 37, by striking the words

2 "criminal homicide" and inserting in lieu thereof
3 the word "murder".

4 59. Page 13B, line 39, by striking the words
5 "CRIMINAL HOMICIDE" and inserting in lieu thereof
6 the word "MURDER".

7 60. Page 13B, line 40, by striking the words
8 "criminal homicide" and inserting in lieu thereof
9 the word "murder".

10 61. Page 13B, line 41, by striking the word
11 "criminal".

12 62. Page 13B, by striking line 42 and inserting in
13 lieu thereof the words "murder which is not murder
14 in the first".

15 63. Page 13B, line 44, by striking the words
16 "Criminal homicide" and inserting in lieu thereof
17 the word "Murder".

18 64. Page 13B, lines 49 and 50, by striking the
19 words "criminal homicide" and inserting in lieu
20 thereof the word "murder".

21 65. Page 13B, line 51, by striking the word
22 "irresistable" and inserting in lieu thereof the
23 word "irresistible".

24 66. Page 13B, line 57, by striking the words
25 "may be proved as" and inserting in lieu thereof the
26 word "is".

27 67. Page 13B, line 58, by striking the words
28 "criminal homicide" and inserting in lieu thereof
29 the word "murder".

30 68. Page 13B, line 65, by inserting after the
31 word "felony" the words "or escape".

32 69. Page 13C, line 71, by striking the words
33 "may be proved as" and inserting in lieu thereof the
34 word "is".

35 70. Page 13C, line 72, by striking the words
36 "criminal homicide" and inserting in lieu thereof
37 the word "murder".

38 71. Page 13C, by inserting after line 73 the
39 following new section:

40 Sec. *NEW SECTION.* No person who injures
41 the aggressor through application of reasonable
42 force in defense of his or her person or property
43 may be held civilly liable for such injury.

44 No person who injures the aggressor through
45 application of reasonable force in defense of a
46 second person may be held civilly liable for such
47 injury.

48 72. Page 15A, line 26, by striking the word
49 "medine" and inserting in lieu thereof the word
50 "medicine".

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1 73. Page 15A, line 28, by inserting after the
2 word "person", the words "or of the fetus".

3 74. Page 15A, line 29, by inserting after the
4 word "every", the word "reasonable".

- 5 75. Page 15B, line 43 by inserting after the
6 word "or" the word "felonious".
7 76. Page 15B, line 46 by inserting after the
8 word "and" the word "voluntary".
9 77. Page 15B, line 50 by striking the word
10 "or" and inserting in lieu thereof the word "and".
11 78. Page 15B, line 53, by inserting after the
12 word "person" the words "or of the fetus".
13 79. Page 15B, line 59, by striking the words
14 "after the twentieth week of pregnancy".
15 80. Page 59B, line 62, by striking the words
16 "After the twentieth week of pregnancy, a" and
17 inserting in lieu thereof the word "A".
18 81. Page 15B, line 64, by inserting after the
19 word "who" the word "willfully".
20 82. Page 16, line 16, by inserting after the
21 word "another" the words ", coupled with the
22 apparent ability to execute the act".
23 83. Page 16, line 19, by inserting after the
24 word "offensive" the words ", coupled with the
25 apparent ability to execute the act".
26 84. Page 16, line 21, by striking the word
27 "deadly" and inserting in lieu thereof the word
28 "dangerous".
29 85. Page 16, by striking lines 31 through 34
30 and inserting in lieu thereof the following:
31 "1. A person who commits an assault with the
32 intent to inflict serious injury upon another person
33 or who intentionally points any firearm or displays
34 a dangerous weapon in a threatening manner toward
35 another person, shall be guilty of an aggravated
36 misdemeanor."
37 86. Page 17, by inserting after line 6 the
38 following new section:
39 "Sec. **NEW SECTION. ASSAULT ON A PEACE**
40 **OFFICER.** A person commits an aggravated misdemeanor
41 if he commits an assault as defined in section
42 eight hundred one (801) of this division on any
43 peace officer who is acting within the scope of
44 his duty or authority."
45 87. Page 17, by striking lines 18 through 25.
46 88. Page 17, line 28, by striking the word
47 ", harass,".
48 89. Page 17, by striking line 29 and inserting
49 in lieu thereof the following:
50 "1. Shoots, throws, launches, or discharges a

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- 1 dangerous weapon".
2 90. Page 18, by striking lines 5 through 8.
3 91. Page 18, line 12, by inserting after the
4 word "or" the word "simulated".
5 92. Page 18, by striking lines 35, 36 and 37.
6 93. Page 19A, by striking line 1 and inserting

- 7 in lieu thereof the following: "between persons is
8 sexual abuse by either of the participants when
9 the act is performed with".
- 10 94. Page 19A, by striking lines 3 through 13 and
11 inserting in lieu thereof the following:
12 "1. When force or coercion is used to accomplish
13 the sex act. Force or coercion includes but is
14 not limited to any of the following circumstances:
15 a. When the defendant overcomes the victim
16 through the actual application of physical force or
17 physical violence.
18 b. When the defendant coerces the victim to
19 submit by threatening to use force or violence on the
20 victim, and the victim believes that the defendant
21 has the present ability to execute these threats.
22 c. When the defendant coerces the victim to
23 submit by threatening to retaliate in the future
24 against the victim, or any other person, and the
25 victim believes that the defendant has the ability
26 to execute this threat. As used in this subdivision
27 "to retaliate" includes threats of physical punish-
28 ment, kidnapping, or extortion.
29 d. When the defendant engages in the medical
30 treatment or examination of the victim in a manner
31 or for purposes which are medically recognized as
32 unethical or unacceptable.
33 e. When the defendant through concealment or by
34 element of surprise, is able to overcome the
35 victim.
36 2. The defendant knows or has reason to know
37 that the victim is mentally defective, mentally
38 incapacitated, or physically helpless."
- 39 95. Page 19A, by striking lines 17 and 18 and
40 inserting in lieu thereof the following: "the
41 course of committing sexual abuse the other
42 participant is seriously injured or the other
43 participant is under the age of twelve.
- 44 96. Page 19A, by striking line 28 in its
45 entirety.
- 46 97. Page 19A, line 30, by striking the words
47 "force and against the will" and inserting in
48 lieu thereof "force".
- 49 98. Page 19A, by striking line 31.
- 50 99. Page 19B, by striking line 37 through
50A 100. page 20A, line 1 and inserting in lieu thereof
50B the following:
50C 1. When force or coercion is used to accomplish

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- 1 the sex act. Force or coercion includes but is
2 not limited to any of the following circumstances:
3 a. When the defendant overcomes the victim
4 through the actual application of physical force
5 or physical violence.
6 b. When the defendant coerces the victim to

7 submit by threatening to use force or violence
8 on the victim, and the victim believes that the
9 defendant has the present ability to execute these
10 threats.

11 c. When the defendant coerces the victim to
12 submit by threatening to retaliate in the future
13 against the victim, or any other person, and the
14 victim believes that the defendant has the ability
15 to execute this threat. As used in this sub-
16 division, "to retaliate" includes threats of
17 physical punishment, kidnapping, or extortion.

18 d. When the defendant engages in the medical
19 treatment or examination of the victim in a
20 manner or for purposes which are medically
21 recognized as unethical or unacceptable.

22 e. When the defendant, through concealment or
23 by the element of surprise, is able to overcome
24 the victim.

25 2. The defendant knows or has reason to know
26 that the victim is mentally defective, mentally
27 incapacitated, or physically helpless."

28 101. Page 20A, by striking line 2 and in-
29 serting in lieu thereof the following:

30 "The other person is 12 years of age but less
31 than 16 years of age and the defendant is a
32 member of the same household as the victim, the
33 defendant is related to the victim by blood or
34 affinity to the fourth degree, or the defendant is
35 in a position of authority over the victim and
36 used this authority to coerce the victim to submit."

37 102. Page 20A, by striking lines 5 through 7
38 and inserting in lieu thereof the following:

39 "A person commits sexual abuse in the fourth
40 degree when the person commits sexual abuse with
41 a child."

42 103. Page 20A by striking "D" from line 8 and inser-
43 ting in lieu thereof "C".

44 104. Page 20A, lines 21 and 22, by striking the
45 words "PERSONS UNDER THE AGE OF SIXTEEN YEARS" and
46 inserting in lieu thereof the words "A CHILD".

47 105. Page 20A, line 24, by striking the words
48 "any person under the age of sixteen" and inserting
49 in lieu thereof the words "a child".

50 106. Page 20A, lines 28 and 29, by striking the

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1 words "person under the age of sixteen" and
2 inserting in lieu thereof the word "child".

3 107. Page 20A, line 30, by striking the words
4 "person under the age of sixteen" and by inserting
5 in lieu thereof the word "child".

6 108. Page 20A, line 32, by striking the words
7 "person under sixteen years of age" and inserting in
8 lieu thereof the word "child".

9 109. Strike page 20A, line 33 through page 20B,

10 line 36, and inserting in lieu thereof the words
11 "in a sex act."

12 110. Page 20B, by striking lines 37 through 39
13 and inserting in lieu thereof the following:

14 "4. Inflict pain or discomfort upon a child
15 or permit a child to inflict pain or discomfort
16 on him or her."

17 111. Page 21A, line 7, by striking the words
18 "either of them" and inserting in lieu thereof the
19 words "such person or another".

20 112. Page 21A, line 13, by striking the word
21 "venereal" and inserting in lieu thereof the word
22 "venereal".

23 113. Page 21A, line 7, by striking the words
24 "either of them" and inserting in lieu thereof
25 the words "such person or another".

26 114. Page 21A, lines 14 and 15, by striking
27 the words "county in which the crime was
28 committed," and inserting the word "state."

29 115. Page 21A, line 28, by inserting after
30 the word "person" the following: "or to confine
31 such person without authority or without the
32 consent of such person."

33 116. Page 21A, line 35, by inserting after the word
34 "abuse" the words "in the first, second or third
35 degree".

36 117. Page 21B, line 40, by inserting after the word
37 "ransom" the words "or where the victim is subject
38 to sexual abuse in the fourth degree".

39 118. Page 21B, line 41, by striking the words
40 "a firearm or displays".

41 119. Page 22, line 1, by striking after the
42 word "class" the letter "C" and inserting in lieu
43 thereof the letter "B".

44 120. Page 22, line 12, by inserting after the
45 word "state" the words "or holds such child in
46 another state".

47 121. Page 22, line 15, by striking everything
48 after the word "no".

49 122. Page 22, line 16, by striking the words
50 "that he has any".

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1 123. Page 23, line 2, by striking the words
2 "or displays a dangerous weapon,".

3 124. Page 23, line 3, by striking the word
4 "firearm" and inserting in lieu thereof the words
5 "dangerous weapon".

6 125. Page 24, line 7, by inserting after the
7 word "damaged" the following: "Provided, that
8 where a person who owns said property which the
9 defendant intends to destroy or damage, or which
10 he knowingly endangers, consented to the
11 defendant's acts, and where no insurer has been
12 exposed fraudulently to any risk, and where the

- 13 act was done in such a way as not to unreasonably
14 endanger the life or property of any other person
15 the act shall not be arson."
16 126. Page 24, line 11, by striking the words
17 "a dwelling, or a building" and inserting in lieu
18 thereof the word "property".
19 127. Page 24, lines 12 through 15, by striking
20 the phrase "or when he knows or should know that
21 his act will create a reasonable probability that
22 death or serious physical injury to another will
23 result".
24 128. Page 24, by striking lines 28 through page 25,
25 line 3.
26 129. Page 25, by striking lines 14 through 25.
27 130. Page 25, line 31, by striking the word
28 "will" and inserting in lieu thereof the word
29 "would".
30 131. Page 25, line 33, by striking the words
31 "A person who makes".
32 132. Page 25, by striking line 34 and inserting
33 in lieu thereof the words "Any person who
34 threatens to place or attempts to place".
35 133. Page 27A, line 31, by inserting after the
36 word "Takes" the words ", destroys, conceals".
37 134. Page 27A, line 34, by inserting after the
38 word "Makes" the words ", utters, draws, delivers,
39 or gives".
40 135. Page 28A, line 3, by striking the words
41 "may infer" and inserting in lieu thereof the
42 words "shall presume".
43 136. Page 28A, by striking lines 8 through 11.
44 137. Page 28A, line 12, by striking the word
45 "presented".
46 138. Page 28A, line 32 by striking the words
47 "or theft of a motor vehicle, irrespective of".
48 139. Page 28A, line 33 by striking the word
49 "value".
50 140. Page 28B, by inserting after line 38 the

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- 1 following:
2 "4. The theft of property exceeding fifty
3 dollars in value but not exceeding one hundred
4 dollars in value is theft in the fourth degree.
5 Theft in the fourth degree is a serious
6 misdemeanor."
7 141. Page 28B, line 39, by striking the words
8 "one hundred" and by inserting in lieu thereof the
9 word "fifty".
10 142. Page 28B, line 40, by striking the word
11 "fourth" and by inserting in lieu thereof the
12 word "fifth".
13 143. Page 28B, line 41, by striking the word
14 "fourth" and by inserting in lieu thereof the
15 word "fifth".

- 16 144. Page 28B, line 43, by inserting after the
17 word "value" the words "within the community".
18 145. Page 29, line 5, by striking the words
19 "acts shall" and inserting in lieu thereof the words
20 "acts may".
21 146. Page 29, line 5, by striking the words
22 "value shall" and inserting in lieu thereof the words
23 "value may".
24 147. Page 29, by striking lines 13 through 25.
25 148. Page 30, line 14, by striking the words "a
26 violation of section one thousand four hundred".
27 149. Page 30, by striking line 15, and in-
28 serting in lieu thereof the word "theft".
29 150. Page 32, line 3, by inserting after the
30 word "execution," the following: "Writing includes
31 printing or any other method of recording information,
32 money, coins, tokens, stamps, seals, credit cards,
33 badges, trademarks, and other symbols of value,
34 right, privilege, or identification."
35 151. Page 34, line 24, by inserting after the
36 word "altered," the word "or" and by striking
37 the words ", or concealed".
38 152. Page 35, by inserting after line 32, the
39 following:
40 "3. The term 'trespass' shall not mean entering
41 upon the property of another for the sole purpose
42 of retrieving personal property which has
43 accidentally or inadvertently been thrown, fallen,
44 strayed, or blown onto the property of another,
45 provided that the person retrieving the property
46 takes the most direct and accessible route to and
47 from the property to be retrieved, quits the
48 property as quickly as is possible, and does not
49 unduly interfere with the lawful use of the
50 property."

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- 1 153. Page 36, by inserting after line 29 the
2 following:
3 "Sec. **NEW SECTION. INJURIES TO DOGS OR**
4 **CATS. It shall be unlawful for any peace officer**
5 **or any person designated by a city or county as an**
6 **animal control officer to kill or intentionally**
7 **injure any dog or cat running loose within the city**
8 **limits of a city, except a dog or cat which the**
9 **officer has reason to believe is affected with**
10 **hydrophobia or is an immediate threat to the safety**
11 **of a person or of some other animal, unless the**
12 **officer has made a reasonable effort to determine**
13 **whether or not the dog or cat is licensed. The**
14 **officer or other person shall not be found to have**
15 **made a reasonable effort unless the dog or cat has**
16 **been provided food and shelter for a period of not**
17 **less than three days during which the dog or cat is**
18 **made available for recovery by its owner. Costs**

19 for shelter may be taxed to the owner as a
20 condition of recovery of the animal. Nothing in
21 this section shall prohibit the use of any tran-
22 quilizing device designed to immobilize and animal
23 to facilitate its capture if the device is designed
24 and used in a manner to prevent serious injury.
25 Violation of this section is a simple misdemeanor."

26 154. Page 36, line 33, by striking the word
27 "two" and inserting in lieu thereof the word "three".

28 155. Page 37, line 20, by striking the word
29 "serious" and inserting in lieu thereof the word
30 "simple".

31 156. Page 37, by inserting after line 27 the
32 following new section:

33 "Sec. **NEW SECTION. FALSE REPORTS TO LAW**
34 **ENFORCEMENT AUTHORITIES.** A person who reports or
35 causes to be reported false information to a fire
36 department or a law enforcement authority, knowing
37 that the information is false or who reports the
38 alleged occurrence of a criminal act, knowing the
39 same did not occur commits a simple misdemeanor."

40 157. Page 38, line 1, by striking the comma
41 after the word "misdemeanor" and inserting in
42 lieu thereof a period.

43 158. Page 38, by striking lines 2 through 4
44 and inserting in lieu thereof the following: "If
45 a person commits an interference with official
46 acts, as defined in this section, and in so doing
47 he purposely inflicts or attempts to inflict
48 serious injury, or displays a dangerous weapon,
49 or is armed with a firearm, he commits an
50 aggravated misdemeanor."

50A 159. Page 38, by striking lines 25 through 28.

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1 160. Page 39, line 14, by inserting after the word
2 "escape" the words "or attempted escape".

3 161. Page 39, line 16, by striking the words "a
4 class D felony." and inserting in lieu thereof the
5 following: "the crime of permitting a prisoner to
6 escape which is subject to the following penalties:

7 1. If the prisoner is in custody by reason of a
8 conviction or charge of a class A felony, the de-
9 fendant commits a class C felony.

10 2. If the prisoner is in custody by reason of
11 a conviction or charge of any felony other than a
12 class A felony, the defendant commits a class D
13 felony.

14 3. If the prisoner is in custody by reason of a
15 conviction or charge of any public offense other than
16 a felony, the defendant commits an aggravated mis-
17 demeanor."

18 162. Page 39, by striking lines 18 through 22
19 and inserting in lieu thereof the following:

20 "Any person who introduces into any detention

21 facility or correctional institution any weapon,
22 explosive or incendiary substance, rope, ladder,
23 or any instrument or device by which he intends
24 to facilitate the escape of any prisoner, or
25 any person who, not being authorized by law,
26 knowingly causes any such wea-".

27 163. Page 39, line 25, by striking the words "a
28 class D felony." and inserting in lieu thereof the
29 following: "the crime of assisting a prisoner to
30 escape which is subject to the following penalties:

31 1. If the prisoner was confined by reason of a
32 conviction of a class A felony, the defendant com-
33 mits a class C felony.

34 2. If the prisoner was confined by a reason of
35 a conviction of any felony other than a class A
36 felony, the defendant commits a class D felony.

37 3. If the prisoner was confined by reason of a
38 conviction of any public offense other than a felony,
39 the defendant commits an aggravated misdemeanor."

40 164. Page 40, line 30 by striking the word "said".

41 165. Page 41, line 13, by striking the words
42 "will possibly" and inserting in lieu thereof the
43 words "has been or may".

44 166. Page 41, line 30, by striking the words "him
45 to be guilty" and inserting in lieu thereof the
46 words "that the person committed the offense".

47 167. Page 41, by striking lines 31 through page
48 42, line 5.

49 168. Page 44, by striking lines 3 through 8 and
50 inserting in lieu thereof the following: "person

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1 with respect to his or her services in such capac-
2 ity commits a class D felony. In addition, any
3 person convicted under this section shall be dis-
4 qualified from holding public office under the
5 laws of this state."

6 169. Page 44, by inserting after line 8 the following new
7 section:

8 "Sec. **NEW SECTION. ACCEPTING BRIBE.**

9 Any person who is serving or has been elected,
10 selected, appointed, employed or otherwise enga-
11 ged to serve in a public capacity, including any
12 public officer or employee, any referee, juror
13 or venireman, or any witness in any judicial or
14 arbitration hearing or any official inquiry, or
15 any member of a board of arbitration who shall
16 solicit or knowingly receive any promise or any-
17 thing of value or any benefit given with the in-
18 tent to influence the act, vote, opinion, judgment,
19 decision or exercise of discretion of such person
20 commits a class C felony. In addition, any person
21 convicted under this section shall be disqualified
22 from holding public office under the laws of this
23 state."

- 24 170. Page 44, line 10, by striking the word
25 "corruptly".
26 171. Page 44, line 28 by striking the word "serious"
27 and inserting in lieu thereof the word "aggravated".
28 172. Page 44, line 35 by striking the word "serious"
29 and inserting in lieu thereof the word "aggravated".
30 173. Page 46, line 6, by striking the word "hearing"
31 and inserting in lieu thereof the word "election".
32 174. Page 46, line 9, by inserting after the word
33 "candidate" the words "or for or against any issue".
34 175. Page 46, lines 15 and 16 by striking the
35 following: ", tumultuous or threatening".
36 176. Page 46, lines 24 and 25 by striking the
37 following: ", tumultuous or threatening".
38 177. Page 46, line 32, by striking the word "and"
39 and inserting in lieu thereof the word "or".
40 178. Page 46, line 34, by inserting before the
41 word "refuses" the word "who" and by striking the
42 words "or willingly fails to obey".
43 179. Page 47, lines 3 and 4 by striking the
44 following: ", tumultuous or threatening".
45 180. Page 47, by striking lines 11 through 13.
46 181. Page 47, by striking lines 17 through 23.
47 182. Page 48, line 11, by inserting after the
48 word "rifle" the following: ", cannon, pistol,
49 revolver".
50 183. Page 48, line 16, by inserting after the

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- 1 word "display" the words "or lawful shooting".
2 184. Page 48, line 26, by inserting after the
3 word "weapon" the following: "except magazines
4 or other parts, ammunition, or ammunition compon-
5 ents used in common with lawful sporting firearms
6 or parts including but not limited to barrels suit-
7 able for refitting to sporting firearms".
8 185. Page 48, line 29, by inserting after the word
9 "require" the words "or permit".
10 186. Page 49, line 16, by inserting after the
11 word "vehicle" the words "operated by the person".
12 187. Page 49, line 20, by inserting after the
13 word "owned" the words "or possessed".
14 188. Page 50, line 5, by inserting after the word
15 "while" the words "engaged in lawful".
16 189. Page 50, line 24, by striking the words "sums
17 of money" and inserting in lieu thereof the words
18 "property of a value requiring security".
19 190. Page 51A, by striking all after the word
20 "PROGRAM." in line 12, all of lines 13, 14, 15,
21 16 and 17, and through the period in line 18 and
22 inserting in lieu thereof the following:
23 "A training program to qualify persons in the
24 safe use of firearms shall be provided by the
25 issuing officer of permits, as provided in section
26 two thousand four hundred ten (2410) of this

27 division. The commissioner of public safety shall
28 approve the training program, and the county sheriff
29 or the commissioner of public safety conducting
30 the training program within their respective
31 jurisdiction may contract with a private organiza-
32 tion or use the services of other agencies, or
33 may use a combination of the two, to provide such
34 training."

35 191. Page 51A, line 20 by striking the word
36 "shall" and inserting in lieu thereof the word
37 "may".

38 192. Page 51A, lines 20 and 21, by striking
39 the words "established by the commission, and".

40 193. Page 52, by inserting after line 4 the
41 the following new subsection:

42 "5. The issuing officer reasonably determines
43 from competent evidence that the applicant does
44 not constitute a danger to himself or others."

45 194. Page 52, by adding after line 4 the following
46 new subsection: "..... He has never been convicted
47 of assault, or other crime defined in Division VIII of
48 this Act."

49 195. Page 52, line 28, by inserting after the
50 word "satisfied." the following: "However, the

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1 training program requirements in section two
2 thousand four hundred seven (2407) of this division
3 may be waived for renewal permits."

4 196. Page 52, line 30, by inserting after the
5 period the following: "Renewal permits shall be
6 issued for a fee of one dollar."

7 197. Page 53, line 1, by inserting after the word
8 "sells" the words "or transfers ownership of".

9 198. Page 53, lines 2 and 3, by striking the
10 words "seventy-two hours" and inserting in lieu
11 thereof the words "five days".

12 199. Page 53, line 3, by inserting after the word
13 "sale" the words "or transfer".

14 200. Page 53, line 5, by inserting after the word
15 "selling" the words "or transfer".

16 201. Page 53, line 7, by striking the word "purchaser"
17 and inserting in lieu thereof the word "recipient".

18 202. Page 53, line 8, by striking line 8, and insert-
19 ing in lieu thereof the words "the model, caliber,
20 serial number, and make of such".

21 203. Page 53, line 21, by striking the word
22 "dangerous weapon" and inserting in lieu thereof
23 the word "firearm".

24 204. Page 53, line 22, by striking the words
25 "dangerous weapon" and inserting in lieu thereof
26 the word "firearm".

27 205. Page 53, lines 25 and 26, by striking the
28 words "and hunting and fishing knives,".

20 206. Page 55, by inserting after line 5 the

30 following new section:

31 "Sec. A person who sells a revolver or
32 pistol, whether such person is a dealer or other-
33 wise, shall require any prospective purchaser to
34 make application for the purchase of the revolver
35 or pistol on forms provided by the department of
36 public safety. The application shall include the
37 name, address, social security number and any
38 other information deemed necessary by the
39 commissioner of public safety.

40 The seller may not transfer possession of
41 such revolver or pistol before the expiration of
42 five (5) days after the application for purchase.

43 Within seventy-two (72) hours after application
44 for purchase of a revolver or pistol, the seller
45 shall forward a copy of such application to the
46 department of public safety."

47 207. Page 55, by inserting after line 10 the
48 following new section:

49 "Sec. **NEW SECTION. DUTY TO CARRY**
50 **PERMIT.** It shall be the duty of any person

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1 armed with a revolver, pistol, or pocket billy
2 concealed upon his person to have in his immediate
3 possession the permit provided for in this
4 division and to produce same for inspection at
5 the request of any peace officer. Failure to so
6 produce such permit shall constitute a simple
7 misdemeanor."

8 208. Page 55, by inserting after line 10 the
9 following:

10 "Sec. 2419. **NEW SECTION. FELONY DEFINED.**

11 As used in section two thousand four hundred
12 twenty (2420) of this division the word "felony"
13 means any offense punishable in the jurisdiction
14 where it occurred by imprisonment for a term
15 exceeding one year.

16 **Sec. 2420. NEW SECTION. RECEIPT, TRANS-**
17 **PORTATION, AND POSSESSION OF FIREARMS AND DES-**
18 **TRUCTIVE DEVICES BY FELONS.** Any person who is
19 convicted of a felony in any state or federal
20 court and who subsequently possesses, receives,
21 or transports or causes to be transported a
22 firearm or offensive weapon is guilty of a
23 public offense and shall upon conviction be
24 imprisoned in the penitentiary for not to ex-
25 ceed two years or be fined not to exceed ten
26 thousand dollars or be subject to both such fine
27 and imprisonment.

28 **Sec. 2421. NEW SECTION. EXCEPTION.** The
29 provisions of section two thousand four hundred
30 twenty (2420) shall not apply to a person who
31 is pardoned by the President of the United States
32 or the chief executive of a state and who is ex-

33 pressly authorized by the President of the United
34 States or such chief executive to receive,
35 transport, or possess firearms or destructive
36 devices."

37 209. Page 55, by striking lines 11 and 12 and
38 inserting in lieu thereof the following:

39 **DIVISION XXV**

40 **VICE—PROMOTING PROSTITUTION—UNLICENSED MESSAGE**

41 **Sec. NEW SECTION. DEFINITIONS. For purposes**
42 **of this division, unless the context otherwise**
43 **requires:**

44 1. "Massage" means the manipulation of body tissues
45 either by the hands, with a mechanical or vibratory
46 apparatus, by passive or resistive exercise or with
47 use of heat lamps, salt glow, hot and cold packs or
48 tub, shower or cabinet baths for hygienic, reducing
49 or contouring purposes.

50 2. "Massage establishment" means a place of

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1 business where massage is practiced by licensed massage
2 technicians.

3 3. "Massage technician" means an individual who
4 practices massage and publicly professes to perform
5 the functions incident to the practice of massage.

6 4. "Department" means the state department of
7 health.

8 5. "Board" means the board of massage examiners.

9 **Sec. NEW SECTION. EXEMPTIONS. The following**
10 **classes of persons shall not be construed to be massage**
11 **technicians:**

12 1. Licensed physicians and surgeons, osteopaths,
13 osteopathic physicians and surgeons, podiatrists,
14 chiropractors, nurses, dentists, physical therapists,
15 cosmetologists, and barbers who are engaged in the
16 practice of their respective professions.

17 2. Students of massage who practice under the
18 supervision of a licensed massage technician in
19 connection with a regular course of instruction at
20 an accredited school as determined by the board
21 pursuant to chapter one hundred forty-seven (147)
22 of the Code.

23 3. Nonprofessional workers in hospitals, clinics,
24 offices, sanatoriums, or health care facilities as
25 defined in section one hundred thirty-five C point
26 one (135C.1), of the Code who perform their services
27 under the supervision of a physician or a licensed
28 physical therapist and who do not hold themselves
29 out or accept employment as massage technicians.

30 4. An athletic coach or trainer who in the course
31 of his employment practices massage in an accredited
32 public or private secondary school, junior college,
33 college or university or for a professional or
34 semiprofessional athletic team or organization.

35 **Sec. NEW SECTION. QUALIFICATIONS. Each**

36 applicant for a license to practice massage shall:

37 1. Have attained the age of eighteen years.

38 2. Hold a diploma from an accredited school as
39 determined under sections one hundred forty-seven
40 point thirty-two (147.32) and one hundred forty-seven
41 point thirty-three (147.33) of the Code, which school
42 requires a resident course of study in the theory,
43 method, and practice of massage of not less than one
44 thousand hours.

45 **Sec. NEW SECTION. TEMPORARY LICENSE. A**

46 person who has continuously practiced massage in this
47 state for five years prior to and who is practicing
48 massage in this state on the effective date of this
49 Act and who has not fulfilled the requirement for
50 a diploma may apply for and be granted a license under

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1 this Act, but the license obtained under this section
2 shall expire on July 1, 1978.

3 **Sec. NEW SECTION. STANDARDS FOR MASSAGE**

4 **ESTABLISHMENTS.** A person shall not operate, own,
5 conduct or permit to be operated, owned, or conducted
6 a massage establishment in this state unless the
7 massage establishment complies with the following
8 minimum standards:

9 1. The licenses of the massage technicians employed
10 in the establishment are displayed in a conspicuous
11 place.

12 2. A sign is posted at the main entrance
13 identifying the establishment as a massage
14 establishment.

15 3. The premises have adequate equipment for
16 disinfecting and sterilizing non-disposable instruments
17 and materials used in the practice of massage. Such
18 materials and instruments shall be disinfected after
19 each use.

20 4. Hot and cold running water are provided at
21 all times.

22 5. Closed cabinets are provided and used for the
23 storage of all equipment, supplies and clean linens.
24 All used disposable materials and soiled linens and
25 towels shall be kept in covered containers or cabinets
26 which shall be kept separate from clean storage areas.

27 6. Adequate dressing and toilet facilities and
28 clean and sanitary towels and linens for patrons are
29 provided.

30 7. The premises are equipped with a service sink
31 for custodial services which shall be located in a
32 room separate from massage service rooms.

33 The department may promulgate additional sanitary
34 rules for the operation of a massage establishment.
35 A person who fails to comply with the rules and
36 standards of this section shall be notified in writing
37 of such failure and if the rules and standards are
38 not complied with in not more than sixty days after

39 receiving written notice, the department shall order
40 the massage establishment closed. The department
41 shall enforce the provisions of this section and make
42 all necessary inspections.

43 Sec. Terms of the initial members of the board
44 shall be staggered so that one public member and one
45 licensed member shall be appointed for terms of one
46 year, one public member and one licensed member for
47 terms of two years, and one licensed member for a
48 term of three years.

49 Sec. **NEW SECTION. PENALTY. A person who**
50 engages in the practice of a massage technician or

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1 who owns, operates or maintains a massage
2 establishment, as defined in this division, without
3 having a license therefor commits a simple
4 misdemeanor.

5 210. Page 55, line 21, by striking the word "an".

6 211. Page 55, by striking line 22 and inserting
7 in lieu thereof the words "a class 'D' felony."

8 212. Page 56, by inserting after line 3 the
9 following new section:

10 **"Sec. 2504A. NEW SECTION. PUBLIC INDECENT**

11 **EXPOSURE.** A holder of a liquor license or beer
12 permit or any owner, manager, or person who exercises
13 direct control over any licensed premises defined in
14 section one hundred twenty-three point three (123.3),
15 subsection thirty-one (31) of the Code shall be guilty
16 of an aggravated misdemeanor under any of the following
17 circumstances:

18 1. If such person allow or permit the actual or
19 simulated performance of any sex act upon or in such
20 licensed premises.

21 2. If such person allow or permit the exposure
22 of the genitals or buttocks or female breast nipple
23 of any person who acts as a waiter, waitress, or
24 entertainer, whether or not the owner of the licensed
25 premises in which the activity is performed employs
26 or pays any compensation to such person to perform
27 such activity.

28 3. If such person allow or permit any person to
29 remain in or upon the licensed premises who exposes to
30 public view any portion of his or her genitals, buttocks,
31 pubic hair or anus.

32 4. If such person allow or permit the displaying
33 of films or pictures depicting any sex act or the display
34 of the pubic hair, anus, or genitals upon or in such
35 licensed premises.

36 Provided that the provisions of this section shall
37 not apply to a theater, concert hall, or similar
38 establishment which is primarily devoted to theatrical
39 performances and any of the circumstances contained
40 in this section were permitted or allowed as part of
41 such performances."

42 213. Page 56, lines 29 through 31, by striking the
43 words "as an ancestor, descendent, brother or sister
44 of the whole or half blood, aunt, uncle, niece, or
45 nephew" and inserting in lieu thereof the words "as
46 an ancestor, spouse of an ancestor, aunt, uncle,
47 brother or sister of the whole or half blood, spouse
48 of a brother or sister of the whole or half blood,
49 descendent, spouse of a descendent, stepchild,
50 niece, nephew, mother-in-law or father-in-law".

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1 214. Page 57A, by inserting after line 6 the
2 following new section:

3 **"Sec. NEW SECTION. HUSBAND OR WIFE MAY**
4 **BE WITNESS.** In all prosecutions under section two
5 thousand six hundred three (2603) of this Act, the
6 husband or wife shall be a competent witness for
7 the state and may testify to any relevant acts or
8 communications between them, anything in previous
9 statutes to the contrary notwithstanding, provided,
10 however, that no husband or wife shall be called
11 or compelled to testify against the other under
12 section two thousand six hundred three (2603)
13 of this Act except upon consent of such witness."

14 215. Page 57A, line 20, by inserting after the
15 words "adoptive parent" the words "or person having
16 custody".

17 216. Page 57A, line 25, by inserting after the
18 words "adoptive parent" the words "or person having
19 custody".

20 217. Page 58, line 19, by striking the word "no"
21 and inserting in lieu thereof the word "nor".

22 218. Page 58, line 21, by inserting after the word
23 "mercury" the words "nor caps used in cap pistols".

24 219. Page 58, line 25, by striking the words "town
25 or the trustees of any township" and inserting in
26 lieu thereof the words "the county board of
27 supervisors".

28 220. Page 58, line 29, by striking the words "
29 town, or township authorities" and inserting in lieu
30 thereof the words "or such county board of
31 supervisors".

32 221. Page 60, by inserting after line 27 the
33 following:

34 **"Sec. NEW SECTION. TRANSACTING BUSINESS**
35 **WITHOUT A LICENSE.** If any person carry on or trans-
36 act any business or occupation without license for
37 it, when such license is required by any law of the
38 state, commits a simple misdemeanor."

39 222. Page 61, line 9, by striking the word
40 "statute" and inserting in lieu thereof the
41 word "statue".

42 223. Page 61, line 21 by inserting after the word
43 "simulated," the words "either natural or deviate,"

44 224. Page 61, line 22 by striking the words

45 "either natural or deviate,".

46 225. Page 61, line 24, by inserting after
47 the word "mouth" the words "or tongue".

48 226. Page 61, line 25, by inserting after the
49 word "anus," the words "or by contact between a
50 finger of one person and the genitalia of another

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1 person'.

2 227. Page 62, by inserting after line 5 the
3 following:

4 Sec. *NEW SECTION.* Any person who know-
5 ingly sells, gives, delivers, exhibits or displays,
6 to any adult, material depicting sado-masochistic
7 abuse, excretory functions, a sex act involving
8 a minor, or a sex act involving any person and an animal
9 which the average adult taking the material as a
10 whole and applying contemporary community standards
11 would find appeals to the prurient interest and is
12 patently offensive; and the material, taken as a
13 whole, lacks serious literary, scientific, political
14 or artistic value, shall upon conviction be guilty of
15 a serious misdemeanor."

16 228. Page 65, line 15, by striking the words and
17 figure "eighty point nine (80.9)" and inserting in
18 lieu thereof the words and figure "ninety-seven A
19 point one (97A.1),".

20 229. Page 65, lines 17 and 18, by striking the words
21 and figure "section two hundred forty-seven point
22 twenty (247.20) and".

23 230. Page 65, lines 23 and 24, by striking the words
24 and figure "nineteen B point twelve (19B.12)" and
25 inserting in lieu thereof the words and figure
26 "eighteen point twelve (18.12)".

27 231. Page 65, lines 28 and 29, by striking the words
28 and figure "eighty B point three (80B.3)" and inserting
29 in lieu thereof the words and figure "one hundred
30 seven point thirteen (107.13)".

31 232. Page 65, by inserting after line 29 the
32 following new subsection:

33 "..... Such employees of the department of
34 transportation as are designated 'peace officers'
35 by resolution of the department under section
36 three hundred twenty-one point four hundred
37 seventy-seven (321.477), Code 1975."

38 233. Page 66A, by inserting after line 12 the
39 following new paragraph:

40 "..... 'Complaint' means a statement in
41 writing, under oath or affirmation, made before
42 a magistrate, of the commission of a public
43 offense, and accusing someone thereof. A
44 complaint shall be substantially in the form
45 provided in the Iowa rules of criminal pro-
46 cedure."

47 234. Page 66A, by inserting after line 12 the

48 following new paragraph:

49 "..... 'Prosecution' means the commencement,
50 including the filing of a complaint, and

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- 1 continuance of a criminal proceeding, and
- 2 pursuit of that proceeding to final judgment
- 3 on behalf of the state or other political
- 4 subdivision."
- 5 235. Page 66A, line 15, by striking the words
- 6 "CRIMINAL HOMICIDE" and inserting in lieu thereof
- 7 the word "MURDER".
- 8 236. Page 66A, line 16, by striking the words
- 9 "criminal homicide" and inserting in lieu thereof
- 10 the word "murder".
- 11 237. Page 66A, line 24 by inserting after the word
- 12 "aggravated" the words "or serious".
- 13 238. Page 66A, line 27 by striking the words
- 14 "or serious".
- 15 239. Page 69, line 24, by inserting after the
- 16 word "shall" the words ", except as otherwise
- 17 provided".
- 18 240. Page 69, by striking lines 25 through 29
- 19 and inserting in lieu thereof the word "person."
- 20 241. Page 70, line 5, by striking the words "in
- 21 contempt".
- 22 242. Page 70, by striking lines 6 through 10 and
- 23 inserting in lieu thereof the words "guilty of a
- 24 simple misdemeanor and the magistrate may issue a
- 25 warrant of arrest for the offense originally charged."
- 26 243. Page 71, line 2, by striking the words "of
- 27 a defendant".
- 28 244. Page 71, line 3, by inserting after the word
- 29 "cases," the word "an" and by striking the word "of".
- 30 245. Page 71, line 4, by striking the word
- 31 "defendants".
- 32 246. Page 71, by striking lines 25 through 30.
- 33 247. Page 72, by striking line 8 and inserting in
- 34 lieu thereof the word "arrest."
- 35 248. Page 72, by striking lines 9 through 22.
- 36 249. Page 72, by striking lines 27 through 30
- 37 and inserting in lieu thereof the words "to make
- 38 the arrest or which he reasonably believes to be
- 39 necessary".
- 40 250. Page 73, line 12, by striking the words "FROM
- 41 ARRESTING OFFICER".
- 42 251. Page 73, line 19 by striking the second word
- 43 "of".
- 44 252. Page 73, line 20 by striking the words "his
- 45 authority to make it".
- 46 253. Page 74, by striking lines 6 through 20.
- 47 254. Page 74, line 28 by striking the word "weapons"
- 48 and inserting in lieu thereof the words "items which
- 49 are capable of causing bodily harm".
- 50 255. Page 74, line 29 by striking the words "about

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- 1 his person" and inserting in lieu thereof the words
- 2 "within his control".
- 3 256. Page 74, after line 30, insert the follow-
- 4 ing:
- 5 "Sec. *NEW SECTION. RECEIPT GIVEN.* When money
- 6 or other property is taken from the defendant arrested
- 7 on a charge of a public offense, the officer taking
- 8 it shall, at the time, give duplicate receipts
- 9 therefor, specifying particularly the amount of money
- 10 and the kind of property taken; one of which receipts
- 11 he must deliver to the defendant, and the other he
- 12 must forthwith file with the clerk of the district
- 13 court of the county where the depositions and
- 14 statements are to be sent by the magistrate."
- 15 257. Page 77, by striking lines 27 through 35.
- 16 258. Page 78, by striking lines 1 through 13.
- 17 259. Page 80, line 20, by striking the word "twelve"
- 18 and inserting in lieu thereof the word "twenty".
- 19 260. Page 81, line 25, by striking the word "twelve"
- 20 and inserting in lieu thereof the word "twenty".
- 21 261. Page 83, line 5, by striking the words "or other
- 22 authorized person".
- 23 262. Page 83, by striking lines 11 and 12.
- 24 263. Page 83, line 19, by deleting the words "crime
- 25 or".
- 26 264. Page 83, line 20, by deleting the words "a
- 27 crime or" and inserting in lieu thereof the word "an".
- 28 265. Page 83, by striking line 24.
- 29 266. Page 83, line 33, by inserting after the word
- 30 "searched" the words "and the property to be seized".
- 31 267. Page 83, line 35, by striking the words "The
- 32 application".
- 33 268. Page 84, line 1, by striking the words
- 34 "shall describe the property to be seized."
- 35 269. Page 84, line 20, by striking the words "In
- 36 the case of".
- 37 270. Page 84, by striking lines 21 through 23.
- 38 271. Page 84, line 27, by striking the word "shall"
- 39 and inserting in lieu thereof the word "may".
- 40 272. Page 85, line 2, by inserting after the word
- 41 "been" the word "immediately".
- 42 273. Page 85, line 13, by striking the word "either"
- 43 and inserting in lieu thereof the word "any".
- 44 274. Page 85, by inserting after line 17, the
- 45 following:
- 46 "3. To remove any item which is capable of caus-
- 47 ing bodily harm that the person may use to resist
- 48 arrest or effect his escape."
- 49 275. Page 85, by striking lines 34 and 35.
- 50 276. Page 86, by striking lines 1 through 4 and

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- 1 inserting in lieu thereof the following:
- 2 "Sec. 809. *NEW SECTION. SAFE-KEEPING OF SEIZED*

3 PROPERTY. Property of an evidentiary nature seized
4 in the execution of a search warrant shall be safe-
5 ly kept, subject to the orders of any court having
6 jurisdiction to try any offense involved therewith,
7 so long as reasonably necessary to enable its pro-
8 duction at trials. The disposition of such property
9 shall be in accordance with chapter two (2), divi-
10 sion nine (IX) of this Act."

11 277. Page 86, after line 11 insert the following:

12 "Sec. **NEW SECTION. TRANSMISSION OF PAPERS**
13 **TO DISTRICT COURT CLERK.** The magistrate who has is-
14 sued a search warrant shall attach to the warrant
15 a copy of the return, inventory and all other papers
16 in connection therewith and shall file them with the
17 clerk of the district court for the county in which
18 the property was seized."

19 278. Page 86, by inserting after line 11 the
20 following new section:

21 "Sec. **NEW SECTION. DETENTION AND SEARCH IN**
22 **SHOPLIFTING.**

23 1. Persons concealing property as set forth in
24 chapter one (1), section one thousand four hundred six
25 (1406) of this Act, may be detained and searched by a
26 peace officer, merchant, or merchant's employee, pro-
27 vided that the detention is for a reasonable length
28 of time and that the search is conducted in a reasonable
29 manner by a person of the same sex and according to sub-
30 section two (2) of this section.

31 2. No search of the person under this section shall
32 be conducted by any person other than someone acting
33 under the direction of a peace officer except where
34 permission of the one to be searched has first been
35 obtained.

36 3. The detention or search under this section by
37 a peace officer, merchant, or merchant's employee shall
38 not render such peace officer, merchant, or merchant's
39 employee liable, in a criminal or civil action, for
40 false arrest or false imprisonment provided the peace
41 officer, merchant, or merchant's employee had reasonable
42 grounds to believe the person detained or searched had
43 concealed or was attempting to conceal property as set
44 forth in chapter one (1), section one thousand four hundred
45 six (1406) of this Act."

46 279. Page 86, by striking lines 12 through 35.

47 280. Page 86, line 12, by inserting the follow-
48 ing:

49 **"DIVISION IX**
50 **DISPOSITION OF SEIZED PROPERTY**

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1 **Sec. 901. NEW SECTION. SEIZED PROPERTY.** For
2 the purposes of this division, 'seized property' means
3 all property or any part thereof seized in the execu-
4 tion of a search warrant, arrest warrant, or arrest
5 without warrant; and includes the following:

6 a. Property which has been obtained in violation
7 of law.

8 b. Property, the possession of which is unlaw-
9 ful.

10 c. Property used or possessed with the intent
11 to be used as the means of committing a public offense
12 or concealed to prevent the offense from being dis-
13 covered.

14 d. Property subject to forfeiture except such
15 property described in chapters one hundred twenty-
16 seven (127) and two hundred four (204), Code 1975.

17 e. Other property relevant and material as evidence
18 in a criminal prosecution.

19 Sec. 902. *NEW SECTION. NOTICE OF HEARING.* The
20 clerk of court shall issue a notice of a hearing,
21 containing a reasonable description of the property
22 and the time, place, and cause of its seizure, within
23 forty-eight hours of the time of its seizure. Such
24 notice shall be reasonably calculated to apprise af-
25 fected persons of the pendency of the hearing.

26 Sec. 903. *NEW SECTION. CLAIMANT.* Any person
27 claiming the right to possession of seized property
28 may make application for its return in the office
29 of the clerk of court for the county in which it was
30 seized.

31 Sec. 904. *NEW SECTION. HEARING.* All claims made
32 for the return of the seized property shall be set
33 for hearing and such hearing shall be held not less
34 than five nor more than thirty days after the filing
35 of the first claim.

36 Sec. 905. *NEW SECTION. RETURN.*

37 1. Property not required for evidence or use in
38 further investigation may be returned by the officer
39 to the person from whom it was seized without the
40 requirement of a hearing, providing that that person's
41 right of possession is not prohibited by law.

42 2. In the event that the finding of the right
43 to possess is in favor of a claimant, other than the
44 state, the magistrate shall order the return of the
45 property, providing that:

46 a. Possession of such property by the claimant
47 is not prohibited by law; and

48 b. The property is not needed as evidence in any
49 judicial proceedings; or, if needed, satisfactory
50 arrangements have been made for its return for sub-

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1 sequent use as evidence. If such proceedings have
2 not been completed, the magistrate shall make satis-
3 factory arrangements for return of the property up-
4 on their completion.

5 Sec. 906. *NEW SECTION. OTHER DISPOSITION.*

6 1. Forfeiture. Unless otherwise specified by
7 law, the magistrate shall order the immediate
8 destruction of all forfeited property of an illegal

9 nature or character. When the forfeited property
10 is not of an illegal nature or character, the
11 magistrate shall order all such property or the
12 proceeds of its sale to be applied to the court fund
13 of the county.

14 2. No claimant. Where there is no claimant or
15 where the right to possession cannot be determined,
16 nonperishable property shall be held for a period
17 of six months from the date of filing of the return,
18 pending claim. Thereafter, the magistrate or other
19 officer having the property in his or her custody
20 shall, on payment of the necessary expenses incurred
21 for its preservation, deliver it to the treasurer
22 of the county, to be credited to the court fund.

23 Sec. 907. *NEW SECTION. APPEAL.* When the judgment
24 of rightful possession or of forfeiture is not made
25 by a district judge, appeal to a district judge may
26 be made in the manner of other appeals from judgments
27 of judicial magistrates. Such appeal shall be filed
28 with the magistrate within two days of the judgment.
29 The appellant, other than the state, shall post a
30 bond in such a reasonable sum as the magistrate may
31 fix and approve, conditioned to pay all costs of the
32 proceedings in case the appellant is unsuccessful
33 on appeal."

34 281. Page 87, by striking lines 1 through 17.

35 282. Page 87, line 21, by inserting after the word
36 "includes" the words ", but is not limited to,".

37 283. Page 87, by striking lines 26 through 35.

38 284. By striking pages 88 through 89.

39 285. Page 90, by striking lines 1 through 18.

40 286. Page 94, by striking lines 23 through page 95,
41 line 6.

42 287. Page 98, by striking lines 32 through page
43 102, line 3.

44 288. Page 102, by striking lines 15 through 25 and
45 inserting in lieu thereof the following:

46 "Sec. *NEW SECTION. HEARING.* The following
47 procedures shall apply to detention hearings held
48 pursuant to this subdivision:

49 1. The prosecuting attorney may initiate a
50 detention hearing by ex parte written motion. Upon

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1 such motion, the district court may issue a warrant
2 for the arrest of the person, if the person is not
3 in custody.

4 2. The detention hearing shall be held immediately
5 upon the person being brought before the district
6 court for such hearing unless the person or the
7 prosecuting attorney moves for a continuance. A
8 continuance granted on motion of the person shall
9 not exceed three calendar days. A continuance on
10 motion of the prosecuting attorney shall be granted
11 only upon good cause shown and shall not exceed three

12 calendar days. The person may be detained pending
13 the hearing.

14 3. The person shall be entitled to representation
15 by counsel, including appointed counsel for indigent
16 persons, and shall be entitled to the right of cross-
17 examination and to present information, to testify,
18 and to present witnesses in his own behalf.

19 4. Information stated in, or offered in connection
20 with, any order entered pursuant to this section need
21 not conform to the formal rules of evidence.

22 5. Testimony of the person given during the hearing
23 shall not be admissible on the issue of guilt in any
24 other judicial proceeding, subject only to the
25 following exceptions: Such testimony shall be
26 admissible in proceedings under sections one thousand
27 one hundred two (1102), subsection seven (7) and one
28 thousand one hundred nine (1109) of this chapter,
29 and in perjury proceedings.

30 6. Unless the defendant otherwise requests in
31 writing, the district court shall conduct the hearing
32 as a private hearing, and any order entered shall
33 remain confidential as to the public generally until
34 the conclusion of the trial.

35 7. Appeals from orders of detention may be taken
36 in the manner provided under section one thousand
37 one hundred two (1102), subsection six (6) of this
38 chapter.

39 8. If the trial court issues an order of detention,
40 it shall be accompanied by a written finding of fact
41 and the reasons for the detention order.

42 9. For the purposes of such proceedings, the trial
43 court is not divested of jurisdiction by the filing
44 of a notice of appeal."

45 289. Page 102, by striking lines 31 through 33 and
46 inserting in lieu thereof the following: "prevents
47 him from appreciating the charge against him, under-
48 standing the proceedings, or assisting effectively
49 in his defense, further proceedings must be sus-
50 pended and a hearing had upon that question."

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1 290. Page 103, line 33, by striking the word
2 "division" and inserting in lieu thereof the word
3 "section".

4 291. Page 104, line 2, by striking the word "court".

5 292. Page 104, line 4, by striking the words
6 "district court judges".

7 293. Page 104, line 30, by striking the word "and".

8 294. Page 104, line 31, by inserting after the word
9 "release" the words "and shall provide the defendant
10 with a copy of the complaint".

11 295. Page 105, line 19, by inserting after the first
12 word "hearing" the words "and inform the defendant
13 of the date of the preliminary hearing".

14 296. Page 106, line 14, by inserting after the

15 comma the words "a peace officer selected by the
16 attorney representing the state,".

17 297. Page 107, line 4, by striking the word "court".

18 298. Page 112A, by striking lines 30 through 35 and
19 inserting in lieu thereof the following:

20 "The grand jury shall meet at times specified by
21 order of a district judge. In addition to those times,
22 the grand jury shall meet at the request of the county
23 attorney or upon the request of a majority of the
24 grand jurors."

25 299. Page 114, line 29, by inserting after the
26 word "name" the words "and if provided by law the
27 degree".

28 300. Page 115, lines 9 and 10, by striking the words
29 "or bill of particulars".

30 301. Page 116, line 9, by inserting after the word
31 "names" the words ", occupations, and last known
32 addresses".

33 302. Page 116, line 11 by striking the words "a
34 minute of".

35 303. Page 116, by striking lines 12 through 14 and
36 inserting in lieu thereof ", of each witness whose
37 name is endorsed upon the information, a statement
38 sufficient to enable the defendant to prepare his
39 defense."

40 304. Page 116, by striking lines 15 and 16.

41 305. Page 116, line 17, by striking the words
42 "jurisdiction of the offense" and inserting in lieu
43 thereof the following:

44 "4. APPROVAL BY JUDGE. Prior to the filing of
45 the information, a district judge or district
46 associate judge having jurisdiction of the offense
47 must approve the information by a finding that the
48 evidence contained in the information and the
49 minutes of testimony, if unexplained, would warrant
50 a conviction by the trial jury."

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1 306. Page 116, line 32, by inserting after the word
2 "subpoenas" the words "including subpoena duces tecum,".

3 307. Page 117, by striking line 4, and inserting in
4 lieu thereof the words "event disclosure shall be made".

5 308. Page 117, line 9, by inserting after the word
6 "witnesses" the words "and any penalties for violations
7 thereof".

8 309. Page 117, line 26, by striking the words "An
9 included crime".

10 310. Page 117, by striking lines 27 through page 118A,
11 line 9.

12 311. Page 122, line 5, by striking the words "not
13 the result of coercion or threats," and inserting
14 in lieu thereof the word "voluntary".

15 312. Page 124, line 11, by inserting after the word
16 "particulars" the words "or a change of venue".

17 313. Page 124, line 14, by inserting after the word

18 "for" the word "good".

19 314. Page 126, line 11, by striking the words "Such
20 period shall be subject".

21 315. Page 126, by striking lines 12 and 13 and in-
22 serting in lieu thereof the following: "The new in-
23 formation or indictment must be filed within thirty
24 days of the dismissal of the original indictment or
25 information and the defendant must be brought to trial
26 within the time limits specified in Rule 27, rules of
27 criminal procedure."

28 316. Page 126, line 26, by inserting after the word
29 "had" the words "before by reason of the prejudice of the judge,
30 or to excitement or prejudice against the defendant in
31 such county. The petition shall be verified on
32 information and belief by the affidavit of the
33 petitioners".

34 317. Page 128, by inserting after line 24 the
35 following new subparagraph:

36 "(....) STATE'S RIGHT TO EXPERT EXAMINATION.

37 Where a defendant has indicated the use of the
38 defense of insanity, and has engaged an expert
39 or experts for the purpose of examining him on
40 the issue of insanity, the court shall order
41 the examination of the defendant by a state-
42 named expert or experts."

43 318. Page 128, line 25, by striking the words ";
44 DISPOSITION OF EVIDENCE".

45 319. Page 128, by striking line 26.

46 320. Page 128, lines 28 and 29, by striking the words
47 "the district court which has jurisdiction to try the
48 aggrieved person".

49 321. Page 129, by striking lines 18 through page
50 130A, line 9.

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1 322. Page 130A, by striking lines 16 through 35.

2 323. By striking pages 130B through 135B.

3 324. Page 136, by striking lines 1 through 34 and
4 inserting in lieu thereof the following:

5 "Rule 12. DEPOSITIONS. A defendant in a criminal
6 case, either after preliminary information, indict-
7 ment, or information, may examine witnesses condi-
8 tionally or on notice or commission, in the same
9 manner and with like effect as in civil actions.

10 "1. TIME, PLACE AND MANNER OF DISCOVERY AND IN-
11 SPECTION. An order of the court granting relief
12 under this rule shall specify the time, place and
13 manner of making the discovery and inspection per-
14 mitted and may prescribe such terms and conditions
15 as are just.

16 "2. FAILURE TO COMPLY. If at any time during
17 the course of the proceedings it is brought to the
18 attention of the court that a party has failed to
19 comply with this rule or with an order issued
20 pursuant to this rule, the court may order such party

21 to permit the discovery or inspection, grant a con-
22 tinuance, or prohibit the party from introducing any
23 evidence not disclosed, or it may enter such other
24 order as it deems just under the circumstances.

25 3. SECRECY OF GRAND JURY. Except where specific
26 provisions require otherwise, grand jury proceedings
27 remain confidential. However, any member of the
28 grand jury and the clerk thereof, and any officer
29 of the court, may be required by the court or any
30 legislative committee duly authorized to inquire
31 into the conduct or acts of any state officer which
32 might be the basis for impeachment proceedings, to
33 disclose the testimony of a witness examined before
34 the grand jury for the purpose of ascertaining whether
35 it is consistent with that given by him before the
36 court or legislative committee, or to disclose the
37 same upon a charge of perjury against the witness,
38 or when in the opinion of the court or legislative
39 committee such disclosure is necessary in the admin-
40 istration of justice. No grand juror shall be
41 questioned for anything he may say or any vote he
42 may give in the grand jury relative to a matter
43 legally pending before it, except for perjury of
44 which he may have been guilty in making an accusa-
45 tion, or in giving testimony to his fellow jurors.'

46 Rule 13. PERPETUATING TESTIMONY. A person
47 apprehensive of a criminal prosecution may perpetu-
48 ate testimony in his or her favor in the same
49 manner and with like effect, as may be done in
50 apprehension of any civil action. The provisions

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1 of rule twelve (12), subsections one (1), two (2),
2 and three (3) shall apply to this rule."
3 325. Page 137, line 6, by striking the word
4 "Subpoenas".
5 326. Page 137, by striking lines 7 through 9.
6 327. Page 137, line 26, by striking the words
7 "A witness who is subpoenaed".
8 328. Page 137, by striking lines 27 and 28.
9 329. Page 137, by striking lines 29 through 35.
10 330. Page 138, by striking lines 1 through 3.
11 331. Page 138, line 4, by striking the letter "c"
12 and inserting in lieu thereof the figure "4".
13 332. Page 138, line 8, by striking the letter "d"
14 and inserting in lieu thereof the figure "5".
15 333. Page 138, line 9, by striking the words
16 "without adequate excuse".
17 334. Page 138, line 12, by striking the word
18 "attachment" and inserting in lieu thereof the word
19 "warrant".
20 335. Page 144, by striking lines 19, 20, and 21.
21 336. Page 146, by striking lines 31 and 32 and
22 inserting in lieu thereof the following:
23 "DURING DELIBERATIONS. Notes may be taken by

24 jurors during the testimony of witnesses. All
25 jurors shall have an equal opportunity to take notes.
26 The court shall instruct the jury to mutilate and
27 destroy any notes taken during the trial at the
28 completion of the jury's deliberation. Upon
29 retiring"

30 337. Page 151, line 20, by striking the words
31 "under the fifth amendment to the Constitution".

32 338. Page 151, line 21, by striking the words "of
33 the United States".

34 339. Page 152, by striking lines 8 through 19
35 and inserting in lieu thereof the following:

36 "(3) The county attorney or the attorney
37 general may elect to grant the witness either of
38 the following forms of immunity:

39 a. The witness may be granted immunity from
40 prosecution for any public offense concerning
41 which he was compelled to give competent and
42 relevant testimony or to produce competent and
43 relevant evidence, or

44 b. The witness may be granted immunity
45 such that no testimony or other information
46 compelled under the order, or any information
47 directly or indirectly derived from such
48 testimony or other information, may be used
49 against the witness in any criminal case.

50 However, neither of the preceding grants of

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1 immunity shall apply to any prosecution or
2 proceeding for a perjury or a contempt of court
3 committed in the course of or during the giving
4 of such testimony.

5 (4) Upon consideration of the application
6 for immunity the judge shall enter an order
7 granting the witness such immunity."

8 340. Page 153, by striking lines 18 through 23.

9 341. Page 153, line 30, by inserting after the
10 word "thereof." the following:

11 "It shall not be a requirement of this section
12 that corroboration be necessary to obtain a con-
13 viction where the solicited person is a law enforce-
14 ment agent, employee, official, or person working on
15 behalf of a law enforcement agency within the scope
16 of his employment."

17 342. Page 154, by striking lines 5 through 8.

18 343. Page 155, line 27, by inserting after the words
19 "a verdict" the word "unanimously" and by striking the
20 words "with not more than".

21 344. Page 155, line 28, by striking the words "one
22 dissenting vote".

23 345. Page 155, line 31, by striking the words "more
24 than one" and inserting in lieu thereof the word "any".

25 346. Page 157, line 11, by striking the word "thereto"
26 and inserting in lieu thereof the words "to a shorter

27 time".

28 347. Page 158, by striking lines 32 through 35.

29 348. Page 159, by striking lines 1 through 9 and
30 inserting in lieu thereof the following:

31 "The application for a new trial can be made only
32 by the defendant and shall be made before judgment,
33 but where based upon newly discovered evidence may be
34 made after judgment as well. After giving the parties
35 notice and an opportunity to be heard on the matter,
36 the court may grant a motion for a new trial, timely
37 served, for a reason not stated in the motion. In
38 any case the court shall specify in the order the
39 grounds therefor."

40 349. Page 160, line 35, by striking the words "and
41 determined".

42 350. Page 161, by striking lines 3 through 5 and
43 inserting in lieu thereof the following:

44 "c. ON MOTION OF COURT. The court may also,
45 upon its own observation of any of these grounds,
46 arrest the judgment on its own motion."

47 351. Page 162, line 23, by striking the words ", or
48 reduce".

49 352. Page 162, by striking line 24.

50 353. Page 162, line 25, by striking the words "is

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1 imposed, or".

2 354. Page 164, line 16, by inserting after the
3 word "to" the words and figure "chapter two (2)".

4 355. Page 165A, line 26, by striking the words "or
5 a judge".

6 356. Page 165A, by striking lines 30 through 35 and
7 inserting in lieu thereof the following:

8 "d. The magistrate may cause to have removed from
9 the courtroom any person whose exclusion is necessary
10 to preserve the integrity or order of the proceedings."

11 357. Page 166A, line 24, by inserting after the
12 word "shown" the words "or the defendant waives
13 his right thereto".

14 358. Page 166A, line 24, by striking the words
15 "not admitted to".

16 359. Page 166A, line 25, by striking the words
17 "bail and unrepresented by legal counsel".

18 360. Page 166A, by striking line 32.

19 361. Page 166A, line 33, by striking the word
20 "counsel".

21 362. Page 166A, lines 33 and 34, by striking the
22 words "whose trial has not been postponed on his
23 own application" and inserting in lieu thereof
24 the words "has not waived his right to a speedy
25 trial".

26 363. Page 166B, by striking lines 38 through 44.

27 364. By renumbering the remaining subsections
28 to accord with this amendment.

29 365. Page 166B, by striking lines 54 through 63.

- 30 366. Page 170, by striking lines 17 through 26.
31 367. Page 170, by striking lines 27 through 30.
32 368. Page 183, line 9, by striking the words and
33 figure "seven hundred fifty-three (753) of the Code"
34 and inserting in lieu thereof the words and figures
35 "two (2), division five (5) of this Act".
36 369. Page 184, by striking lines 12 through 15 and
37 inserting in lieu thereof the words "prosecuting
38 attorney of the trial date and shall advise the
39 defendant that the trial will be without a jury unless
40 demand for jury trial is made at least ten days prior
41 to the date set for trial. Failure to make a jury
42 demand in the manner".
43 370. Page 185, line 27, by striking the word
44 "order" and inserting in lieu thereof the word
45 "manner".
46 371. Page 187, line 10, by striking the word "its"
47 and inserting in lieu thereof the words "the district."
48 372. Page 189, lines 5 and 6, by striking the words
49 "to him if required in the interest of justice" and
50 inserting in lieu thereof the words "pursuant to the

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- 1 grounds set forth in Rule 23, except that a motion
2 for a new trial based on newly discovered evidence
3 must be made within six months after the final
4 judgment".
5 373. Page 191, by inserting after line 33 the
6 following new section:
7 **"Sec. NEW SECTION. ADDITIONS TO AND AMENDMENT**
8 **OF RULES.** The rules of criminal procedure may be amended,
9 provisions deleted, and new rules added, in the manner
10 prescribed for civil rules under chapter six hundred
11 eighty-four (684) of the Code."
12 374. Page 198, line 28, by inserting after the word
13 "court" the words "with the approval of the county
14 board of supervisors".
15 375. Page 200, by striking lines 12 through 35 and
16 inserting in lieu thereof the following:
17 **"Sec. NEW SECTION. CONVICTION OR ACQUITTAL—**
18 **WHEN A BAR.** A conviction or acquittal by a judgment
19 upon a verdict shall bar another prosecution for the
20 same offense, notwithstanding a defect in form or sub-
21 stance in the indictment on which the conviction or
22 acquittal took place.
23 **Sec. NEW SECTION. PROSECUTIONS BARRED.** When
24 a defendant has been convicted or acquitted upon an
25 indictment for an offense consisting of different
26 degrees, the conviction or acquittal shall be a bar
27 to another indictment for the same offense charged in
28 the former or for any lower degree of that offense,
29 or for an offense necessarily included therein."
30 376. Page 201, by striking lines 1 through 35.
31 377. Page 202, by striking lines 1 through 7.
32 378. Page 213A, by striking lines 5 through 11.

33 379. Page 214, by striking from lines 24 and
34 25 the words "in the order presented below".
35 380. Page 215, lines 4 and 5, by striking the words
36 and figures "two hundred seven (207) and two hundred
37 nine (209)" and inserting in lieu thereof the words
38 and figures "two hundred eight (208) and two hundred
39 ten (210)".
40 381. Page 215, line 19, by inserting after the word
41 "sentenced" the words "and a statement of the days
42 credited pursuant to section two hundred forty-six
43 point thirty-eight (246.38) of the Code shall be
44 incorporated into the sentence".
45 382. Page 215, line 21, by striking the words
46 "ninety days" and inserting in lieu thereof the words
47 "one year".
48 383. Page 215, by striking lines 29 through 34.
49 384. Page 216A, line 12, by inserting after
50 the words "to a term of years" the following:

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1 "to be not less than ten years. If a person's
2 sentence is so commuted, the person sentenced
3 pursuant to this section shall not be eligible
4 for parole until the person has served a minimum
5 of ten years of the sentence imposed by law".
6 385. Page 216A, by striking lines 13 through 20.
7 386. Page 216A, line 27, by striking the words
8 and figure "two hundred ten (210)" and inserting in
9 lieu thereof the words and figure "two hundred eleven
10 (211)".
11 387. Page 216A, by inserting after the period
12 in line 30 the following: "The court may in its
13 discretion order the director of adult correc-
14 tions to hold the offender in custody for a mini-
15 mum period up to but not to exceed one-half of
16 the maximum indeterminate sentence provided for
17 by section two hundred eleven (211) of this divi-
18 sion."
19 388. Page 216A, line 32, by striking the word
20 "fifty" and inserting in lieu thereof the word
21 "ninety".
22 389. Page 217A, by striking line 35 through
23 page 218, line 2, and inserting in lieu thereof
24 the following:
25 "Sec. **NEW SECTION. DANGEROUS OFFENDER.**
26 A dangerous offender is a person convicted of a
27 class B felony who has previously been convicted of
28 a felony involving death or serious injury or has
29 previously been convicted of a felony involving the
30 threat of death or serious injury."
31 390. Page 218 by inserting after
32 the period on line 9 the following words: "A per-
33 son sentenced as an incorrigible offender shall
34 not be eligible for parole until he or she has
35 served the minimum sentence of confinement of three

36 years and the Court shall have the additional discretion and power of ordering an incorrigible offender to be held in custody for a minimum period up to, but not to exceed, four-tenths of the maximum indeterminate sentence for incorrigible offenders."

41 391. Page 218, line 16, by striking the words
42 "twenty-five" and inserting in lieu thereof the word
44 "forty".

44 392. Page 218, by inserting after line 16 the
45 following:

46 "..... A class B felon shall be confined for no
47 more than twenty-five years."

48 393. Page 218, by inserting after line 26 the
49 following:

50 "Sec. Except as provided in Division VII

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1 of this chapter, when a judgment of
2 conviction of a felony other than a class 'A'
3 felony is entered against any offender, the court
4 in imposing a sentence of confinement shall
5 sentence the offender to a term of not less than
6 one-fourth of the maximum sentence."

7 394. Page 218, by striking lines 27 through 35.

8 395. Page 219, by striking lines 1 through 12 and
9 inserting in lieu thereof the following:

10 "Sec. **NEW SECTION. APPLICATION FOR**
11 **COMMITMENT.** For the purposes of Acts of the Sixty-
12 sixth General Assembly, 1975 Session, chapter one
13 hundred thirty-nine (139), section six (6), the
14 director of the division of corrections shall be
15 considered an interested person and all applicable
16 provisions of Acts of the Sixty-sixth General
17 Assembly, 1975 Session, chapter one hundred thirty-
18 nine (139), relating to involuntary hospitalization,
19 shall apply to any persons who have been committed
20 to the custody of the division of corrections as
21 a result of a conviction of a public offense.

22 396. Page 219, by striking lines 13 through 33.

23 397. Page 220A, line 14, by striking the word
24 "dollars;" and inserting in lieu thereof the word
25 "dollars."

26 398. Page 220A, by striking lines 15 through 19.

27 399. Page 220A, by striking lines 33 through
28 page 220B, line 38.

29 400. Page 220B, line 40, by striking the words
30 "ninety days" and inserting in lieu thereof the words
31 "one year".

32 401. Page 221, line 3, by striking the words "ninety
33 days" and inserting in lieu thereof the words "one
34 year".

35 402. Page 221, by striking lines 24 through 32 and
36 inserting in lieu thereof the following:

37 "Sec. 401. **NEW SECTION. BOARD OF PAROLE.** The
38 board of parole shall consist of five electors of

39 the state. Not more than three members shall belong
40 to the same political party. At least two members
41 shall be practicing attorneys-at-law at the time of
42 appointment. Each member shall serve for five years
43 from July first of the year of appointment, except
44 appointees to fill vacancies who shall serve for the
45 balance of the unexpired term. The chairperson of
46 the board shall be elected by the members of the board
47 to a term of one year and may serve more than one
48 term. A majority of the members of the board shall
49 constitute a quorum to transact business."

50 403. Page 222, by striking lines 11 through 16

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1 and inserting in lieu thereof the following:
2 "Sec. 403. *NEW SECTION. TRANSITION. Persons*
3 serving on the board of parole on June 30, 1978 shall
4 continue as members of the board of parole until they
5 have served the term for which they were appointed
6 with the conditions and salary of the initial
7 appointment, and shall be deemed to fill a membership
8 position as provided by section four hundred one (401)
9 of this Act. Initial appointment to fill the
10 additional membership positions created by section
11 four hundred one (401) of this Act shall serve as
12 follows:

13 1. One member shall serve until June 30, 1980.

14 2. The other members shall serve until June 30,
15 1983."

16 404. Page 222, by striking lines 17 through 28.

17 405. Page 223, line 4, by striking the word "two"
18 and inserting in lieu thereof the word "four".

19 406. Page 223, by striking lines 14 through 19 and
20 inserting in lieu thereof the following:

21 "Section 501. *NEW SECTION. PROBATION AND PAROLE*
22 SERVICE. Pursuant to designation by the court, parole
23 and probation services shall be provided by the depart-
24 ment of social services or by a local agency
25 established under chapter two hundred seventeen (217)
26 of the Code. Parole and probation officers shall
27 perform the duties assigned to them by law and by
28 the director of the agency by which they are employed."

29 407. Page 223, line 20, by inserting after the word
30 "PAROLE" the words "AND PROBATION".

31 408. Page 223, line 20, by inserting after the word
32 "Parole" the words "and probation".

33 409. Page 223, line 23, by inserting after the word
34 "Parole" the words "and probation".

35 410. Page 223, line 27, by striking the word "the".

36 411. Page 223, line 28, by striking the word "his"
37 and inserting in lieu thereof the words "each
38 person's".

39 412. Page 223, line 29, by striking the word "him"
40 and inserting in lieu thereof the word "that person".

41 413. Page 223, line 29, by inserting after the

- 42 word "his" the words "or her".
43 414. Page 223, line 30, by striking the word "and"
44 and inserting in lieu thereof the word "or".
45 415. Page 223, line 30, by inserting after the
46 word "Parole" the words "and probation".
47 416. Page 223, line 35, by inserting after the
48 word "agencies" the words "which offer services of
49 a corrective nature".
50 417. Page 225A, line 23, by striking the words

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- 1 "three years" and inserting in lieu thereof the
2 words "one year".
3 418. Page 225A, by striking lines 31 through
4 35 and inserting in lieu thereof the following:
5 "A person who is under consideration for parole
6 shall be denied such parole unless that person
7 has served at least one-half of the sentence
8 imposed under section one (1) of this amendment."
9 419. Page 225B, by striking lines 36 and 37.
10 420. Page 225B, by striking lines 38 and 39.
11 421. Page 227A, by striking lines 5 through 9 and
12 inserting in lieu thereof the following:
13 "Sec. 608. *NEW SECTION.* When an inmate is dis-
14 charged, paroled, or placed on work release, the
15 warden or superintendent shall furnish the inmate,
16 at state expense, appropriate clothing and trans-
17 portation to the place in this state indicated in
18 the inmate's discharge, parole, or work release
19 plan. When an inmate is discharged, paroled, or
20 placed on work release, the warden or superinten-
21 dent shall provide the inmate, at state expense,
22 money in accordance with the following schedule:
23 1. Upon discharge or parole, one hundred
24 dollars.
25 2. Upon being placed on work release, fifty
26 dollars.
27 3. Upon going from an educational work release
28 to parole or discharge, fifty dollars.
29 Those inmates receiving payment under subsections
30 two (2) or three (3) of this section shall not be
31 eligible for payment under subsection one (1) of this
32 section unless they are returned to the institution.
33 The warden or superintendent shall maintain an account
34 of all funds expended pursuant to this section."
35 422. Page 227A, by striking lines 18 through 23.
36 423. Page 228, lines 19 and 20, by striking the
37 words "AND RESTORATION OF CIVIL RIGHTS".
38 424. Page 228, lines 30 through 32, by striking
39 the words ", and shall have the effect of restor-
40 ing the right to vote and hold public office, and
41 the certification of discharge shall so state".
42 425. Page 229, line 12, by striking the words "by
43 the probation" and inserting in lieu thereof the words
44 "by probation".

45 426. Page 229, line 13, by striking the word "ser-
46 vice" and inserting in lieu thereof the word "ser-
47 vices".

48 427. Page 230, line 5, by striking the word
49 and figure "seven (907)" and inserting in lieu

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1 thereof the word and figure "eight (908)".

2 428. Page 230, line 8, by striking the words and
3 figure "two hundred seven (207)" and inserting in
4 lieu thereof the words and figure "two hundred eight
5 (208)".

6 429. Page 232, by inserting after line 24 the
7 following:

8 "2. Of any local agency established under chapter
9 two hundred seventeen (217); or".

10 430. Page 232, line 25, by striking the figure
11 "2" and inserting in lieu thereof the figure "3".

12 431. Page 234, by striking lines 3 through 6.

13 432. Page 234, line 7, by striking the words
14 "prescribe. The".

15 433. Page 234, line 7, by striking the word "such"
16 and inserting in lieu thereof the word "any".

17 434. Page 234, line 8, by inserting after the word
18 "person" the words "assigned to a local correctional
19 agency".

20 435. Page 234, line 8, by striking the word "he"
21 and inserting in lieu thereof the words "that person".

22 436. Page 234, line 13, by striking the word "him"
23 and inserting in lieu thereof the words "the person".

24 437. Page 237, by striking lines 26 through 35.

25 438. Page 238A, line 4, by striking the words
26 "reasonable grounds" and inserting in lieu thereof
27 the words **"probable cause"**.

28 439. Page 238B, by striking lines 36 and 37 and
29 inserting in lieu thereof the following: "probable
30 cause hearing, a magistrate appointed pursuant to
31 section six hundred two point fifty-one (602.51) of
32 the Code".

33 440. Page 238B, line 45, by striking the words
34 "liaison officer" and inserting in lieu thereof the
35 word "magistrate".

36 441. Page 239, line 1, by striking the words "liaison
37 officer" and inserting in lieu thereof the word
38 "magistrate".

39 442. Page 239, line 3, by striking the words **"liaison**
40 **officer"** and inserting in lieu thereof the word
41 "magistrate".

42 443. Page 239, line 10, by striking the words
43 "liaison officer" and inserting in lieu thereof the
44 word "magistrate".

45 444. Page 239, line 12, by striking the words
46 **"LIAISON OFFICER"** and inserting in lieu thereof the
47 word **"MAGISTRATE"**.

48 445. Page 239, line 15, by striking the words
49 "liaison officer" and inserting in lieu thereof the
50 word "magistrate".

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1 446. Page 239, line 18, by striking the words
2 "liaison officer" and inserting in lieu thereof the
3 word "magistrate".
4 447. Page 239, line 23, by striking the words
5 "liaison officer" and inserting in lieu thereof the
6 word "magistrate".
7 448. Page 240, line 6, by striking the words
8 "liaison officer" and inserting in lieu thereof the
9 word "magistrate".
10 449. Page 240, by striking lines 8 and 9 and
11 inserting in lieu thereof the following: "shall notify
12 in writing the alleged violator, his attorney of
13 record, if any, and the department of social services
14 of such hearing and the claimed violation of parole.
15 The alleged violator".
16 450. Page 240, line 25, by striking the words
17 "liaison officer" and inserting in lieu thereof the
18 word "magistrate".
19 451. Page 241, line 14, by striking the words and
20 figures "section five hundred four (504)" and insert-
21 ing in lieu thereof the words and figures "sections
22 one hundred eight (108) and five hundred one (501)".
23 452. Page 241, line 15, by striking the words
24 "reasonable grounds" and inserting in lieu thereof
25 the words "probable cause".
26 453. Page 242, line 9, by striking the words
27 "liaison officer" and inserting in lieu thereof the
28 word "magistrate".
29 454. Page 247, by striking lines 22 through 35.
30 455. Page 248, by striking lines 1 through 18.
31 456. Page 248, by striking lines 27 through page
32 249 line 6 and inserting in lieu thereof the following:
33 "Sec. Section forty-eight point five (48.5),
34 subsection three (3), Code 1975, as amended by Acts
35 of the Sixty-sixth General Assembly, 1975 Session,
36 chapter eighty-one (81), section forty-nine (49) is
37 amended to read as follows:
38 3. Neither the duplicate registration records
39 open to public inspection nor any list obtained under
40 subsection two (2) of this section shall be used for
41 any purpose of any kind or nature, other than to
42 request a registrant's vote at a primary or general
43 election, or any other bona fide political purpose.
44 The commissioner shall keep a list of the name,
45 address, telephone number, and social security number
46 of each person who copies or obtains copies of the
47 registration lists. Any person that uses such lists
48 in violation of this section shall, upon conviction
49 be imprisoned in the county jail, not to exceed one
50 year, or be fined not to exceed one thousand dollars,

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1 or by both such fine and imprisonment, for each vio-
2 lation] *guilty of a serious misdemeanor.*"

3 457. Page 257, line 35, by striking the word "contri-
4 " and inserting in lieu thereof the word "[contri-]".

5 458. Page 258, lines 1 through 3, by striking the
6 words "bute to the campaign fund of any political
7 party, or to the campaign fund of any person who is
8 a candidate for election or appointment to any
9 political office," and inserting in lieu thereof the
10 words "[bute to the campaign fund of any political
11 party, or to the campaign fund of any person who is
12 a candidate for election or appointment to any
13 political office,]".

14 459. Page 268, by striking all of lines 11
15 through 16.

16 460. Page 269, by striking lines 17 through page
17 270 line 1.

18 461. Page 278, by striking lines 10 through 17
19 and inserting in lieu thereof the following:

20 "Sec. 96. Sections one hundred ten point twenty
21 (110.20) and one hundred ten point twenty-one (110.21),
22 Code 1975, are amended by striking the sections and
23 inserting in lieu thereof the following:

24 110.20 DISPOSITION OF SEIZED PROPERTY. Disposi-
25 tion of seized property shall be made in accordance
26 with chapter two (2), division nine (IX) of this Act."

27 462. Page 288, by striking lines 29 through 35.

28 463. Page 289, by striking lines 1 and 2.

29 464. Page 291, by inserting after line 3 the fol-
30 lowing sections:

31 "Sec. Section one hundred twenty-seven point
32 seven (127.7), Code 1975, is amended by striking the
33 section and inserting in lieu thereof the following:

34 127.7 LIQUOR SUBJECT TO FORFEITURE. The court,
35 upon conviction, shall enter a judgment of forfeiture
36 of the liquor and vessels seized and shall file with
37 the clerk of the district court a certified transcript
38 of such order.

39 Sec. Section one hundred twenty-seven point
40 eight (127.8), Code 1975, is amended by striking the
41 section and inserting in lieu thereof the following:

42 127.8 DISPOSITION OF FORFEITED LIQUORS. When
43 a judgment has been entered decreeing a forfeiture
44 of any intoxicating liquors, the magistrate shall
45 direct the disposition of such liquors and the ves-
46 sels containing the same:

47 1. By ordering that forfeited intoxicating li-
48 quors, which have a valid unbroken federal liquor
49 tax stamp properly affixed to the vessel and which
50 the magistrate has no reason to believe is adulter-

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1 ated or contaminated, be delivered to the Iowa beer
2 and liquor control department.

3 2. By ordering the destruction of forfeited in-
4 toxicating liquors which do not have a valid federal
5 liquor tax stamp properly affixed to the vessel or
6 which the magistrate has reason to believe is con-
7 taminated or adulterated.

8 3. By ordering any portion thereof consisting
9 of alcohol, brandies, wine, or whiskey, to be
10 delivered, for medicinal or scientific purposes, to
11 any state or reputable hospital in the county, or
12 in adjoining counties, or to the board of control
13 of state institutions, or to any reputable educational
14 institution in the state for scientific purposes.

15 Sec. Section one hundred twenty-seven point
16 nine (127.9), Code 1975, is amended by striking the
17 section and inserting in lieu thereof the following:

18 127.9 CONVEYANCE SUBJECT TO FORFEITURE. Any con-
19 conveyance which is used to transport a quantity of un-
20 lawful liquor which is large enough to give rise to
21 a presumption that the liquors are being transported
22 for the purpose of sale and the transportation of
23 such liquors is not incidental to the transportation
24 of persons or other property is subject to forfeiture
25 to the state."

26 465. Page 291, by striking lines 4 through 22, and
27 inserting in lieu thereof the following:

28 "Sec. Section one hundred twenty-seven point
29 eleven (127.11), Code 1975, is amended by striking
30 the section and inserting in lieu thereof the follow-
31 ing:

32 127.11 PROCEDURE. Upon the filing of an informa-
33 tion the procedure for forfeiting the conveyance shall
34 be as follows:

35 1. Notice of the time and place of the forfeiture
36 hearing shall be personally served upon all owners
37 and lien holders of record of the seized conveyance
38 at least thirty days prior to the date set for hearing.
39 The notice shall contain a reasonable description
40 of the conveyance and the time and place of its
41 seizure.

42 2. Any person having a claim to the conveyance
43 may file a claim with the clerk of court alleging
44 his or her claim to the vehicle and the grounds relied
45 upon in claiming that his or her property interest
46 in the conveyance may not be forfeited.

47 3. The hearing shall be held before the district
48 court in the county in which the conveyance was seized.

49 4. If a judgment of forfeiture is entered, the
50 judgment shall state the value of the conveyance and

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1 the amount forfeited and direct the sheriff to sell
2 the conveyance as chattel under execution, and a
3 certified copy of the judgment shall constitute an
4 execution."

5 466. Page 291, by inserting after line 22 the follow-

6 ing:

7 "Sec. Section one hundred twenty-seven point
8 twelve (127.12), Code 1975, is amended by striking
9 the section and inserting in lieu thereof the

10 following:

11 **127.12 BASIS OF FORFEITURE.** An order of forfeiture
12 may only be entered upon a finding by the court that
13 all of the following are true:

14 1. The quantity of liquor transported is large
15 enough to give rise to a presumption that the liquor
16 was being transported for the purpose of sale.

17 2. The transportation of the liquor was not inci-
18 dental to the transportation of persons or other prop-
19 erty.

20 3. One of the owners or lien holders knew or con-
21 sented to the transportation of the liquor.

22 Sec. Section one hundred twenty-seven point
23 thirteen (127.13), Code 1975, is amended by striking
24 the section and inserting in lieu thereof the follow-
25 ing:

26 **127.13 EFFECT OF FORFEITURE ON OWNERS AND LIEN**
27 **HOLDERS.** An order of forfeiture shall only be
28 effective against the property interest of an owner
29 or lien holder who knew or consented to the
30 transportation of the liquor. The property interest
31 of an owner or lien holder who did not consent or
32 know of the transportation of the liquor shall not
33 be affected by the order.

34 Sec. Section one hundred twenty-seven point
35 twenty (127.20), Code 1975, is amended by striking
36 the section and inserting in lieu thereof the
37 following:

38 **127.20 SALE OF CONVEYANCE.** Prior to placing the
39 conveyance for sale to the general public the sheriff
40 shall permit any owner or lien holder having a prop-
41 erty interest of fifty percent or more in the
42 conveyance the opportunity to purchase the property
43 interest forfeited. If such owner or lien holder
44 does not exercise his or her option under this section
45 or if no such owner or lien holder exists the
46 conveyance shall be sold at public auction with the
47 proceeds first being applied to the owners and lien
48 holders who have not had their property interest
49 forfeited and then applied to the expenses of keeping
50 the conveyance and court costs.

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1 467. Page 296, by inserting after line 29 the
2 following:

3 "Sec. Section one hundred forty-seven point
4 one (147.1), subsection two (2) and three (3), Code
5 1975, are amended to read as follows:

6 2. 'Licensed' or 'certified' when applied to a
7 physician and surgeon, podiatrist, osteopath,
8 osteopathic physician and surgeon, psychologist or

9 associate psychologist, chiropractor, nurse, dentist,
10 dental hygienist, optometrist, pharmacist, physical
11 therapist, *massage technician*, practitioner of
12 cosmetology, practitioner of barbering, funeral
13 director or embalmer shall mean a person licensed
14 under this title.

15 3. 'Profession' shall mean medicine and surgery,
16 podiatry, osteopathy, osteopathic medicine and surgery,
17 psychology, chiropractic, nursing, dentistry, dental
18 hygiene, optometry, pharmacy, physical therapy,
19 *massage*, cosmetology, barbering, funeral directing
20 or embalming.

21 Sec. Section one hundred forty-seven point
22 two (147.2), Code 1975, is amended to read as follows:

23 147.2 LICENSE REQUIRED. No person shall engage
24 in the practice of medicine and surgery, podiatry,
25 osteopathy, osteopathic medicine and surgery,
26 psychology, chiropractic, physical therapy, *massage*,
27 nursing, dentistry, dental hygiene, optometry,
28 pharmacy, cosmetology, barbering, funeral directing
29 or embalming as defined in the following chapters
30 of this title, unless he shall have obtained from
31 the state department of health a license for that
32 purpose.

33 Sec. Section one hundred forty-seven point
34 three (147.3), Code 1975, is amended to read as
35 follows:

36 147.3 QUALIFICATIONS. An applicant for a license
37 to practice a profession under this title shall not
38 be ineligible because of age, citizenship, sex, race,
39 religion, marital status or national origin, although
40 the application form may require citizenship
41 information. Any board may consider the past felony
42 record of an applicant only if the felony conviction
43 relates directly to the practice of medicine, podiatry,
44 osteopathy, osteopathy and surgery, chiropractic,
45 nursing, psychology, optometry, pharmacy, physical
46 therapy, *massage*, cosmetology, barbering or funeral
47 directing or embalming for which the applicant requests
48 to be licensed. Character references may be required,
49 but shall not be obtained from licensed members of
50 the profession.

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1 Sec. Section one hundred forty-seven point
2 thirteen (147.13), Code 1975, is amended to read as
3 follows:

4 147.13 DESIGNATION OF BOARDS. The examining
5 boards provided in section 147.12 shall be designated
6 as follows: For medicine and surgery, and osteopathy,
7 and osteopathic medicine and surgery, medical
8 examiners; for psychology, psychology examiners; for
9 podiatry, podiatry examiners; for chiropractic,
10 chiropractic examiners; for physical therapists,
11 physical therapy examiners; for *massage technicians*,

12 *massage examiners*; for nursing, board of nursing;
13 for dentistry and dental hygiene, dental examiners;
14 for optometry, optometry examiners; for cosmetology,
15 cosmetology examiners; for barbering, barber examiners;
16 for pharmacy, pharmacy examiners; for funeral directing
17 and embalming, funeral director and embalmer examiners.

18 Sec. Section one hundred forty-seven point
19 fourteen (147.14), subsection one (1), Code 1975,
20 is amended to read as follows:

21 1. For podiatry, physical therapy, *massage*,
22 cosmetology, barbering, and funeral directing and
23 embalming, three members each, licensed to practice
24 the profession for which the board conducts
25 examinations, and two members who are not licensed
26 to practice the profession for which the board conducts
27 examinations and who shall represent the general
28 public. A quorum shall consist of a majority of the
29 members of the board.

30 Sec. Section one hundred forty-seven point
31 eighty (147.80), Code 1975, is amended by adding the
32 following new subsection:

33 **NEW SUBSECTION.** License to practice massage issued
34 upon the basis of an examination given by the board
35 of massage examiners, licensed to practice massage
36 issued under a reciprocal agreement, renewal of a
37 license to practice massage.

38 Sec. Section one hundred forty-eight A point
39 three (148A.3), Code 1975, is amended by striking
40 subsection five (5) and inserting in lieu thereof
41 the following:

42 5. Licensed massage technicians who are engaged
43 in the practice of massage."

44 468. Page 307, by striking lines 21 through 28.

45 469. Page 317 by inserting the following
46 after line 16:

47 **NEW SECTION:** Minimum Sentence. The court
48 shall have the discretion of setting a minimum
49 period a person will be held in custody of up to
50 one-half the maximum indeterminate sentence for

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1 persons convicted under section A and B of
2 Section 224 unless the drug sold is a substance
3 included in Schedule III, or is marijuana, or the
4 sale was made in accommodation.

5 470. Page 318, by inserting after line 6 the
6 following new sections:

7 "Sec. Section two hundred four point four
8 hundred one (204.401), Code 1975, is amended by
9 striking subsection three (3) and inserting in lieu
10 thereof the following:

11 3. It is unlawful for any person knowingly or
12 intentionally to possess a controlled substance un-
13 less such substance was obtained directly from, or
14 pursuant to, a valid prescription or order of a

15 practitioner while acting in the course of his pro-
16 fessional practice, or except as otherwise authorized
17 by this chapter. Any person who is convicted of a
18 violation of this subsection shall be punished as
19 follows:

20 a. If the controlled substance is a controlled
21 substance which is not marijuana, the person shall
22 be guilty of a serious misdemeanor.

23 b. If the controlled substance is marijuana in
24 an amount in excess of one ounce, the person shall
25 upon conviction be sentenced to not more than
26 six (6) months in a
27 county jail or be fined not more than
28 one thousand (1,000) dollars

29 or be subject to both such fine and punishment.

30 c. If the controlled substance is marijuana in
31 an amount of one ounce or less, and is for personal
32 use only, the person shall upon conviction be guilty
33 of a simple misdemeanor. All or any part of a
34 sentence imposed pursuant to this paragraph may be
35 suspended and the person placed on probation upon
36 such terms and conditions as the court may impose
37 including the active participation by such person in
38 a drug treatment, rehabilitation or education program
39 approved by the court. All records pertaining to
40 arrests and prosecutions under this paragraph shall
41 be expunged three years after the date of final
42 judgement. A public agency shall not deny or limit
43 any license or privilege to any person as a result
44 of an arrest or prosecution for a violation of this
45 paragraph.

46 Sec..... Chapter seven hundred forty-nine B
47 (749B), Code 1975, is amended by adding the follow-
48 ing new section:

49 **NEW SECTION.** All other sections of this chapter
50 notwithstanding, information pertaining to arrests

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1 and prosecutions under paragraph c of subsection
2 three (3) of section two hundred four point four
3 hundred one (204.401) of the Code, shall not be
4 made available to any other state or the federal
5 government or any agency thereof, nor shall any
6 other state or the federal government or agency
7 thereof be allowed access to such information."

8 471. Page 323, by striking lines 27 through 35.

9 472. Page 324, by striking lines 1 through 4.

10 473. Page 326, by striking lines 11 through 22.

11 474. Page 328, by inserting after line 11 the

12 following:

13 "Sec. Chapter two hundred forty-five (245),
14 Code 1975, is amended by adding the following new
15 section:

16 **NEW SECTION. FEDERAL PRISONERS.** Convicts sentenced
17 for any term by any court of the United States may be

18 received by the superintendent into the women's reforma-
19 tory and there kept in pursuance of their sentences.
20 Convicts at the women's reformatory may also be trans-
21 ferred to the federal bureau of prisons."

22 475. Page 328, by inserting after line 21, the
23 following:

24 "Sec. Section two hundred forty-six point
25 eleven (246.11), Code 1975, is amended to read as
26 follows:

27 246.11 FEDERAL PRISONERS. Convicts sentenced for
28 any term [at hard labor] by any court of the United
29 States may be received by the warden into the peni-
30 tentiary or the men's reformatory and there kept in
31 pursuance of their sentences. *Convicts at either*
32 *the penitentiary or men's reformatory may also be*
33 *transferred to the federal bureau of prisons."*

34 476. Page 330, by striking all of lines 30 through 35.

35 477. Page 331, by striking all of lines 1 through 7.

36 478. Page 337, by striking lines 7 through 28 and
37 inserting in lieu thereof the following:

38 "Sec. Section three hundred twenty-one point
39 two hundred eighty-one (321.281), Code 1975, is amended
40 by striking the section and inserting in lieu thereof
41 the following:

42 321.281 OPERATING UNDER THE INFLUENCE.

43 1. Whoever operates a motor vehicle upon the
44 public highways of this state under the influence
45 of an alcoholic beverage, a narcotic, hypnotic or
46 other drug, or having alcohol in their blood above
47 the limits prescribed by this section shall be guilty
48 of a public offense.

49 2. Any person who operates a motor vehicle upon
50 the public highways of this state having ten or more

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1 hundredths of one per centum by weight of alcohol
2 in the blood shall upon a plea of guilty or conviction
3 be guilty of a simple misdemeanor and shall be
4 imprisoned in the county jail for not less than seven
5 days.

6 3. Any person who operates a motor vehicle upon
7 the public highways of this state having fifteen or
8 more hundredths of one per centum by weight of alcohol
9 in the blood shall upon a plea of guilty or conviction
10 be guilty of a serious misdemeanor.

11 4. Any person who operates a motor vehicle upon
12 the public highways of this state having more than
13 nineteen hundredths of one per centum by weight of
14 alcohol in the blood shall upon a plea of guilty or
15 conviction be guilty of a serious misdemeanor and,
16 upon a third offense of this section, be guilty of
17 an aggravated misdemeanor.

18 5. Any person who violates the provisions of
19 subsection one (1) of this section and is not subject
20 to the provisions of subsections two (2), three (3),

21 or four (4) of this section shall upon a plea of
22 guilty or conviction be guilty of a serious misdemeanor
23 for the first offense, be guilty of an aggravated
24 misdemeanor for the second violation of this section,
25 and be guilty of a class 'D' felony for the third
26 violation of this section.

27 6. The court in pronouncing sentence shall provide
28 as to the period during which a new license to operate
29 a motor vehicle shall not be issued to the defendant.
30 Notwithstanding the provisions of section three hundred
31 twenty-one point two hundred twelve (321.212) of the
32 Code, the period for violation of subsection two (2)
33 of this section shall not be less than one hundred
34 twenty days, the period for violation of subsection
35 three (3) of this section shall be one year, the
36 period for violation of subsection four (4) of this
37 section shall be five years, and the periods for
38 violation of subsection five (5) of this section shall
39 be not less than one hundred twenty days for the first
40 violation and shall be one year for the second
41 violation of this section; and upon a third violation
42 of this section the defendant shall never be issued
43 a new license. All periods of license ineligibility
44 shall be consecutive. The clerk of the court shall
45 forthwith certify to the department a true copy of
46 the judgment sentencing the defendant under this
47 section. The department may receive an application
48 for and shall grant a new license at the expiration
49 of the period provided in the judgment of the court
50 notwithstanding the provisions of sections three

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1 hundred twenty-one point one hundred seventy-seven
2 (321.177) and three hundred twenty-one point two
3 hundred twelve (321.212) of the Code.

4 7. This section shall not apply to a person
5 operating a motor vehicle while under the influence
6 of a narcotic, hypnotic or other drug if such
7 substances were prescribed for such person and have
8 been taken under such prescription and in accordance
9 with the directions of a reputable doctor of medicine,
10 provided however there is no evidence of the con-
11 sumption of alcohol and further provided said doctor
12 of medicine has not directed such person to refrain
13 from operating a motor vehicle.

14 8. In lieu of, or prior to imposition of, the
15 punishment above described for the first and second
16 offense, the court upon hearing may commit the
17 defendant for treatment of alcoholism or drug addition
18 or dependency to any hospital or institution in Iowa
19 providing such treatment. The court may prescribe
20 the length of time for such treatment or it may request
21 that the hospital to which the person is committed
22 immediately report to the court when the person has

23 received maximum benefit from the program of the
24 hospital or institution or has recovered from his
25 addiction, dependency or tendency to chronically abuse
26 alcohol or drugs. A person committed under this
27 section shall be considered a state patient."

28 479. Page 340, by inserting after line 6 the
29 following:

30 "Sec. Section three hundred twenty-one B
31 point seven (321B.7), Code 1975, is amended to read
32 as follows:

33 321B.7 REFUSAL TO SUBMIT. If a person under
34 arrest refuses to submit to the chemical testing,
35 no test shall be given, but the director, upon the
36 receipt of a sworn report of the peace officer that
37 he had reasonable grounds to believe the arrested
38 person to have been operating a motor vehicle upon
39 a public highway of this state while under the
40 influence of an alcoholic beverage, that he had placed
41 such person under arrest for the offense of operating
42 a motor vehicle while under the influence of an
43 alcoholic beverage and that the person had refused
44 to submit to the chemical testing, shall,
45 *notwithstanding the provisions of section three hundred*
46 *twenty-one point two hundred twelve (321.212) of the*
47 *Code, revoke his license or permit to drive and any*
48 *nonresident operating privilege for a period of not*
49 *less than one hundred twenty days nor more than one*
50 *year if the person does not have a prior conviction*

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1 *under the provisions*
2 *of section three hundred twenty-one point two hundred*
3 *eighty-one (321.281) of the Code, for a period of*
4 *one year if the person has a prior conviction*
5 *under the provisions of*
6 *section three hundred twenty-one point two hundred*
7 *eighty-one (321.281) of the Code, and permanently*
8 *if the person has two prior convictions under the provisions*
9 *of section*
10 *three hundred twenty-one point two hundred eighty-*
11 *one (321.281) of the Code; or if the person is a*
12 *resident without a license or permit to operate a*
13 *motor vehicle in this state, the director shall deny*
14 *to the person the issuance of a license or permit*
15 *within one year from the date of the alleged violation,*
16 *subject to review as hereinafter provided. The*
17 *effective date of any such revocation shall be twenty*
18 *days after the director has mailed notice of such*
19 *revocation to such person by registered or certified*
20 *mail."*

21 480. Page 345, by striking lines 9 through 27,
22 and inserting in lieu thereof the following:

23 "Sec. Section three hundred twenty-six point
24 twenty-seven (326.27), Code 1975, as amended by Acts
25 of the Sixty-sixth General Assembly, 1975 Session,

26 chapter one hundred seventy-three (173), section nine
27 (9) is amended to read as follows:
28 326.27 VIOLATIONS TO NEGATE AGREEMENTS. Oper-
29 ation of a commercial vehicle or vehicles in vio-
30 lation of the requirements of this chapter, the motor
31 vehicle registration laws of this state, or the terms
32 of any agreement negotiated by the department pursuant
33 to this chapter may, after due notice and hearing,
34 be grounds for denial of reciprocal or proportional
35 registration privileges on the vehicle or vehicles
36 of an owner so operated. Any owner denied such
37 reciprocal or proportional registration privileges
38 shall be subject to payment of full annual Iowa
39 registration fees on any such vehicle operated on
40 Iowa highways. In addition to denial of reciprocal
41 or proportional registration privileges, it shall
42 be a *simple* misdemeanor [punishable upon conviction
43 by a fine of not more than one hundred dollars or
44 imprisonment in the county jail for not more than
45 thirty days], unless such act is declared under Iowa
46 law to be a felony, for any person to operate under
47 reciprocity or proportional registration in viola-
48 tion of any requirements of this chapter.”
49 481. Page 353, by striking lines 11 and 12 and
50 inserting in lieu thereof the following:

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1 “Sec. Section three hundred sixty-four point
2 five (364.5), unnumbered paragraph one (1), Code 1975,
3 as amended by Acts of the Sixty-sixth General Assembly,
4 1975 Session, chapter two hundred three (203), section
5 thirteen (13) is amended to read as follows:”
6 482. Page 369, by striking lines 26 through 29 and
7 inserting in lieu thereof the words “who shall will-
8 fully obstruct [it or its members] *the department or*
9 *board* in the performance of their duties, or who shall
10 refuse to give any information within [his] *the person's*
11 possession that may be required by [it within the line
12 of its duty] *the department or board for the performance*
13 *of their duties*, shall be [fined not to exceed]”.
14 483. Page 369, by striking line 32 through page
15 370, line 6.
16 484. Page 370, by striking lines 9 through 18 and
17 inserting in lieu thereof the following:
18 “477.15 VIOLATIONS. Any *railroad* corporation[,
19 company, or person] operating [a railroad in this state
20 and using a locomotive engine, or running a train
21 of cars,] or using *in this state* any *train, engine,*
22 *freight[,] car [way], caboose,* or other car contrary to
23 the provisions of sections 477.12 to [477.14] *four hun-*
24 *dred seventy-seven point thirteen (477.13) of the*
25 *Code* shall be guilty of a *serious* misdemeanor[, and
26 shall be subject to a fine of not less than five
27 hundred nor more than one thousand dollars for each
28 and every offense; but such penalties shall not apply

29 to companies hauling cars belonging to railroads other
30 than those of this state which are engaged in
31 interstate traffic]."

32 485. Page 370, by striking lines 21 and 22 and in-
33 serting in lieu thereof the following:

34 "477.19 VIOLATIONS. Any [person,] railway [company,
35 terminal transfer, or other] corporation [or company
36 who] *which* violates".

37 486. Page 370, by striking lines 29 through 34.

38 487. Page 371, by striking lines 2 through 4 and
39 inserting in lieu thereof the following:

40 "477.24 VIOLATIONS. Any [person, firm, or] *railroad*
41 corporation owning such line of railway or the
42 equipment operated thereon, [who] *which* shall cause
43 or permit any locomotive, power vehicle, power".

44 488. Page 371, by striking lines 19 through 28.

45 489. Page 371, line 31, by striking the word
46 "company" and inserting in lieu thereof the words
47 "[company] corporation".

48 490. Page 372, by striking lines 2 through 30.

49 491. Page 373, by striking lines 1 through 9.

50 492. Page 373, line 12, by inserting after the word

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1 "railroad" the word "*corporation*".

2 493. Page 373, line 26, by inserting after the word

3 "railroad" the word "*corporation*".

4 494. Page 373, by striking lines 33 through 35 and
5 page 374 by striking lines 1 and 2 and inserting in
6 lieu thereof the following:

7 "478.10 FAILURE TO FENCE—GENERAL PENALTY. If
8 the *railroad* corporation[, officer thereof or lessee
9 owning or engaged in the operation of any railroad
10 in the state] refuses or neglects to comply with any
11 provision of this chapter relating to the fencing
12 of the tracts, such *railroad* corporation[, officer,
13 or lessee]".

14 495. Page 374, line 11, by striking the word
15 "company" and inserting in lieu thereof the words
16 "[company] *corporation*".

17 496. Page 374, by striking lines 14 through 24.

18 497. Page 374, by striking lines 25 through 35
19 and page 375, by striking lines 1 through 7.

20 498. Page 375, by striking lines 8 through 21,
21 and inserting in lieu thereof the following:

22 "Sec. Section four hundred seventy-nine point
23 twenty-nine (479.29), Code 1975, as amended by Acts
24 of the Sixty-sixth General Assembly, 1975 Session,
25 chapter one hundred seventy (170), section twenty-
26 seven (27) is amended to read as follows:

27 479.29 PENALTY FOR DISCRIMINATION. Any such
28 corporation guilty [of extortion, or] of making any
29 unjust discrimination as to freight rates, or the
30 rates for the use and transportation of railway cars,
31 or in receiving, handling, or delivering freights,

32 shall[, upon conviction thereof, be fined in any sum
33 not less than one thousand dollars nor more than five
34 thousand dollars for the first offense, and for each
35 subsequent offense not less than five thousand nor
36 more than ten thousand dollars such fine to be imposed
37 in a criminal prosecution by indictment] *be guilty*
38 *of an aggravated misdemeanor*; or shall be subject
39 to the liability prescribed in section 479.30, to
40 be recovered as therein provided."

41 499. Page 376, by striking line 2 through page
42 377 line 2.

43 500. Page 377, by striking lines 13 through 25.

44 501. Page 377, by striking lines 26 through 35.

45 502. Page 379, by striking line 29 through page
46 380 line 1.

47 503. Page 413, by striking line 5 through line
48 14.

49 504. Page 413, by striking line 15 through line
50 21, and inserting in lieu thereof the following:

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1 "Sec. 492. Section five hundred ninety-five point
2 nine (595.9), Code 1975, as amended by Acts of the
3 Sixty-sixth General Assembly, 1975 Session, chapter
4 two hundred forty-four (244), section three (3), is
5 amended to read as follows:

6 595.9 VIOLATIONS. If a marriage is solemnized
7 without procuring a license, the parties married,
8 and all persons aiding them, are guilty of a *simple*
9 misdemeanor [and shall be punished by a fine not
10 exceeding one hundred dollars, or by imprisonment
11 in the county jail not exceeding thirty days]."

12 505. Page 417, by inserting after line 8 the follow-
13 ing:

14 "Sec. Section six hundred nine point twenty-
15 six (609.26), Code 1975, is amended to read as follows:

16 609.26 MAXIMUM SERVICE PERMITTED. [No] *Except as*
17 *provided in Rule three (3), subsection three (3),*
18 *paragraph a of the rules of criminal procedure, no*
19 *person on the list of grand jurors shall be eligible*
20 *to serve as a grand juror except for one calendar*
21 *year of the biennial period for which the list is*
22 *made."*

23 506. Page 420, by inserting after line 25 the fol-
24 lowing:

25 "Sec. Section seven hundred twenty-six point
26 four (726.4), Code 1975, is amended to read as follows:

27 726.4 WAGERS—FORFEITURE. Property, whether real
28 or personal, offered as a stake, or any moneys, prop-
29 erty, or other thing of value staked, paid, bet,
30 wagered, laid, or deposited in connection with or
31 as a part of any game of chance, lottery, gambling
32 scheme or device, gift enterprise, or other trade
33 scheme unlawful under the laws of this state shall
34 be forfeited to the state and said personal property

35 may be seized and disposed of under [chapter 751] di-
36 vision nine (IX) of chapter two (2) of this Act."

37 507. Page 421, by inserting after line 29 the
38 following:

39 "Sec. Acts of the Sixty-sixth General
40 Assembly, 1975 Session, chapter ninety-nine (99),
41 section twenty-three (23), is amended to read as
42 follows:

43 SEC. 23. Chapter seven hundred twenty-six (726),
44 Code 1975, is amended by adding the following new
45 section:

46 **NEW SECTION. PENALTY.** A person who commits an
47 offense declared in this chapter or chapter ninety-
48 nine B (99B) of the Code to be a misdemeanor shall
49 be [subject to imprisonment in the county jail for
50 a period not exceeding one year, or to a fine not

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1 exceeding one thousand dollars, or to both fine and
2 imprisonment] *guilty of a serious misdemeanor.*

3 Sec. Acts of the Sixty-sixth General Assembly,
4 1975 Session, chapter ninety-nine (99), section twenty-
5 four (24) is amended to read as follows:

6 SEC. 24. Chapter seven hundred twenty-six (726),
7 Code 1975, is amended by adding the following new
8 sections:

9 **NEW SECTION. PROTECTION MONEY PROHIBITED.** Any
10 officer or employee of this state, or of a county,
11 city, or judicial district who asks for, receives
12 or collects any money or other consideration for and
13 with the understanding that the officer or employee
14 will aid, exempt, or otherwise protect another person

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1 from detection, arrest or conviction of any violation
2 of this chapter or chapter ninety-nine B (99B) of
3 the Code commits [a felony punishable by a fine not
4 to exceed five thousand dollars or by imprisonment
5 for a term not to exceed two years, or by both fine
6 and imprisonment] *an aggravated misdemeanor.*

7 **NEW SECTION. COLLECTION SERVICE PROHIBITED.** Any
8 person who knowingly offers, gives or sells his or
9 her services for use in collecting or enforcing any
10 debt arising from gambling, whether or not lawful
11 gambling, commits [a felony, punishable by a fine not
12 to exceed five thousand dollars or by imprisonment
13 for a term not to exceed two years, or by both fine
14 and imprisonment] *an aggravated misdemeanor.*

15 Sec. Acts of the Sixty-sixth General As-
16 sembly, 1975 Session, chapter one hundred (100),
17 section one (1), unnumbered paragraph three (3) is
18 amended to read as follows:

19 Any person violating the provisions of this Act
20 is **guilty of a simple misdemeanor** [and shall, upon
21 conviction, be subject to a fine not to exceed one
22 hundred dollars or by imprisonment in the county jail

23 for not more than thirty days, or be subject to both
24 such fine and imprisonment.]

25 Sec. Acts of the Sixty-sixth General As-
26 sembly, 1975 Session, chapter one hundred thirteen
27 (113), section four (4) is amended to read as follows:

28 SEC. 4 Chapter one hundred ten B (110B), Code
29 1975, is amended by adding the following new sec-
30 tion:

31 NEW SECTION. PENALTY. Any person violating any
32 of the provisions of this chapter shall be guilty
33 of a *serious* misdemeanor [and, upon conviction, shall
34 be fined not less than ten dollars nor more than one
35 hundred dollars or imprisoned in the county jail for
36 not more than thirty days].

37 Sec. Acts of the Sixty-sixth General As-
38 sembly, 1975 Session, chapter one hundred thirty-
39 two (132), section six (6), is amended to read as
40 follows:

41 SEC. 6. NEW SECTION. OFFENSES AND PENALTIES.

42 1. A person who is convicted of violating sec-
43 tion two (2) of this Act [may be sentenced to a fine
44 not to exceed one hundred dollars, or to imprisonment
45 in the county jail for a period not to exceed thirty
46 days, or both the fine and imprisonment] *is guilty*
47 *of a simple misdemeanor.*

48 2. A person who makes or utters a transportation
49 certificate with knowledge that some or all of the
50 information contained in the certificate is false,

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1 or a person who alters, forges, or counterfeits a
2 transportation certificate, or the receipt prescribed
3 in section four (4) of this Act, [commits a public
4 offense and upon conviction may be sentenced to a
5 term in the state penitentiary not to exceed ten
6 years, to a fine not to exceed five thousand dollars,
7 or to both the fine and imprisonment] *is guilty of*
8 *a class C felony.*

9 Sec. Acts of the Sixty-sixth General Assembly,
10 1975 Session, chapter one hundred forty-four (144),
11 section ten (10), unnumbered paragraph one (1), is
12 amended to read as follows:

13 A person who establishes, conducts, manages, or
14 operates a center without a license shall be guilty
15 of a *serious* misdemeanor. Each day of continuing
16 violation after conviction, or notice from the
17 department by certified mail of the violation, shall
18 be considered a separate offense.

19 Sec. Acts of the Sixty-sixth General Assembly,
20 1975 Session, chapter two hundred fifty (250), section
21 two (2), subsection four (4), is amended to read as
22 follows:

23 4. A person who violates the provisions of this
24 section *is guilty of a serious misdemeanor."*

25 508. Page 421, by inserting after line 29 the

26 following new sections:

27 "Sec. Section seven hundred fifty-three point

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1 nine (753.9), Code 1975, is amended to read as follows:

2 Except for citations for [traffic violations]
3 *nonindictable misdemeanors where the violator has*
4 *submitted bond*, any person who willfully fails to
5 appear in court as specified by the citation shall
6 be guilty of a misdemeanor and upon conviction shall
7 be punished by a fine of not more than five hundred
8 dollars or by imprisonment in the county jail not
9 exceeding three months, or by both such fine and
10 imprisonment. [Failure to appear in response to a
11 citation for a traffic violation shall be governed
12 by section 321.487.]

13 In a case, *other than one which alleges the*
14 *commission of a nonindictable misdemeanor and in which*
15 *bond has been submitted*, where a defendant fails to
16 make a required court appearance, the court shall
17 issue an arrest warrant for the offense of failure
18 to appear, and shall forward the warrant and the
19 original citation to the clerk. The clerk shall enter
20 a transfer to the issuing agency on the docket, and
21 shall return the warrant with the original citation
22 attached to the law enforcement agency which issued
23 the original citation for enforcement of the warrant.
24 Upon arrest of the defendant, the warrant and the
25 original citation shall be returned to the court,
26 and the offenses shall be heard and disposed of
27 simultaneously.

28 In a case which alleges the commission of a
29 *nonindictable misdemeanor and in which the violator*
30 *has submitted bond by cash, check, or guaranteed*
31 *arrest bond certificate as defined in section three*
32 *hundred twenty-one point one (321.1) of the Code,*
33 *where a defendant fails to make a required court*
34 *appearance the court shall order a forfeiture of the*
35 *bond as provided in section seven hundred sixty-six*
36 *point seven (766.7) of the Code.*

37 Sec. Section seven hundred fifty-three point
38 thirteen (753.13), Code 1975, and the division title
39 immediately preceding that section are amended to
40 read as follows:

41 [TRAFFIC] SCHEDULED VIOLATIONS
42 753.13 UNIFORM CITATION AND COMPLAINT.

43 1. The commissioner of public safety and the state
44 conservation director, acting jointly, shall adopt
45 a uniform, combined [traffic] citation and complaint,
46 which shall be used for charging all traffic violations
47 in Iowa under state law or municipal ordinance, unless
48 the defendant is charged by information or unless
49 section 321.236, subsection 1, is applicable, and
50 which shall be used for charging all other violations

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1 *of state law which are designated by section seven*
2 *hundred fifty-three point fifteen (753.15) of the*
3 *Code to be scheduled violations. Each citation and*
4 *complaint shall be serially numbered and shall be*
5 *in quadruplicate, and the officer shall deliver the*
6 *original and a copy to the court where the defendant*
7 *is to appear, a copy to the defendant, and a copy*
8 *to the law enforcement agency of the officer. The*
9 *court shall forward the copy of the citation and*
10 *complaint in accordance with section 321.207, when*
11 *applicable. The citation and complaint shall contain,*
12 *among other things, spaces for the parties' names*
13 *and for the information required by [section] sections*
14 *321.485, subsection 2 and seven hundred fifty-three*
15 *point six (753.6) of the Code; a place where the*
16 *defendant may sign the promise to appear referred*
17 *to in [section] sections 321.486 and seven hundred*
18 *fifty-three point seven (753.7) of the Code; a list*
19 *of the [minimum] scheduled fines prescribed by section*
20 *753.15, either separately or by groups; a brief*
21 *explanation of sections 753.16 and 753.17; and a space*
22 *where the defendant may sign an admission of the*
23 *violation when such section 753.16 is applicable.*
24 *Every citation and complaint shall require the*
25 *defendant to appear before a court at a specified*
26 *time and place. Notwithstanding section 321.485,*
27 *subsection 2, the officer may arrest the defendant*
28 *although a citation and complaint is used to charge*
29 *the violation, if authorized by section 755.4.*

30 *2. Supplies of the uniform [traffic] citation and*
31 *complaint for municipal corporations and county*
32 *agencies shall be paid for out of the court expense*
33 *fund of the county. Supplies of the uniform [traffic]*
34 *citation and complaint for all other agencies shall*
35 *be paid for out of the budget of the agency concerned.*

36 *3. The uniform citation and complaint shall contain*
37 *a place for the verification of the officer issuing*
38 *the citation. The complaint may be verified before*
39 *the chief officer of the law enforcement agency or*
40 *his designee, and the chief officer of each law*
41 *enforcement agency of the state is authorized to*
42 *designate specific individuals to administer oaths*
43 *and certify verifications. Nothing in this section*
44 *shall be deemed to invalidate forms of uniform citation*
45 *and complaint in existence prior to July 1, [1974] 1976,*
46 *and existing forms may be used until supplies are*
47 *exhausted.*

48 *4. The commissioner of public safety and the state*
49 *conservation director, acting jointly, shall design*
50 *and publish a compendium of scheduled violations and*

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1 *scheduled fines and costs, containing other information*
2 *which they deem*

appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety and out of the budget of the conservation commission, each budget being liable for half of those costs. Copies shall be made available to individuals upon request and a charge may be collected which does not exceed the cost of printing.

Sec. Section seven hundred fifty-three point fourteen (753.14), Code 1975, is amended to read as follows:

**753.14 [TRAFFIC] SCHEDULED VIOLATIONS OFFICES—
FINE**

COLLECTION BOXES.

1. OFFICES. Each district court clerk's office shall constitute a [traffic] scheduled violations office of the district court. Additional [traffic violations] offices may be established at other locations, as needed, if authorized by the chief judge of the district.

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations. Such boxes shall be used solely for the deposit of fines and costs received upon written admissions of those scheduled violations [respecting weight and other nonmoving scheduled violations applicable to commercial carriers] which otherwise may be mailed or delivered to a violations office pursuant to section seven hundred fifty-three point sixteen (753.16) of the Code. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or his designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. Section seven hundred fifty-three point fifteen (753.15), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section fifty-six (56), is amended by striking the section and inserting in lieu thereof the following:

753.15 SCHEDULED VIOLATIONS.

1. Except as otherwise indicated, violations of sections of the Code specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as provided in this section, whether the violation is of state law or

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of county or city ordinance.

2. TRAFFIC VIOLATIONS.

a. For parking violations under sections three hundred twenty-one point two hundred thirty-six

5 (321.236), three hundred twenty-one point two hundred
6 thirty-nine (321.239), three hundred twenty-one point
7 three hundred fifty-eight (321.358), three hundred
8 twenty-one point three hundred sixty (321.360), and
9 three hundred twenty-one point three hundred sixty-
10 one (321.361) of the Code, the scheduled fine is five
11 dollars: However, violations charged by a city upon
12 simple notice of a fine instead of a uniform citation
13 and complaint as permitted by paragraph a of subsection
14 one (1) of section three hundred twenty-one point
15 two hundred thirty-six (321.236) of the Code are not
16 scheduled violations, and this section shall not apply
17 to any offense charged in that manner. For a parking
18 violation under sections one hundred eleven point
19 thirty-eight (111.38) or three hundred twenty-one point
20 three hundred sixty-two (321.362) of the Code the
21 scheduled fine is ten dollars.

22 b. For registration violations under sections
23 three hundred twenty-one point seventeen (321.17),
24 three hundred twenty-one point thirty-two (321.32),
25 three hundred twenty-one point thirty-four (321.34),
26 three hundred twenty-one point thirty-seven (321.37),
27 three hundred twenty-one point thirty-eight (321.38),
28 three hundred twenty-one point forty-one (321.41),
29 three hundred twenty-one point ninety-eight (321.98)
30 and three hundred twenty-one point one hundred ninety
31 (321.190) of the Code, the scheduled fine is five
32 dollars. For violations of section three hundred
33 twenty-one point one hundred ninety (321.190) of the
34 Code, the case shall be dismissed without imposition
35 of fine or costs if a license valid at the time of
36 the issuance of the citation is presented by the
37 defendant to the magistrate or scheduled violations
38 office.

39 c. For improperly used or nonused, or defective
40 or improper equipment, other than brakes, driving
41 lights and brakelights, under sections three hundred
42 twenty-one point three hundred seventeen (321.317),
43 three hundred twenty-one point three hundred eighty-
44 seven (321.387), three hundred twenty-one point three
45 hundred eighty-eight (321.388), three hundred twenty-
46 one point three hundred eighty-nine (321.389), three
47 hundred twenty-one point three hundred ninety
48 (321.390), three hundred twenty-one point three hundred
49 ninety-one (321.391), three hundred twenty-one point
50 three hundred ninety-two (321.392), three hundred

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1 twenty-one point three hundred ninety-nine (321.399),
2 three hundred twenty-one point four hundred twenty-
3 two (321.422), three hundred twenty-one point four
4 hundred thirty-two (321.432), three hundred twenty-
5 one point four hundred thirty-five (321.435), three
6 hundred twenty-one point four hundred thirty-six
7 (321.436), three hundred twenty-one point four hundred

8 thirty-seven (321.437), three hundred twenty-one point
9 four hundred thirty-eight (321.438), three hundred
10 twenty-one point four hundred thirty-nine (321.439),
11 three hundred twenty-one point four hundred forty
12 (321.440), three hundred twenty-one point four hundred
13 forty-one (321.441), three hundred twenty-one point
14 four hundred forty-two (321.442), three hundred twenty-
15 one point four hundred forty-four (321.444), three
16 hundred twenty-one point four hundred forty-five
17 (321.445), and three hundred twenty-one point four
18 hundred forty-seven (321.447) of the Code, the
19 scheduled fine is ten dollars.

20 d. For improperly used or nonused or defective
21 or improper equipment under sections three hundred
22 twenty-one point three hundred eighty-three (321.383),
23 three hundred twenty-one point three hundred eighty-
24 four (321.384), three hundred twenty-one point three
25 hundred eighty-five (321.385), three hundred twenty-
26 one point three hundred eighty-six (321.386), three
27 hundred twenty-one point three hundred ninety-eight
28 (321.398), three hundred twenty-one point four hundred
29 (321.400), three hundred twenty-one point four hundred
30 two (321.402), three hundred twenty-one point four
31 hundred three (321.403), three hundred twenty-one
32 point four hundred four (321.404), three hundred
33 twenty-one point four hundred nine (321.409), three
34 hundred twenty-one point four hundred fifteen
35 (321.415), three hundred twenty-one point four hundred
36 nineteen (321.419), three hundred twenty-one point
37 four hundred twenty (321.420), three hundred twenty-
38 one point four hundred twenty-three (321.423), three
39 hundred twenty-one point four hundred thirty (321.430),
40 three hundred twenty-one point four hundred thirty-
41 three (321.433), three hundred twenty-one point four
42 hundred forty-eight (321.448), three hundred twenty-
43 one point four hundred forty-nine (321.449), and three
44 hundred twenty-one point four hundred fifty (321.450)
45 of the Code the scheduled fine is twenty dollars.

46 e. For violations of a restricted license under
47 sections three hundred twenty-one point one hundred
48 eighty (321.180), three hundred twenty-one point one
49 hundred ninety-three (321.193), and three hundred
50 twenty-one point one hundred ninety-four (321.194)

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1 of the Code the scheduled fine is twenty dollars.

2 f. For excessive speed violations when not more
3 than ten miles per hour in excess of the limit under
4 sections one hundred eleven point thirty-six (111.36),
5 three hundred twenty-one point two hundred
6 thirty-six (321.236), subsections five (5) and eleven
7 (11), three hundred twenty-one point two hundred
8 eighty-five (321.285), three hundred twenty-one point
9 two hundred eighty-six (321.286), and three hundred
10 twenty-one point two hundred eighty-seven (321.287)

11 of the Code, the scheduled fine is ten dollars.

12 Excessive speed in conjunction with a violation
13 of section three hundred twenty-one point two hundred
14 seventy-eight (321.278) of the Code is not a scheduled
15 violation, whatever the amount of excess speed.

16 For excessive speed violations when in excess of
17 ten but not more than twenty miles per hour in excess
18 of the limit under those sections, the scheduled fine
19 is thirty dollars: However, speed more than ten miles
20 per hour in excess of the speed limit by the operator
21 of a school bus is not a scheduled violation.
22 Excessive speed more than twenty miles per hour in
23 excess of the limit is not a scheduled violation.

24 g. For operating, passing, turning and standing
25 violations under sections three hundred twenty-one
26 point two hundred twenty-five (321.225), three hundred
27 twenty-one point two hundred thirty-six (321.236),
28 subsections three (3), four (4), nine (9) and twelve
29 (12), three hundred twenty-one point two hundred
30 seventy-five (321.275), three hundred twenty-one point
31 two hundred ninety-five (321.295), three hundred
32 twenty-one point two hundred ninety-seven (321.297),
33 three hundred twenty-one point two hundred ninety-
34 nine (321.299), three hundred twenty-one point three
35 hundred three (321.303), three hundred twenty-one
36 point three hundred four (321.304), subsections one
37 (1) and two (2), three hundred twenty-one point three
38 hundred five (321.305), three hundred twenty-one point
39 three hundred six (321.306), three hundred twenty-
40 one point three hundred eleven (321.311), three hundred
41 twenty-one point three hundred twelve (321.312), three
42 hundred twenty-one point three hundred fourteen
43 (321.314), three hundred twenty-one point three hundred
44 fifteen (321.315), three hundred twenty-one point
45 three hundred sixteen (321.316), three hundred twenty-
46 one point three hundred eighteen (321.318), three
47 hundred twenty-one point three hundred twenty-three
48 (321.323), three hundred twenty-one point three hundred
49 thirty-five (321.335), three hundred twenty-one point
50 three hundred thirty-six (321.336), three hundred

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1 twenty-one point three hundred thirty-seven (321.337),
2 three hundred twenty-one point three hundred thirty-
3 eight (321.338), three hundred twenty-one point three
4 hundred forty (321.340), three hundred twenty-one
5 point three hundred forty-four (321.344), three hundred
6 twenty-one point three hundred fifty-three (321.353),
7 three hundred twenty-one point three hundred fifty-
8 four (321.354), three hundred twenty-one point three
9 hundred sixty-three (321.363), three hundred twenty-
10 one point three hundred sixty-four (321.364), three
11 hundred twenty-one point three hundred sixty-five
12 (321.365), three hundred twenty-one point three hundred
13 sixty-six (321.366), three hundred twenty-one point

14 three hundred sixty-eight (321.368), three hundred
15 twenty-one point three hundred eighty-two (321.382),
16 and three hundred twenty-one point three hundred
17 ninety-five (321.395) of the Code, the scheduled fine
18 is fifteen dollars.

19 h. For violations involving failures to yield
20 or to observe pedestrians and other vehicles under
21 sections three hundred twenty-one point two hundred
22 fifty-seven (321.257), subsections one (1) and four
23 (4), three hundred twenty-one point two hundred eighty-
24 eight (321.288), three hundred twenty-one point two
25 hundred ninety-eight (321.298), three hundred twenty-
26 one point three hundred (321.300), three hundred
27 twenty-one point three hundred seven (321.307), three
28 hundred twenty-one point three hundred eight (321.308),
29 three hundred twenty-one point three hundred thirteen
30 (321.313), three hundred twenty-one point three hundred
31 nineteen (321.319), three hundred twenty-one point
32 three hundred twenty (321.320), three hundred twenty-
33 one point three hundred twenty-one (321.321), three
34 hundred twenty-one point three hundred twenty-nine
35 (321.329), three hundred twenty-one point three hundred
36 thirty-three (321.333), three hundred twenty-one point
37 three hundred thirty-nine (321.339), and three hundred
38 twenty-one point three hundred sixty-seven (321.367)
39 of the Code, the scheduled fine is twenty dollars.

40 i. For violations by pedestrians and bicyclists
41 under sections three hundred twenty-one point two
42 hundred thirty-six (321.236), subsection ten (10),
43 three hundred twenty-one point three hundred twenty-
44 five (321.325), three hundred twenty-one point three
45 hundred twenty-six (321.326), three hundred twenty-
46 one point three hundred twenty-eight (321.328), three
47 hundred twenty-one point three hundred thirty-one
48 (321.331), three hundred twenty-one point three hundred
49 thirty-two (321.332), three hundred twenty-one point
50 three hundred ninety-seven (321.397), and three hundred

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1 twenty-one point four hundred thirty-four (321.434)
2 of the Code, the scheduled fine is ten dollars.

3 j. For violations by operators of school buses
4 and emergency vehicles, and for violations by other
5 motor vehicle operators when in vicinity, under
6 sections three hundred twenty-one point two hundred
7 thirty-one (321.231), three hundred twenty-one point
8 three hundred twenty-four (321.324), three hundred
9 twenty-one point three hundred seventy-two (321.372),
10 and three hundred twenty-one point three hundred
11 seventy-seven (321.377) of the Code, the scheduled
12 fine is twenty-five dollars: However, excessive speed
13 by a school bus in excess of ten miles over the limit
14 is not a scheduled violation.

15 k. For violations of traffic signs and signals,
16 and for failure to obey an officer under sections

17 three hundred twenty-one point two hundred twenty-
18 nine (321.229), three hundred twenty-one point two
19 hundred thirty-six (321.236), subsections two (2),
20 and six (6), three hundred twenty-one point two hundred
21 fifty-seven (321.257), subsections two (2) and three
22 (3), three hundred twenty-one point two hundred fifty-
23 eight (321.258), three hundred twenty-one point two
24 hundred ninety-four (321.294), three hundred twenty-
25 one point three hundred four (321.304), subsection
26 three (3), three hundred twenty-one point three hundred
27 twenty-two (321.322), three hundred twenty-one point
28 three hundred forty-one (321.341), three hundred
29 twenty-one point three hundred forty-two (321.342),
30 three hundred twenty-one point three hundred forty-
31 three (321.343), and three hundred twenty-one point
32 three hundred forty-five (321.345) of the Code, the
33 scheduled fine is twenty dollars.

34 1. For height, weight and load violations and
35 towed vehicle violations under sections three hundred
36 twenty-one point three hundred nine (321.309), three
37 hundred twenty-one point three hundred ten (321.310),
38 three hundred twenty-one point three hundred eighty-
39 one (321.381), three hundred twenty-one point three
40 hundred ninety-four (321.394), three hundred twenty-
41 one point four hundred thirty-seven (321.437), three
42 hundred twenty-one point four hundred fifty-five
43 (321.455), three hundred twenty-one point four hundred
44 fifty-six (321.456), three hundred twenty-one point
45 four hundred fifty-seven (321.457), three hundred
46 twenty-one point four hundred fifty-eight (321.458),
47 three hundred twenty-one point four hundred sixty-
48 one (321.461), three hundred twenty-one point four
49 hundred sixty-two (321.462), and three hundred twenty-
50 one point four hundred seventy-four (321.474) of the

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1 Code, the scheduled fine is twenty-five dollars.
2 For weight violations under sections three hundred
3 twenty-one point four hundred fifty-nine (321.459)
4 and three hundred twenty-one point four hundred sixty-
5 six (321.466) of the Code the scheduled fine is twenty
6 dollars for each two thousand pounds or fraction
7 thereof of overweight.

8 m. For violation of display of identification
9 required by section three hundred twenty-six point
10 twenty-two (326.22) of the Code and violation of trip
11 permits as prescribed by section three hundred twenty-
12 six point twenty-three (326.23) of the Code,
13 the scheduled fine is twenty dollars.

14 n. For violation of intrastate hauling on foreign
15 registration under sections three hundred twenty-one
16 point fifty-four (321.54) and three hundred twenty-
17 one point fifty-five (321.55) of the Code; use of
18 registration under section three hundred twenty-one
19 point ninety-nine (321.99) of the Code; and display

20 of registration or plates under section three hundred
21 twenty-one point ninety-eight (321.98) of the Code,
22 the scheduled fine is twenty dollars.

23 o. For violations of sections three hundred twenty-
24 four point fourteen (324.14), three hundred twenty-
25 four point fifty-two (324.52) or three hundred twenty-
26 four point seventy-four (324.74), subsections two
27 (2) and six (6), of the Code, the scheduled fine is
28 ten dollars.

29 p. Violations of the schedule of axle and tandem
30 axle and gross or group of axle weight violations
31 in section three hundred twenty-one point four hundred
32 sixty-three (321.463) of the Code shall be scheduled
33 violations subject to the provisions, procedures and
34 exceptions contained in sections seven hundred fifty-
35 three point thirteen (753.13) to seven hundred fifty-
36 three point eighteen (753.18) of the Code, irrespective
37 of the amount of the fine under that schedule.
38 Violations of the schedule of weight violations shall
39 be chargeable, where the fine charged does not exceed
40 one hundred dollars, only by uniform citation and
41 complaint. Violations of the schedule of weight
42 violations, where the fine charged exceeds one hundred
43 dollars: (1) Shall, when the violation is admitted
44 and section seven hundred fifty-three point sixteen
45 (753.16) of the Code applies, be chargeable upon
46 uniform citation and complaint, indictment, or county
47 attorney's information, (2) but otherwise, shall be
48 chargeable only upon indictment or county attorney's
49 information. In all cases of charges under the
50 schedule of weight violations, the charge shall specify

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1 the amount of fine charged under the schedule. Where
2 a defendant is convicted and the fine under the
3 foregoing schedule of weight violations exceeds one
4 hundred dollars, the conviction shall be of an
5 indictable offense although section seven hundred
6 fifty-three point sixteen (753.16) of the Code is
7 employed and whether the violation is charged upon
8 uniform citation and complaint, indictment, or county
9 attorney's information.

10 **3. VIOLATIONS OF NAVIGATION LAWS.**

11 a. For violations of registration, inspection,
12 identification and record provisions under sections
13 one hundred six point four (106.4), one hundred six
14 point five (106.5), one hundred six point ten (106.10),
15 one hundred
16 six point thirty-five (106.35), and one hundred six
17 point thirty-seven (106.37) of the Code, the scheduled
18 fine is ten dollars.

19 b. For unused or improper or defective lights
20 and warning devices under sections one hundred six
21 point nine (106.9), subsections two (2), four (4),
22 five (5), nine (9), ten (10) and thirteen (13), and

- 23 one hundred six point eleven (106.11) of the Code,
24 the scheduled fine is ten dollars.
- 25 c. For unused or improper or defective equipment
26 under section one hundred six point nine (106.9),
27 subsections six (6), seven (7) and eight (8), the
28 scheduled fine is twenty dollars.
- 29 d. For operating violations under sections one
30 hundred six point twelve (106.12), one hundred six
31 point fifteen (106.15), subsection two (2), one hundred
32 six point twenty-six (106.26), one hundred six point
33 thirty-one (106.31), whether of state law or local
34 ordinance, and one hundred six point thirty-three
35 (106.33) of the Code, the scheduled fine is twenty
36 dollars: However, violation of section one hundred
37 six point twelve (106.12), subsection two (2) of the
38 Code, is not a scheduled violation.
- 39 e. For operating violations under sections one
40 hundred six point fifteen (106.15), subsection one
41 (1), one hundred six point twenty-four (106.24) and
42 one hundred six point thirty-four (106.34) of the
43 Code, the scheduled fine is twenty-five dollars.
- 44 f. For violations of use, location and storage
45 of vessels, devices and structures under sections
46 one hundred six point twenty-seven (106.27), one
47 hundred six point twenty-eight (106.28), and one
48 hundred six point thirty-two (106.32) of the Code,
49 the scheduled fine is fifteen dollars.
- 50 g. For violations of all subdivision ordinances

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- 1 under section one hundred six point seventeen (106.17),
2 subsection two (2) of the Code, except those relating
3 to matters subject to regulation by authority of
4 subsection five (5) of section one hundred six point
5 thirty-one (106.31) of the Code, the scheduled fine
6 is ten dollars, whether or not a different scheduled
7 fine is prescribed elsewhere in this subsection.
- 8 4. SNOWMOBILE VIOLATIONS.
- 9 a. For registration and identification violations
10 under sections three hundred twenty-one G point three
11 (321G.3) and three hundred twenty-one G point five
12 (321G.5) of the Code, the scheduled fine is ten
13 dollars.
- 14 b. For operating violations under sections three
15 hundred twenty-one G point nine (321G.9), subsections
16 one (1), two (2), three (3), four (4), five (5), and
17 seven (7), three hundred twenty-one G point eleven
18 (321G.11), and three hundred twenty-one G point
19 thirteen (321G.13), subsections four (4) and nine
20 (9) of the Code, the scheduled fine is twenty dollars.
- 21 c. For improper or defective equipment under
22 section three hundred twenty-one G point twelve
23 (321G.12) of the Code, the scheduled fine is ten
24 dollars.
- 25 d. For violations of section three hundred twenty-

26 one G point nineteen (321G.19) of the Code, the
27 scheduled fine is fifteen dollars.

28 5. FISH AND GAME LAW VIOLATIONS.

29 a. For violations of section one hundred ten point
30 one (110.1) of the Code, the scheduled fine is ten
31 dollars: However, engaging without a license in any
32 activity the license fee for which is greater than
33 ten dollars is not a scheduled violation.

34 b. For violations of sections one hundred nine
35 point fifty-four (109.54), one hundred nine point eighty
36 (109.80), unnumbered paragraph one (1), one hundred
37 nine point eighty-two (109.82),
38 one hundred nine point ninety-one (109.91),
39 one hundred nine point one hundred
40 twenty-two (109.122), one hundred ten point twelve
41 (110.12), of the Code, and Acts of the Sixty-sixth
42 General Assembly, 1975 Session, chapter one hundred
43 seven (107), section one (1), the scheduled fine is
44 twenty dollars.

45 '6. VIOLATIONS RELATING TO THE USE AND MISUSE
46 OF PARKS AND PRESERVES.

47 a. For violations under sections one hundred
48 eleven point thirty-nine (111.39), one hundred
49 eleven point forty-four (111.44), one hundred eleven
50 point forty-five (111.45), one hundred eleven point

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1 forty-eight (111.48) and one hundred eleven point
2 fifty (111.50) of the Code, the scheduled fine is
3 ten dollars.

4 b. For violations under sections one hundred
5 eleven point forty (111.40), one hundred eleven
6 point forty-three (111.43), one hundred eleven point
7 forty-six (111.46) and one hundred eleven point
8 forty-nine (111.49) of the Code, the scheduled fine
9 is fifteen dollars.

10 7. DESCRIPTION OF VIOLATIONS. The descriptions
11 of offenses used in this section are for convenience
12 only and shall not be construed to define any offense
13 or to include or exclude any offense other than those
14 specifically included or excluded by reference to
15 the Code. A reference to a section or subsection
16 of the Code without further limitation includes every
17 offense defined by that section or subsection.

18 Sec. Section seven hundred fifty-three point
19 sixteen (753.16), subsections one (1) and two (2),
20 and subsection three (3), paragraph a, Code 1975,
21 are amended to read as follows:

22 1. In cases of scheduled violations, the defendant,
23 before the time specified in the citation and complaint
24 for appearance before the court, may sign the admission
25 of violation on the citation and complaint and deliver
26 or mail the citation and complaint, together with
27 the minimum fine for the violation, plus five dollars
28 cost, to a [traffic] *scheduled* violations office in

29 the county. The office shall, if the offense is a
30 moving violation *under chapter three hundred twenty-*
31 *one (321) of the Code*, forward a copy of the citation
32 and complaint and admission to the [commissioner of
33 public safety] *department of transportation* as required
34 by section 321.207. Thereupon the defendant shall
35 not be required to appear before the court. The
36 admission shall constitute a conviction.

37 2. A defendant charged with a scheduled violation
38 by information may obtain two copies of the information
39 from the court and, before the time he is required
40 to appear before the court, deliver or mail such
41 copies, together with his or her admission, fine,
42 and five dollars cost, to the [traffic] *scheduled*
43 violations office in the county. The procedure,
44 fine and costs shall be the same as when the charge
45 is by citation and complaint, with the admission and
46 the number of the defendant's operator's or chauffeur's
47 license placed upon the information, *when the violation*
48 *involves the use of a motor vehicle.*

49 a. If the defendant wishes to admit the violation,
50 the officer may release the defendant upon observing

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1 him mail the citation and complaint, admission, and
2 minimum fine, together with five dollars costs, to
3 a [traffic] *scheduled* violations office in the county,
4 in an envelope furnished by the officer. The officer
5 may allow the defendant to mail a check in the proper
6 amount in lieu of cash. If the check is not paid
7 by the drawee for any reason, the defendant may be
8 held in contempt of court. The officer shall advise
9 the defendant of the penalty for nonpayment of the
10 check.

11 Sec. Section seven hundred fifty-three point
12 sixteen (753.16), Code 1975, is amended by adding
13 the following new subsection:

14 *NEW SUBSECTION.* The five dollars in costs imposed
15 by this section shall be the total costs collectible
16 from any defendant upon either an admission of a
17 violation without hearing, or upon a hearing pursuant
18 to subsection four (4) of this section. Fees shall
19 not be imposed upon or collected from any defendant
20 for the purposes specified in subsections nine (9),
21 ten (10) or twenty (20) of section six hundred six
22 point fifteen (606.15) of the Code.

23 Sec. Section seven hundred fifty-three point
24 seventeen (753.17), Code 1975, is amended to read
25 as follows:

26 753.17 REQUIRED COURT APPEARANCE. Section 753.16
27 shall not apply to a scheduled violation *in any of*
28 *the following circumstances:*

- 29 1. When the violation charged involved or resulted
30 in an accident or injury to person or property.
31 2. When the violation involved the use of a motor

32 *vehicle and the officer believed the defendant did*
33 *not have in force a valid operator's or chauffeur's*
34 *license or permit.*

35 3. When [the officer believed] the violation [was
36 hazardous or aggravated] *created an immediate threat*
37 *to the safety of other persons or property* because
38 of highway conditions, visibility, traffic, repetition,
39 or other circumstances.

40 In such cases, the defendant shall appear before
41 the court and regular procedure shall apply. If an
42 information is used the officer shall endorse thereon,
43 'Court appearance required.' If a citation and
44 complaint is used, the officer shall strike out the
45 space in which the defendant may admit the violation
46 before a [traffic] *scheduled violations office and shall*
47 *endorse thereon 'Court appearance required' [A] and*
48 *the defendant shall appear before the court [for any*
49 *unscheduled violation] either in person or by attorney.*

50 Sec. Section seven hundred fifty-three point

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1 eighteen (753.18), Code 1975, is amended to read as
2 follows:

3 753.18 OTHER PENALTIES. If the defendant is
4 convicted of a scheduled violation, the penalty shall
5 be the scheduled fine, without suspension of the fine
6 prescribed in section 753.15 together with costs
7 assessed and distributed as prescribed by section
8 602.63, unless it appears from the evidence that the
9 violation was of the type set forth in section 753.17,
10 [subsection] *subsections one (1) or 3, in which event*
11 *the [punishment shall be increased accordingly within*
12 *the limits of law] scheduled fine shall not apply and*
13 *the penalty shall be increased within the limits*
14 *provided by law for the offense.*

15 *Upon the conviction of a defendant of a violation*
16 *specified in sections seven hundred fifty-three point*
17 *fifteen (753.15) or seven hundred fifty-three point*
18 *seventeen (753.17) of the Code, fees shall not be*
19 *imposed or collected for the purposes specified in*
20 *subsections nine (9), ten (10), or twenty (20) of*
21 *section six hundred six point fifteen (606.15) of*
22 *the Code.*

23 Sec. Section seven hundred fifty-three point
24 nineteen (753.19), Code 1975, is amended to read as
25 follows:

26 753.19 DISPOSITION OF TRAFFIC FINES AND COSTS.
27 Fines, forfeiture of bail, fees, and costs collected
28 for all [traffic] scheduled violations shall be remitted
29 in accordance with section 602.55.

30 Sec. Section seven hundred fifty-three point
31 twenty (753.20), Code 1975, is amended to read as
32 follows:

33 753.20 VENUE.

34 1. [Traffic] *Scheduled* violations may be tried

35 before the nearest magistrate in the judicial district
36 in which the offense is committed.

37 2. Upon written consent of the defendant and the
38 officer [who apprehended him] *issuing the citation,*
39 [traffic] *scheduled violations, other than those for*
40 *which a court appearance is required under section*
41 *seven hundred fifty-three point seventeen (753.17)*
42 *of the Code, may be prosecuted in any county in the*
43 *state irrespective of where committed, and in such*
44 *event the documents in the case shall be sent to the*
45 *court or [traffic] scheduled violations office designated*
46 *by the defendant and the officer.'*

47 'Sec. Notwithstanding any effective date
48 which may be specified elsewhere in this Act, sec-
49 tions seven hundred fifty-three point nine (753.9),
50 seven hundred fifty-three point thirteen (753.13),

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1 seven hundred fifty-three point fourteen (753.14),
2 seven hundred fifty-three point fifteen (753.15),
3 seven hundred fifty-three point sixteen (753.16),
4 seven hundred fifty-three point seventeen (753.17),
5 seven hundred fifty-three point eighteen (753.18),
6 seven hundred fifty-three point nineteen (753.19),
7 and seven hundred fifty-three point twenty (753.20)
8 of the Code as amended by this Act shall take effect
9 on July 1, 1976."

10 509. Page 421, line 30, by inserting after the
11 word "Sections" the words "ninety-eight point
12 forty (98.40), ninety-eight point forty-one
13 (98.41),".

14 510. Page 421, by striking line 31.

15 511. Page 421, line 32, by striking the words and
16 figure "three point three (223.3),".

17 512. Page 421, line 32, by inserting after the
18 figure "(223.3)," the words "two hundred forty-five
19 point fourteen (245.14),".

20 513. Page 421, line 34, by inserting after the
21 figure "(246.23)," the words "two hundred forty-six
22 point forty-four (246.44),".

23 514. Page 422, line 20, by striking the words
24 "two hundred forty-eight point three (248.3),".

25 515. Page 422, line 21, by inserting after
26 "(252.19)," the words "two hundred eighty-seven
27 point four (287.4),".

28 516. Page 422, line 29, by inserting after the
29 numerals "(343.6)," the words and numerals "three
30 hundred fifty-one point twenty-five (351.25), three
31 hundred fifty-one point twenty-six (351.26), three
32 hundred fifty-one point twenty-seven (351.27),".

33 517. Page 422, line 32, by inserting after the
34 numeral "(474.41)," the words and numerals "four
35 hundred seventy-seven point fifty-eight (477.58),
36 four hundred seventy-seven point fifty-nine (477.59),
37 four hundred seventy-seven point sixty (477.60), four

38 hundred seventy-nine point nineteen (479.19), four
39 hundred seventy-nine point one hundred nine (479.109),
40 four hundred seventy-nine point one hundred ten
41 (479.110), four hundred seventy-nine point one hundred
42 eleven (479.111), four hundred seventy-nine point
43 one hundred twelve (479.112), four hundred seventy-
44 nine point one hundred thirteen (479.113), four hundred
45 seventy-nine point one hundred fourteen (479.114),
46 four hundred seventy-nine point one hundred fifteen
47 (479.115),”.

48 518. Page 424, line 8, by inserting after the
49 figure “(753.8),” the word “and”.

50 519. Page 424, lines 9 through 11, by striking

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1 the words and figures “seven hundred eighty-two point
2 nine (782.9), seven hundred eighty-two point ten
3 (782.10), seven hundred eighty-two point eleven
4 (782.11),”.

5 520. Page 424, line 13, by inserting after the word
6 “Chapters” the words and figure “two hundred twenty-
7 five A (225A),”.

8 521. Page 424, line 13, by inserting after the
9 word “Chapters” the words “*thirty-eight (38)*,”.

10 522. Page 424, line 13, by inserting after the
11 word “Chapters” the words and figures “six hundred
12 forty-five (645),”.

13 523. Page 424, line 13, by inserting after
14 the word “Chapters” the words “two hundred
15 sixteen (216),”.

16 524. Page 424, line 13, by inserting after the
17 word “Chapters” the words “one hundred twenty-one
18 (121),”.

19 525. Page 425, by inserting after line 30 the
20 following:

21 “Sec. Acts of the Sixty-sixth General
22 Assembly, 1975 Session, chapter one hundred eighty-
23 three (183), is amended by adding the following:

24 **Sec. NEW SECTION.** The provisions of sec-
25 tions one (1) and three (3) of this Act shall not
26 be applicable to persons eighteen years of age or
27 older subsequent to the date that the federal law
28 and regulations no longer mandate that a state’s
29 law require motorcyclists eighteen years of age
30 and older when operating or riding a motorcycle
31 to wear a motorcycle helmet as a prerequisite to
32 approval of the state’s highway safety program
33 as provided in the Highway Safety Act of 1966,
34 23 U.S.C. 402.”

35 526. Page 426, by inserting after line 29, the
36 following:

37 “Sec. The provisions of this Act amend-
38 ing Acts of the Sixty-sixth General Assembly, 1975
39 Session, chapter one hundred eighty-three (183),
40 shall take effect July 1, 1976.”

41 527. Page 426, after line 29, by inserting the
42 following:
43 "Sec. Except as otherwise specifically
44 provided, the provisions of this Act shall take
45 effect January 1, 1978."

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1 Amend Senate File 85 as passed, amended, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 17, by inserting after the word
4 "his" the words "or her".
5 2. Page 1, line 21, by striking the word "he"
6 and inserting in lieu thereof the words "the person".
7 3. Page 1, line 22, by striking the word "him"
8 and inserting in lieu thereof the words "the person".
9 4. Page 1, line 23, by inserting after the word
10 "he" the words "or she".
11 5. Page 1, line 29, by striking the first word
12 "his" and inserting in lieu thereof the words "the
13 person's" and by inserting after the second word "his"
14 the words "or her".
15 6. Page 1, line 30, by striking the word "his"
16 and inserting in lieu thereof the words "the person's".
17 7. Page 1, line 31, by striking the word "his"
18 and inserting in lieu thereof the words "the person's".
19 8. Page 1, line 32, by striking the word "he"
20 and inserting in lieu thereof the words "the person".
21 9. Page 2, line 7, by striking the word "he" and
22 inserting in lieu thereof the words "the person".
23 10. Page 2, line 8, by inserting after the word
24 "his" the words "or her".
25 11. Page 2, line 10, by striking the word "He"
26 and inserting in lieu thereof the words "The person".
27 12. Page 2, line 11, by striking the word "him"
28 and inserting in lieu thereof the words "the person".
29 13. Page 2, line 13, by striking the word "He"
30 and inserting in lieu thereof the words "The person".
31 14. Page 2, line 15, by striking the word "him"
32 and inserting in lieu thereof the words "the person".
33 15. Page 2, line 17, by striking the word "He"
34 and inserting in lieu thereof the words "The person".
35 16. Page 2, line 19, by striking the word "him"
36 and inserting in lieu thereof the words "the person".
37 17. Page 3, line 5, by striking the word "he"
38 and inserting in lieu thereof the words "the person".
39 18. Page 4, line 32, by inserting after the word
40 "he" the words "or she".
41 19. Page 5, line 24, by striking the word "he"
42 and inserting in lieu thereof the words "the person".
43 20. Page 5, line 28, by striking the word "he"
44 and inserting in lieu thereof the words "the person".
45 21. Page 6, line 13, by striking the word "he"
46 and inserting in lieu thereof the words "the person".
47 22. Page 7, line 3, by striking the word "he"

48 and inserting in lieu thereof the words "the person".
49 23. Page 7, line 4, by inserting after the word
50 "himself" the words "or herself".

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1 24. Page 7, line 7, by striking the word "his"
2 and inserting in lieu thereof the words "the person's".
3 25. Page 7, line 15, by inserting after the word
4 "his" the words "or her".
5 26. Page 7, line 16, by striking the word "he"
6 and inserting in lieu thereof the words "the person".
7 27. Page 7, line 17, by striking the word "he"
8 and inserting in lieu thereof the words "the person".
9 28. Page 8, line 1, by striking the word "He"
10 and inserting in lieu thereof the words "The person".
11 29. Page 8, line 3, by striking the word "He"
12 and inserting in lieu thereof the words "The person".
13 30. Page 8, line 6, by striking the first word
14 "He" and inserting in lieu thereof the words "The
15 person" and by striking the second word "he" and
16 inserting in lieu thereof the words "the person".
17 31. Page 8, line 22, by inserting after the word
18 "his" the words "or her".
19 32. Page 9, line 8, by inserting after the word
20 "his" the words "or her".
21 33. Page 9, line 24, by inserting after the word
22 "himself" the words ", or herself".
23 34. Page 10, line 2, by inserting after the word
24 "himself" the words "or herself".
25 35. Page 10, line 5, by inserting after the word
26 "himself" the words "or herself" and by inserting
27 after the word "his" the words "or her".
28 36. Page 10, line 7, by striking the first word
29 "he" and inserting in lieu thereof the words "the
30 person" and by inserting after the second word "he"
31 the words "or she".
32 37. Page 10, line 9, by striking the word "He"
33 and inserting in lieu thereof the words "The person".
34 38. Page 10, line 10, by striking the word "he"
35 and inserting in lieu thereof the words "the person".
36 39. Page 10, line 16, by striking the word "he"
37 and inserting in lieu thereof the words "the person".
38 40. Page 10, line 20, by striking the word "he"
39 and inserting in lieu thereof the words "the
40 correctional officer or peace officer".
41 41. Page 10, line 34, by striking the word "he"
42 and inserting in lieu thereof the words "the person".
43 42. Page 10, line 35, by inserting after the word
44 "his" the words "or her".
45 43. Page 11, line 7, by inserting after the word
46 "He" the words "or she".
47 44. Page 11, line 8, by inserting after the word
48 "He" the words "or she".
49 45. Page 11, line 10, by inserting after the words
50 "He" the words "or she" and by inserting after the

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- 1 word "his" the words "or her".
- 2 46. Page 11, line 11, by inserting after the word
- 3 "his" the words "or her".
- 4 47. Page 11, line 13, by inserting after the word
- 5 "His" the words "or her".
- 6 48. Page 12, line 5, by striking the word "him"
- 7 and inserting in lieu thereof the words "the person".
- 8 49. Page 12, line 9, by striking the word "his"
- 9 and inserting in lieu thereof the words "the person's".
- 10 50. Page 12, line 13, by striking the word "his"
- 11 and inserting in lieu thereof the words "the person's".
- 12 51. Page 12, line 29, by striking the word "he"
- 13 and inserting in lieu thereof the words "the person".
- 14 52. Page 12, line 30, by inserting after the word
- 15 "he" the words "or she".
- 16 53. Page 12, line 31, by inserting after the word
- 17 "he" the words "or she".
- 18 54. Page 13A, line 1, by striking the word "he"
- 19 and inserting in lieu thereof the words "the person".
- 20 55. Page 13A, line 9, by striking the word "he"
- 21 and inserting in lieu thereof the words "the person".
- 22 56. Page 16, line 1, by striking the word "his"
- 23 and inserting in lieu thereof the words "the person's",
- 24 by striking the first word "he" and inserting in lieu
- 25 thereof the words "the person" and by inserting after
- 26 the second word "he" the words "or she".
- 27 57. Page 16, line 7, by striking the word "his"
- 28 and inserting in lieu thereof the words "the actor's".
- 29 58. Page 16, line 8, by striking the word "him"
- 30 and inserting in lieu thereof the words "the actor".
- 31 59. Page 16, line 12, by striking the word "he"
- 32 and inserting in lieu thereof the words "the person".
- 33 60. Page 17, line 5, by striking the word "he"
- 34 and inserting in lieu thereof the words "the person".
- 35 61. Page 17, line 6, by striking the word "he"
- 36 and inserting in lieu thereof the words "the person".
- 37 62. Page 17, line 13, by striking the word "his"
- 38 and inserting in lieu thereof the words "the other
- 39 person's".
- 40 63. Page 17, line 20, by inserting after the word
- 41 "his" the words "or her".
- 42 64. Page 17, line 23, by inserting after the word
- 43 "his" the words "or her".
- 44 65. Page 17, line 27, by striking the word "he"
- 45 and inserting in lieu thereof the words "the person".
- 46 66. Page 18, line 4, by striking the word "he"
- 47 and inserting in lieu thereof the words "the person".
- 48 67. Page 18, line 11, by striking the word "him"
- 49 and inserting in lieu thereof the words "the other
- 50 person".

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- 1 68. Page 19A, line 1, by striking the word "he"
- 2 and inserting in lieu thereof the words "the person".

- 3 69. Page 19A, line 17, by striking the word "he"
4 and inserting in lieu thereof the words "the person".
5 70. Page 19A, line 34, by striking the word "he"
6 and inserting in lieu thereof the words "the person".
7 71. Page 20A, line 5, by striking the word "he"
8 and inserting in lieu thereof the words "the person".
9 72. Page 21A, line 3, by inserting after the first
10 word "his" the words "or her" and by inserting after
11 the second word "his" the words "or her".
12 73. Page 21A, line 6, by striking the word "He"
13 and inserting in lieu thereof the words "The person".
14 74. Page 21A, line 8, by striking the word "He"
15 and inserting in lieu thereof the words "The person".
16 75. Page 21A, line 19, by inserting after the
17 word "he" the words "or she".
18 76. Page 21A, line 20, by inserting after the
19 word "he" the words "or she".
20 77. Page 21A, line 27, by striking the word "him"
21 and inserting in lieu thereof the words "the person".
22 78. Page 22, line 1, by inserting after the word
23 "he" the words "or she".
24 79. Page 22, line 2, by striking the word "he".
25 80. Page 22, line 5, by striking the word "he"
26 and inserting in lieu thereof the words "the person".
27 81. Page 22, line 6, by striking the word "his"
28 and inserting in lieu thereof the words "the person's".
29 82. Page 22, line 16, by inserting after the first
30 word "he" the words "or she" and by striking the
31 second word "he" and inserting in lieu thereof the
32 words "the person".
33 83. Page 22, line 17, by inserting after the word
34 "his" the words "or her".
35 84. Page 22, line 18, by striking the word "his"
36 and inserting in lieu thereof the words "the person's".
37 85. Page 22, line 24, by striking the word "he"
38 and inserting in lieu thereof the words "the person".
39 86. Page 22, line 26, by striking the word "his"
40 and inserting in lieu thereof the words "the person's".
41 87. Page 22, line 29, by striking the word "him"
42 and inserting in lieu thereof the words "another".
43 88. Page 23, line 1, by striking the word "he"
44 and inserting in lieu thereof the words "the person".
45 89. Page 23, line 10, by striking the word "he"
46 and inserting in lieu thereof the words "the person".
47 90. Page 23, line 11, by striking the word
48 "himself" and inserting in lieu thereof the word "
49 oneself,".
50 91. Page 23, line 29, by inserting after the word

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- 1 "he" the words "or she".
2 92. Page 23, line 31, by striking the word "he"
3 and inserting in lieu thereof the words "the person".
4 93. Page 24, line 10, by striking the word "he"
5 and inserting in lieu thereof the words "the

6 defendant".

7 94. Page 24, line 13, by striking the word "he"
8 and inserting in lieu thereof the words "the defendant"
9 and by inserting after the word "his" the words "or
10 her".

11 95. Page 24, line 19, by striking the word "he"
12 and inserting in lieu thereof the words "the
13 defendant".

14 96. Page 24, line 33, by striking the word "he"
15 and inserting in lieu thereof the words "the
16 defendant".

17 97. Page 25, line 1, by striking the word "he"
18 and inserting in lieu thereof the words "the insurer".

19 98. Page 26, line 12, by striking the word "his"
20 and inserting in lieu thereof the words "the person's".

21 99. Page 26, line 18, by striking the word "he"
22 and inserting in lieu thereof the words "the person"
23 and by inserting after the word "his" the words "or
24 her".

25 100. Page 26, line 34, by striking the word "he"
26 and inserting in lieu thereof the words "the person".

27 101. Page 27A, line 3, by striking the word "he"
28 and inserting in lieu thereof the words "the person".

29 102. Page 27A, line 4, by striking the word "he"
30 and inserting in lieu thereof the words "the person"
31 and by inserting after the word "his" the words "or
32 her".

33 103. Page 27A, line 9, by inserting after the
34 word "his" the words "or her".

35 104. Page 27A, line 10, by inserting after the
36 word "him" the words "or her".

37 105. Page 27A, line 21, by striking the word "his"
38 and inserting in lieu thereof the words "the person's".

39 106. Page 27A, line 23, by striking the word "he"
40 and inserting in lieu thereof the words "the person".

41 107. Page 27A, line 25, by striking the word "he"
42 and inserting in lieu thereof the words "the person".

43 108. Page 27A, line 29, by striking the word "he"
44 and inserting in lieu thereof the words "the person".

45 109. Page 27B, line 36, by striking the word "he"
46 and inserting in lieu thereof the words "the person".

47 110. Page 28A, line 1, by striking the word "his"
48 and inserting in lieu thereof the words "the maker's".

49 111. Page 28A, line 10, by striking the word "he"
50 and inserting in lieu thereof the words "the person".

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1 112. Page 29, line 9, by striking the word "he"
2 and inserting in lieu thereof the words "the person".

3 113. Page 29, line 10, by inserting after the
4 word "he" the words "or she".

5 114. Page 29, line 11, by striking the word "he"
6 and inserting in lieu thereof the words "the person".

7 115. Page 29, line 16, by striking the word "he"
8 and inserting in lieu thereof the words "the person".

- 9 116. Page 29, line 19, by striking the word "he"
10 and inserting in lieu thereof the words "the person".
11 117. Page 29, line 24, by striking the word "he"
12 and inserting in lieu thereof the words "the finder".
13 118. Page 31A, line 2, by inserting after the
14 word "his" the words "or her".
15 119. Page 31A, lines 4 and 5, by striking the
16 word "himself" and inserting in lieu thereof the word
17 "oneself".
18 120. Page 32, line 18, by inserting after the
19 word "he" the words "or she".
20 121. Page 32, line 27, by inserting after the
21 word "he" the words "or she".
22 122. Page 32, line 31, by inserting after the
23 word "he" the words "or she".
24 123. Page 32, line 35, by striking the word "he"
25 and inserting in lieu thereof the words "the other
26 person".
27 124. Page 33, line 2, by striking the word "he"
28 and inserting in lieu thereof the words "the person".
29 125. Page 33, line 3, by striking the word "man"
30 and inserting in lieu thereof the words "person".
31 126. Page 33, line 23, by inserting after the
32 word "he" the words "or she".
33 127. Page 36, line 27, by striking the word "man"
34 and inserting in lieu thereof the word "person".
35 128. Page 37, line 6, by inserting after the word
36 "himself" the words "or herself".
37 129. Page 37, line 20, by striking the word "his"
38 and inserting in lieu thereof the words "the officer's
39 or employee's".
40 130. Page 37, line 32, by striking the word "him"
41 and inserting in lieu thereof the words "the person".
42 131. Page 38, line 2, by striking the word "he"
43 and inserting in lieu thereof the words "the person".
44 132. Page 38, line 3, by inserting after the word
45 "he" the words "or she".
46 133. Page 38, line 7, by striking the word "him"
47 and inserting in lieu thereof the words "the magistrate
48 or officer".
49 134. Page 38, line 23, by inserting after the
50 word "himself" the words "or herself".

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- 1 135. Page 38, line 25, by inserting after the
2 word "himself" the words "or herself" and by striking
3 the word "he" and inserting in lieu thereof the words
4 "the person".
5 136. Page 38, line 27, by inserting after the
6 word "he" the words "or she".
7 137. Page 38, line 32, by striking the word "he"
8 and inserting in lieu thereof the words "the person".
9 138. Page 38, line 34, by striking the word "he"
10 and inserting in lieu thereof the words "the person".
11 139. Page 39, line 3, by striking the word "he"

- 12 and inserting in lieu thereof the words "the person".
 13 140. Page 39, line 5, by striking the word "he"
 14 and inserting in lieu thereof the words "the person".
 15 141. Page 39, line 10, by inserting after the
 16 word "himself" the words "or herself" and by striking
 17 the word "he" and inserting in lieu thereof the words
 18 "the person".
 19 142. Page 39, line 21, by striking the word "he"
 20 and inserting in lieu thereof the words "the person".
 21 143. Page 40, line 29, by striking the word "he"
 22 and inserting in lieu thereof the words "the person".
 23 144. Page 40, line 32, by striking the word "he"
 24 and inserting in lieu thereof the words "the person".
 25 145. Page 41, line 7, by striking the word "he"
 26 and inserting in lieu thereof the words "the person".
 27 146. Page 41, line 12, by inserting after the
 28 word "he" the words "or she".
 29 147. Page 41, line 18, by inserting after the
 30 word "his" the words "or her".
 31 148. Page 41, line 25, by striking the word "he"
 32 and inserting in lieu thereof the words "the person".
 33 149. Page 41, line 30, by striking the word "him"
 34 and inserting in lieu thereof the words "the other
 35 person".
 36 150. Page 41, line 33, by striking the word "he"
 37 and inserting in lieu thereof the words "the person".
 38 151. Page 42, line 4, by inserting after the word
 39 "his" the words "or her".
 40 152. Page 42, line 21, by inserting after the
 41 word "him" the words "or her".
 42 153. Page 42, line 24, by inserting after the
 43 word "him" the words "or her".
 44 154. Page 42, line 26, by inserting after the
 45 word "him" the words "or her".
 46 155. Page 42, line 27, by inserting after the
 47 word "his" the words "or her".
 48 156. Page 42, line 28, by inserting after the
 49 word "he" the words "or she".
 50 157. Page 42, line 30, by inserting after the

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- 1 word "his" the words "or her".
 2 158. Page 42, line 31, by inserting after the
 3 word "him" the words "or her".
 4 159. Page 43, line 2, by inserting after the word
 5 "him" the words "or her".
 6 160. Page 43, line 10, by inserting after the
 7 word "his" the words "or her".
 8 161. Page 44, line 3, by inserting after the word
 9 "his" the words "or her".
 10 162. Page 44, line 14, by striking the word "he"
 11 and inserting in lieu thereof the words "the person".
 12 163. Page 44, line 18, by striking the word "he"
 13 and inserting in lieu thereof the words "the person".
 14 164. Page 44, line 25, by striking the word "his"

- 15 and inserting in lieu thereof the words "the
16 elector's".
- 17 165. Page 44, line 34, by inserting after the
18 word "his" the words "or her".
- 19 166. Page 45A, line 6, by inserting before the
20 word "not" the words "or herself".
- 21 167. Page 45A, line 12, by inserting after the
22 first word "his" the words "or her" and by striking
23 the second word "his" and inserting in lieu thereof
24 the words "the voters".
- 25 168. Page 46, line 5, by inserting after the word
26 "his" the words "or her".
- 27 169. Page 47, line 2, by striking the word "he"
28 and inserting in lieu thereof the words "the person".
- 29 170. Page 47, line 12, by striking the word "he"
30 and inserting in lieu thereof the words "the person".
- 31 171. Page 47, line 14, by striking the word "he"
32 and inserting in lieu thereof the words "the person".
- 33 172. Page 47, line 32, by striking the word "he"
34 and inserting in lieu thereof the words "the person".
- 35 173. Page 48, line 29, by inserting after the
36 word "his" the words "or her".
- 37 174. Page 49, line 20, by inserting after the
38 word "his" the words "or her".
- 39 175. Page 49, line 21, by striking the word "him"
40 and inserting in lieu thereof the words "the person".
- 41 176. Page 49, line 22, by inserting after the
42 word "his" the words "or her" and by striking the
43 word "him" and inserting in lieu thereof the words
44 "the person".
- 45 177. Page 49, line 27, by inserting after the
46 word "his" the words "or her".
- 47 178. Page 50, line 4, by inserting after the word
48 "he" the words "or she".
- 49 179. Page 50, line 8, by inserting after the word
50 "his" the words "or her".

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- 1 180. Page 50, line 10, by striking the word "him"
2 and inserting in lieu thereof the words "the person".
- 3 181. Page 50, line 12, by striking the word "he"
4 and inserting in lieu thereof the words "the person"
5 and by inserting after the word "his" the words "or
6 her".
- 7 182. Page 50, line 14, by striking the word "his"
8 and inserting in lieu thereof the words "the person's".
- 9 183. Page 50, line 17, by inserting after the
10 word "his" the words "or her".
- 11 184. Page 50, line 21, by striking the word "his"
12 and inserting in lieu thereof the words "the person's".
- 13 185. Page 50, line 25, by inserting after the
14 word "his" the words "or she".
- 15 186. Page 50, line 28, by inserting after the
16 word "his" the words "or she".
- 17 187. Page 50, line 34, by inserting after the

- 18 word "his" the words "or her".
19 188. Page 51A, line 2, by inserting after the
20 word "his" the words "or her".
21 189. Page 51A, line 29, by inserting after the
22 word "he" the words "or she".
23 190. Page 51B, line 38, by striking the word "He"
24 and inserting in lieu thereof the words "The person".
25 191. Page 52, line 1, by striking the word "He"
26 and inserting in lieu thereof the words "The person".
27 192. Page 52, line 2, by striking the word "He"
28 and inserting in lieu thereof the words "The person".
29 193. Page 52, line 4, by striking the word "He"
30 and inserting in lieu thereof the words "The person".
31 194. Page 52, line 6, by striking the word "he"
32 and inserting in lieu thereof the words "the person".
33 195. Page 52, line 12, by striking the word "he"
34 and inserting in lieu thereof the words "the person".
35 196. Page 53, line 18, by striking the word "he"
36 and inserting in lieu thereof the words "the person".
37 197. Page 53, line 26, by inserting after the
38 word "his" the words "or her".
39 198. Page 53, line 27, by inserting after the
40 word "his" the words "or her".
41 199. Page 53, line 35, by striking the word "he"
42 and inserting in lieu thereof the words "the officer".
43 200. Page 54, line 4, by striking the word "he"
44 and inserting in lieu thereof the words "the officer".
45 201. Page 54, line 5, by striking the word "he"
46 and inserting in lieu thereof the words "the officer".
47 202. Page 56, line 7, by inserting after the word
48 "his" the words "or her".
49 203. Page 56, line 17, by striking the word "he"
50 and inserting in lieu thereof the words "the person".

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- 1 204. Page 56, line 19, by striking the word "He"
2 and inserting in lieu thereof the words "The person".
3 205. Page 56, line 21, by striking the first word
4 "He" and inserting in lieu thereof the words "The
5 person" and by inserting after the second word "he"
6 the words "or she".
7 206. Page 56, line 23, by striking the word "he"
8 and inserting in lieu thereof the words "the person".
9 207. Page 56, line 28, by inserting after the
10 word "he" the words "or she".
11 208. Page 57A, line 1, by inserting after the
12 word "himself" the words "or herself".
13 209. Page 57A, line 4, by inserting after the
14 word "himself" the words "or herself".
15 210. Page 57A, line 5, by striking the word "he"
16 and inserting in lieu thereof the words "the person".
17 211. Page 57A, line 8, by inserting after the
18 word "his" the words "or her".
19 212. Page 57A, line 13, by inserting after the
20 word "him" the words "or her".

- 21 213. Page 57A, line 14, by inserting after the
22 word "him" the words "or her".
23 214. Page 57A, line 21, by striking the word "he"
24 and inserting in lieu thereof the words "the person".
25 215. Page 57A, line 23, by striking the word "He"
26 and inserting in lieu thereof the words "The per-
27 son".
28 216. Page 57A, line 30, by striking the word "He"
29 and inserting in lieu thereof the words "The person"
30 and by inserting after the word "himself" the words
31 "or herself".
32 217. Page 58, line 3, by striking the word "he"
33 and inserting in lieu thereof the words "the person".
34 218. Page 59, line 19, by striking the word "his"
35 and inserting in lieu thereof the words "the person's".
36 219. Page 59, line 34, by striking the word "he"
37 and inserting in lieu thereof the words "the person".
38 220. Page 62, line 10, by inserting after the
39 word "his" the words "or her" and by striking the
40 word "he" and inserting in lieu thereof the words
41 "the county attorney".
42 221. Page 62, line 27, by striking the word "his"
43 and inserting in lieu thereof the words "the person's".
44 222. Page 62, line 28, by striking the word "him"
45 and inserting in lieu thereof the words "the person".
46 223. Page 65, line 1, by inserting after the word
47 "his" the words "or her".
48 224. Page 66A, line 3, by inserting after the
49 word "he" the words "or she".
50 225. Page 66B, line 37, by inserting after the

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- 1 word "*himself*" the words "*or herself*".
2 226. Page 66B, line 43, by inserting after the
3 word "his" the words "or her".
4 227. Page 67, line 28, by striking the word "he"
5 and inserting in lieu thereof the words "the person".
6 228. Page 67, line 29, by striking the word "his"
7 and inserting in lieu thereof the words "the person's".
8 229. Page 68, line 20, by striking the word "he"
9 and inserting in lieu thereof the words "the
10 defendant".
11 230. Page 69, line 31, by inserting after the
12 word "his" the words "or her".
13 231. Page 70, line 5, by striking the word "he"
14 and inserting in lieu thereof the words "the person".
15 232. Page 70, line 13, by striking the word "he"
16 and inserting in lieu thereof the words "the
17 magistrate".
18 233. Page 70, line 22, by striking the word "his"
19 and inserting in lieu thereof the words "the
20 magistrate's".
21 234. Page 70, line 34, by inserting after the
22 word "his" the words "or her".
23 235. Page 71, line 8, by striking the word "him"

- 24 and inserting in lieu thereof the words "the peace
25 officer".
26 236. Page 71, line 9, by striking the word "his"
27 and inserting in lieu thereof the words "the peace
28 officer's".
29 237. Page 71, line 12, by striking the word "he"
30 and inserting in lieu thereof the words "the peace
31 officer".
32 238. Page 71, line 14, by striking the word "he"
33 and inserting in lieu thereof the words "the peace
34 officer".
35 239. Page 71, line 18, by striking the word "he"
36 and inserting in lieu thereof the words "the peace
37 officer".
38 240. Page 71, line 22, by striking the word "him"
39 and inserting in lieu thereof the words "the peace
40 officer".
41 241. Page 71, line 33, by striking the word "his"
42 and inserting in lieu thereof the words "the person's".
43 242. Page 71, line 35, by striking the word "he"
44 and inserting in lieu thereof the words "the person".
45 243. Page 72, line 5, by striking the word "he"
46 and inserting in lieu thereof the words "the peace
47 officer".
48 244. Page 72, line 7, by striking the words
49 "himself or another" and inserting in lieu thereof
50 the words "any person".

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- 1 245. Page 72, line 8, by striking the word "he"
2 and inserting in lieu thereof the words "the peace
3 officer".
4 246. Page 72, line 9, by inserting after the word
5 "he" the words "or she".
6 247. Page 72, line 10, by striking the words
7 "himself or another" and inserting in lieu thereof
8 the words "any person".
9 248. Page 72, line 11, by striking the word "he"
10 and inserting in lieu thereof the words "the peace
11 officer".
12 249. Page 72, line 17, by striking the word "his"
13 and inserting in lieu thereof the words "the per-
14 son's".
15 250. Page 72, line 20, by striking the word "he"
16 and inserting in lieu thereof the words "the peace
17 officer".
18 251. Page 72, line 21, by striking the word "he"
19 and inserting in lieu thereof the words "the peace
20 officer".
21 252. Page 72, line 26, by striking the word "he"
22 and inserting in lieu thereof the words "the person".
23 253. Page 72, line 27, by striking the word "he"
24 and inserting in lieu thereof the words "the person".
25 254. Page 72, line 29, by inserting after the
26 word "he" the words "or she".

- 27 255. Page 72, line 30, by inserting after the
28 word "he" the words "or she".
29 256. Page 72, line 31, by striking the words
30 "himself or another" and inserting in lieu thereof
31 the words "any person".
32 257. Page 72, line 34, by striking the word
33 "himself".
34 258. Page 73, line 2, by striking the word "he"
35 and inserting in lieu thereof the words "the person".
36 259. Page 73, line 6, by inserting after the word
37 "himself" the word "herself," and by striking the
38 word "he" and inserting in lieu thereof the words
39 "the person".
40 260. Page 73, line 9, by striking the word "he"
41 and inserting in lieu thereof the words "the person".
42 261. Page 73, line 13, by inserting after the
43 word "his" the words "or her".
44 262. Page 73, line 15, by inserting after the
45 first word "he" the words "or she" and by inserting
46 after the second word "he" the words "or she".
47 263. Page 73, line 19, by inserting after the
48 word "him" the words "or her".
49 264. Page 73, line 20, by striking the word "his"
50 and inserting in lieu thereof the words "the person's"

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- 1 and by inserting after the word "he" the words "or
2 she".
3 265. Page 73, line 21, by inserting after the
4 word "him" the words "or her" and by striking the
5 word "his" and inserting in lieu thereof the words
6 "the person's".
7 266. Page 73, line 26, by inserting after the
8 word "his" the words "or her".
9 267. Page 73, line 27, by striking the word "he"
10 and inserting in lieu thereof the words "the officer".
11 268. Page 73, line 29, by inserting after the
12 word "his" the words "or her".
13 269. Page 73, line 30, by striking the word "he"
14 and inserting in lieu thereof the words "the officer".
15 270. Page 73, line 34, by striking the word "he"
16 and inserting in lieu thereof the words "the officer".
17 271. Page 73, line 35, by striking the word "he"
18 and inserting in lieu thereof the words "the officer".
19 272. Page 74, line 1, by inserting after the word
20 "himself" the words "or herself" and by inserting
21 after the word "he" the words "or she".
22 273. Page 74, line 10, by striking the word "he"
23 and inserting in lieu thereof the words "the officer".
24 274. Page 74, line 25, by striking the word "he"
25 and inserting in lieu thereof the words "the officer"
26 and by inserting after the word "him" the words "or
27 her".
28 275. Page 74, line 27, by striking the word "He"
29 and inserting in lieu thereof the words "Any person".

30 276. Page 74, line 29, by striking the word "he"
31 and inserting in lieu thereof the words "the arrested
32 person" and by inserting after the word "his" the
33 words "or her".

34 277. Page 75, line 18, by striking the word "his"
35 and inserting in lieu thereof the words "the
36 officer's".

37 278. Page 75, line 19, by striking the word "him"
38 and inserting in lieu thereof the words "the officer"
39 and by inserting after the word "his" the words "or
40 her".

41 279. Page 75, line 23, by striking the word "his"
42 and inserting in lieu thereof the words "the
43 defendant's".

44 280. Page 75, line 26, by inserting after the
45 word "his" the words "or her".

46 281. Page 75, line 33, by inserting after the
47 word "his" the words "or her".

48 282. Page 76, line 7, by striking the word "his"
49 and inserting in lieu thereof the words "the
50 complainant's".

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1 283. Page 76, line 10, by inserting after the
2 word "his" the words "or her" and by striking the
3 word "he" and inserting in lieu thereof the words
4 "the magistrate".

5 284. Page 76, line 13, by striking the word "he"
6 and inserting in lieu thereof the words "the
7 magistrate".

8 285. Page 76, line 18, by inserting after the
9 word "his" the words "or her".

10 286. Page 76, line 22, by striking the word "him"
11 and inserting in lieu thereof the words "the arrested
12 person".

13 287. Page 76, line 23, by striking the word "him"
14 and inserting in lieu thereof the words "the arrested
15 person".

16 288. Page 77, line 3, by inserting after the word
17 "he" the words "or she" and by striking the word "him"
18 and inserting in lieu thereof the words "the officer".

19 289. Page 77, line 7, by inserting after the word
20 "his" the words "or her".

21 290. Page 77, line 8, by inserting after the word
22 "his" the words "or her".

23 291. Page 77, line 19, by striking the word "his"
24 and inserting in lieu thereof the words "the
25 sheriff's".

26 292. Page 77, line 20, by inserting after the
27 word "him" the words "or her".

28 293. Page 78, line 18, by striking the word "he"
29 and inserting in lieu thereof the words "the officer".

30 294. Page 78, line 24, by inserting after the
31 word "he" the words "or she".

32 295. Page 79, line 8, by striking the word "him"

33 and inserting in lieu thereof the words "the person"
34 and by striking the word "he" and inserting in lieu
35 thereof the words "the person".
36 296. Page 79, line 13, by striking the word "he"
37 and inserting in lieu thereof the words "the person".
38 297. Page 79, line 18, by striking the word "he"
39 and inserting in lieu thereof the words "the officer".
40 298. Page 79, line 22, by striking the word "he"
41 and inserting in lieu thereof the words "the
42 magistrate".
43 299. Page 79, line 25, by striking the word "him"
44 and inserting in lieu thereof the words "the person".
45 300. Page 79, line 26, by striking the word "he"
46 and inserting in lieu thereof the words "the
47 magistrate".
48 301. Page 80, line 18, by striking the word "him"
49 and inserting in lieu thereof the words "the
50 magistrate".

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1 302. Page 80, line 19, by striking the word "him"
2 and inserting in lieu thereof the words "the
3 magistrate".
4 303. Page 81, line 8, by striking the word "him"
5 and inserting in lieu thereof the words "the
6 magistrate".
7 304. Page 81, line 22, by inserting after the
8 word "him" the words "or her" and by inserting after
9 the word "his" the words "or her".
10 305. Page 83, line 5, by inserting after the word
11 "him" the words "or her".
12 306. Page 83, line 28, by striking the word "his"
13 and inserting in lieu thereof the words "the person's".
14 307. Page 84, line 2, by striking the word "he"
15 and inserting in lieu thereof the words "the
16 magistrate".
17 308. Page 84, line 4, by striking the word "he"
18 and inserting in lieu thereof the words "the
19 magistrate".
20 309. Page 84, line 5, by inserting after the word
21 "his" the words "or her".
22 310. Page 84, line 9, by striking the word "his"
23 and inserting in lieu thereof the words "or her".
24 311. Page 84, line 14, by striking the word "him"
25 and inserting in lieu thereof the words "the
26 magistrate" and by inserting after the word "his"
27 the words "or her".
28 312. Page 84, line 15, by striking the word "him"
29 and inserting in lieu thereof the words "the person".
30 313. Page 84, line 18, by striking the word "him"
31 and inserting in lieu thereof the words "the
32 magistrate".
33 314. Page 84, line 26, by striking the word "he"
34 and inserting in lieu thereof the words "the authorized
35 person".

36 315. Page 85, line 2, by striking the word "his"
37 and inserting in lieu thereof the words "the
38 officer's".

39 316. Page 85, line 4, by striking the word "his"
40 and inserting in lieu thereof the words "the
41 officer's".

42 317. Page 85, line 8, by striking the word "his"
43 and inserting in lieu thereof the words "the
44 officer's".

45 318. Page 85, line 9, by striking the word "him"
46 and inserting in lieu thereof the words "the officer".

47 319. Page 85, line 15, by inserting after the
48 word "himself" the words "or herself".

49 320. Page 85, line 28, by inserting after the
50 word "his" the words "or her".

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1 321. Page 85, line 30, by striking the word "his"
2 and inserting in lieu thereof the words "the
3 officer's".

4 322. Page 86, line 9, by inserting after the word
5 "his" the words "or her".

6 323. Page 86, line 25, by striking the word "he"
7 and inserting in lieu thereof the words "the
8 inspector".

9 324. Page 88, line 34, by striking the word "him"
10 and inserting in lieu thereof the words "the person".

11 325. Page 89, lines 4 and 5, by striking the words
12 "delivery of a copy to him personally" and inserting
13 in lieu thereof the words "personal service".

14 326. Page 89, line 21, by inserting after the
15 word "his" the words "or her".

16 327. Page 89, line 27, by striking the word "his"
17 and inserting in lieu thereof the words "the person's".

18 328. Page 89, line 28, by inserting after the
19 word "he" the words "or she".

20 329. Page 90, line 7, by striking the word "he"
21 and inserting in lieu thereof the words "the person".

22 330. Page 91, line 10, by inserting after the
23 word "his" the words "or her".

24 331. Page 91, line 19, by striking the word "him"
25 and inserting in lieu thereof the words "the
26 defendant".

27 332. Page 92, line 2, by inserting after the word
28 "his" the words "or her".

29 333. Page 92, line 12, by inserting after the
30 word "his" the words "or her".

31 334. Page 92, line 13, by striking the word "his"
32 and inserting in lieu thereof the words "the
33 defendant's".

34 335. Page 92, line 14, by inserting after the
35 word "his" the words "the defendant's".

36 336. Page 92, line 18, by striking the word "he"
37 and inserting in lieu thereof the words "the
38 defendant".

- 39 337. Page 92, line 20, by inserting after the
40 word "he" the words "or she".
41 338. Page 92, line 29, by striking the word "he"
42 and inserting in lieu thereof the words "the
43 defendant".
44 339. Page 93, line 5, by inserting after the word
45 "his" the words "or her" and by striking the word
46 "him" and inserting in lieu thereof the words "the
47 defendant".
48 340. Page 93, line 6, by striking the word "his"
49 and inserting in lieu thereof the words "the
50 defendant's".

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- 1 341. Page 93, line 10, by inserting after the
2 word "his" the words "or her".
3 342. Page 93, line 13, by striking the word "his"
4 and inserting in lieu thereof the words "the
5 defendant's".
6 343. Page 93, line 18, by striking the word "him"
7 and inserting in lieu thereof the words "the
8 defendant".
9 344. Page 93, line 19, by striking the word "his"
10 and inserting in lieu thereof the words "the
11 defendant's".
12 345. Page 93, line 29, by striking the word "he"
13 and inserting in lieu thereof the words "the
14 defendant".
15 346. Page 94, line 13, by striking the word "his"
16 and inserting in lieu thereof the words "the person's"
17 and by inserting after the word "he" the words "or
18 she".
19 347. Page 94, line 18, by striking the word "he"
20 and inserting in lieu thereof the words "the
21 defendant".
22 348. Page 94, line 20, by striking the word "he"
23 and inserting in lieu thereof the words "the person".
24 349. Page 94, line 26, by striking the word "his"
25 and inserting in lieu thereof the words "the
26 defendant's".
27 350. Page 96, line 11, by striking the word "he"
28 and inserting in lieu thereof the words "the
29 defendant".
30 351. Page 96, line 16, by inserting after the
31 word "himself" the words "or herself".
32 352. Page 96, line 21, by striking the word "he"
33 and inserting in lieu thereof the words "the
34 defendant".
35 353. Page 96, line 29, by striking the word "his"
36 and inserting in lieu thereof the words "the
37 defendant's".
38 354. Page 96, line 30, by inserting after the
39 word "his" the words "or her".
40 355. Page 96, line 31, by inserting after the
41 word "himself" the words "or herself".

42 356. Page 96, line 33, by striking the word "his"
43 and inserting in lieu thereof the words "the
44 defendant's".

45 357. Page 97, line 3, by inserting after the word
46 "his" the words "or her".

47 358. Page 97, line 11, by striking the word "he"
48 and inserting in lieu thereof the words "the clerk".

49 359. Page 97, line 12, by inserting after the
50 word "his" the words "or her".

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1 360. Page 97, line 16, by inserting after the
2 word "himself" the words "or herself".

3 361. Page 97, line 17, by inserting after the
4 word "his" the words "or her".

5 362. Page 97, line 18, by striking the word "him"
6 and inserting in lieu thereof the words "the
7 defendant".

8 363. Page 97, line 20, by striking the word "his"
9 and inserting in lieu thereof the words "the
10 defendant's".

11 364. Page 97, line 25, by striking the word "he"
12 and inserting in lieu thereof the words "the
13 defendant".

14 365. Page 98, line 11, by striking the word "his"
15 and inserting in lieu thereof the words "the
16 defendant's".

17 366. Page 98, line 13, by inserting after the
18 word "himself" the words "or herself".

19 367. Page 99, line 7, by striking the word "his"
20 and inserting in lieu thereof the words "the person's".

21 368. Page 99, line 16, by striking the word "he"
22 and inserting in lieu thereof the words "the person".

23 369. Page 100, line 3, by inserting after the
24 word "he" the words "or she".

25 370. Page 100, line 5, by inserting after the
26 word "his" the words "or her".

27 371. Page 100, line 32, by inserting after the
28 word "his" the words "or her".

29 372. Page 102, line 12, by striking the word "he"
30 and inserting in lieu thereof the words "the person".

31 373. Page 102, line 31, by striking the word "him"
32 and inserting in lieu thereof the words "the defendant"
33 and by inserting after the word "his" the words "or
34 her".

35 374. Page 103, line 4, by striking the first word
36 "his" and inserting in lieu thereof the words "the
37 accused's" and by inserting after the second word
38 "his" the words "or her".

39 375. Page 103, line 6, by inserting after the
40 word "him" the words "or her".

41 376. Page 103, line 16, by striking the word "he"
42 and inserting in lieu thereof the words "the accused"
43 and by inserting after the word "his" the words "or
44 her".

45 377. Page 103, line 19, by striking the word "him"
46 and inserting in lieu thereof the words "the accused"
47 and by inserting after the word "he" the words "or
48 she".

49 378. Page 103, line 21, by striking the word "him"
50 and inserting in lieu thereof the words "the accused".

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1 379. Page 103, line 23, by striking the word "he"
2 and inserting in lieu thereof the words "the accused".

3 380. Page 103, line 25, by striking the word "him"
4 and inserting in lieu thereof the words "the accused".

5 381. Page 103, line 26, by inserting after the
6 word "his" the words "or her".

7 382. Page 104, line 22, by striking the word "His"
8 and inserting in lieu thereof the words "The
9 magistrate's".

10 383. Page 104, line 25, by striking the word "him"
11 and inserting in lieu thereof the words "the
12 magistrate".

13 384. Page 104, line 26, by striking the word "him"
14 and inserting in lieu thereof the words "the
15 defendant".

16 385. Page 104, line 27, by striking the first
17 word "his" and inserting in lieu thereof the words
18 "the defendant's" and by striking the second word
19 "his" and inserting in lieu thereof the words "the
20 defendant's".

21 386. Page 104, line 28, by striking the word "he"
22 and inserting in lieu thereof the words "the
23 defendant".

24 387. Page 104, line 29, by striking the word "he"
25 and inserting in lieu thereof the words "the
26 defendant".

27 388. Page 104, line 30, by striking the word "his"
28 and inserting in lieu thereof the words "the
29 defendant's".

30 389. Page 104, line 31, by striking the word "his"
31 and inserting in lieu thereof the words "the
32 defendant's".

33 390. Page 104, line 32, by inserting after the
34 word "he" the words "or she".

35 391. Page 104, line 33, by striking the first
36 word "him" and inserting in lieu thereof the words
37 "the defendant" and by inserting after the second
38 word "him" the words "or her".

39 392. Page 105, line 13, by inserting after the
40 word "he" the words "or she".

41 393. Page 105, line 14, by striking the word "he"
42 and inserting in lieu thereof the words "the
43 defendant".

44 394. Page 105, line 15, by striking the word "him"
45 and inserting in lieu thereof the words "the defendant"
46 and by inserting after the word "he" the words "or
47 she".

48 **395. Page 105, line 17, by striking the word "him"**
49 **and inserting in lieu thereof the words "the**
50 **defendant".**

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1 **396. Page 105, line 22, by inserting after the**
2 **word "he" the words "or she".**
3 **397. Page 105, line 30, by striking the word "him"**
4 **and inserting in lieu thereof the words "the**
5 **defendant".**
6 **398. Page 106, line 4, by inserting after the**
7 **word "him" the words "or her".**
8 **399. Page 106, line 5, by inserting after the**
9 **word "his" the words "or her".**
10 **400. Page 106, line 12, by striking the word "his"**
11 **and inserting in lieu thereof the words "the**
12 **magistrate's".**
13 **401. Page 106, line 14, by striking the word "his"**
14 **and inserting in lieu thereof the words "the**
15 **defendant's".**
16 **402. Page 106, line 35, by inserting after the**
17 **word "his" the words "or her".**
18 **403. Page 107, line 2, by inserting after the**
19 **word "his" the words "or her".**
20 **404. Page 107, line 5, by striking the word "his"**
21 **and inserting in lieu thereof the words "the**
22 **defendant's".**
23 **405. Page 107, line 10, by inserting after the**
24 **word "he" the words "or she".**
25 **406. Page 108, line 23, by striking the word "He"**
26 **and inserting in lieu thereof the words "The juror".**
27 **407. Page 108, line 28, by striking the word "He"**
28 **and inserting in lieu thereof the words "The juror".**
29 **408. Page 108, line 30, by striking the word "He"**
30 **and inserting in lieu thereof the words "The juror".**
31 **409. Page 108, line 32, by striking the word "He"**
32 **and inserting in lieu thereof the words "The juror".**
33 **410. Page 109A, line 2, by striking the word "He"**
34 **and inserting in lieu thereof the words "The juror".**
35 **411. Page 109A, line 3, by striking the word "He"**
36 **and inserting in lieu thereof the words "The juror".**
37 **412. Page 109A, line 4, by striking the word "him"**
38 **and inserting in lieu thereof the words "the juror".**
39 **413. Page 109A, line 26, by striking the word**
40 **"him" and inserting in lieu thereof the words "the**
41 **sheriff".**
42 **414. Page 111, line 16, by inserting after the**
43 **word "his" the words "or her".**
44 **415. Page 112A, line 6, by inserting after the**
45 **word "him" the words "or her".**
46 **416. Page 112A, line 10, by striking the word**
47 **"he" and inserting in lieu thereof the words "the**
48 **witness".**
49 **417. Page 112A, line 11, by striking the word**
50 **"he" and inserting in lieu thereof the words "the**

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1 judge".

2 418. Page 112A, line 12, by inserting after the
3 word "he" the words "or she" and by inserting after
4 the word "his" the words "or her".

5 419. Page 112A, line 13, by striking the word
6 "him" and inserting in lieu thereof the words "the
7 witness".

8 420. Page 114, line 12, by inserting after the
9 word "his" the words "or her".

10 421. Page 114, line 14, by inserting after the
11 word "his" the words "or her".

12 422. Page 114, line 27, by striking the word "he"
13 and inserting in lieu thereof the words "the accused".

14 423. Page 115, line 18, by striking the word "his"
15 and inserting in lieu thereof the words "the
16 defendant's".

17 424. Page 115, line 23, by striking the word "his"
18 and inserting in lieu thereof the words "the
19 defendant's".

20 425. Page 116, line 6, by inserting after the
21 word "his" the words "or her".

22 426. Page 116, line 10, by striking the word "he"
23 and inserting in lieu thereof the words "the
24 prosecuting attorney".

25 427. Page 120, line 22, by striking the word "he"
26 and inserting in lieu thereof the words "the
27 defendant".

28 428. Page 120, line 23, by inserting after the
29 word "his" the words "or her".

30 429. Page 120, line 24, by inserting after the
31 first word "he" the words "or she" and by inserting
32 after the second word "he" the words "or she".

33 430. Page 120, line 25, by striking the word "him"
34 and inserting in lieu thereof the words "the
35 defendant".

36 431. Page 120, line 26, by striking the word "him"
37 and inserting in lieu thereof the words "the
38 defendant".

39 432. Page 120, line 30, by striking the word "him"
40 and inserting in lieu thereof the words "the
41 defendant".

42 433. Page 120, line 31, by striking the word "him"
43 and inserting in lieu thereof the words "the
44 defendant".

45 434. Page 120, line 33, by inserting after the
46 word "he" the words "or she".

47 435. Page 120, line 35, by inserting after the
48 first word "he" the words "or she", by inserting after
49 the word "his" the words "or her", and by inserting
50 after the second word "he" the words "or she".

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1 436. Page 121, line 1, by inserting after the
2 word "his" the words "or her".

- 3 437. Page 121, line 2, by striking the word "him"
4 and inserting in lieu thereof the words "the
5 defendant".
- 6 438. Page 121, line 3, by inserting after the
7 first word "he" the words "or she" and by striking
8 the second word "he" and inserting in lieu thereof
9 the words "the defendant".
- 10 439. Page 121, line 4, by inserting after the
11 word "his" the words "or her" and by striking the
12 word "he" and inserting in lieu thereof the words
13 "the defendant".
- 14 440. Page 121, line 6, by striking the word "he"
15 and inserting in lieu thereof the words "the
16 defendant".
- 17 441. Page 121, line 7, by inserting after the
18 word "his" the words "or her".
- 19 442. Page 121, line 9, by striking the word "him"
20 and inserting in lieu thereof the words "the
21 defendant".
- 22 443. Page 121, line 34, by striking the word "he"
23 and inserting in lieu thereof the words "the
24 defendant".
- 25 444. Page 122, line 2, by inserting after the
26 word "him" the words "or her".
- 27 445. Page 123, line 4, by inserting after the
28 word "his" the words "or her".
- 29 446. Page 123, line 5, by inserting after the
30 word "he" the words "or she" and by inserting after
31 the word "his" the words "or her"
- 32 447. Page 124, line 18, by inserting after the
33 word "his" the words "or her".
- 34 448. Page 124, line 28, by striking the word "his"
35 and inserting in lieu thereof the words "the county
36 attorney's".
- 37 449. Page 126, line 7, by striking the word "his"
38 and inserting in lieu thereof the words "the
39 defendant's".
- 40 450. Page 127A, line 29, by striking the word
41 "he" and inserting in lieu thereof the words "the
42 defendant".
- 43 451. Page 128, line 8, by striking the word "he"
44 and inserting in lieu thereof the words "the
45 defendant".
- 46 452. Page 128, line 18, by striking the word "he"
47 and inserting in lieu thereof the words "the
48 defendant".
- 49 453. Page 131, line 8, by striking the word "him"
50 and inserting in lieu thereof the words "the

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- 1 defendant".
- 2 454. Page 131, line 30, by inserting after the
3 word "his" the words "or her".
- 4 455. Page 131, line 34, by striking the word "his"
5 and inserting in lieu thereof the words "the

- 6 defendant's".
- 7 456. Page 132, line 8, by striking the word "his"
- 8 and inserting in lieu thereof the words "the
- 9 defendant's".
- 10 457. Page 132, line 12, by striking the word "him"
- 11 and inserting in lieu thereof the words "the other
- 12 party".
- 13 458. Page 132, line 23, by inserting after the
- 14 word "his" the words "or her".
- 15 459. Page 132, line 31, by inserting after the
- 16 word "his" the words "or her".
- 17 460. Page 132, line 33, by inserting after the
- 18 word "his" the words "or her".
- 19 461. Page 133, line 6, by striking the word "him"
- 20 and inserting in lieu thereof the words "the
- 21 prosecuting attorney".
- 22 462. Page 134, line 2, by striking the word "his"
- 23 and inserting in lieu thereof the words "the
- 24 defendant's".
- 25 463. Page 134, line 14, by inserting after the
- 26 word "his" the words "or her".
- 27 464. Page 135A, line 10, by inserting after the
- 28 word "his" the words "or her".
- 29 465. Page 136, line 25, by striking the word "him"
- 30 and inserting in lieu thereof the words "the witness".
- 31 466. Page 136, line 30, by inserting after the
- 32 word "he" the words "or she".
- 33 467. Page 136, line 31, by striking the word "he"
- 34 and inserting in lieu thereof the words "the juror".
- 35 468. Page 136, line 33, by striking the word "he"
- 36 and inserting in lieu thereof the words "the juror".
- 37 469. Page 136, line 34, by inserting after the
- 38 word "his" the words "or her".
- 39 470. Page 137, line 2, by inserting after the
- 40 word "him" the words "or her".
- 41 471. Page 137, line 4, by inserting after the
- 42 word "him" the words "or her".
- 43 472. Page 137, line 6, by striking the word "his"
- 44 and inserting in lieu thereof the words "the
- 45 defendant's".
- 46 473. Page 137, line 11, by inserting after the
- 47 word "him" the words "or her".
- 48 474. Page 137, line 12, by striking the word "his"
- 49 and inserting in lieu thereof the words "witnesses".
- 50 475. Page 137, line 13, by inserting after the

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- 1 word "he" the words "or she".
- 2 476. Page 137, line 19, by inserting after the
- 3 word "his" the words "or her".
- 4 477. Page 137, line 24, by inserting after the
- 5 word "him" the words "or her" and by inserting after
- 6 the word "himself" the words "or herself".
- 7 478. Page 137, line 27, by inserting after the
- 8 word "his" the words "or her".

- 9 479. Page 138, line 31, by striking the word "his"
 10 and inserting in lieu thereof the words "the
 11 defendant's".
- 12 480. Page 139, line 35, by striking the word "him"
 13 and inserting in lieu thereof the words "the juror".
- 14 481. Page 140, line 12, by inserting after the
 15 word "his" the words "or her".
- 16 482. Page 140, line 15, by striking the word "him"
 17 and inserting in lieu thereof the words "the
 18 defendant".
- 19 483. Page 140, line 27, by striking the word "him"
 20 and inserting in lieu thereof the words "the juror".
- 21 484. Page 140, line 30, by striking the word "his"
 22 and inserting in lieu thereof the words "the juror".
- 23 485. Page 140, line 32, by striking the word "he"
 24 and inserting in lieu thereof the words "the juror".
- 25 486. Page 140, line 35, by striking the word "he"
 26 and inserting in lieu thereof the words "the juror".
- 27 487. Page 141, line 4, by striking the word "he"
 28 and inserting in lieu thereof the words "the juror".
- 29 488. Page 141, line 7, by inserting after the
 30 word "his" the words "or her".
- 31 489. Page 141, line 10, by striking the word "he"
 32 and inserting in lieu thereof the words "the juror".
- 33 490. Page 141, line 13, by striking the word "his"
 34 and inserting in lieu thereof the words "the juror's".
- 35 491. Page 141, line 14, by inserting after the
 36 word "him" the words "or her".
- 37 492. Page 143, line 29, by inserting after the
 38 word "he" the words "or she".
- 39 493. Page 143, line 32, by inserting after the
 40 word "his" the words "or her" and by striking the
 41 word "he" and inserting in lieu thereof the words
 42 "the attorney for the defendant".
- 43 494. Page 143, line 33, by striking the word "he"
 44 and inserting in lieu thereof the words "the attorney
 45 for the defendant".
- 46 495. Page 144, line 3, by striking the word "his"
 47 and inserting in lieu thereof the words "the
 48 defendant's".
- 49 496. Page 144, line 4, by striking the first word
 50 "his" and by inserting after the second word "his"

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- 1 the words "or her".
- 2 497. Page 144, line 13, by striking the word "his"
 3 and inserting in lieu thereof the words "the
 4 defendant's".
- 5 498. Page 144, line 14, by striking the word "him"
 6 and inserting in lieu thereof the words "the
 7 defendant".
- 8 499. Page 144, line 28, by striking the word "his"
 9 and inserting in lieu thereof the words "the witness".
- 10 500. Page 144, line 31, by inserting after the
 11 word "he" the words "or she".

- 12 501. Page 144, line 32, by inserting after the
13 word "he" the words "or she".
14 502. Page 145, line 2, by inserting after the
15 word "he" the words "or she".
16 503. Page 145, line 3, by striking the word "he"
17 and inserting in lieu thereof the words "the
18 prosecutor".
19 504. Page 145, line 4, by striking the word "he"
20 and inserting in lieu thereof the words "the
21 prosecutor".
22 505. Page 145, line 14, by striking the word "his"
23 and inserting in lieu thereof the words "the
24 defendant's".
25 506. Page 145, line 16, by inserting after the
26 word "his" the words "or her".
27 507. Page 146, line 6, by inserting after the
28 first word "he" the words "or she" and by striking
29 the second word "he" and inserting in lieu thereof
30 the words "the juror".
31 508. Page 148, line 3, by inserting after the
32 word "himself" the words "or herself".
33 509. Page 148, line 33, by inserting after the
34 word "his" the words "or her" and by striking the
35 word "he" and inserting in lieu thereof the words
36 "the defendant".
37 510. Page 148, line 35, by striking the word "his"
38 and inserting in lieu thereof the words "the
39 defendant's".
40 511. Page 149, line 8, by striking the word "he"
41 and inserting in lieu thereof the words "the judge".
42 512. Page 149, line 15, by inserting after the
43 word "he" the words "or she" and by inserting after
44 the word "himself" the words "or herself".
45 513. Page 149, line 23, by inserting after the
46 first word "he" the words "or she" and by inserting
47 after the second word "he" the words "or she".
48 514. Page 149, line 24, by inserting after the
49 word "he" the words "or she".
50 515. Page 149, line 25, by inserting after the

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- 1 word "his" the words "or her".
2 516. Page 150, line 5, by inserting after the
3 word "his" the words "or her".
4 517. Page 150, line 17, by striking the word "he"
5 and inserting in lieu thereof the words "the offender".
6 518. Page 150, line 18, by inserting after the
7 word "he" the words "or she".
8 519. Page 150, line 19, by inserting after the
9 word "he" the words "or she".
10 520. Page 150, line 20, by striking the first
11 word "he" and inserting in lieu thereof the words
12 "the offender" and by inserting after the second word
13 "he" the words "or she".
14 521. Page 150, line 31, by striking the word "he"

15 and inserting in lieu thereof the words "the offender".
16 522. Page 150, line 32, by inserting after the
17 first word "he" the words "or she" and by striking
18 the second word "he" and inserting in lieu thereof
19 the words "the offender".

20 523. Page 151, line 5, by inserting after the
21 word "his" the words "or her".

22 524. Page 151, line 6, by striking the word "he"
23 and inserting in lieu thereof the words "the
24 defendant".

25 525. Page 151, line 7, by inserting after the
26 word "himself" the words "or herself" and by striking
27 the word "he" and by inserting in lieu thereof the
28 words "the defendant".

29 526. Page 151, line 19, by inserting after the
30 first word "him" the words "or her", by inserting
31 after the second word "him" the word "or her", and
32 by inserting after the word "his" the words "or her".

33 527. Page 151, line 31, by inserting after the
34 word "him" the words "or her".

35 528. Page 152, line 10, by striking the word "he"
36 and inserting in lieu thereof the words "the witness".

37 529. Page 152, line 14, by striking the word "him"
38 and inserting in lieu thereof the words "the witness".

39 530. Page 152, line 15, by striking the word "him"
40 and inserting in lieu thereof the words "the witness".

41 531. Page 155, line 16, by striking the word "he"
42 and inserting in lieu thereof the words "the
43 defendant".

44 532. Page 155, line 31, by inserting after the
45 word "his" the words "or her".

46 533. Page 156, line 16, by striking the word "he"
47 and inserting in lieu thereof the words "the
48 defendant".

49 534. Page 156, line 20, by striking the word "him"
50 and inserting in lieu thereof the words "the

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1 defendant".

2 535. Page 156, line 23, by striking the word "him"
3 and inserting in lieu thereof the words "the
4 defendant".

5 536. Page 156, line 25, by inserting after the
6 word "he" the words "or she".

7 537. Page 156, line 30, by striking the word "he"
8 and inserting in lieu thereof the words "the
9 defendant".

10 538. Page 156, line 34, by striking the word "he"
11 and inserting in lieu thereof the words "the
12 defendant".

13 539. Page 157, line 14, by striking the word "his"
14 and inserting in lieu thereof the words "the
15 defendant's".

16 540. Page 157, line 19, by striking the word "his"
17 and inserting in lieu thereof the words "the

18 defendant's".

19 541. Page 157, line 22, by striking the word "him"
20 and inserting in lieu thereof the words "the defendant".

21 542. Page 157, line 23, by striking the word "him"
22 and inserting in lieu thereof the words "the
23 defendant".

24 543. Page 157, line 27, by inserting after the
25 word "he" the words "or she".

26 544. Page 157, line 28, by inserting after the
27 word "his" the words "or her".

28 545. Page 157, line 30, by inserting after the
29 word "he" the words "or she".

30 546. Page 157, line 32, by striking the word "He"
31 and inserting in lieu thereof the words "The
32 defendant".

33 547. Page 157, line 33, by inserting after the
34 word "he" the words "or she".

35 548. Page 158, line 1, by striking the word "he"
36 and inserting in lieu thereof the words "the
37 defendant".

38 549. Page 158, line 2, by striking the word "his"
39 and inserting in lieu thereof the words "the
40 defendant's".

41 550. Page 158, line 3, by striking the word "he"
42 and inserting in lieu thereof the words "the
43 defendant".

44 551. Page 158, line 15, by inserting after the
45 word "his" the words "or her".

46 552. Page 159, line 34, by inserting after the
47 word "his" the words "or her" and by striking the
48 word "he" and inserting in lieu thereof the words
49 "the defendant".

50 553. Page 161, line 8, by inserting after the

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1 word "he" the words "or she".

2 554. Page 161, line 13, by striking the word "him"
3 and inserting in lieu thereof the words "the
4 defendant".

5 555. Page 161, line 19, by striking the word "he"
6 and inserting in lieu thereof the words "the
7 defendant".

8 556. Page 161, line 20, by inserting after the
9 word "his" the words "or her".

10 557. Page 162, line 8, by striking the word "he"
11 and inserting in lieu thereof the words "the
12 defendant".

13 558. Page 162, line 9, by inserting after the
14 word "his" the words "or her".

15 559. Page 163, line 16, by inserting after the
16 word "his" the words "or her".

17 560. Page 163, line 17, by striking the word "he"
18 and inserting in lieu thereof the words "the sheriff".

19 561. Page 163, line 18, by striking the word "his"
20 and inserting in lieu thereof the words "the

21 sheriff's".

22 562. Page 164, line 4, by striking the word "him"
23 and inserting in lieu thereof the words "the sheriff"
24 and by inserting after the word "he" the words "or
25 she".

26 563. Page 164, line 5, by striking the word "his"
27 and inserting in lieu thereof the words "the
28 sheriff's".

29 564. Page 164, line 12, by inserting after the
30 word "he" the words "or she".

31 565. Page 164, line 33, by striking the word "he"
32 and inserting in lieu thereof the words "the
33 defendant".

34 566. Page 165A, line 2, by inserting after the
35 word "himself" the words "or herself".

36 567. Page 165A, line 4, by striking the word "his"
37 and inserting in lieu thereof the words "the
38 defendant".

39 568. Page 165A, line 22, by striking the word
40 "him" and inserting in lieu thereof the words "the
41 defendant" and by inserting after the word "he" the
42 words "or she".

43 569. Page 165A, line 23, by inserting after the
44 word "himself" the words "or herself".

45 570. Page 165A, line 24, by striking the first
46 word "him" and inserting in lieu thereof the words
47 "the defendant" and by striking the second word "him"
48 and inserting in lieu thereof the words "the
49 defendant".

50 571. Page 165A, line 26, by inserting after the

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1 word "his" the words "or her".

2 572. Page 165B, line 40, by inserting after the
3 word "him" the words "or her" and by striking the
4 word "his" and inserting in lieu thereof the words
5 "the defendant's".

6 573. Page 166A, line 2, by striking the word "he"
7 and inserting in lieu thereof the words "the
8 defendant".

9 574. Page 166A, line 22, by striking the word
10 "him" and inserting in lieu thereof the words "*the*
11 *person*".

12 575. Page 166B, line 53, by striking the word
13 "*him*" and inserting in lieu thereof the words "*the*
14 *defendant*".

15 576. Page 171, line 35, by striking the word "him"
16 and inserting in lieu thereof the words "such person".

17 577. Page 172, line 21, by striking the word "him"
18 and inserting in lieu thereof the words "such person".

19 578. Page 172, line 32, by striking the word "him"
20 and inserting in lieu thereof the words "such person".

21 579. Page 172, line 34, by striking the word "him"
22 and inserting in lieu thereof the words "such person"
23 and by striking the word "he" and inserting in lieu
24 thereof the words "such person".

- 25 580. Page 173, line 15, by striking the word "him"
26 and inserting in lieu thereof the words "such person".
27 581. Page 173, line 30, by striking the word "he"
28 and inserting in lieu thereof the words "such person".
29 582. Page 174, line 4, by striking the word "he"
30 and inserting in lieu thereof the words "such person".
31 583. Page 174, line 5, by striking the word "he"
32 and inserting in lieu thereof the words "such person".
33 584. Page 174, line 25, by striking the word "him"
34 and inserting in lieu thereof the words "such person".
35 585. Page 175, line 1, by striking the word "him"
36 and inserting in lieu thereof the words "the officer"
37 and by striking the word "his" and inserting in lieu
38 thereof the words "the officer's".
39 586. Page 175, line 10, by striking the word "him"
40 and inserting in lieu thereof the words "such person".
41 587. Page 175, line 10, by striking the word "him"
42 and inserting in lieu thereof the words "such person".
43 588. Page 182, line 17, by striking the word "his"
44 and inserting in lieu thereof the words "the clerk's".
45 589. Page 182, line 31, by striking the word "his"
46 and inserting in lieu thereof the words "the
47 magistrate's".
48 590. Page 182, line 34, by striking the word "his"
49 and inserting in lieu thereof the words "the clerk's".
50 591. Page 183, line 2, by striking the word "his"

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- 1 and inserting in lieu thereof the words "the clerk's".
2 592. Page 183, line 7, by striking the word "him"
3 and inserting in lieu thereof the words "the
4 defendant".
5 593. Page 183, line 16, by striking the word "him"
6 and inserting in lieu thereof the words "the
7 defendant".
8 594. Page 183, line 17, by inserting after the
9 first word "him" the words "or her", by striking the
10 second word "him" and inserting in lieu thereof the
11 words "the defendant", and by striking the word "he"
12 and inserting in lieu thereof the words "the
13 defendant".
14 595. Page 183, line 18, by inserting after the
15 word "he" the words "or she" and by inserting after
16 the word "his" the words "or her".
17 596. Page 183, line 19, by inserting after the
18 first word "he" the words "or she", by striking the
19 second word "he" and inserting in lieu thereof the
20 words "the defendant", and inserting after the word
21 "his" the words "or her".
22 597. Page 183, line 20, by striking the word "he"
23 and inserting in lieu thereof the words "the
24 defendant".
25 598. Page 183, line 21, by inserting after the
26 word "he" the words "or she".
27 599. Page 183, line 22, by inserting after the
28 word "his" the words "or her" and by striking the

29 word "he" and inserting in lieu thereof the words
30 "the defendant".

31 600. Page 183, line 26, by striking the word "his"
32 and inserting in lieu thereof the words "the
33 defendant's".

34 601. Page 183, line 27, by striking the word "he"
35 and inserting in lieu thereof the words "the
36 defendant".

37 602. Page 183, line 28, by striking the word "his"
38 and inserting in lieu thereof the words "the
39 defendant's".

40 603. Page 183, line 29, by inserting after the
41 word "his" the words "or her".

42 604. Page 183, line 30, by striking the word "he"
43 and inserting in lieu thereof the words "the
44 defendant".

45 605. Page 183, line 31, by inserting after the
46 word "he" the words "or she" and by inserting after
47 the word "him" the words "or her".

48 606. Page 184, line 11, by striking the word "He"
49 and inserting in lieu thereof the words "The
50 magistrate".

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1 607. Page 186, line 13, by inserting after the
2 word "he" the words "or she".

3 608. Page 186, line 22, by inserting after the
4 word "his" the words "or her".

5 609. Page 187, line 28, by inserting after the
6 word "he" the words "or she".

7 610. Page 187, line 30, by striking the word "his"
8 and inserting in lieu thereof the words "the
9 defendant's".

10 611. Page 188, line 1, by striking the word "his"
11 and inserting in lieu thereof the words "the
12 magistrate's".

13 612. Page 188, line 2, by striking the word "his"
14 and inserting in lieu thereof the words "the
15 magistrate's".

16 613. Page 189, line 5, by striking the word "him"
17 and inserting in lieu thereof the words "the
18 defendant".

19 614. Page 193, line 31, by inserting after the
20 word "his" the words "or her".

21 615. Page 194, line 2, by striking the word "his"
22 and inserting in lieu thereof the words "the clerk's".

23 616. Page 194, line 5, by inserting after the
24 word "his" the words "or her".

25 617. Page 194, line 17, by inserting after the
26 word "him" the words "or her".

27 618. Page 194, line 18, by inserting after the
28 word "he" the words "or she".

29 619. Page 195, line 12, by striking the word "he"
30 and inserting in lieu thereof the words "the
31 defendant".

32 620. Page 195, line 14, by striking the word "his"

33 and inserting in lieu thereof the words "the
34 defendant's".
35 621. Page 196, line 28, by striking the word "his"
36 and inserting in lieu thereof the words "the
37 defendant's" and by striking the word "he" and
38 inserting in lieu thereof the words "the defendant".
39 622. Page 197, line 2, by striking the word "his"
40 and inserting in lieu thereof the words "the
41 defendant's".
42 623. Page 197, line 3, by striking the word "him"
43 and inserting in lieu thereof the words "the
44 defendant".
45 624. Page 197, line 14, by striking the word "him"
46 and inserting in lieu thereof the words "the clerk".
47 625. Page 197, line 32, by inserting after the
48 word "his" the words "or her".
49 626. Page 198, line 21, by inserting after the
50 word "his" the words "or her".

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1 627. Page 200, line 1, by striking the word "he"
2 and inserting in lieu thereof the words "such attorney"
3 and by inserting after the word "his" the words "or
4 her".
5 628. Page 200, line 29, by striking the word "he"
6 and inserting in lieu thereof the words "the
7 defendant".
8 629. Page 202, line 23, by inserting after the
9 word "he" the words "or she".
10 630. Page 203, line 10, by inserting after the
11 word "him" the words "or her".
12 631. Page 204, line 15, by striking the word "his"
13 and inserting in lieu thereof the words "the person's".
14 632. Page 204, line 19, by inserting after the
15 word "his" the words "or her".
16 633. Page 204, line 21, by striking the word "his"
17 and inserting in lieu thereof the words "the person's".
18 634. Page 204, line 29, by inserting after the
19 word "his" the words "or her".
20 635. Page 204, line 34, by inserting after the
21 word "his" the words "or her".
22 636. Page 205, line 33, by striking the word "him"
23 and inserting in lieu thereof the words "the fugitive".
24 637. Page 205, line 34, by inserting after the
25 word "his" the words "or her" and by inserting after
26 the word "he" the words "or she".
27 638. Page 206, line 2, by striking the word "his"
28 and inserting in lieu thereof the words "the
29 fugitive's".
30 639. Page 206, line 3, by striking the word "his"
31 and inserting in lieu thereof the words "the
32 fugitive's".
33 640. Page 206, line 8, by inserting after the
34 word "his" the words "or her".
35 641. Page 206, line 10, by striking the word "he"
36 and inserting in lieu thereof the words "the fugitive".

- 37 642. Page 206, line 13, by striking the word "him"
38 and inserting in lieu thereof the words "the fugitive".
39 643. Page 206, line 26, by striking the word "him"
40 and inserting in lieu thereof the words "the agent".
41 644. Page 206, line 27, by striking the first
42 word "him" and inserting in lieu thereof the words
43 "the agent" and by striking the second word "him"
44 and inserting in lieu thereof the words "the fugitive".
45 645. Page 207, line 10, by striking the first
46 word "him" and inserting in lieu thereof the words
47 "the fugitive", by striking the second word "him"
48 and inserting in lieu thereof the words "the fugitive",
49 and by inserting after the word "he" the words "or
50 she".

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- 1 646. Page 207, line 17, by inserting after the
2 word "his" the words "or her".
3 647. Page 207, line 21, by inserting after the
4 word "he" the words "or she".
5 648. Page 207, line 33, by inserting after the
6 word "his" the words "or her".
7 649. Page 208, line 7, by striking the word "he"
8 and inserting in lieu thereof the words "the judge
9 or magistrate" and by striking the word "his" and
10 inserting in lieu thereof the words "the prisoners".
11 650. Page 208, line 8, by striking the word "him"
12 and inserting in lieu thereof the words "the judge
13 or magistrate".
14 651. Page 208, line 9, by striking the word "his"
15 and inserting in lieu thereof the words "the
16 prisoner's".
17 652. Page 211, line 22, by striking the word "he"
18 and inserting in lieu thereof the words "the judge".
19 653. Page 212, line 7, by striking the word "he"
20 and inserting in lieu thereof the words "the witness".
21 654. Page 212, line 14, by striking the word "he"
22 and inserting in lieu thereof the words "the witness"
23 and by inserting after the word "his" the words "or
24 her".
25 655. Page 212, line 16, by inserting after the
26 word "he" the words "or she".
27 656. Page 212, line 19, by striking the word "him"
28 and inserting in lieu thereof the words "the person".
29 657. Page 212, line 20, by striking the word "he"
30 and inserting in lieu thereof the words "the person".
31 658. Page 212, line 22, by striking the word "his"
32 and inserting in lieu thereof the words "the person's".
33 659. Page 212, line 26, by striking the word "he"
34 and inserting in lieu thereof the words "the person".
35 660. Page 212, line 29, by striking the word "his"
36 and inserting in lieu thereof the words "the person's".
37 661. Page 213A, line 35, by striking the word
38 "his" and inserting in lieu thereof the words "the
39 defendant's".

40 662. Page 213B, line 37, by striking the word
41 "his" and inserting in lieu thereof the words "the
42 victim's".

43 663. Page 214, line 5, by inserting after the
44 word "his" the words "or her".

45 664. Page 215, line 27, by striking the word "his"
46 and inserting in lieu thereof the words "the
47 defendant's".

48 665. Page 216A, line 15, by striking the word
49 "him" and inserting in lieu thereof the words "the
50 person" and by inserting after the word "his" the

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1 words "or her".

2 666. Page 216A, line 16, by striking the word
3 "he" and inserting in lieu thereof the words "the
4 person".

5 667. Page 216A, line 18, by striking the first
6 word "his" and inserting in lieu thereof the words
7 "the person's" and by striking the second word "his"
8 and inserting in lieu thereof the words "the person's".

9 668. Page 216A, line 19, by striking the word
10 "he" and inserting in lieu thereof the words "the
11 person".

12 669. Page 216A, line 24, by striking the word
13 "him" and inserting in lieu thereof the words "the
14 person".

15 670. Page 216B, line 37, by striking the word
16 "him" and inserting in lieu thereof the words "the
17 person".

18 671. Page 217A, line 13, by striking the word
19 "him" and inserting in lieu thereof the words "the
20 person".

21 672. Page 217A, line 14, by striking the word
22 "his" and inserting in lieu thereof the words "the
23 person's".

24 673. Page 217A, line 18, by inserting after the
25 word "his" the words "or her".

26 674. Page 217A, line 20, by inserting after the
27 word "his" the words "the person's".

28 675. Page 217B, line 39, by inserting after the
29 word "his" the words "or her".

30 676. Page 217B, line 40, by striking the word
31 "he" and inserting in lieu thereof the words "the
32 person".

33 677. Page 217B, line 49, by striking the word
34 "he" and inserting in lieu thereof the words "the
35 person".

36 678. Page 218, line 8, by striking the word "he"
37 and inserting in lieu thereof the words "the person".

38 679. Page 218, line 9, by inserting after the
39 word "his" the words "or her".

40 680. Page 218, line 33, by striking the word "he"
41 and inserting in lieu thereof the words "the
42 commissioner".

- 43 681. Page 218, line 35, by striking the word "him"
44 and inserting in lieu thereof the words "such person".
45 682. Page 219, line 5, by striking the word "his"
46 and inserting in lieu thereof the words "the person's".
47 683. Page 219, line 6, by inserting after the
48 word "his" the words "or her".
49 684. Page 219, line 7, by striking the word "his"
50 and inserting in lieu thereof the words "the person's".

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- 1 685. Page 219, line 14, by striking the word "his"
2 and inserting in lieu thereof the words "the person's".
3 686. Page 219, line 20, by striking the word "his"
4 and inserting in lieu thereof the words "the person's".
5 687. Page 219, line 23, by striking the word "he"
6 and inserting in lieu thereof the words "the person".
7 688. Page 219, line 26, by striking the word "he"
8 and inserting in lieu thereof the words "the person".
9 689. Page 220A, line 23, by striking the word
10 "him" and inserting in lieu thereof the words "the
11 person".
12 690. Page 221, line 28, by inserting after the
13 word "his" the words "or her".
14 691. Page 221, line 29, by inserting after the
15 word "his" the words "or her".
16 692. Page 221, line 31, by striking the word
17 "chairman" and inserting in lieu thereof the word
18 "chairperson".
19 693. Page 222, line 23, by inserting after the
20 word "his" the words "or her".
21 694. Page 222, line 26, by inserting after the
22 word "his" the words "or her".
23 695. Page 223, line 28, by striking the word "his"
24 and inserting in lieu thereof the words "the person's".
25 696. Page 223, line 29, by inserting after the
26 word "him" the words "or her" and by inserting after
27 the word "his" the words "or her".
28 697. Page 224, line 11, by inserting after the
29 word "his" the words "or her".
30 698. Page 224, line 12, by inserting after the
31 word "his" the words "or her".
32 699. Page 224, line 13, by striking the word "his"
33 and inserting in lieu thereof the words "the
34 prisoner's".
35 700. Page 224, line 32, by striking the word "his"
36 and inserting in lieu thereof the words "the person's".
37 701. Page 224, line 33, by striking the word "his"
38 and inserting in lieu thereof the words "the person's".
39 702. Page 225A, line 15, by inserting after the
40 word "himself" the words "or herself".
41 703. Page 225A, line 16, by striking the word
42 "himself" and inserting in lieu thereof the words
43 "the person" and by inserting after the word "he"
44 the words "or she".
45 704. Page 225A, line 22, by striking the word
46 "him" and inserting in lieu thereof the words "the

47 person".

48 705. Page 225A, line 24, by striking the word
49 "him" and inserting in lieu thereof the words "the
50 person" and by inserting after the word "his" the

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1 words "or her".

2 706. Page 225A, line 27, by striking the word
3 "his" and inserting in lieu thereof the words "the
4 person's".

5 707. Page 225A, line 29, by striking the word
6 "his" and inserting in lieu thereof the words "the
7 person's".

8 708. Page 225B, line 39, by striking the word
9 "him" and inserting in lieu thereof the words "the
10 person".

11 709. Page 227A, line 6, by striking the word "he"
12 and inserting in lieu thereof the words "the person".

13 710. Page 227A, line 8, by striking the word "he"
14 and inserting in lieu thereof the words "the person".

15 711. Page 227A, line 12, by striking the word
16 "he" and inserting in lieu thereof the words "the
17 person" and by inserting after the word "his" the
18 words "or her".

19 712. Page 227A, line 13, by inserting after the
20 word "his" the words "or her".

21 713. Page 227A, line 14, by striking the word
22 "he" and inserting in lieu thereof the words "the
23 person".

24 714. Page 227A, line 16, by striking the word
25 "him" and inserting in lieu thereof the words "the
26 person".

27 715. Page 227A, line 17, by striking the word
28 "him" and inserting in lieu thereof the words "the
29 person" and by inserting after the word "his" the
30 words "or her".

31 716. Page 228, line 9, by inserting after the
32 word "his" the words "or her".

33 717. Page 228, line 15, by inserting after the
34 word "his" the words "or her".

35 718. Page 228, line 21, by inserting after the
36 word "his" the words "or her".

37 719. Page 228, line 22, by striking the word "his"
38 and inserting in lieu thereof the words "the person's".

39 720. Page 228, line 29, by striking the word "him"
40 and inserting in lieu thereof the words "the person".

41 721. Page 228, line 30, by striking the word "his"
42 and inserting in lieu thereof the words "the person's".

43 722. Page 229, line 2, by striking the word "his"
44 and inserting in lieu thereof the words "or her".

45 723. Page 230, line 12, by inserting after the
46 word "he" the words "or she".

47 724. Page 230, line 13, by striking the word "his"
48 and inserting in lieu thereof the words "the

49 defendant's".

50 725. Page 231, line 14, by striking the word "his"

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1 and inserting in lieu thereof the words "the
2 defendant's".

3 726. Page 231, line 16, by striking the first
4 word "his" and inserting in lieu thereof the words
5 "the defendants" and by striking the second word
6 "his" and inserting in lieu thereof the words "the
7 defendant's".

8 727. Page 232, line 16, by striking the word "he"
9 and inserting in lieu thereof the words "the person"
10 and by inserting after the word "his" the words "or
11 her".

12 728. Page 232, line 17, by striking the word "his"
13 and inserting in lieu thereof the words "the person's".

14 729. Page 232, line 18, by striking the word "he"
15 and inserting in lieu thereof the words "the person".

16 730. Page 232, line 20, by striking the first
17 word "him" and inserting in lieu thereof the words
18 "the person" and by striking the second word "him"
19 and inserting in lieu thereof the words "the person".

20 731. Page 232, line 21, by inserting after the
21 word "his" the words "or her".

22 732. Page 232, line 31, by striking the word "his"
23 and inserting in lieu thereof the words "the chief
24 probation officer's".

25 733. Page 233, line 10, by striking the word "him"
26 and inserting in lieu thereof the words "the county
27 attorney".

28 734. Page 233, line 11, by striking the word "him"
29 and inserting in lieu thereof the words "the
30 defendant".

31 735. Page 233, line 13, by striking the word "his"
32 and inserting in lieu thereof the words "the
33 defendant's" and by inserting after the word "he"
34 the words "or she".

35 736. Page 233, line 15, by striking the word "him"
36 and inserting in lieu thereof the words "the
37 defendant".

38 737. Page 233, line 16, by striking the word "he"
39 and inserting in lieu thereof the words "the
40 defendant".

41 738. Page 233, line 17, by inserting after the
42 word "his" the words "or her".

43 739. Page 233, line 28, by inserting after the
44 word "his" the words "or her".

45 740. Page 234, line 11, by striking the word "him"
46 and inserting in lieu thereof the words "the person".

47 741. Page 234, line 13, by striking the word "him"
48 and inserting in lieu thereof the words "the person".

49 742. Page 235, line 20, by inserting after the
50 word "his" the words "or her".

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- 1 743. Page 235, line 35, by inserting after the
2 word "he" the words "or she".
- 3 744. Page 236, line 1, by striking the word "he"
4 and inserting in lieu thereof the words "the
5 defendant".
- 6 745. Page 236, line 4, by inserting after the
7 word "he" the words "or she".
- 8 746. Page 236, line 6, by striking the word "his"
9 and inserting in lieu thereof the words "the
10 defendant's".
- 11 747. Page 236, line 21, by striking the word "his"
12 and inserting in lieu thereof the words "the
13 defendant's".
- 14 748. Page 236, line 30, by striking the first
15 word "his" and inserting in lieu thereof the words
16 "the defendant's", by striking the second word "his"
17 and inserting in lieu thereof the words "the
18 defendant's", by striking the third word "his" and
19 inserting in lieu thereof the words "the defendant's",
20 and by striking the fourth word "his" and inserting
21 in lieu thereof the words "the defendant's".
- 22 749. Page 236, line 31, by striking the word "his"
23 and inserting in lieu thereof the words "the
24 defendant's".
- 25 750. Page 236, line 32, by striking the word "his"
26 and inserting in lieu thereof the words "the
27 defendant's".
- 28 751. Page 237, line 2, by inserting after the
29 word "his" the words "or her".
- 30 752. Page 238A, line 6, by inserting after the
31 word "his" the words "or her" and by striking the
32 word "he" and inserting in lieu therefor the words
33 "the parole officer".
- 34 753. Page 238A, line 10, by inserting after the
35 word "his" the words "or her" and by striking the
36 word "he" and inserting in lieu thereof the words
37 "the magistrate".
- 38 754. Page 238A, line 17, by inserting after the
39 word "his" the words "or her".
- 40 755. Page 238A, line 21, by inserting after the
41 word "he" the words "or she".
- 42 756. Page 238B, line 40, by inserting after the
43 word "his" the words "or her".
- 44 757. Page 238B, line 41, by inserting after the
45 word "him" the words "or her" and by striking the
46 word "He" and inserting in lieu thereof the words
47 "The alleged parole violator".
- 48 758. Page 238B, line 43, by inserting after the
49 word "his" the words "or her" and by striking the
50 word "He" and inserting in lieu thereof the words

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- 1 "The alleged parole violator".
- 2 759. Page 238B, line 45, by inserting after the

- 3 word "him" the words "or her".
4 760. Page 238B, line 46, by striking the word
5 "his" and inserting in lieu thereof the word
6 "witness".
7 761. Page 239, line 4, by inserting after the
8 word "him" the words "or her" and by striking the
9 word "his" and inserting in lieu thereof the words
10 "the alleged violator's".
11 762. Page 239, line 5, by inserting after the
12 word "he" the words "or she".
13 763. Page 239, line 6, by inserting after the
14 word "his" the words "or her" and by striking the
15 word "he" and inserting in lieu thereof the words
16 "the alleged violator".
17 764. Page 239, line 7, by inserting after the
18 word "he" the words "or she".
19 765. Page 239, line 15, by inserting after the
20 word "his" the words "or her" and by striking the
21 word "him" and inserting in lieu thereof the words
22 "the arrested person".
23 766. Page 239, line 18, by inserting after the
24 word "his" the words "or her".
25 767. Page 239, line 19, by striking the word "him"
26 and inserting in lieu thereof the words "the arrested
27 person".
28 768. Page 239, line 22, by striking the word "him"
29 and inserting in lieu thereof the words "the arrested
30 person".
31 769. Page 239, line 25, by striking the word "him"
32 and inserting in lieu thereof the words "the liaison
33 officer".
34 770. Page 239, line 26, by striking the word "him"
35 and inserting in lieu thereof the words "the liaison
36 officer" and by inserting after the word "his" the
37 words "or her".
38 771. Page 240, line 8, by inserting after the
39 word "his" the words "or her".
40 772. Page 240, line 28, by striking the word "him"
41 and inserting in lieu thereof the words "the alleged
42 violator" and by inserting after the word "his" the
43 words "or her".
44 773. Page 240, line 29, by striking the word "him"
45 and inserting in lieu thereof the words "the alleged
46 violator" and by inserting after the word "he" the
47 words "or she".
48 774. Page 240, line 31, by inserting after the
49 word "he" the words "or she".
50 775. Page 240, line 34, by inserting after the

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- 1 word "his" the words "or her".
2 776. Page 241, line 1, by inserting after the
3 word "his" the words "or her".
4 777. Page 241, line 2, by inserting after the
5 word "his" the words "or her".
6 778. Page 241, line 3, by inserting after the

- 7 word "him" the words "or her".
8 779. Page 241, line 8, by striking the word "his"
9 and inserting in lieu thereof the words "the
10 parolee's".
11 780. Page 241, line 10, by inserting after the
12 first word "his" the words "or her" and by inserting
13 after the second word "his" the words "or her".
14 781. Page 241, line 17, by inserting after the
15 word "his" the words "or her".
16 782. Page 243, line 14, by inserting after the
17 word "his" the words "or her".
18 783. Page 243, line 33, by striking the word "he"
19 and inserting in lieu thereof the words "[he] *the*
20 *governor*".
21 784. Page 245, line 4, by striking the word "him"
22 and inserting in lieu thereof the words "[him] *the state*
23 *auditor*".
24 785. Page 245, line 13, by striking the word "him"
25 and inserting in lieu thereof the words "[him] *the state*
26 *auditor*".
27 786. Page 249, line 16, by inserting after the
28 word "his" the words "*or her*".
29 787. Page 249, line 18, by striking the word "he"
30 and inserting in lieu thereof the words "[he] *the*
31 *person*".
32 788. Page 250, line 20, by striking the word "he"
33 and inserting in lieu thereof the words "[he] *the*
34 *employee*".
35 789. Page 250, line 23, by striking the word "his"
36 and inserting in lieu thereof the words "[his] *the*
37 *employee's*".
38 790. Page 252, line 12, by inserting after the
39 word "he" the words "*or she*".
40 791. Page 252, line 35, by inserting after the
41 word "his" the words "*or her*".
42 792. Page 253, line 20, by striking the word "his"
43 and inserting in lieu thereof the words "[his] *the*
44 *incumbent's*".
45 793. Page 254, line 8, by inserting after the
46 word "his" the words "*or her*".
47 794. Page 254, line 9, by inserting after the
48 word "his" the words "*or her*".
49 795. Page 254, line 10, by inserting after the
50 word "his" the words "*or her*".

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- 1 796. Page 254, line 11, by inserting after the
2 word "him" the words "*or her*" and by inserting after
3 the word "he" the words "*or she*".
4 797. Page 254, line 16, by inserting after the
5 word "his" the words "*or her*".
6 798. Page 254, line 18, by inserting after the
7 word "he" the words "*or she*".
8 799. Page 254, line 24, by inserting after the
9 word "his" the words "*or her*".

- 10 800. Page 254, line 26, by inserting after the
11 word "his" the words "*or her*".
12 801. Page 255, line 9, by inserting after the
13 word "he" the words "*or she*".
14 802. Page 255, line 10, by inserting after the
15 word "himself" the words "*or herself*".
16 803. Page 257, line 14, by striking the word "his"
17 and inserting in lieu thereof the words "[his] *the*
18 *employee's*".
19 804. Page 258, line 14, by inserting after the
20 word "he" the words "*or she*".
21 805. Page 258, line 21, by inserting after the
22 word "his" the words "*or her*".
23 806. Page 258, line 22, by inserting after the
24 word "his" the words "*or her*".
25 807. Page 260, line 1, by inserting after the
26 word "his" the words "*or her*".
27 808. Page 260, line 3, by inserting after the
28 word "his" the words "*or her*".
29 809. Page 260, line 24, by inserting after the
30 word "him" the words "*or her*".
31 810. Page 260, line 25, by inserting after the
32 word "his" the words "*or her*".
33 811. Page 261, line 1, by inserting after the
34 word "his" the words "*or her*".
35 812. Page 261, line 8, by inserting after the
36 word "he" the words "*or she*" and by inserting after
37 the word "him" the words "*or her*".
38 813. Page 261, line 9, by inserting after the
39 word "his" the words "*or her*".
40 814. Page 261, line 21, by striking the word "he"
41 and inserting in lieu thereof the words "[he] *the*
42 *person*".
43 815. Page 263, line 27, by inserting after the
44 word "his" the words "*or her*".
45 816. Page 263, line 34, by striking the word "him"
46 and inserting in lieu thereof the words "[him] *the*
47 *employer*".
48 817. Page 264, line 1, by inserting after the
49 word "his" the words "*or her*".
50 818. Page 266, line 1, by striking the word "he"

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- 1 and inserting in lieu thereof the words "[he] *the*
2 *person*".
3 819. Page 267, line 34, by inserting after the
4 word "his" the words "*or her*".
5 820. Page 270, line 6, by inserting after the
6 word "him" the words "*or her*".
7 821. Page 270, line 14, by inserting after the
8 word "his" the words "*or her*".
9 822. Page 272, line 24, by inserting after the
10 word "himself" the words "*or herself*".
11 823. Page 275, line 16, by inserting after the
12 word "he" the words "*or she*".

13 824. Page 280, line 4, by striking the word "he"
14 and inserting in lieu thereof the words "[he] *the*
15 *executive officer*".

16 825. Page 280, line 11, by inserting after the
17 word "his" the words "*or her*".

18 826. Page 290, line 24, by striking the word "he"
19 and inserting in lieu thereof the words "[he] *the*
20 *person*".

21 827. Page 291, line 17, by striking the word "his"
22 and inserting in lieu thereof the words "[his] *the*
23 *person's*".

24 828. Page 296, line 2, by inserting after the
25 word "his" the words "*or her*".

26 829. Page 297, line 2, by striking the word "he"
27 and inserting in lieu thereof the words "[he] *the*
28 *person*".

29 830. Page 297, line 17, by striking the word "he"
30 and inserting in lieu thereof the words "[he] *the*
31 *person*".

32 831. Page 298, line 9, by striking the word "he"
33 and inserting in lieu thereof the words "[he] *the*
34 *person*".

35 832. Page 299, line 18, by inserting after the
36 word "him" the words "*or her*".

37 833. Page 300, line 30, by inserting after the
38 word "him" the words "*or her*".

39 834. Page 301, line 1, by inserting after the
40 word "him" the words "*or her*".

41 835. Page 301, line 29, by inserting after the
42 word "his" the words "*or her*".

43 836. Page 304, line 26, by striking the word "his"
44 and inserting in lieu thereof the words "[his] *the*
45 *owner's*".

46 837. Page 305, line 6, by striking the word "his"
47 and inserting in lieu thereof the words "[his] *the*
48 *veterinarian's*".

49 838. Page 305, line 7, by striking the word "he"
50 and inserting in lieu thereof the words "[he] *the*

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1 *veterinarian*".

2 839. Page 311, line 2, by striking the word "him"
3 and inserting in lieu thereof the words "[him] *the*
4 *person*" and by inserting after the word "he" the words
5 "*or she*".

6 840. Page 311, line 8, by striking the word "him"
7 and inserting in lieu thereof the words "[him] *the*
8 *officer*".

9 841. Page 313, line 13, by striking the word "him"
10 and inserting in lieu thereof the words "[him] *the*
11 *secretary*" and by striking the word "he" and inserting
12 in lieu thereof the words "[he] *the secretary*".

13 842. Page 313, line 17, by striking the word "him"
14 and inserting in lieu thereof the words "[him] *the*
15 *secretary*".

- 16 843. Page 313, line 18, by striking the word "he"
17 and inserting in lieu thereof the words "[he] *the*
18 *secretary*".
- 19 844. Page 313, line 27, by inserting after the
20 word "himself" the words "*or herself*" and by inserting
21 after the word "his" the words "*or her*".
- 22 845. Page 313, line 33, by inserting after the
23 word "himself" the words "*or herself*" and by inserting
24 after the word "his" the words "*or her*".
- 25 846. Page 314, line 11, by striking the word "his"
26 and inserting in lieu thereof the words "[his] *the*
27 *person's*".
- 28 847. Page 314, line 32, by striking the word "his"
29 and inserting in lieu thereof the words "[his] *the*
30 *secretary's*".
- 31 848. Page 314, line 33, by inserting after the
32 word "his" the words "*or her*".
- 33 849. Page 316, line 8, by striking the word "his"
34 and inserting in lieu thereof the words "[his] *the*
35 *secretary's*".
- 36 850. Page 319, line 14, by inserting after the
37 word "his" the words "*or her*".
- 38 851. Page 320, line 11, by inserting after the
39 word "him" the words "*or her*".
- 40 852. Page 322, line 18, by inserting after the
41 word "himself" the words "*or herself*" and by inserting
42 after the word "his" the words "*or her*".
- 43 853. Page 323, line 30, by inserting after the
44 word "his" the words "*or her*".
- 45 854. Page 326, line 1, by inserting after the
46 word "him" the words "*or her*".
- 47 855. Page 326, line 2, by inserting after the
48 word "him" the words "*or her*".
- 49 856. Page 326, line 3, by inserting after the
50 word "him" the words "*or her*".

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- 1 857. Page 326, line 6, by striking the word "he"
2 and inserting in lieu thereof the words "[he] *the*
3 *person*".
- 4 858. Page 333, line 5, by striking the word "him"
5 and inserting in lieu thereof the words "[him] *the*
6 *officer*".
- 7 859. Page 335, line 10, by inserting after the
8 word "him" the words "*or her*".
- 9 860. Page 338, line 2, by striking the word "he"
10 and inserting in lieu thereof the words "[he] *the*
11 *person*".
- 12 861. Page 346, line 11, by inserting after the
13 word "his" the words "*or her*".
- 14 862. Page 347, line 27, by striking the word "he"
15 and inserting in lieu thereof the words "[he] *the*
16 *person*".
- 17 863. Page 347, line 28, by striking the word "he"
18 and inserting in lieu thereof the words "[he] *the*

19 *person*".

20 864. Page 351, line 12, by inserting after the
21 word "he" the words "*or she*".

22 865. Page 351, line 18, by inserting after the
23 word "he" the words "*or she*".

24 866. Page 352, line 3, by inserting after the
25 word "his" the words "*or her*".

26 867. Page 352, line 20, by striking the word "he"
27 and inserting in lieu thereof the words "[he] *the*
28 *person*".

29 868. Page 354, line 18, by inserting after the
30 word "he" the words "*or she*".

31 869. Page 355, line 33, by inserting after the
32 word "he" the words "*or she*".

33 870. Page 356, line 3, by striking the word "his"
34 and inserting in lieu thereof the words "[his] *the*
35 *secretary's*".

36 871. Page 357, line 23, by inserting after the
37 word "him" the words "*or her*".

38 872. Page 357, line 24, by inserting after the
39 word "him" the words "*or her*".

40 873. Page 357, line 29, by inserting after the
41 word "him" the words "*or her*".

42 874. Page 358, line 13, by striking the word "his"
43 and inserting in lieu thereof the words "[his] *the*
44 *person's*".

45 875. Page 362, line 17, by inserting after the
46 word "his" the words "*or her*".

47 876. Page 362, line 19, by striking the first
48 word "he" and inserting in lieu thereof the words
49 "[he] *the person*" and by striking the second word "he"
50 and inserting in lieu thereof the words "[he] *the*

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1 *person*".

2 877. Page 363, line 14, by inserting after the
3 word "his" the words "*or her*".

4 878. Page 363, line 18, by inserting after the
5 word "his" the words "*or her*".

6 879. Page 363, line 19, by striking the word "he"
7 and inserting in lieu thereof the words "*the person*".

8 880. Page 364, line 9, by striking the word "he"
9 and inserting in lieu thereof the words "[he] *the*
10 *person*".

11 881. Page 364, line 10, by inserting after the
12 word "him" the words "*or her*".

13 882. Page 364, line 33, by inserting after the
14 word "he" the words "*or she*".

15 883. Page 365, line 3, by inserting after the
16 word "him" the words "*or her*".

17 884. Page 365, line 9, by striking the word "he"
18 and inserting in lieu thereof the words "[he] *the*
19 *treasurer or auditor*".

20 885. Page 365, line 10, by inserting after the
21 first word "his" the words "*or her*" and by inserting

- 22 after the second word "his" the words "*or her*".
23 886. Page 366, line 1, by inserting after the
24 word "himself" the words "*or herself*".
25 887. Page 366, line 3, by inserting after the
26 word "he" the words "*or she*".
27 888. Page 366, line 11, by striking the word "his"
28 and inserting in lieu thereof the words "[his] *the trea-*
29 *surer's*".
30 889. Page 366, line 29, by inserting after the
31 word "him" the words "*or her*".
32 890. Page 366, line 32, by inserting after the
33 word "he" the words "*or she*", by inserting after the
34 first word "his" the words "*or her*", and by inserting
35 after the second word "his" the words "*or her*".
36 891. Page 368, line 18, by striking the word "he"
37 and inserting in lieu thereof the words "[he] *the*
38 *person*".
39 892. Page 369, line 28, by striking the word "his"
40 and inserting in lieu thereof the words "[his] *the*
41 *person's*".
42 893. Page 372, line 8, by inserting after the
43 word "he" the words "*or she*".
44 894. Page 378, line 9, by striking the word "him"
45 and inserting in lieu thereof the words "[him] *the*
46 *person*" and by striking the word "his" and inserting
47 in lieu thereof the words "[his] *such person's*".
48 895. Page 378, line 11, by striking the word "he"
49 and inserting in lieu thereof the words "[he] *the*
50 *person*".

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- 1 896. Page 381, line 1, by striking the word "him"
2 and inserting in lieu thereof the words "[him] *the*
3 *officer or director*".
4 897. Page 382, line 8, by striking the word "his"
5 and inserting in lieu thereof the words "[his] *the*
6 *commissioner's*".
7 898. Page 382, line 13, by striking the word "his"
8 and inserting in lieu thereof the words "[his] *the*
9 *commissioner's*".
10 899. Page 382, line 29, by inserting after the
11 word "his" the words "*or her*".
12 900. Page 383, line 3, by striking the word "he"
13 and inserting in lieu thereof the words "[he] *the*
14 *person*".
15 901. Page 383, line 33, by inserting after the
16 word "his" the words "*or her*".
17 902. Page 383, line 34, by inserting after the
18 word "his" the words "*or her*".
19 903. Page 384, line 14, by inserting after the
20 word "himself" the words "*or herself*".
21 904. Page 384, line 18, by inserting after the
22 word "his" the words "*or her*".
23 905. Page 385, line 27, by striking the word "him"
24 and inserting in lieu thereof the words "[him] *the*

25 *director or officer*".

26 906. Page 394, line 11, by striking the word "his"
27 and inserting in lieu thereof the word "[his] *the*
28 *commissioner's*".

29 907. Page 403, line 27, by inserting after the
30 word "*he*" the words "*or she*".

31 908. Page 404, line 3, by inserting after the
32 word "*he*" the words "*or she*".

33 909. Page 404, line 5, by inserting after the
34 first word "his" the words "*or her*" and by inserting
35 after the second word "his" the words "*or her*".

36 910. Page 404, line 7, by inserting after the
37 word "*he*" the words "*or she*".

38 911. Page 404, line 8, by inserting after the
39 word "*he*" the words "*or she*".

40 912. Page 404, line 11, by inserting after the
41 word "*he*" the words "*or she*".

42 913. Page 404, line 12, by inserting after the
43 word "*he*" the words "*or she*".

44 914. Page 404, line 17, by striking the first
45 word "*he*" and inserting in lieu thereof the words
46 "*the person*" and by inserting after the second word
47 "*he*" the words "*or she*".

48 915. Page 404, line 20, by inserting after the
49 word "*he*" the words "*or she*".

50 916. Page 404, line 31, by inserting after the

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1 word "*he*" the words "*or she*".

2 917. Page 405, line 6, by inserting after the
3 word "*he*" the words "*or she*".

4 918. Page 405, line 9, by inserting after the
5 first word "his" the words "*or her*" and by inserting
6 after the second word "his" the words "*or her*".

7 919. Page 405, line 11, by inserting after the
8 word "*he*" the words "*or she*".

9 920. Page 405, line 12, by striking the word "*he*"
10 and inserting in lieu thereof the words "*the*
11 *person*".

12 921. Page 405, line 16, by inserting after the
13 word "*he*" the words "*or she*".

14 922. Page 405, line 17, by inserting after the
15 word "*he*" the words "*or she*".

16 923. Page 405, line 22, by striking the word "*he*"
17 and inserting in lieu thereof the words "[*he*] *the*
18 *person*".

19 924. Page 406, line 34, by inserting after the
20 word "*he*" the words "*or she*".

21 925. Page 407, line 30, by striking the word "*he*"
22 and inserting in lieu thereof the words "[*he*] *the*
23 *person*".

24 926. Page 408, line 2, by inserting after the
25 word "his" the words "*or her*".

26 927. Page 412, line 29, by striking the word "*he*"
27 and inserting in lieu thereof the words "[*he*] *the*

- 28 *tenant*".
- 29 928. Page 415, line 34, by striking the word "his"
- 30 and inserting in lieu thereof the words "[his] *the*
- 31 *citizens' aide's*".
- 32 929. Page 416A, line 1, by inserting after the
- 33 word "his" the words "*or her*".
- 34 930. Page 417, line 5, by striking the word "his"
- 35 and inserting in lieu thereof the words "[his] *the*
- 36 *person's*".
- 37 931. Page 417, line 12, by inserting after the
- 38 word "his" the words "*or her*".
- 39 932. Page 417, line 13, by inserting after the
- 40 word "his" the words "*or her*".
- 41 933. Page 417, line 32, by inserting after the
- 42 word "he" the words "*or she*".
- 43 934. Page 418, line 5, by striking the word "him"
- 44 and inserting in lieu thereof the words "[him] *the*
- 45 *public official*".
- 46 935. Page 418, line 28, by striking the word "he"
- 47 and inserting in lieu thereof the words "[he] *the juror*".
- 48 936. Page 418, line 31, by striking the word "his"
- 49 and inserting in lieu thereof the words "[his] *the*
- 50 *juror's*".

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- 1 937. Page 418, line 33, by striking the word "his"
- 2 and inserting in lieu thereof the words "[his] *the*
- 3 *juror*".
- 4 938. Page 420, line 9, by striking the word "him"
- 5 and inserting in lieu thereof the words "[him] *the*
- 6 *plaintiff*" and by striking the word "he" and inserting
- 7 in lieu thereof the words "[he] *the defendant*".

EXPLANATION OF AMENDMENT TO SENATE FILE 1062

The Hansen-Shaw-Kelly amendment S—5436 on pages 1133 through 1135 of the Senate Journal of Thursday, April 1, 1976, contains drafting errors and omissions contrary to instructions given to the staff of the Legislative Service Bureau on March 31, 1976. On that date Senator Shaw and I, together with the State Comptroller and several of his chief assistants, related to a member of legislative research the technical aspects of the proposed amendment.

On April 1, 1976 at 5:00 p.m., Senate debate resumed on Senate File 1062. As that discussion began, neither amendment S—5436 nor amendment S—5435 (the principal amendment to the Conference Report) had been distributed to the Senators. At 6:30 p.m. I presented amendment S—5436 which had just been distributed to the Senators. Unfortunately, I was not given time to verify the accuracy of the drafting and only subsequent to the debate discovered the errors and omissions. Submitted herewith is the corrected version of the amendment that was requested of the Legislative Service Bureau and which conforms to the presentation made in debate on April 1, 1976.

- 1 Amend the Rodgers amendment S—5435 to the Report
- 2 of the Second Conference Committee on Senate File
- 3 1062 as follows:

1. Page 5, by striking lines 26 through 50 and inserting in lieu thereof the following:

"..... Page 14, by striking lines 29 through 35 and inserting in lieu thereof the following:

Sec. Section four hundred forty-two point three (442.3), Code 1975, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, [1972] 1976, is [seventy] *eighty* percent of the state cost per pupil. [For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil.] The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. There is instituted for the fiscal year beginning July 1, 1976 and ending June 30, 1977 and for the fiscal year beginning July 1, 1977 and ending June 30, 1978 a property tax recapture on commercial property, industrial property, personal property, and all property assessed pursuant to chapters four hundred thirty-three (433) through four hundred thirty-eight (438) of the Code by the director under authority specified in chapter four hundred twenty-eight (428) of the Code. The amount of the property tax recapture shall be equal to the difference between the property taxes levied on a parcel of property and payable during the fiscal year beginning July 1, 1975 and the property taxes levied on the same parcel of property and payable during the fiscal year beginning July 1, 1976 and the difference between the property taxes levied on a parcel of property and payable during the fiscal year beginning July 1, 1975 and the property taxes levied on the same parcel of property and payable during the fiscal year beginning July 1, 1977, if the property taxes paid during the fiscal year beginning July 1, 1976 or July 1, 1977 are less than the property taxes paid during the fiscal year beginning July 1, 1975. The tax shall be payable to the department of revenue and shall be paid at the time the person is filing a state income tax return for a tax year ending on or after July 1, 1977 and not later than June 30, 1978 or on or after July 1, 1978 and not later than June 30,

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1979, as applicable.

Sec. The county auditor in each county shall certify to the department of revenue not later than January 1, 1977 and January 1, 1978 a list of each parcel of property which is classified by the assessor as commercial property, industrial property, personal

7 property, or property assessed pursuant to chapters
8 four hundred thirty-three (433) through four hundred
9 thirty-eight (438) of the Code by the director under
10 authority of chapter four hundred twenty-eight (428)
11 of the Code, the owner of each parcel, the property
12 taxes levied against the property and payable during
13 the fiscal year beginning July 1, 1975, the property
14 taxes levied against the property and payable during
15 the fiscal year beginning July 1, 1976, and the amount
16 of state property taxes payable in the manner provided
17 by this Act. The list submitted not later than January
18 1, 1978 shall have the property taxes levied against
19 the property and payable during the fiscal year
20 beginning July 1, 1977 substituted in lieu of the
21 property taxes payable during the fiscal year beginning
22 July 1, 1975.

23 Sec. In notifying the owner of the property
24 of the property taxes levied against the property
25 and payable during the fiscal year beginning July
26 1, 1977 and during the fiscal year beginning July
27 1, 1978, the notice shall also indicate whether or
28 not any recaptured property taxes are due on the
29 property. If recaptured property taxes are due on
30 the property, the notice shall also notify the owner
31 of the property that the taxes are payable to the
32 department of revenue and shall be included in the
33 payment of state income taxes due and payable upon
34 the filing of a state income tax return filed for
35 any tax year ending on or after July 1, 1977 and not
36 later than June 30, 1978 and on or after July 1, 1978
37 and not later than June 30, 1979, as applicable.

38 Sec. Any recaptured property taxes due under
39 the provisions of this Act shall become a lien against
40 the property in the same manner and at the same time
41 as a lien for any other delinquent property taxes.

42 Sec. Upon payment of the recaptured property
43 taxes due on a parcel of property to the department
44 of revenue, the director of revenue shall certify
45 the payment of the recaptured property taxes to the
46 county auditor and direct the auditor to remove the
47 lien which has been attached for nonpayment of
48 recaptured property taxes.

49 Sec. APPROPRIATION. There is appropriated
50 for each year of the fiscal period beginning July

Page 3

1 1, 1976 and ending June 30, 1977 to the agricultural
2 land credit fund the sum of eighteen million
3 (18,000,000) dollars which shall be in addition to
4 money appropriated pursuant to section four hundred
5 twenty-six point one (426.1) of the Code.

6 Sec. ADMINISTRATION. Not later than May
7 1, 1976, the state comptroller shall recertify to
8 the county auditors of the respective counties the
9 pro rata percentage of reimbursement from the

10 agricultural land credit fund which shall be
11 distributed by the state comptroller on or before
12 September 15, 1976.

13 Sec. Notwithstanding the provisions of sec-
14 tion four hundred twenty-five point one (425.1), sub-
15 sections two (2), three (3), and four (4) of the Code,
16 the homestead tax credit shall be computed so as to
17 give a credit against the tax on each eligible home-
18 stead in the state in an amount equal to six dollars
19 and seventy-five cents per thousand on the first
20 eleven thousand one hundred fifteen dollars of actual
21 value for each homestead. The provisions of this
22 section shall only be applicable for each homestead
23 tax credit claimed between January 1, 1976 and July
24 1, 1976 and approved and for each homestead tax credit
25 claimed between January 1, 1977 and July 1, 1977 and
26 approved.

27 The provisions of this section are effective to
28 January 1, 1976 for credits claimed on or after January
29 1, 1976 and approved under chapter four hundred twenty-
30 five (425) of the Code for a homestead tax credit
31 on an eligible homestead and to this extent the
32 provisions of this section are retroactive.

33 By striking pages 15 and 16.

34 Page 17, by striking lines 1 through 19."

35 2. Page 6, by striking lines 1 through 43.

36 3. Page 7, by striking lines 29 through 50.

37 4. Page 8, by striking lines 1 through 50.

38 5. Page 9, by striking lines 1 through 7 and

39 inserting in lieu thereof the following:

40 Page 23, line 7, by striking the words "and
41 exemptions".

42 Page 23, line 8, by striking the words "making
43 changes in".

44 Page 23, by striking line 9.

45 Page 23, line 10, by striking the words
46 "taxable property,".

47 Page 23, line 12, by striking the words "making
48 certain provisions of the Act retroactive,".

WILLARD R. HANSEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Albert A. Augustine of Des Moines, Polk County, Iowa, for reappointment as a member of the Appeal Board on State Institution Construction Contracts pursuant to Section 22.1, Code 1975, for the regular four-year term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
LOUIS P. CULVER
PHILIP B. HILL
RICHARD J. NORPEL, SR.
ELIZABETH SHAW

REPORTS OF COMMITTEES

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1048**, a bill for an act to prohibit the jailing of juveniles for misdemeanor offenses committed in violation of chapter three hundred twenty-one (321) of the Code, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1299**, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac County relating to the purchase of certain land, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1464**, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1346**, a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5613

- 1 Amend House File 1346, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 3, by striking the word and number
- 4 "twenty-two (22)" and inserting in lieu thereof the
- 5 word and number "twenty-one (21)".
- 6 2. Page 3, line 33, by inserting after the word
- 7 "GOVERNOR." the words "In exercising the governor's
- 8 powers and duties under this Act and to effect the
- 9 policy and purpose, the governor may:".
- 10 3. Page 3, line 34, by striking the words "The
- 11 governor may, after" and inserting in lieu thereof
- 12 the word "After".

- 13 4. Page 5, line 20, by striking the words "the
14 governor may".
- 15 5. Page 8, lines 16 and 17, by striking the words
16 "Department of Public Defense" and inserting in lieu
17 thereof the words "department of public defense".
- 18 6. Page 12, by striking lines 13 through 15 and
19 inserting in lieu thereof the words "event of a
20 disaster. The coordinator may, with the approval".
- 21 7. Page 13, line 26, by striking the word "joint"
22 and inserting in lieu thereof the word "jointly".
- 23 8. Page 16, lines 24 through 27, by striking the
24 words "office, nor shall such employee engage in any
25 political activity that will impair his efficiency
26 during working hours or cause him to be tardy or
27 absent from his work" and inserting in lieu thereof
28 the word "office".
- 29 9. By striking page 16, line 34 through page 17,
30 line 2.
- 31 10. Page 17, by inserting after line 14 the
32 following:
- 33 "Sec. **NEW SECTION. OATH OF MEMBERS AND**
34 **EMPLOYEES.** Each person who is appointed to serve
35 in an organization for disaster services shall, before
36 entering upon his duties, take an oath in writing,
37 before a person authorized to administer oaths in
38 this state, which oath shall be substantially as
39 follows:
- 40 I, _____, do solemnly swear (or affirm)
41 that I will support and defend the Constitution of
42 the United States and the Constitution of the state
43 of Iowa, against all enemies, foreign or domestic;
44 that I will bear true faith and allegiance to the
45 same; that I take this obligation freely, without
46 any mental reservation or purpose of evasion; and
47 that I will well and faithfully discharge the duties
48 upon which I am about to enter."
- 49 11. By renumbering sections and relettering
50 paragraphs to conform to this amendment.

Page 2

- 1 12. Amend the title, line 1, by inserting after
2 the word "services" the words "and public disorders,
3 specifying the powers and duties of the governor".

EUGENE M. HILL Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5610

- 1 Amend Senate File 1314 as follows:
2 1. Page 1, line 11, by striking the figure
3 "9,500,000" and inserting in lieu thereof the figure
4 "10,000,000".
5 2. Page 1, by inserting after line 11 the
6 following:

7 "It is the intent of the general assembly in ap-
8 propriating funds in this subsection that not less
9 than five hundred thousand dollars thereof shall be
10 used, beginning at the earliest practicable time,
11 to employ additional persons at the social worker
12 II level, at the income maintenance worker II level,
13 and as clerical workers, who shall fill either existing
14 vacancies or new positions as client contact personnel
15 at the local level and their necessary supporting
16 clerical personnel and who shall be in addition to
17 the total number of such personnel actually employed
18 by the department of social services on the effective
19 date of this Act."

WILLIAM E. GLUBA
WILLIAM D. PALMER

S—5605

1 Amend Senate File 1314 as follows:
2 1. Page 4, line 22 by striking the figure
3 "\$4,780,000" and inserting in lieu thereof the figure
4 "\$4,861,725".

JAMES E. BRILES
CALVIN O. HULTMAN

S—5606

1 Amend Senate File 1314 as follows:
2 1. Page 6, by inserting after line 1 the fol-
3 lowing:
4 "It is the intent of the general assembly in
5 appropriating funds in this subsection that, notwith-
6 standing the provisions of section two hundred thirty-
7 nine point eighteen (239.18), of the Code, the depart-
8 ment of social services shall not reduce the standard
9 of payment or restrict the eligibility criteria for
10 recipients in the aid to dependent children program
11 until the department has received such instructions
12 from the joint appropriations subcommittee on human
13 resources of the committees on appropriations."

WILLIAM E. GLUBA
JAMES M. REDMOND
C. JOSEPH COLEMAN
JOAN ORR
MINNETTE DODERER
STEVE SOVERN

S—5597

1 Amend Senate File 1314 as follows:
2 1. Page 6, by inserting after line 3 the fol-
3 lowing:
4 "It is the intent of the general assembly in
5 making the appropriation provided for in this sub-
6 section that the department of social services shall
7 increase the maximum reimbursement for intermediate
8 care facilities to twenty-one dollars per day."

WILLIAM E. GLUBA

S—5598

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, line 4, by striking the figure
- 3 "50,000,000" inserting in lieu thereof the figure
- 4 "54,000,000".

C. JOSEPH COLEMAN
WILLIAM E. GLUBA

S—5599

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, line 23, by striking the words
- 3 "be encouraged to" and inserting in lieu thereof
- 4 the word "shall".

WILLIAM E. GLUBA
C. JOSEPH COLEMAN

S—5611

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "Sec. None of the state's regional mental
- 6 health facilities shall be converted to a medium
- 7 security correctional facility within two years after
- 8 the date on which this Act becomes effective."
- 9 2. Renumber the sections as necessary.

FORREST V. SCHWENGELS
LOWELL L. JUNKINS
CHARLES P. MILLER

S—5614

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, line 11, by inserting after the
- 4 word "houses" the words "and pre-institutional re-
- 5 sidential facilities".
- 6 2. Page 1, line 13, by inserting after the
- 7 word "house" the words "or pre-institutional re-
- 8 sidential facility".

BERL E. PRIEBE
WILLIAM E. GLUBA

S—5609

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 33 the
- 4 following:
- 5 "The medium security institution authorized by
- 6 this subsection shall not exceed a residential cap-
- 7 acity of two hundred inmates."

WILLIAM E. GLUBA
LOUIS P. CULVER

S—5601

- 1 Amend the committee on appropriations amend-
- 2 ment, S—5536 to House File 1539 as follows:

- 3 1. Page 1, by striking lines 36 through 39 and
- 4 inserting in lieu thereof the following:
- 5 "..... For upgrading and additional personnel for
- 6 the state penitentiary at Fort Madison and state
- 7 reformatory at Anamosa 742,200".
- 8 2. By renumbering the remaining subsections.

MINNETTE F. DODERER

S—5602

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 41 the
- 4 following:
- 5 "Sec. None of the state's regional mental
- 6 health facilities shall be converted to a medium
- 7 security correctional facility within three years after
- 8 the date on which this Act becomes effective."
- 9 2. Renumber the sections as necessary.

FORREST V. SCHWENGELS
LOWELL L. JUNKINS
CHARLES P. MILLER

S—5608

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 41 the
- 4 following:
- 5 "..... For the construction of an additional
- 6 wing at the Iowa security medical facility in order
- 7 to establish a correction program for male and female
- 8 offenders and for administrative support and staffing
- 9 thereof 1,011,839.88".
- 10 2. Renumber the subsections as necessary.

MINNETTE F. DODERER
WILLIAM E. GLUBA

S—5596

- 1 Amend Senate amendment S—5536 to House File 1539
- 2 as follows:
- 3 1. Page 1, line 48, by inserting after the word
- 4 "program" the words "which shall accept drug de-
- 5 pendent individuals on a statewide basis".

BERL E. PRIEBE

S—5607

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 2, by striking lines 13 through 38
- 4 and inserting in lieu thereof the following:
- 5 "Sec. 5.
- 6 1. It is the intent of the general assembly
- 7 to seek analysis of the state's total adult corrections
- 8 system from qualified persons and to consider this

9 analysis before deciding upon a long-term program to
10 update the state's adult penal corrections system to
11 meet the actual needs of the state with special emphasis
12 placed upon the future capacity of the state's prisons.

13 2. To carry out the intent expressed in sub-
14 section one (1) of this section, there is created
15 as a temporary body an advisory commission on correc-
16 tions relief composed of five members, none of whom
17 shall be members of, or candidates for election to
18 the general assembly during their tenure in the
19 commission. No more than half of the members plus
20 one shall be of the same political party. The
21 members of the commission shall be appointed by the
22 governor from the qualified electors of this state
23 who are knowledgeable by either experience or occupa-
24 tion in the field of adult penal corrections. The
25 members of the commission who are not state employees
26 shall be entitled to receive forty dollars per diem
27 for each day devoted to their duties as commission
28 members. All members shall receive reimbursement for
29 expenses actually and necessarily incurred in dis-
30 charge of these duties. Staff assistance shall be
31 provided to the commission by the legislative service
32 bureau."

JAMES M. REDMOND

S—5615

1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539 as follows:

3 1. Page 2, line 28, by striking the word "two"
4 and inserting in lieu thereof the word "one".

5 2. Page 2, line 30, by inserting after the word
6 "court," the words "one by the attorney general,"

7 3. Page 2, line 49, by inserting after the word
8 "for" the words "male or".

RICHARD R. RAMSEY
FORREST V. SCHWENGELS
DALE L. TIEDEN
ELIZABETH R. MILLER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 1:15 p.m., Thursday, April 29, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED NINTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, APRIL 29, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Harold MacMillan, pastor of the Church of the Nazarene, Monticello, Iowa.

The Journal of Wednesday, April 28, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. Lee McClenahan, Sigourney, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Priebe for the day, Senator Shaff for the day, Senator Heying for the day and Senator Scott for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-eight students from Bennett High School, Bennett, Iowa, accompanied by Mr. Arenson. Senator Lamborn.

Seventy students from Hampton Junior High School, Hampton, Iowa, accompanied by Mr. Ziegler and Mrs. Ellis. Senator Taylor.

Thirty-five students from Logan Junior High School, Waterloo, Iowa, accompanied by David Miller. Senators Nolting and Hansen.

Twenty-six students from Sacred Heart School, Spencer, Iowa, accompanied by Mrs. Kadaus. Senator Bergman.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act.

Also: That the House has on April 27, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1225, a bill for an act relating to the establishment of a birth defects institute.

Also: That the House has on April 27, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1243, a bill for an act appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology.

Also: That the House has on April 28, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters 306B or 306C of the Code.

Also: That the House has on April 28, 1976, adopted the Conference Committee Report and passed the following bill in which the concurrence of the Senate is asked:

House File 352, a bill for an act relating to dissolution of marriage.

Also: That the House has on April 28, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 863, a bill for an act relating to workmen's compensation laws.

Also: That the House has on April 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1556, a bill for an act relating to the inspection of weights and measures and making an appropriation.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1124

S—5617

1 Amend Senate File 1124 as follows:

2 1. Page 1, line 2, by striking the word "seventy"

3 and inserting "thirty".

4 2. Page 1, line 3, by striking the figure

5 "70,000" and inserting the figure "30,000".

6 3. Page 1, by striking lines 9 through 15 and

7 inserting in lieu thereof the words "Act. The

8 joint senate-house".

HOUSE AMENDMENT TO SENATE FILE 1265

S—5616

- 1 Amend Senate File 1265 as passed by the Senate
2 as follows:
3 1. Page 1, by inserting after line 31 the fol-
4 lowing:
5 "Sec. Section three hundred six C point
6 eleven (306C.11), subsection four (4), Code 1975,
7 is amended to read as follows:
8 4. Official *and* directional [or other traffic
9 control devices or] signs[. Advertising devices] and
10 notices which shall include, but not be limited to,
11 [advertising devices] *signs* and notices pertaining
12 to natural wonders, scenic and historic attractions,
13 recreational attractions and municipal recognition
14 signs, which shall conform with rules promulgated
15 by the department, provided that such rules shall
16 be consistent with national standards promulgated
17 [from time to time by the appropriate authority of
18 the federal government,] pursuant to Title 23, section
19 131, [paragraph] *subsection "c"* of the United States
20 Code.
21 Sec. Section three hundred six C point
22 thirteen (306C.13), subsection six (6), Code 1975,
23 is amended to read as follows:
24 6. Official [advertising devices] *and directional*
25 *signs and notices* and advertising devices concern-
26 ing the sale or lease of the property or activities
27 conducted upon the property as specified in Title
28 23, section 131, [paragraph] *subsection "c"* of the
29 United States Code, shall not be taken into
30 consideration in determining compliance with spacing
31 requirements."
32 2. Renumber sections and correct internal
33 references as necessary in conformance with this
34 amendment.
35 3. Amend the title, line 1, by striking the words
36 "to establish" and inserting in lieu thereof the words
37 "relating to certain signs and notices providing for
38 changes in the terms referring to certain signs and
39 notices and establishing".

HOUSE MESSAGE CONSIDERED

House File 1556, a bill for an act relating to the inspection of weights and measures and making an appropriation.

Read first time and passed on file.

COMMUNICATIONS

The following communications from the Governor were presented:

April 26, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Jon H. Kneen, Ottumwa, Wapello County, Iowa, for appointment as a member of the State Judicial Nominating Commission pursuant to Sections 46.1 and 46.5, 1975 Code of Iowa, for the unexpired portion of the term beginning July 1, 1973, and ending June 30, 1979.

Sincerely,
ROBERT D. RAY
Governor

Also:

April 28, 1976

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Betty J. Furgerson, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Judicial Nominating Commission pursuant to Sections 46.1 and 46.5, 1975 Code of Iowa, for the unexpired portion of the term beginning July 1, 1975, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

CONSIDERATION OF BILLS

Senate File 1314

On motion of Senator Palmer, Senate File 1314, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, was taken up for consideration.

Senator Palmer offered amendment S—5589 filed by the committee on appropriations and moved its adoption:

S—5589

- 1 Amend Senate File 1314 as follows:
- 2 Page 9, line 28, by inserting after the word
- 3 "facility." the words "Assistance shall be furnished
- 4 only when it is determined that adequate funding is
- 5 available."

Amendment S—5589 was adopted.

Senator Gluba offered amendment S—5610 filed by Senators Gluba and Palmer, moved its adoption and requested a record roll call:

S—5610

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 1, line 11, by striking the figure
- 3 "9,500,000" and inserting in lieu thereof the figure
- 4 "10,000,000".
- 5 2. Page 1, by inserting after line 11 the
- 6 following:
- 7 "It is the intent of the general assembly in ap-
- 8 propriating funds in this subsection that not less
- 9 than five hundred thousand dollars thereof shall be
- 10 used, beginning at the earliest practicable time,
- 11 to employ additional persons at the social worker
- 12 II level, at the income maintenance worker II level,
- 13 and as clerical workers, who shall fill either existing
- 14 vacancies or new positions as client contact personnel
- 15 at the local level and their necessary supporting
- 16 clerical personnel and who shall be in addition to
- 17 the total number of such personnel actually employed
- 18 by the department of social services on the effective
- 19 date of this Act."

On the question "Shall amendment S—5610 be adopted?"
(S.F. 1314) the vote was:

Ayes, 28:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Murray	Schwengels
Carr	Hansen	Nolting	Shaw
Coleman	Hill of Polk	Nystrom	Sovern
DeKoster	Junkins	Orr	Van Gilst
Doderer	Kelly	Redmond	Willits
Gallagher			

Nays, 16:

Burroughs	Kinley	Norpel	Ramsey
Culver	Merritt	Palmer	Taylor
Curtis	Miller of	Plymat	Tieden
Hill of Jasper	Marshall	Rabedeaux	Winkelman
Hultman			

Absent or not voting, 6:

Heying	Nolin	Scott	Shaff
Lamborn	Priebe		

Amendment S—5610 was adopted.

Senator Murray offered amendment S—5594 filed by Senator Doderer and moved its adoption:

S—5594

- 1 Amend Senate File 1314, page 2, line 13 by
- 2 adding after the word "programs" the words, "and
- 3 juvenile interim detention facilities and shelter
- 4 care facilities".

Amendment S—5594 was adopted.

Senator Murray offered amendment S—5621 and moved its adoption:

S—5621

- 1 Amend Senate File 1314, page 2, by inserting
- 2 after line 17 the following sentence: "Not more than
- 3 five percent (5%) of such funds may be used by the
- 4 state youth coordinator to administer this program
- 5 and prepare and submit the report required by paragraph
- 6 e of this subsection."

Senator Nolting took the chair at 2:45 p.m.

Amendment S—5621 was adopted.

Senator Briles offered amendment S—5605 filed by Senators Briles and Hultman and moved its adoption:

S—5605

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 4, line 22 by striking the figure
- 3 "\$4,780,000" and inserting in lieu thereof the figure
- 4 "\$4,861,725".

President pro tempore Doderer took the chair at 3:05 p.m.

A non-record roll call was requested.

Rule 25 was invoked.

The ayes were 21, nays 23.

Amendment S—5605 lost.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Glenn presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

President Neu took the chair at 5:20 p.m.

Senator Gluba offered amendment S—5618, moved its adoption and requested a record roll call:

S—5618

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, line 1, by striking the figure
- 3 "41,000,000", and inserting in lieu thereof the
- 4 figure "44,113,339".

5 2. Page 6, by inserting after line 1 the
 6 following:
 7 "It is the intent of the general assembly in
 8 appropriating funds in this subsection that the depart-
 9 ment of social services shall no later than September
 10 1, 1976, increase payments for aid to dependent chil-
 11 dren by seven (7) per cent."

On the question "Shall amendment S—5618 be adopted?"
 (S.F. 1314) the vote was:

Ayes, 12:

Carr	Hill of Polk	Orr	Sovern
Coleman	Merritt	Ramsey	Willits
Doderer	Miller of	Robinson	
Gluba	Des Moines		

Nays, 28:

Andersen	Glenn	Kinley	Plymat
Bergman	Griffin	Lamborn	Rabedeaux
Briles	Hansen	Miller of	Schwengels
Burroughs	Hill of Jasper	Marshall	Shaw
Culver	Hultman	Nolting	Taylor
Curtis	Junkins	Norpel	Tieden
DeKoster	Kelly	Palmer	Winkelman
Gallagher			

Absent or not voting, 10:

Heying	Nystrom	Rodgers	Shaff
Murray	Priebe	Scott	Van Gilst
Nolin	Redmond		

Amendment S—5618 lost.

Senator Gluba offered amendment S—5606 filed by Senators Gluba, et al., moved its adoption and requested a non-record roll call:

S—5606

1 Amend Senate File 1314 as follows:
 2 1. Page 6, by inserting after line 1 the fol-
 3 lowing:
 4 "It is the intent of the general assembly in
 5 appropriating funds in this subsection that, notwith-
 6 standing the provisions of section two hundred thirty-
 7 nine point eighteen (239.18), of the Code, the depart-
 8 ment of social services shall not reduce the standard
 9 of payment or restrict the eligibility criteria for
 10 recipients in the aid to dependent children program
 11 until the department has received such instructions
 12 from the joint appropriations subcommittee on human
 13 resources of the committees on appropriations."

Rule 25 was invoked.

The ayes were 16, nays 24.

Amendment S—5606 lost.

Senator Gluba offered amendment S—5597 filed by him, moved its adoption and requested a record roll call:

S—5597

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, by inserting after line 3 the fol-
- 3 lowing:
- 4 "It is the intent of the general assembly in
- 5 making the appropriation provided for in this sub-
- 6 section that the department of social services shall
- 7 increase the maximum reimbursement for intermediate
- 8 care facilities to twenty-one dollars per day."

President pro tempore Doderer took the chair at 5:40 p.m.

On the question "Shall amendment S—5597 be adopted?" (S.F. 1314) the vote was:

Rule 25 was invoked.

Ayes, 7:

Carr	Gluba	Hill of Polk	Robinson
Coleman	Griffin	Redmond	

Nays, 33:

Andersen	Glenn	Miller of	Ramsey
Bergman	Hansen	Des Moines	Schwengels
Briles	Hill of Jasper	Miller of	Shaw
Burroughs	Hultman	Marshall	Sovern
Culver	Junkins	Nolting	Taylor
Curtis	Kelly	Norpel	Tieden
DeKoster	Kinley	Orr	Willits
Doderer	Lamborn	Palmer	Winkelman
Gallagher	Merritt	Plymat	

Absent or not voting, 10:

Heying	Nystrom	Rodgers	Shaff
Murray	Priebe	Scott	Van Gilst
Nolin	Rabedeaux		

Amendment S—5597 lost.

Senator Coleman offered amendment S—5598 filed by Senators Coleman and Gluba, moved its adoption and requested a record roll call:

S—5598

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, line 4, by striking the figure
- 3 "50,000,000" and inserting in lieu thereof the figure
- 4 "54,000,000".

On the question "Shall amendment S—5598 be adopted?" (S.F. 1314) the vote was:

Rule 25 was invoked.

Ayes, 11:

Bergman
Briles
Carr
Coleman

Gluba
Miller of
Des Moines

Miller of
Marshall
Plymat

Redmond
Robinson
Sovern

Nays, 27:

Andersen
Burroughs
Culver
Curtis
DeKoster
Doderer
Gallagher

Glenn
Hansen
Hill of Jasper
Hill of Polk
Junkins
Kelly
Kinley

Lamborn
Merritt
Nolting
Norpel
Orr
Palmer
Ramsey

Schwengels
Shaw
Taylor
Tieden
Willits
Winkelman

Absent or not voting, 12:

Griffin
Heying
Hultman

Murray
Nolin
Nystrom

Priebe
Rabedeaux
Rodgers

Scott
Shaff
Van Gilst

Amendment S—5598 lost.

Senator Gluba offered amendment S—5599 filed by Senators Gluba and Coleman and moved its adoption:

S—5599

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 6, line 23, by striking the words
- 3 "be encouraged to" and inserting in lieu thereof
- 4 the word "shall".

President Neu took the chair at 6:10 p.m.

Amendment S—5599 lost.

Senator Curtis offered amendment S—5619 by Senators Curtis and Carr:

S—5619

- 1 Amend Senate File 1314, page 7, by inserting after
- 2 line 22 the following new sections:
- 3 "Sec. Section two hundred thirty point twenty
- 4 (230.20), Code 1975, is amended by striking the section
- 5 and inserting in lieu thereof the following:
- 6 230.20 STATEMENT OF CHARGES TO COUNTIES. The
- 7 superintendent of each state hospital for the mentally
- 8 ill established by section two hundred twenty-six
- 9 point one (226.1) of the Code, or his designee, shall
- 10 on the tenth day of July, October, January and April
- 11 of each year, compute the amounts which are due the
- 12 state from each county for services rendered by the
- 13 hospital to patients chargeable to those counties.
- 14 Each hospital's charges for services rendered in a
- 15 particular quarter shall be based on that hospital's
- 16 expenditures during the immediately preceding quarter,
- 17 and shall be computed as follows:
- 18 1. The expenditures of the hospital during the

19 preceding calendar quarter shall be separately computed
20 by program in accordance with generally accepted
21 accounting procedures. In so doing, the superin-
22 tendent or his designee shall not include any of the
23 following:

24 a. The costs of food, lodging and other maintenance
25 provided to persons not patients of the hospital.

26 b. The costs of certain direct medical services,
27 which shall be charged directly against the patient
28 who received the services. The direct medical services
29 to which this paragraph is applicable shall be
30 specifically identified in rules adopted by the
31 department of social services in accordance with
32 chapter seventeen A (17A) of the Code, and may include
33 but need not be limited to x-ray, laboratory and
34 dental services.

35 c. The cost of outpatient and state placement
36 services, which shall be charged directly against
37 the patient who received the services at a rate to
38 be established by the state director on the basis
39 of the actual cost of the services.

40 2. The total patient days of service provided
41 during the preceding calendar quarter shall be
42 identified and accumulated for each program for which
43 expenditures are separately computed under subsection
44 one (1) of this section.

45 3. The total expenditure during the preceding
46 calendar quarter computed for each program pursuant
47 to subsection one (1) of this section shall be divided
48 by the total patient days of service provided during
49 the calendar quarter by that program, determined
50 pursuant to subsection two (2) of this section, to

Page 2

1 derive the average daily patient cost for each program,
2 4. Each county shall be charged an amount computed
3 as follows:

4 a. The charges attributable to each inpatient
5 chargeable to that county, calculated by multiplying
6 the average daily patient cost for each program under
7 which the patient was served by the number of days
8 the patient was so served during the calendar quarter,
9 and adding the cost of direct medical services received
10 by the patient during the calendar quarter; and

11 b. The charges attributable to each outpatient
12 chargeable to that county who was served by the
13 hospital during the calendar quarter, calculated at
14 the cost established under subsection one (1),
15 paragraph c of this section.

16 5. An individual statement shall be prepared for
17 any patient on or before the fifteenth day of the
18 month next succeeding the month in which that patient
19 leaves the hospital, and a general statement shall
20 be prepared at least quarterly for each county to
21 which charges are made under this section. Except

22 as otherwise required by sections two hundred twenty-
23 four A point two (224A.2) and two hundred twenty-four
24 A point three (224A.3) of the Code, the general state-
25 ment shall list the name of each patient chargeable
26 to that county who was served by the hospital during
27 the preceding month or calendar quarter and the amount
28 due on account of each patient, and the county shall
29 be billed for one hundred percent of the stated charge
30 for each patient, unless otherwise specified in the
31 current appropriation for support of the state
32 hospitals. The statement prepared for each county
33 shall be certified by the superintendent of the
34 hospital to the state comptroller and a duplicate
35 statement shall be mailed to the auditor of that
36 county.

37 6. All or any reasonable portion of the charges
38 incurred for services rendered to any patient, to
39 the most recent date for which the charges have been
40 computed, may be paid at any time by the patient or
41 by any other person on the patient's behalf. Any
42 payment so made shall be credited against the patient's
43 account and, if the charges so paid have previously
44 been billed to a county, reflected in the hospital's
45 next general statement to that county.

46 Sec. Section two hundred thirty point twenty-
47 one (230.21), Code 1975, is amended to read as follows:

48 230.21 DUTY OF COUNTY AUDITOR AND TREASURER.
49 The county auditor, upon receipt of [such certificate]
50 *the duplicate statement required by section five (5)*

Page 3

1 *of this Act*, shall [thereupon] enter the same to the
2 credit of the state in his ledger of state accounts,
3 and at once issue a notice to his county treasurer,
4 authorizing him to transfer the amount *billed to the*
5 *county by the statement* from the county mental health
6 and institutions fund to the general state revenue,
7 which notice shall be filed by the treasurer as his
8 authority for making such transfer[, and]. *The auditor*
9 shall [include] *promptly remit* the amount so transferred
10 [in his next remittance of state taxes] to the treasurer
11 of state, designating the fund to which it belongs.

12 Sec. Section two hundred thirty point twenty-
13 two (230.22), Code 1975, is amended to read as follows:

14 230.22 PENALTY. Should any county fail to pay
15 [these bills] *the amount billed by a statement submitted*
16 *pursuant to section five (5) of this Act* within sixty
17 days from the date [of certificate from] *the statement*
18 *is certified by* the superintendent, the state comp-
19 troller shall charge the delinquent county the penalty
20 of one percent per month on and after sixty days from
21 *the date [of certificate] the statement is certified*
22 until paid. Provided, however, that the penalty shall
23 not be imposed if the county has notified the comp-
24 troller of error or questionable items in the billing,

25 in which event, the comptroller may suspend penalty
26 only during the period of negotiation.

27 Sec. Section two hundred thirty point twenty-
28 three (230.23), Code 1975, is amended to read as
29 follows:

30 230.23 COST PAID FROM [INSTITUTION] *MENTAL HEALTH*
31 *AND INSTITUTIONS* FUND. All expenses required to be
32 paid by counties for the care, admission, commitment,
33 and transportation of mentally ill patients in state
34 hospitals shall be paid by the board of supervisors
35 from the [state institution] *county mental health and*
36 *institutions* fund.

37 Sec. This Act shall take effect January 1,
38 1977."

Senator Curtis offered amendment S—5624 to amendment
S—5619 and moved its adoption:

S—5624

1 Amend the Curtis amendment, S—5619, to Senate
2 File 1314 as follows:
3 1. Page 3, by striking lines 37 and 38 and
4 inserting in lieu thereof the following:
5 "Sec. The sections of this Act amending
6 sections two hundred thirty point twenty (230.20), two
7 hundred thirty point twenty-one (230.21), two hundred
8 thirty point twenty-two (230.22), and two hundred
9 thirty point twenty-three (230.23), Code 1975, shall
10 take effect January 1, 1977."

Amendment S—5624 to amendment S—5619 was adopted.

On motion of Senator Curtis, amendment S—5619 as amended
was adopted.

Senator Hill of Jasper withdrew amendment S—5623:

S—5623

1 Amend Senate File 1314 as follows:
2 1. Page 2, line 5 by striking the figure
3 "400,000" and inserting in lieu thereof the
4 figure "1,057,000".

Senator Hill of Jasper withdrew amendment S—5625 by Sen-
ators Hill of Jasper and Coleman:

S—5625

1 Amend Senate File 1314 as follows:
2 1. Page 2, line 3 by striking the figure
3 "1,750,000" and inserting in lieu thereof the
4 figure "1,535,900".
5 2. Page 2, line 5 by striking the figure
6 "400,000" and inserting in lieu thereof the
7 figure "1,057,000".

Senator Hill of Jasper offered amendment S—5628 by Senators Hill of Jasper and Coleman and moved its adoption:

S—5628

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 2, line 3 by striking the figure
- 3 "1,750,000" and inserting in lieu thereof the
- 4 figure "1,535,900".
- 5 2. Page 2, line 5 by striking the figure
- 6 "400,000" and inserting in lieu thereof the
- 7 figure "1,057,000".
- 8 3. Page 8 by striking lines 6 through 17.

A non-record roll call was requested.

The ayes were 27, nays 10.

Amendment S—5628 was adopted.

Senator Palmer offered amendment S—5626 by Senator Murray and moved its adoption:

S—5626

- 1 Amend Senate File 1314 as follows:
- 2 1. Page 2, line 11, by inserting after the
- 3 word "local" the words "public or private".
- 4 2. Page 2, line 25, by inserting after the
- 5 word "local" the words "public or private".

Amendment S—5626 was adopted.

Senator Norpel offered amendment S—5627 and moved its adoption:

S—5627

- 1 Amend Senate File 1314, page 4, line 28 by
- 2 striking the figure "9,100,000" and inserting in lieu
- 3 thereof the figure "9,500,000".

A record roll call was requested.

On the question "Shall amendment S—5627 be adopted?" (S.F. 1314) the vote was:

Ayes, 13:

Coleman
Culver
Gallagher
Gluba

Hansen
Lamborn
Merritt

Miller of
Marshall
Norpel
Ramsey

Redmond
Robinson
Schwengels

Nays, 21:

Andersen
Bergman
Burroughs
Carr
Curtis
DeKoster

Glenn
Hill of Jasper
Hultman
Junkins
Kelly

Kinley
Nolting
Orr
Palmer
Plymat

Shaw
Taylor
Tieden
Willits
Winkelman

Absent or not voting, 16:

Briles	Miller of	Nystrom	Scott
Doderer	Des Moines	Priebe	Shaff
Griffin	Murray	Rabedeaux	Sovern
Heying	Nolin	Rodgers	Van Gilst
Hill of Polk			

Amendment S—5627 lost.

President pro tempore Doderer took the chair at 7:10 p.m.

Senator Palmer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1314) the vote was:

Ayes, 34:

Andersen	Gallagher	Merritt	Redmond
Bergman	Glenn	Miller of	Robinson
Burroughs	Gluba	Marshall	Schwengels
Carr	Hansen	Nolting	Shaw
Coleman	Hill of Jasper	Norpel	Sovern
Culver	Hill of Polk	Orr	Taylor
Curtis	Kelly	Palmer	Tieden
DeKoster	Kinley	Plymat	Willits
Doderer	Lamborn	Ramsey	

Nays, 2:

Hultman	Winkelman
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Absent or not voting, 14:

Briles	Miller of	Nystrom	Scott
Griffin	Des Moines	Priebe	Shaff
Heying	Murray	Rabedeaux	Van Gilst
Junkins	Nolin	Rodgers	

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1314 passed the Senate on April 29, 1976.

WILLIAM D. PALMER

MOTION TO RECONSIDER WITHDRAWN**Senate File 1278**

Senator Sovern withdrew the motion to reconsider the vote by which Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee, passed the Senate, filed by him on April 21, 1976.

INTRODUCTION OF BILL

Senate File 1317, by Senator Hill of Polk, a bill for an act relating to airspace.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 109

By Andersen and Robinson

- 1 *Whereas*, there exists certain questions and ambiguities
2 in the collective bargaining law for state and local
3 government employees such as the determination of who
4 should vote in elections, who is the employer of certain
5 public employees, and other technical questions and
6 ambiguities; and
7 *Whereas*, the public employees relations board and
8 public employee associations and representatives have
9 raised these and other associated questions; and
10 *Whereas*, it appears to be the best course of action
11 to study these questions during the interim between
12 legislative sessions and allow employer and employee
13 groups to participate in the study and provide informa-
14 tion which will be necessary in such study, *Now, Therefore,*
15 *Be It Resolved by the Senate, the House of Representatives*
16 *Concurring*, That the legislative council is requested to
17 create a study committee consisting of members of both
18 houses of the general assembly representing both political
19 parties, as well as such citizen members as may be desired.
20 for the purpose of studying questions and ambiguities in
21 regard to the public employee collective bargaining Act
22 and the administration of such Act and gathering informa-
23 tion which will be useful to the general assembly; and
24 *Be It Further Resolved*, That the study committee make
25 a report to the legislative council and the general
26 assembly containing its recommendations accompanied by
27 such bill drafts as may be necessary to carry out the
28 recommendations.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1315 Ways and means

S. F. 1316 Ways and means

REPORT BY THE SECRETARY OF THE SENATE

MR. PRESIDENT: **Senate File 1301** was referred under Senate Rule 38 to the committee on state government on April 18, 1976. It establishes an

Iowa council for children and district councils. The committee has been in possession of the bill for ten legislative days after referral, without reporting it out to the Senate calendar. I have, therefore, pursuant to Senate Rule 38, returned it to the calendar with the same priority which it had immediately before referral.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

April 28, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1106, was published in The Red Oak Express, Red Oak, Iowa on April 22, 1976, and in The Evening Sentinel, Shenandoah, Iowa on April 23, 1976.

I further certify that House File 1217, was published in The Woodbine Twiner, Woodbine, Iowa on April 22, 1976, and in The Mediapolis New Era, Mediapolis, Iowa on April 22, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORT OF COMMITTEE

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1478**, a bill for an act relating to regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

S—5622

- 1 Amend House File 1478, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, lines 30 and 31, by striking the word
- 4 and figure "ten (10)" and inserting in lieu thereof
- 5 the word and figure "twelve (12)".
- 6 2. Page 11, line 25, by inserting after the word
- 7 "location" the words "except pursuant to an agreement
- 8 with a financial institution which is authorized by
- 9 the preceding sentence to establish a satellite
- 10 terminal at that location and which will utilize the
- 11 satellite terminal so established".
- 12 3. Page 12, by striking lines 25 through 35, and
- 13 page 13, by striking lines 1 and 2.
- 14 4. Page 16, line 14, by striking the word "bank"

15 and inserting in lieu thereof the words "financial
16 institution".

17 5. Page 18, line 3, by inserting after the word
18 "state" the words "and controlled by the same type
19 of financial institution as those financial
20 institutions previously utilizing the services of
21 the applicant central routing unit".

22 6. Page 18, line 5, by inserting after the word
23 "unit." the words "For the purposes of this paragraph
24 the term "type of financial institution" shall, not-
25 withstanding the issuer of the financial institu-
26 tion's charter, mean either (a) banks; or (b) savings
27 and loan associations; or (c) credit unions."

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5629

1 Amend the House amendment, S—5603 to Senate File
2 85 as amended, passed and reprinted as follows:

3 1. Page 18, line 31, by inserting after the word
4 "pardoned" the words "or has had his or her civil
5 rights restored".

6 2. Page 18, line 32, by striking the words
7 "state and who is ex-" and inserting in lieu thereof
8 the word "state."

9 3. Page 18, by striking lines 33 through 36.

GENE W. GLENN

S—5630

1 Amend the Senate amendment, S—5613, to House
2 File 1346, as amended and passed by the House, as
3 follows:

4 1. Page 1, by inserting after line 28 the
5 following:

6 "..... Page 16, line 28, by inserting after the
7 words 'holding any' the words 'nonpartisan elective'."

8 2. Page 1, by inserting after line 30 the
9 following:

10 "..... Page 17, by striking lines 7 through 14,
11 and inserting in lieu thereof the words 'or emergency
12 resource management shall not become a candidate for
13 any partisan elective office'."

EUGENE M. HILL

S—5620

1 Amend the committee on appropriations amend-
2 ment, S—5536, to House File 1539 as follows:

3 1. Page 1, by striking lines 31 through 33.

4 2. Page 2, by inserting after line 38 the following:

5 "To further carry out the intent expressed in

6 subsection one (1) of this section, the advisory com-
7 mission shall hire professional corrections consultants
8 to evaluate the state's correctional needs. For that
9 purpose there is appropriated from the general fund of
10 the state to the advisory commission on corrections
11 relief the sum of, or so much thereof as is necessary,
12 one hundred thousand (100,000) dollars. Unobligated
13 or unencumbered funds remaining on January 1, 1977
14 from this appropriation shall revert to the general
15 fund of the state forthwith. The evaluation establish-
16 ed by this subsection shall include, but need not be
17 limited to, the information sought by subsection three
18 (3) of this section. This evaluation shall be completed
19 and submitted to the legislative council by January 1,
20 1977, and it shall be submitted along with the final
21 report required by subsection three (3) of this section."

E. KEVIN KELLY
GEORGE R. KINLEY
CLIFTON C. LAMBORN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 7:15
p.m., until 9:30 a.m., Friday, April 30, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, APRIL 30, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Bass Van Gilst, member of the Senate from Oskaloosa, Mahaska County, Iowa.

The Journal of Thursday, April 29, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George A. Kern, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Scott for the day, Senator Nolin for the day, Senator Priebe for the day, Senator Sovern for the day, Senator Shaff for the day, Senator Heying for the day and Senator Curtis for the day on request of Senator Kinley.

President pro tempore Doderer took the chair at 9:45 a.m.

PRESENTATION OF VISITORS

President pro tempore Doderer welcomed the Honorable Howard C. Reppert, Jr., former member of the Senate and the House of Representatives from Polk County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from Whiting Elementary School, Whiting, Iowa, accompanied by Doug Williams. Senator Culver.

Fourteen students from Christ the King School, Iowa City, Iowa, accompanied by the Reverend William Biederman. Senator Doderer.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Fourteen residents of Adams County.

Forty-five residents of Bremer County.

Forty-six residents of Buena Vista County.

Sixty-four residents of Butler County and Grundy County.

One hundred thirty-eight residents of Cass County.

Sixteen residents of Cherokee County.

Eight residents of Dallas County.

Seventy-two residents of Grundy County.

Six residents of Kossuth County.

Sixteen residents of Mitchell County.

Sixteen residents of Montgomery County.

Ninety-five residents of Polk County.

Ten residents of Van Buren County.

Sixteen residents of Linn County.

Sixty-two residents of Webster County.

Twenty residents of Black Hawk County.

Thirteen residents of Greene County.

Sixteen residents of Marshall County.

Five residents of Polk County.

Fifteen residents of Warren County.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1299.

House File 1299

On motion of Senator Shaw, House File 1299, a bill for an act to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1299) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpel	Shaw
Coleman	Kelly	Nystrom	Taylor
Culver	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Rabedaux	Winkelman
Glenn	Des Moines	Ramsey	
Gluba			

Nays, none.

Absent or not voting, 8:

Curtis	Junkins	Priebe	Shaff
Heying	Nolin	Scott	Sovern

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1462.

House File 1462

On motion of Senator Willits, House File 1462, a bill for an act relating to the permissible age for qualifying for appointment as judicial magistrate, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Taylor withdrew amendment S—5631:

S—5631

- 1 Amend House File 1462 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "After".
- 4 2. Page 1, by striking lines 16 through 18.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1462) the vote was:

Ayes, 26

Bergman	Griffin	Kinley	Palmer
Burroughs	Hansen	Merritt	Plymat
Carr	Hill of Jasper	Murray	Redmond
Culver	Hill of Polk	Nolting	Rodgers
DeKoster	Hultman	Norpel	Van Gilst
Glenn	Junkins	Orr	Willits
Gluba	Kelly		

Nays, 13:

Andersen	Gallagher	Miller of	Shaw
Briles	Miller of	Marshall	Taylor
Coleman	Des Moines	Nystrom	Tieden
Doderer		Ramsey	Winkelman

Absent or not voting, 11:

Curtis	Nolin	Robinson	Shaff
Heying	Priebe	Schwengels	Sovern
Lamborn	Rabedeaux	Scott	

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1464.

House File 1464

On motion of Senator Miller of Des Moines, House File 1464, a bill for an act relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1464) the vote was:

Ayes, 39:

Andersen	Gluba	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Shaw
Carr	Hultman	Norpel	Taylor
Coleman	Junkins	Nystrom	Tieden
Culver	Kelly	Palmer	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Merritt	Rabedeaux	Winkelman
Gallagher	Miller of	Ramsey	
Glenn	Des Moines		

Nays, none.

Absent or not voting, 11:

Curtis	Lamborn	Priebe	Shaff
Griffin	Nolin	Robinson	Sovern
Heying	Orr	Scott	

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

Senator Kinley asked and received unanimous consent to take up out of order House File 467.

House File 467

On motion of Senator Shaw, House File 467, a bill for an act relating to approval of plans for constructing school buildings, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass? (H.F. 467) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpei	Shaw
Coleman	Junkins	Nystrom	Taylor
Culver	Kelly	Orr	Tieden
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 9:

Curtis	Lamborn	Priebe	Shaff
Heying	Nolin	Scott	Sovern
Hill of Jasper			

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

Senator Kinley asked and received unanimous consent to take up out of order House File 689.

House File 689

On motion of Senator Briles, House File 689, a bill for an act defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 689) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Taylor
Culver	Kelly	Orr	Tieden
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 9:

Curtis	Lamborn	Priebe	Shaff
Heying	Nolin	Scott	Sovern
Hill of Jasper			

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 352

Senator Shaw called up the Report of the Conference Committee on House File 352 and moved its adoption:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 352**

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

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 352, a bill for an Act relating to dissolution of marriage, respectfully submit the following report:

1. That the Senate recede from its amendment, H—4312, to House File 352, as amended, passed, and reprinted by the House.

2. That House File 352, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 2, by striking lines 8 through 20 and inserting in lieu thereof the following:

"Upon the application of the petitioner in the petition

or by the respondent in the responsive pleading thereto or, within twenty days of appointment, of an attorney appointed under section five hundred ninety-eight point twelve (598.12) of the Code, the court shall require the parties to participate in conciliation efforts for a period of sixty days from the issuance of an order setting forth the conciliation procedure and the conciliator.

At any time upon its own motion or upon the application of a party the court may require the parties to participate in conciliation efforts for sixty days or less following the issuance of such an order."

2. Page 5, by striking lines 1 and 2 and inserting in lieu thereof the following:

"Sec. 11. Sections five hundred ninety-eight point ten (598.10), five hundred ninety-eight point twenty-seven (598.27), and five hundred ninety-eight point thirty-three (598.33), Code 1975, are repealed."

ON THE PART OF THE HOUSE:

DONALD V. DOYLE, Chairperson
DIANE BRANDT
SCOTT D. NEWHARD
BRICE C. OAKLEY
HORACE DAGGETT

ON THE PART OF THE SENATE:

MINNETTE F. DODERER, Chairperson
PHILIP B. HILL
C. JOSEPH COLEMAN
ELIZABETH SHAW
CHARLES P. MILLER

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 352) the vote was:

Ayes, 37:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Briles	Hill of Jasper	Norpel	Schwengels
Carr	Hill of Polk	Nystrom	Shaw
Coleman	Hultman	Orr	Taylor
Culver	Junkins	Palmer	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 13:

Burroughs	Kelly	Nolin	Scott
Curtis	Lamborn	Priebe	Shaff
Gallagher	Miller of	Rabedaux	Sovern
Heying	Marshall		

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

SENATE INSISTS

House File 1277

Senator Ramsey called up for consideration House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, amended by the Senate and further amended by the House, and moved that the Senate insist on its amendment as amended:

S—5567

- 1 Amend Senate amendment H—6095 to House File
- 2 1277 as follows:
- 3 1. Page 3, line 5, by inserting after the
- 4 numerals "1975," the following: "as amended by
- 5 Acts of the Sixty-sixth General Assembly,
- 6 1975 Session, chapter ten (10), section four (4)."

The motion prevailed and the Senate insisted on its amendment as amended to House File 1277.

Senator Merritt took the chair at 12:15 p.m.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1281.

House File 1281

On motion of Senator Hultman, House File 1281, a bill for an act creating an interagency coordinating council on radiation safety and prescribing its powers and duties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1281) the vote was:

Ayes, 36:

Andersen	Glenn	Merritt	Redmond
Bergman	Gluba	Murray	Robinson
Briles	Griffin	Nolting	Rodgers
Carr	Hansen	Norpel	Schwengels
Coleman	Hill of Jasper	Nystrom	Shaw
Culver	Hill of Polk	Orr	Taylor
DeKoster	Hultman	Palmer	Tieden
Doderer	Junkins	Plymat	Van Gilst
Gallagher	Kinley	Ramsey	Willits

Nays, 2:

Miller of	Winkelman
Des Moines	

Absent or not voting, 12:

Burroughs
Curtis
Heying
Kelly

Lamborn
Miller of
Marshall

Nolin
Priebe
Rabedaux

Scott
Shaff
Sovern

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

INTRODUCTION OF BILLS

Senate File 1318, by committee on cities, a bill for an act relating to filling vacancies on a utility board.

Read first time and **placed on calendar**.

Senate File 1319, by committee on cities, a bill for an act relating to city development including an agreement for the maintenance of shared roads, a definition of the term "substantially amended" for the purpose of a boundary adjustment petition or plan, and clarification of what a city clerk must file when a city is involved in an incorporation or boundary adjustment.

Read first time and **placed on calendar**.

Senate File 1320, by committee on cities, a bill for an act relating to changes in the tort liability of governmental subdivisions.

Read first time and **placed on calendar**.

Senate File 1321, by committee on cities, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities.

Read first time and **placed on calendar**.

Senate File 1322, by committee on appropriations, a bill for an act making an appropriation to the Iowa department of revenue.

Read first time and **placed on calendar**.

Senate File 1323, by committee on appropriations, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.

Read first time and **placed on calendar**.

Senate File 1324, by committee on appropriations, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for

members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1317 State government

S.C.R. 109 Rules and administration

H. F. 1556 Appropriations

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with Section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to investigating committees:

As members of the State Judicial Nominating Commission.

Betty J. Furgerson, Waterloo, Black Hawk County, Iowa, for the unexpired portion of a term ending June 30, 1981.

Senator DeKoster, Chairperson

Senator Gluba

Senator Miller of Marshall

Senator Nolting

Senator Scott

Jon H. Kneen, Ottumwa, Wapello County, Iowa, for the unexpired portion of a term ending June 30, 1979.

Senator Culver, Chairperson

Senator Glenn

Senator Hansen

Senator Miller of Des Moines

Senator Tieden

SUBCOMMITTEE ASSIGNMENTS

Senate File 1307
Appropriations—
Human Resources

Senate File 1311
Labor and Industrial
Relations
Robinson, Chairperson
Nolting
Andersen

Senate Concurrent
Resolution 107
Rules and
Administration
Kinley, Chairperson
Van Gilst
Lamborn

Senate Concurrent
Resolution 108
Rules and
Administration
Van Gilst, Chairperson
Junkins
Lamborn

House File 121

Ways and Means
Van Gilst, Chairperson
Curtis
Gluba

House File 909

Ways and Means
Rodgers, Chairperson
Van Gilst
Curtis

House File 1107

Ways and Means
Culver, Chairperson
Van Gilst
Taylor

House File 1165

Appropriations—
Human Resources

House File 1408

Ways and Means
Curtis, Chairperson
Junkins
Nolting

House File 1481

Agriculture
Priebe, Chairperson
Burroughs
Heying

House File 1513

Rules and
Administration
Junkins, Chairperson
Rabedeaux
Van Gilst

**House Concurrent
Resolution 128**

Rules and
Administration
Palmer, Chairperson
Kinley
Rabedeaux

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 628**, a bill for an act relating to school bus transportation requirements, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5638

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85, as amended, passed, and reprinted by the Senate,
- 3 page 5, by inserting after line 25 the following:
- 4 "..... Page 13A, by inserting after line 20 the
- 5 following:
- 6
- 7 'DIVISION
- 8 **Sec. NEW SECTION. DEFINITIONS. As used**
- 8 in this division:
- 9 1. "Racketeering activity" means any act or threat
- 10 involving an aggravated misdemeanor or a felony under
- 11 the laws of this state.
- 12 2. "Pattern of racketeering activity" means at
- 13 least two separate acts of racketeering activity,
- 14 at least one of which occurred after the effective
- 15 date of this Act, that have the same or similar
- 16 purposes, results, participants, victims, or methods
- 17 of commission, or that are otherwise interrelated
- 18 by distinguishing characteristics and not isolated
- 19 events.
- 20 3. "Unlawful debt" means a debt for a thing of
- 21 value which is incurred or contracted in violation
- 22 of chapters ninety-nine A (99A), ninety-nine B (99B),
- 23 five hundred thirty-five (535), or five hundred thirty-
- 24 seven (537) of the Code and which is incurred or

25 contracted at an interest rate at least twice the
26 lawful rate.

27 4. "Attorney general" means the attorney general
28 or a designee, including a state agency.

29 5. "Enterprise" means a natural person,
30 partnership, corporation, association, or other legal
31 entity, and any union or group of individuals
32 associated in fact although not a legal entity.

33 6. "Person" means any natural person or entity
34 capable of holding a legal or beneficial interest
35 in property.

36 "Sec. **NEW SECTION. PROHIBITED ACTIVITIES.**

37 1. A person shall not directly or indirectly
38 receive income from a pattern of racketeering activity
39 or through a collection of an unlawful debt in which
40 this person has participated as a principal, to directly
41 or indirectly use or invest this income or its proceeds
42 in the acquisition of an enterprise which is engaged
43 in or the activities of which affect commerce in this
44 state. This subsection does not prohibit the purchase
45 of securities on the open market for purposes of
46 investment and without the intention of controlling
47 or participating in the control of the issuer or of
48 assisting another to do so if the securities of the
49 issuer held by the purchaser, the members of the
50 purchaser's family within the fifth degree of

Page 2

1 consanguinity or affinity, or the purchaser's
2 accomplices in any pattern of racketeering activity
3 or the collection of an unlawful debt after this
4 purchase do not amount in the aggregate to one percent
5 of the outstanding securities of any one class and
6 do not confer the power, either in law or in fact,
7 to elect one or more directors of the issuer.

8 2. A person shall not directly or indirectly
9 acquire or maintain through a pattern of racketeering
10 activity or through a collection of an unlawful debt
11 any interest in or control of any enterprise which
12 is engaged in or the activities of which affect
13 commerce in this state.

14 3. A person employed by or associated with an
15 enterprise engaged in or the activities of which
16 affect commerce in this state shall not directly or
17 indirectly conduct or participate in this enterprise's
18 affairs through a pattern of racketeering activities
19 or through a collection of an unlawful debt.

20 4. A person shall not conspire to violate the
21 provisions of subsection one (1), two (2), or three
22 (3) of this section.

23 Sec. **NEW SECTION. CRIMINAL PENALTIES.**

24 1. A person who violates the provisions of this
25 division shall be, upon conviction, fined not to
26 exceed twenty-five thousand dollars, imprisoned in
27 the state penitentiary not to exceed twenty years,

28 or both so fined and imprisoned.

29 2. In addition to the penalty prescribed under
30 subsection one (1) of this section, a person who
31 violates the provisions of this division shall, upon
32 conviction, forfeit to the state:

33 a. Any interest acquired or maintained in violation
34 of this division; and

35 b. Any interest in, security of, claim against,
36 or property or contractual right of any kind affording
37 a source of influence over any enterprise which this
38 person has established, operated, conducted, or
39 participated in the conduct of in violation of this
40 division.

41 3. In any prosecution brought under this section,
42 a district court may enter restraining orders or
43 injunctions and take other appropriate action such
44 as requiring a satisfactory performance bond with
45 regard to any property or interest subject to
46 forfeiture.

47 4. Upon conviction of a person under this section,
48 a district court shall authorize the attorney general
49 to seize all property or interests declared forfeited
50 under this section under designated terms and

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1 conditions. If a forfeited property right or other
2 interest is not exercisable in favor of the state,
3 it shall expire and not revert to the convicted person.
4 The state shall dispose of forfeited property and
5 interests as soon as commercially feasible, making
6 due provision for the rights of innocent persons.

7 Sec. **NEW SECTION. CIVIL REMEDIES.**

8 1. Upon petition of the attorney general, a
9 district court may prevent or restrain violations
10 under this division by issuing appropriate orders.
11 These orders may include:

12 a. Ordering a person to divest of any direct or
13 indirect interest in an enterprise.

14 b. Imposing reasonable restrictions on the future
15 activities or investments of any person, including
16 prohibiting any person from engaging in the same type
17 of endeavor as the enterprise is engaged in if this
18 endeavor affects commerce in this state.

19 c. Ordering dissolution or reorganization of any
20 enterprise, making due provision for the rights of
21 innocent persons.

22 2. Any action brought by the attorney general
23 under this section shall proceed as soon as practicable
24 to hearing and final determination. Prior to final
25 determination, a district court may enter restraining
26 orders or injunctions and take other appropriate
27 action such as requiring a satisfactory performance
28 bond.

29 3. In addition to any action brought by the
30 attorney general under this section, a person injured

31 by a violation of this division may recover up to
32 threefold the damages sustained and court costs,
33 including a reasonable attorney fee.
34 4. A criminal conviction under this division shall
35 estop a civil defendant under this section from denying
36 the essential elements of this defendant's criminal
37 offense.
38 5. Any civil action or proceeding brought under
39 this section shall be brought in the district court
40 in whose jurisdiction the defendant resides, is found,
41 has an agent, or transacts the defendant's affairs.
42 6. In any proceeding ancillary to or any civil
43 action brought by the attorney general, the district
44 court may close the proceedings after considering
45 the rights of affected persons.'"

WILLIAM P. WINKELMAN

S—5633

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted as follows:
3 1. Page 5, line 46, by inserting after the word
4 "person" the word "intentionally".

EARL M. WILLITS

S—5637

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted as follows:
3 1. Page 22, by striking line 35, and inserting
4 in lieu thereof the following: "WITHOUT A LICENSE.
5 Unless a penalty is specifically provided, any person
6 who carries on or trans-".
7 2. Page 22, line 36, by striking the word "act" and
8 inserting in lieu thereof the word "acts".

GENE W. GLENN

S—5632

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted as follows:
3 1. Page 48, line 34, by striking the word
4 "paragraph" and inserting in lieu thereof the
5 word "subsection".

GENE W. GLENN

S—5634

1 Amend the House amendment S—5603 to Senate File
2 85, as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 70, by striking line 28 and inserting
5 in lieu thereof the words "for all traffic viola-
6 tions, whether or not scheduled, and for all other
7 scheduled violations shall be remitted".
8 2. Page 70, by striking line 34 and inserting
9 in lieu thereof the following:

- 10 "1. Traffic violations, *whether or not scheduled*,
11 *and all other scheduled violations may be tried*".
12 3. Page 70, by striking line 39 and inserting in
13 lieu thereof the words "[traffic] such violations,
14 *other than those for*".

GENE W. GLENN

S—5635

- 1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted as follows:
3 1. Page 72, lines 26 and 27, by striking the
4 words "to persons eighteen years of age or older".
5 2. Page 72, lines 29 and 30, by striking the words
6 "eighteen years of age and older".

GENE W. GLENN

S—5636

- 1 Amend Senate File 91 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section three hundred fifty-nine point
5 forty-five (359.45), Code 1975, as amended by Acts
6 of the Sixty-sixth General Assembly, 1975 Session,
7 chapter one hundred ninety-four (194), section eight
8 (8), is amended to read as follows:
9 359.45 ANTICIPATORY BONDS. Townships may
10 anticipate the collection of taxes authorized by
11 section 359.43, and for such purposes may issue bonds
12 payable in not more than [ten] *fifteen* equal annual
13 installments and at a rate of interest not exceeding
14 seven percent per annum and payable at such place
15 and be in such form as the board of trustees shall
16 designate by resolution. Sections 23.12 to 23.16,
17 inclusive, and provisions of law relating to essential
18 corporate purpose bonds of a city, so far as
19 applicable, shall apply to such bonds."
20 2. Amend the title, line 1, by striking the words
21 "to increase the tax levy" and inserting in lieu
22 thereof the words "relating to the issuance of
23 anticipatory bonds".

RAY TAYLOR

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:15
p.m., until 10:00 a.m., Monday, May 3, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MAY 3, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Sullivan, Coordinator of Catholic Education, Diocese of Dubuque, Cedar Rapids, Iowa.

The Journal of Friday, April 30, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Frank Forsythe, Newton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Heying for the day on request of Senator Kinley; Senator Shaw for the day, Senator Taylor for the day and Senator Hansen for the morning session on request of Senator Lam-born.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

One hundred students from Norwalk Senior High School, Norwalk, Iowa, accompanied by Mrs. McNeeley and Jamie Tankersby. **Senator Rodgers.**

Thirty-five students from Woodlawn Elementary School, Des Moines, Iowa, accompanied by Mrs. Butler. **Senator Plymat.**

Forty-eight students from Carlisle High School, Carlisle, Iowa, accompanied by Mr. Mutsch and Mr. Sinclair. **Senator Hill of Jasper.**

Sixty students from Clarke Community Junior High School, Osceola, Iowa, accompanied by Dennis Parrott, Larry Rohn, Sandy Kelso and Bruce McKean. **Senator Ramsey.**

Thirty students from St. John's Elementary School, Independence, Iowa, accompanied by Lucille McGrath. Senator Gallagher.

Thirty students from Boone Valley Junior-Senior High School, Renwick, Iowa, accompanied by John Ibeling. Senator Priebe.

PETITIONS

The following petition was presented and placed on file:

By Senator Kinley from sixteen residents of Polk County and Warren County favoring repeal of the law that requires motorcyclists to wear protective headgear.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Nine residents of Adams County.

Seventy-seven residents of Allamakee County.

Twenty-four residents of Black Hawk County.

Four residents of Carroll County.

Thirty-seven residents of Cass County.

Twenty-eight residents of Cherokee County.

Sixty-eight residents of Dallas County.

Sixteen residents of Des Moines County.

Twenty residents of Floyd County.

Thirty residents of Grundy County.

Forty-seven residents of Guthrie County.

Sixty-one residents of Hancock County and Winnebago County.

Forty-two residents of Hardin County.

Forty-eight residents of Iowa County.

Twenty residents of Kossuth County.

Ninety-five residents of Linn County and adjoining counties.

Forty-seven residents of Louisa County.

Forty-four residents of Lyon County.

Fifteen residents of Mahaska County.

Seventy-three residents of Marion, Polk and Jasper Counties.

Thirty-two residents of Mitchell County.

Fifteen residents of O'Brien County.

Thirty-eight residents of Polk County.

Fifteen residents of Pottawattamie County.

Fifty-two residents of Sac County.

Six residents of Scott County.

Fifteen residents of Shelby County.

Forty-two residents of Story County.

Twenty-four residents of Union County.

Seven residents of Warren County.

Sixteen residents of Webster County.

Seventy-two residents of Woodbury County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Miller of Des Moines called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Beverly B. Everett, New Sharon, Mahaska County, Iowa, for appointment as a public member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality under the provisions of Section 455B.53, 1975 Code of Iowa, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
EUGENE M. HILL
WILLIAM D. PALMER
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Miller of Des Moines moved the appointment of Beverly B. Everett as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Gallagher	Merritt	Rabedeaux
Bergman	Glenn	Miller of	Ramsey
Briles	Gluba	Des Moines	Redmond
Burroughs	Griffin	Miller of	Schwengels
Carr	Hill of Jasper	Marshall	Scott
Coleman	Hill of Polk	Murray	Shaff
Culver	Hultman	Nolting	Sovern
Curtis	Kelly	Norpel	Van Gilst
DeKoster	Kinley	Nystrom	Willits
Doderer	Lamborn	Priebe	Winkelman

Nays, none.**Absent or not voting, 12:**

Hansen	Nolin	Plymat	Shaw
Heying	Orr	Robinson	Taylor
Junkins	Palmer	Rodgers	Tieden

President Neu declared the appointment of Beverly B. Everett as a member of the Board of Certification for the Water Quality Commission of the Department of Environmental Quality confirmed for an initial term ending June 30, 1976.

Senator Miller of Des Moines called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Burt R. Livingston, Newton, Jasper County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
EUGENE M. HILL
GEORGE R. KINLEY
WILLIAM N. PLYMAT
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Miller of Des Moines moved the appointment of Burt R. Livingston as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 37:

Andersen	Culver	Glenn	Kelly
Bergman	Curtis	Gluba	Kinley
Burroughs	DeKoster	Griffin	Lamborn
Carr	Doderer	Hill of Jasper	Merritt
Coleman	Gallagher	Hill of Polk	

Miller of	Nolting	Ramsey	Shaff
Des Moines	Norpel	Redmond	Sovern
Miller of	Nystrom	Robinson	Van Gilst
Marshall	Priebe	Schwengels	Willits
Murray	Rabedeaux	Scott	Winkelman

Nays, none.

Absent or not voting, 13:

Briles	Junkins	Palmer	Shaw
Hansen	Nolin	Plymat	Taylor
Heying	Orr	Rodgers	Tieden
Hultman			

President Neu declared the appointment of Burt R. Livingston as a member of the State Board of Engineering Examiners confirmed for an initial term ending June 30, 1976.

Senator Miller of Des Moines called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Stanley C. Romans, D.V.M., Mason City, Cerro Gordo County, Iowa, for appointment to the State Board of Veterinary Medical Examiners pursuant to Section 169.15, 1975 Code of Iowa, for an initial term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
JOHN N. NYSTROM
KENNETH D. SCOTT
DALE L. TIEDEN
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Miller of Des Moines moved the appointment of Stanley C. Romans, D.V.M., as a member of the State Board of Veterinary Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Redmond
Briles	Griffin	Miller of	Robinson
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Kelly	Norpel	Sovern
Curtis	Kinley	Nystrom	Van Gilst
DeKoster	Lamborn	Plymat	Willits
Doderer	Merritt	Priebe	Winkelman
Gallagher		Rabedeaux	

Nays, none.

Absent or not voting, 10:

Hansen
Heying
Junkins

Nolin
Orr
Palmer

Rodgers
Shaw

Taylor
Tieden

President Neu declared the appointment of Stanley C. Romans, D.V.M., as a member of the State Board of Veterinary Medical Examiners confirmed for an initial term ending June 30, 1978.

HOUSE AMENDMENT CONSIDERED

Senate File 85

Senator Glenn called up for consideration Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties, and providing penalties for violations of laws of the state to accord with the revised classifications, amended by House amendment S—5603 found on pages 1509–1622, inclusive, of the Senate Journal, and called for a division of the House amendment, as follows:

Division S—5603A—Page 1, lines 31 through 46.

Division S—5603B—Page 4, lines 11 through 20.

Division S—5603B-1—Page 4, lines 23 through 44.

Division S—5603C—Page 5, lines 44 through 50.

Division S—5603D—Page 7, lines 13 through 17.

Division S—5603E—Page 7, lines 26 through 36.

Division S—5603F—Page 7, lines 37 through 44.

Division S—5603G—Page 8, lines 5 through 9.

Division S—5603H—Page 8, lines 10 through 38, and lines 46 through 50C; page 9, lines 1 through 27.

Division S—5603I—Page 8, lines 39 through 45.

Division S—5603J—Page 9, lines 28 through 36.

Division S—5603K—Page 9, lines 42 through 43.

Division S—5603L—Page 10, lines 44 through 46.

Division S—5603M—Page 11, lines 1 through 5.

Division S—5603N—Page 9, lines 37 through 41.

Division S—5603O—Page 11, lines 40 through 42.

Division S—5603P—Page 14, lines 3 through 17.

Division S—5603Q—Page 14, lines 27 through 39.

Division S—5603R—Page 16, lines 45 through 48.

Division S—5603S—Page 18, lines 8 through 36.

Division S—5603T—Page 21, lines 8 through 41.

Division S—5603U—Page 21, lines 42 through 50.

Division S—5603BA—Page 23, lines 2 through 15.

Division S—5603BB—Page 24, line 46.

Division S—5603BC—Page 28, lines 35 through 39.

Division S—5603BD—Page 28, lines 44 through 50, and page 29, lines 1 through 44.

Division S—5603BE—Page 32, lines 1 through 9 and lines 46 through 50.

Division S—5603BF—Page 33, lines 21 through 29.

Division S—5603BG—Page 34, lines 9 through 16.

Division S—5603BH—Page 35, lines 14 through 20 and lines 26 through 28.

Division S—5603BI—Page 35, lines 11 through 13 and lines 21 through 25.

Division S—5603BJ—Page 36, lines 49 through 50; and page 37, lines 1 through 5.

Division S—5603BK—Page 37, lines 11 through 18.

Division S—5603BL—Page 37, lines 31 through 40.

Division S—5603BM—Page 37, lines 48 through 50; page 38, lines 1 through 6; and page 40, lines 3 through 9.

Division S—5603BN—Page 38, lines 35 through 50; page 39, lines 1 through 18; page 41, lines 28 through 50; and page 42, lines 1 through 9, lines 16 through 18 and lines 26 through 28.

Division S—5603BO—Page 47, lines 45 through 50; and page 48, lines 1 through 4.

Division S—5603BP—Page 48, lines 5 through 50 and page 49, lines 1 through 7.

Division S—5603BQ—Page 49, lines 36 through 50; all of pages 50 and 51; and page 52, lines 1 through 20.

Division S—5603BR—Page 56A, lines 25 through 27; pages 57 through 69; and page 70, lines 1 through 46.

Division S—5603BS—Page 72, lines 19 through 34.

Division S—5603BT—Page 72, lines 35 through 40.

Division S—5603W—All portions of the House amendment not included in any other division.

Senator Glenn asked and received unanimous consent that the following procedure be adopted by the Senate in order to expedite and simplify consideration of each division of House amendment S—5603:

If the Senate should refuse to concur in any division of the House amendment, such action will be messaged to the House in the form of an amendment to strike that division.

If the Senate amends a division and then refuses to concur in the division as amended, such refusal to concur shall strike the division in its entirety and the amendment to the division will not be included in the message to the House.

Action taken by the Senate will be messaged to the House as a single Senate amendment, containing no reference to divisions, but indicating those portions of House amendment S—5603 amended or stricken by the Senate.

Senator Glenn asked and received unanimous consent that action on division S—5603A be temporarily deferred for the preparation of amendments.

Senator Glenn moved that the Senate concur in division S—5603B of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603B of the House amendment?" (S.F. 85) the vote was:

Ayes, 8:

Briles
Coleman

Hill of Jasper
Merritt

Rodgers
Scott

Tieden
Winkelman

Nays, 35:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Marshall	Rabedaux
Burroughs	Hill of Polk	Murray	Ramsey
Carr	Junkins	Nolting	Redmond
Culver	Kelly	Norpel	Robinson
Curtis	Kinley	Nystrom	Schwengels
DeKoster	Lamborn	Orr	Shaff
Doderer	Miller of	Palmer	Sovern
Gallagher	Des Moines	Plymat	Willits
Glenn			

Absent or not voting, 7:

Hansen	Hultman	Shaw	Van Gilst
Heying	Nolin	Taylor	

The motion lost and the Senate refused to concur in division S—5603B of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent that action on division S—5603B-1 be temporarily deferred.

Senator Willits offered amendment S—5633 to division S—5603C filed by him and moved its adoption:

S—5633

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted as follows:
- 3 1. Page 5, line 46, by inserting after the word
- 4 "person" the word "intentionally".

Amendment S—5633 to division S—5603C was adopted.

Senator Glenn moved that the Senate concur in division S—5603C of the House amendment as amended and requested a non-record roll call.

The ayes were 36, nays 5.

The motion prevailed and the Senate concurred in division S—5603C of the House amendment as amended.

(Senate File 85 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1976, adopted the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1006 proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Also: That the House has on April 28, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation.

Also: That the House has on April 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1275, a bill for an act appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

Also: That the House has on April 30, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill.

Also: That the House has on April 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority.

Also: That the House has on April 27, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1557, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture.

Also: That the House has on April 29, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission.

Also: That the House has on April 28, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 132 recommends Congress amend present law to increase from ten dollars to twenty-five dollars the amount of payments of interest required to be reported under section 6049 of Internal Revenue Code.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1190

S—5641

- 1 Amend Senate File 1190, as amended by the Senate,
- 2 as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "any" the word "*executive*".
- 5 2. Page 2, line 23, by inserting after the word
- 6 "If" the word "*sufficient*".
- 7 3. Page 2, line 24, by inserting after the word
- 8 "if" the word "*sufficient*".

HOUSE AMENDMENT TO SENATE FILE 1279

S—5642

- 1 Amend Senate File 1279 as follows:
- 2 1. Page 1, by striking lines 31 through 35
- 3 and inserting in lieu thereof the following:
- 4 "Sec. This Act, being deemed of
- 5 immediate importance, shall take effect and be
- 6 in force from and after its publication in The
- 7 Cedar Valley Daily Times, a newspaper published
- 8 in Vinton, Iowa, and the Neola Gazette-Reporter,
- 9 a newspaper published in Neola, Iowa."
- 10 2. Page 2, by striking line 1.

HOUSE CONCURRENT RESOLUTION 132

By Koogler, Krause, Middleswart, Brunow, Halvorson, Gilloon,
Tauke, Higgins, Hargrave, Schroeder, Poncy, Lindeen,
Brockett, Hinkhouse, Hutchins, Perkins, Caffrey,
Oakley, O'Halloran, Welden, Hansen, Pellett,
Newhard, Rinas, Jordan, Baker,
Nielsen, Scheelhaase

- 1 *Whereas*, section 6049 of the Internal Revenue Code
- 2 requires every person who makes payments of interest
- 3 aggregating ten dollars or more to file a return setting
- 4 forth the aggregate amount of the payments and the name
- 5 and address of the person to whom paid; and
- 6 *Whereas*, the ten dollar provision has not been ad-
- 7 justed to reflect the inflation occurring in costs of
- 8 materials and labor, the postal rate increases, and the
- 9 increase in interest rates; and
- 10 *Whereas*, the present law creates additional administra-
- 11 tive problems for persons required to file the form 1099
- 12 reports; and
- 13 *Whereas*, the Congress of the United States has not
- 14 reviewed the provisions of section 6049 of the Internal
- 15 Revenue Code for several years; *Now, Therefore*,
- 16 *Be It Resolved by the House of Representatives, the*
- 17 *Senate Concurring*, that the General Assembly of the State
- 18 of Iowa recommends that the Congress of the United States
- 19 amend the present law to increase from ten dollars to
- 20 twenty-five dollars the amount of payments of interest

21 which are required to be reported under section 6049 of
22 the Internal Revenue Code; and
23 *Be It Further Resolved*, That the Chief Clerk of the
24 House of Representatives be directed to send a copy of
25 this resolution to the President of the United States
26 Senate, the Speaker of the United States House of
27 Representatives, and to each member of the Iowa
28 congressional delegation.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority.

Read first time and passed on file.

House File 1557, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture.

Read first time and passed on file.

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 85

The Senate resumed consideration of Senate File 85 and House amendment S—5603.

Senator Glenn asked and received unanimous consent that action on division S—5603D be temporarily deferred.

Senator Glenn called for a further division of House amendment S—5603, page 7, lines 26, 27 and 28 to be considered as division S—5603E-1, page 7, lines 29 through 36 to be considered as division S—5603E-2.

Senator Glenn moved that the Senate concur in division S—5603E-1 of the House amendment.

The motion prevailed and the Senate concurred in division S—5603E-1 of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603E-2 of the House amendment.

The motion lost and the Senate refused to concur in division S—5603E-2 of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603F of the House amendment.

The motion lost and the Senate refused to concur in division S—5603F of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent that action on divisions S—5603G through S—5603K, and S—5603N be temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603L of the House amendment and requested a non-record roll call.

The ayes were 19, nays 26.

The motion lost and the Senate refused to concur in division S—5603L of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603M of the House amendment and requested a non-record roll call.

The ayes were 37, nays 8.

The motion prevailed and the Senate concurred in division S—5603M of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603O of the House amendment.

The motion lost and the Senate refused to concur in division S—5603O of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603P of the House amendment.

The motion lost and the Senate refused to concur in division S—5603P of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603Q of the House amendment.

The motion lost and the Senate refused to concur in division S—5603Q of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Hill of Jasper asked and received unanimous consent that action on division S—5603R of the House amendment be temporarily deferred for the preparation of an amendment.

Senator Glenn offered amendment S—5629 to division S—5603S of the House amendment filed by him:

S—5629

- 1 Amend the House amendment, S—5603 to Senate File
- 2 85 as amended, passed and reprinted as follows:

Division S—5629A

- 3 1. Page 18, line 31, by inserting after the word
- 4 “pardoned” the words “or has had his or her civil
- 5 rights restored”.

Division S—5629B

- 6 2. Page 18, line 32, by striking the words
- 7 “state and who is ex-” and inserting in lieu thereof
- 8 the word “state.”
- 9 3. Page 18, by striking lines 33 through 36.

Senator Ramsey called for a division of the amendment, section 1 to be considered as division S—5629A; sections 2 and 3 to be considered as division S—5629B.

On motion of Senator Glenn, division S—5629A of the amend-ment to division S—5603S was adopted.

Senator Glenn moved the adoption of division S—5629B of the amendment to division S—5603S.

A non-record roll call was requested.

The ayes were 23, nays 21.

Division S—5629B of the amendment to division S—5603S was adopted .

Senator Glenn moved that the Senate concur in division S—5603S of the House amendment as amended.

The Chair requested a non-record roll call.

The ayes were 22, nays 23.

The motion lost and the Senate refused to concur in division S—5603S as amended, which action will be messaged to the House in the form of an amendment to strike this division.

The Senate resumed consideration of division S—5603R of the House amendment.

Senator DeKoster offered amendment S—5647 to division S—5603R of the House amendment by Senators DeKoster and Hill of Jasper and moved its adoption:

S—5647

- 1 Amend House amendment S—5603 to Senate File 85
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 16, by striking lines 47 and 48 and
- 5 inserting in lieu thereof the following:
- 6 “of any crime defined in Division VIII of this
- 7 Act, except ‘assault’ as defined in section eight
- 8 hundred one (801) of this Act and ‘harassment’ as
- 9 defined in section eight hundred eight (808) of
- 10 this Act.”

Amendment S—5647 to division S—5603R of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603R of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603R of the House amendment as amended.

President pro tempore Doderer took the chair at 3:00 p.m.

Senator Junkins took the chair at 3:45 p.m.

Senator Hill of Jasper offered amendment S—5655 to division S—5603T of the House amendment:

S—5655

- 1 Amend the House amendment S—5603 to Senate File
- 2 85 as amended, passed and reprinted as follows:
- 3 1. Page 21, by striking lines 36 through 41.

President pro tempore Doderer took the chair at 4:00 p.m.

President Neu took the chair at 4:15 p.m.

President pro tempore Doderer took the chair at 4:30 p.m.

Senator Hill of Jasper moved the adoption of amendment S—5655 to division S—5603T of the House amendment.

A non-record roll call was requested.

The ayes were 15, nays 30.

Amendment S—5655 to division S—5603T of the House amendment lost.

Senator Glenn moved that the Senate concur in division S—5603T of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603T of the House amendment?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Briles	Hultman	Nystrom	Shaff
Coleman	Lamborn	Plymat	Tieden
Curtis	Miller of	Rabedeaux	Van Gilst
Doderer	Des Moines	Robinson	Winkelman

Nays, 23:

Burroughs	Gluba	Merritt	Priebe
Carr	Hansen	Murray	Ramsey
Culver	Hill of Polk	Nolting	Redmond
DeKoster	Junkins	Norpel	Sovern
Gallagher	Kelly	Orr	Willits
Glenn	Kinley	Palmer	

Absent or not voting, 5:

Heying	Rodgers	Shaw	Taylor
Nolin			

The motion lost and the Senate refused to concur in division S—5603T of the House amendment, which action will be mes-

saged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent that action on division S—5603U be temporarily deferred.

President Neu took the chair at 5:15 p.m.

Senator Glenn moved that the Senate concur in division S—5603BA of the House amendment.

A record roll call was requested.

On the question “Shall the Senate concur in division S—5603BA of the House amendment?” (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Griffin	Plymat	Scott
Bergman	Hill of Jasper	Priebe	Shaff
Briles	Hultman	Rabedaux	Tieden
Carr	Lamborn	Robinson	Van Gilst
Coleman	Norpel	Schwengels	Winkelman
Doderer	Nystrom		

Nays, 22:

Burroughs	Gluba	Merritt	Palmer
Culver	Hansen	Miller of	Ramsey
Curtis	Hill of Polk	Des Moines	Redmond
DeKoster	Junkins	Murray	Sovern
Gallagher	Kelly	Nolting	Willits
Glenn	Kinley	Orr	

Absent or not voting, 6:

Heying	Miller of	Nolin	Shaw
	Marshall	Rodgers	Taylor

The motion lost and the Senate refused to concur in division S—5603BA of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603BB of the House amendment.

A non-record roll call was requested.

Rule 25 was invoked.

The ayes were 18, nays 26.

The motion lost and the Senate refused to concur in division S—5603BB of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

(Senate File 85 pending on adjournment.)

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House requests the return of Senate Joint Resolution 1006, proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments, for the purpose of reconsideration.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1325, by committee on cities, a bill for an act relating to bonds and pledge orders issued by cities.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 110

By Committee on Cities

- 1 *Whereas*, the state of Iowa has legislation in
2 force which exposes governmental subdivisions to
3 liability claims; and
4 *Whereas*, a large number of lawsuits have been
5 filed against governmental subdivisions, and the
6 number of claims is rising; and
7 *Whereas*, the premiums paid by governmental subdivi-
8 sions for liability insurance is increasing substan-
9 tially; and
10 *Whereas*, some governmental subdivisions are en-
11 countering difficulties in obtaining insurance,
12 especially general liability insurance; and
13 *Whereas*, some insurance companies are no longer
14 writing liability insurance for governmental subdivi-
15 sions; *Now, Therefore*,
16 *Be It Resolved by the Senate, the House Concurring*,
17 That the legislative council is requested to create,
18 during the 1976 interim, a study committee composed
19 of members of both houses of the general assembly
20 representing both political parties for the purpose
21 of studying the availability and acquisition of various
22 lines of insurance, especially general liability in-
23 surance, for cities, counties, townships, school dis-
24 tricts, and other units of local government; and
25 *Be It Further Resolved*, That the study committee
26 make a report to the legislative council and to the
27 Sixty-seventh General Assembly, 1977 Session, contain-
28 ing its recommendations to alleviate the problems
29 governmental subdivisions face in obtaining insurance,
30 especially general liability insurance, accompanied by

Page 2

- 1 such bill drafts as may be necessary to carry out the
2 recommendations.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 111

By Committee on Energy

1 *Whereas*, the Iowa Coal Research Project was es-
2 tablished by the Sixty-fifth General Assembly, 1974
3 Session, with a \$3 million, three-year appropriation,
4 to provide a means of meeting the state's energy needs
5 while simultaneously revitalizing Iowa's once thriving
6 coal industry; and

7 *Whereas*, the primary goals of the project are to
8 select, develop and demonstrate economical methods for
9 strip mining Iowa coal and restoring the land and for
10 cleaning the coal to meet current environmental stan-
11 dards; and

12 *Whereas*, a demonstration mine has been operating
13 in Mahaska County since September of 1975 and 40,000
14 tons of coal have been extracted through an environ-
15 mentally and economically acceptable surface mining
16 procedure and sold to Iowa State University and the
17 Corn Belt Power Cooperative in Humboldt, Iowa; and

18 *Whereas*, an experimental coal cleaning plant is
19 being constructed on the Iowa State University campus
20 to test and process the coal so that sulfur and ash
21 content is sufficiently reduced to meet environmental
22 standards; and

23 *Whereas*, The Energy and Mineral Resources Research
24 Institute which is conducting the project has proposed
25 the establishment of a second demonstration mine to
26 facilitate economic studies of the dragline-scraper
27 mining method and of a mining operation coordinated
28 with an on-site coal cleaning facility; and

29 *Whereas*, it is estimated that \$1.8 million in state
30 funds would be necessary during the first year of

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1 operation of the second mine; and

2 *Whereas*, coal from the second demonstration mine
3 could meet the coal needs of several state supported
4 facilities at a net savings to the state and the
5 state's initial investment would be repaid over a
6 four-year period; *Now, Therefore*,

7 *Be It Resolved by the Senate, the House Concurring*,
8 That the legislative council is requested to authorize
9 the appointment of a joint interim subcommittee composed
10 of members of the Senate and House Standing Committees
11 on Energy to review the operations and accomplishments
12 of the Iowa Coal Research Project to date and to study
13 the need for additional funds to expand the project
14 as proposed; and

15 *Be It Further Resolved*, That the joint interim sub-
16 committee shall make a report of its findings to the
17 legislative council and members of the Sixty-seventh
18 General Assembly meeting in the year 1977.

Read first time and placed on calendar.

AMENDMENTS FILED

S—5658

- 1 Amend Senate amendment, S—5657 to House amendment,
2 S—5603, to Senate File 85, as amended, passed, and
3 reprinted by the Senate as follows:
4 1. Page 1, by striking lines 11 through 16 and
5 inserting in lieu thereof the following:
6 “..... Page 337, by striking lines 14 through
7 28 and inserting in lieu thereof the following: ‘be
8 punished for the first offense by a fine of not [less
9 than three hundred dollars nor] more than one thousand
10 dollars, [or] *and* by imprisonment in the county jail
11 for a period of not [to exceed] *less than two days nor*
12 *more than one year* [, or by both such fine and
13 imprisonment]; for the second offense by a fine of
14 not [less than five hundred dollars, nor] more than
15 [one] *five* thousand dollars, [or] *and* by imprisonment
16 in the penitentiary for a period of not to exceed
17 [one year] *two years or in the county jail for a period*
18 *not less than two days* [, or by both such fine and
19 imprisonment]; and for a third offense and each offense
20 thereafter *by a fine not to exceed one thousand dollars*
21 *or by imprisonment in the penitentiary for any term*
22 *of years not [less than one or] more than five, and*
23 *the court may pronounce sentence for a lesser period*
24 *than the maximum, the provisions of the indeterminate*
25 *sentence law to the contrary notwithstanding or by*
26 *both such fine and imprisonment.’ ”*
27 2. Page 2, by inserting after line 8 the following:
28 “..... Page 72, by inserting after line 40 the
29 following:
30 ‘Sec. The provisions of this Act amending
31 sections three hundred twenty-one point two hundred
32 eighty-one (321.281) and three hundred twenty-one
33 B point seven (321B.7) of the Code shall take effect
34 July 1, 1976.’ ”
35 3. By renumbering the sections and paragraphs
36 to conform to **this amendment.**

WILLIAM N. PLYMAT

S—5644

- 1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, by adding after line 17 the following:
5 “Page 3, by striking lines 20 and 21, and
6 inserting in lieu thereof the following:
7 Sec. 202. *NEW SECTION. ACT OR ACTION.* The
8 terms ‘act’ or ‘action’ mean a bodily movement
9 *whether voluntary or involuntary and include a*
10 *failure to do any act which the law requires an*
11 *individual to perform.’ ”*
12 2. Page 6, by striking lines 30 and 31, and
13 inserting in lieu thereof the following:

14 "68. Page 13B, by striking lines 61-65 and
15 inserting in lieu thereof the following:
16 Sec. 705. *NEW SECTION. INVOLUNTARY MANSLAUGHTER.*
17 1. A person commits a class D felony when the
18 person unintentionally causes the death of another
19 person during the commission of a public offense
20 other than a forcible felony or an escape."

JAMES M. REDMOND

S—5651

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, by striking lines 31 through 46.
5 2. Page 4, by inserting after line 20 the
6 following:
7 "..... Page 10, by inserting after line 29 the
8 following:
9 'Sec. *NEW SECTION. DEATH. "Death" means*
10 *the condition determined by the following standard:*
11 *A person will be considered dead if in the announced*
12 *opinion of a physician, based on ordinary standards*
13 *of medical practice, that person has experienced an*
14 *irreversible cessation of spontaneous respiratory*
15 *and circulatory functions. In the event that arti-*
16 *ficial means of support preclude a determination*
17 *that these functions have ceased, a person will be*
18 *considered dead if in the announced opinion of two*
19 *physicians, based on ordinary standards of medical*
20 *practice, that person has experienced an irreversible*
21 *cessation of spontaneous brain functions. Death*
22 *will have occurred at the time when the relevant*
23 *functions ceased.*
24 *A physician or a person acting on the direct*
25 *orders of a physician who ceases to provide medical*
26 *attention to a person who is dead, as defined in*
27 *paragraph one (1) of this section, shall not be*
28 *criminally liable for such cessation of medical*
29 *attention.'*"

JAMES M. REDMOND

S—5646

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 2, by inserting after line 5 the following:
5 Page 5, line 11, by inserting after the
6 word "burglary" the words "in the first degree".

GENE W. GLENN

S—5640

1 Amend the House amendment, S—5603, to Senate
2 File 85 as amended, passed and reprinted by the
3 Senate as follows:

- 4 1. Page 3, by striking lines 3 through 5 and
5 inserting in lieu thereof the words "expressly or
6 tacitly acquiesce in and was not one".

RICHARD R. RAMSEY

S—5659

- 1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted by the Senate
3 as follows:

- 4 1. Page 4, by striking lines 23 through 44 and
5 inserting in lieu thereof the following:

- 6 "..... Page 11, by inserting after line 24 the
7 following new division:

8 'DIVISION

9 **TERMINATION OF LIFE SUPPORT SYSTEMS**

- 10 Sec. **NEW SECTION. PETITION.** A petition to
11 terminate the life support apparatus of a patient
12 of a hospital may be filed with the district court
13 of the county in which the patient is hospitalized
14 by the patient's spouse, the patient's guardian, or
15 a person who is related to the patient within the
16 second degree of consanguinity. The petition shall
17 be in equity and shall name the state as the
18 respondent. The petition shall contain a description
19 of the patient's injury or illness, the treatment
20 which the patient is receiving, and an affidavit by
21 at least one physician licensed by this state
22 testifying that there is no reasonable possibility
23 of the patient ever emerging from a present comatose
24 condition to a cognitive, sapient state and that the
25 life support apparatus now being administered to the
26 patient should be discontinued.

- 27 Sec. **NEW SECTION. APPOINTMENT OF PHYSICIANS.**
28 Within five days of the filing of the petition the
29 district court shall appoint three physicians with
30 recognized competence and expertise in the disease
31 or injury suffered by the patient. One physician
32 shall be appointed at the request of the petitioners,
33 one physician shall be appointed upon the
34 recommendation of the county medical association of
35 the county in which the patient is hospitalized, and
36 one physician shall be appointed by the court.

- 37 Sec. **NEW SECTION. INSTRUCTIONS TO PHYSICIANS.**
38 Upon the appointment of the three physicians the court
39 shall instruct the physicians that they are to
40 immediately examine the patient to determine whether
41 there is a reasonable possibility of the patient ever
42 emerging from a present comatose condition to a
43 cognitive, sapient state and whether the life support
44 apparatus now being administered to the patient should
45 be discontinued.

- 46 Sec. **NEW SECTION. AFFIDAVIT TO THE COURT.**
47 Upon the completion of their examination each of the
48 three physicians shall file an affidavit with the

49 court stating whether there is a reasonable possibility
50 of the patient ever emerging from a present comatose

Page 2

1 condition to a cognitive, sapient state whether the
2 life support apparatus now being administered to the
3 patient should be discontinued. The affidavit shall
4 be accompanied by a detailed statement of the patient's
5 injury or disease, the medical treatment the patient
6 is receiving, and the basis upon which the physician
7 reached his or her conclusions.

8 **Sec. NEW SECTION. HEARING—NOTIFICATION OF**

9 **PARTIES.** Upon receipt of the affidavits from the
10 physicians the court shall forward to the hospital
11 in which the patient is hospitalized, the respondent,
12 and the petitioners a copy of each of the affidavits.
13 If all three physicians concur that there is not a
14 reasonable possibility of the patient ever emerging
15 from a present comatose condition to a cognitive,
16 sapient state and that the life support apparatus
17 now being administered to the patient should be
18 discontinued, the court shall set a date for hearing
19 which shall be not less than five days nor more than
20 thirty days from the filing of the last affidavit
21 and shall immediately notify the hospital in which
22 the patient is hospitalized, the respondent, and the
23 petitioners of the time and place of the hearing.
24 If all three physicians do not concur that there is
25 not a reasonable possibility of the patient ever
26 emerging from a present comatose condition to a
27 cognitive, sapient state and that the life support
28 apparatus now being administered to the patient should
29 not be discontinued, the court shall dismiss the
30 petition and notify the hospital in which the patient
31 is hospitalized, the respondent, and the petitioners
32 of the dismissal.

33 **Sec. NEW SECTION. HEARING.**

34 1. The hearing shall be held before the court
35 and neither the petitioner nor the respondent may
36 be granted a jury trial.

37 2. Except where inconsistent with this division,
38 the rules of civil procedure shall apply to the conduct
39 of the hearing.

40 3. The attorney general of the state shall
41 represent the state at the hearing and during all
42 other proceedings under this division.

43 4. The petitioner, the respondent, and the hospital
44 in which the patient is hospitalized shall be allowed
45 to introduce any witness or evidence which is relevant
46 and material to the issue and both parties shall be
47 allowed to cross-examine the other witnesses and
48 evidence.

49 **Sec. NEW SECTION. COURT ORDER.** If the court
50 finds by clear and convincing evidence that there

Page 3

1 is not a reasonable possibility of the patient ever
2 emerging from a present comatose condition to a
3 cognitive, sapient state and that the life support
4 apparatus now being administered to the patient should
5 be discontinued, the court shall order that the life
6 support apparatus be discontinued as soon as possible
7 after the time for filing an appeal has elapsed.
8 Sec. *NEW SECTION. APPEAL.* An appeal from
9 a decision under this division shall be taken as
10 provided in the rules of civil procedure, except that
11 an appeal must be taken within ten days of the court
12 order and appellate court shall give such appeals
13 priority over all other civil and criminal appeals.”

JAMES M. REDMOND
RICHARD R. RAMSEY

S—5649

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 7, by inserting after line 4 the
5 following:
6 “..... Page 15B, line 42, by inserting after
7 the word ‘person’ the word ‘or.’”

JAMES M. REDMOND

S—5654

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 7, line 15, by striking the word and
5 figures “59B, line 62” and inserting in lieu thereof
6 the word and figures “15B, lines 62 and 63”.

JAMES M. REDMOND

S—5650

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 8, line 50A, by striking the figure
5 “100.”.
6 2. Renumber subsequent paragraphs to conform
7 with this amendment.

JAMES M. REDMOND

S—5648

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 10, line 19, by striking the words
5 “‘such person or another’” and inserting in lieu
6 thereof the words “‘either party’”.

JAMES M. REDMOND

S—5639

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 10, by striking lines 23 through 25.

GENE W. GLENN

S—5653

- 1 Amend the House amendment, S—5603, to Senate,
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, by striking lines 36 through 38.

JAMES M. REDMOND

S—5643

- 1 Amend the House amendment, S—5603 to Senate
- 2 File 85 as amended, passed and reprinted as
- 3 follows:
- 4 1. Page 18, line 45, by striking the figure,
- 5 “,”, and inserting in lieu thereof the word “or”.
- 6 2. Page 18, by striking lines 46 through 49,
- 7 and inserting in lieu thereof “apparatus.”

EARL M. WILLITS

S—5657

- 1 Amend the House amendment S—5603 to Senate File
- 2 85 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 49, by striking from line 36 through page
- 5 51, line 27, and inserting in lieu thereof the
- 6 following:
- 7 “..... Page 337, line 11, by inserting after the
- 8 word ‘while’ the words ‘*having ten or more hundredths*
- 9 *of one per centum by weight of alcohol in the blood*
- 10 *or while*’.
- 11 Page 337, line 15, by inserting after the
- 12 word ‘offense’ the words ‘*and shall be imprisoned*
- 13 *in the county jail not less than two days*’.
- 14 Page 337, line 19, by inserting after the
- 15 word ‘offense’ the words ‘*and shall be imprisoned*
- 16 *in the county jail not less than two days*’.”
- 17 2. Page 51, by inserting after line 27 the
- 18 following:
- 19 “..... Page 337, by inserting after line 28 the
- 20 following:
- 21 ‘Sec. Section three hundred twenty-one point
- 22 two hundred eighty-one (321.281), unnumbered paragraphs
- 23 five (5) and six (6), Code 1975, are amended to read
- 24 as follows:
- 25 This section shall not apply to a person operating
- 26 a motor vehicle while under the influence of a
- 27 narcotic, hypnotic or other drug if such substances
- 28 were prescribed for such person and have been taken
- 29 under such prescription and in accordance with the

30 directions of a [reputable doctor of medicine] *medical*
 31 *practitioner as defined in section one hundred fifty-*
 32 *five point three (155.3), subsection eleven (11),*
 33 *of the Code*, provided however there is no evidence
 34 of the consumption of alcohol and further provided
 35 said [doctor of medicine] *medical practitioner* has not
 36 directed such person to refrain from operating a motor
 37 vehicle.

38 [For the purposes of this section, evidence that
 39 there was, at the time, more than ten hundredths of
 40 one per centum by weight of alcohol in his blood shall
 41 be admitted as presumptive evidence that the defendant
 42 was under the influence of an alcoholic beverage.]
 43 No previous conviction for, or plea of guilty to,
 44 an offense under this section occurring more than
 45 six years prior to the date of the violation being
 46 charged shall be used to determine that the violation
 47 being charged is a second, third or subsequent
 48 offense.'"

49 3. Page 51, lines 44 through 47 by striking the
 50 words "*notwithstanding the provisions of section*

Page 2

1 *three hundred twenty-one point two hundred twelve*
 2 *(321.212) of the Code,"*.

3 4. Page 51, line 49, by striking the word "twenty"
 4 and inserting in lieu thereof the words "[twenty]
 5 *eighty*".

6 5. Page 51, by striking line 50 through page 52,
 7 line 11 and inserting in lieu thereof the words "year;
 8 or if the person is a".

9 6. By renumbering the sections and paragraphs
 10 to conform with this amendment.

WILLIAM N. PLYMAT
 KENNETH D. SCOTT
 BERL E. PRIEBE
 CLOYD E. ROBINSON
 EARL M. WILLITS
 FORREST V. SCHWENGELS
 WILLIAM E. GLUBA
 ROGER J. SHAFF
 EUGENE M. HILL
 ELIZABETH R. MILLER
 LEONARD C. ANDERSEN
 IRVIN L. BERGMAN

S—5652

1 Amend Senate File 1322, page 1, by inserting after
 2 line 14 the following:

3 "For the Iowa industrial property
 4 valuation program\$200,000".

EARL M. WILLITS
 WILLIAM D. PALMER

S—5645

- 1 Amend Senate File 1324, page 9, line 14, by
- 2 striking the figure "\$6,318" and inserting in
- 3 lieu thereof the figure "\$6,750".

LUCAS J. DeKOSTER

S—5656

- 1 Amend House File 1329, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the words "be sued. An
- 5 area education agency may hold property and execute
- 6 lease-purchase agreements pursuant to the provisions
- 7 of section two hundred seventy-three point three
- 8 (273.3), subsection seven (7) of the Code."

PHILIP B. HILL
DALE L. TIEDEN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 9:30 a.m., Tuesday, May 4, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, MAY 4, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Al Davidsaver, pastor of the Holy Family Catholic Church, Council Bluffs, Iowa.

The Journal of Monday, May 3, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Flory, Resident, Broadlawns Polk County Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Heying for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from the Dallas Community School District, accompanied by Bill Wineland. Senator Rodgers.

Twenty-seven students from the Grand Community School District, accompanied by Vern Ecklund and Mark Oswald. Senator Nystrom.

Thirty-five students from Helen A. Hansen Elementary School, Cedar Falls, Iowa, accompanied by Mary Jo Bode. Senator Hansen.

Twelve students from the Newton Christian Day School, Newton, Iowa, and the Prairie City Christian School, Prairie City, Iowa, accompanied by Alfred Weg and Mrs. Tony Stravers. Senator Hill of Jasper.

Twenty students from St. Patrick's School, Cedar Falls, Iowa, accompanied by Sister Mary Jennifer. Senator Hansen.

Twenty-eight students, members of the confirmation class from the Grace Methodist Church, Sioux City, Iowa. Senator Andersen.

Fifty students from Fairfield Junior High School, Fairfield, Iowa, accompanied by Mrs. Franklin and Mr. Buttery. Senator Schwengels.

Seventy students from Lake Mills Elementary School, Lake Mills, Iowa, accompanied by Mr. Borey, Mr. and Mrs. Iverson and Mrs. Quisling. Senator Priebe.

PETITIONS

The following petitions were presented and placed on file:

By Senator Doderer from twenty-one residents of Johnson County favoring House File 1147, providing for certification of an employee organization by a majority of the public employees voting.

By Senator Willits from three thousand three hundred forty residents of Iowa asserting their right as adults to determine what is **obscene**.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Sixteen residents of Marshall County.

Twenty-one residents of Benton County.

Three residents of Cerro Gordo County.

Thirty-six residents of Des Moines County.

Thirty-two residents of Franklin County.

Fifteen residents of Henry County.

Twenty-three residents of Johnson County.

Four residents of Kossuth County.

Sixteen residents of Palo Alto County.

Fifty-two residents of Plymouth County.

Thirty-two residents of Sac County.

Eight residents of Story County.

Twenty-eight residents of Wayne County.

Fourteen residents of Wright County.

SPECIAL PRESENTATION

President Neu presented the Lake View-Auburn Hawkettes, the 1976 Girls State Basketball Champions, who appeared in the well of the Senate accompanied by their coaches, Bud McCrea and Garold Thomas. A member of the team, Kay Pick, all state guard, invited the Senate to the Legislative Jamboree at Black Hawk Lake, Lake View, Iowa, Sunday, August 8, 1976. The girls distributed printed invitations to all those present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

BUSINESS PENDING**HOUSE AMENDMENT CONSIDERED****Senate File 85**

The Senate resumed consideration of Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties, and providing penalties for violations of laws of the state to accord with the revised classifications, and House amendment S—5603.

Senator Glenn moved that the Senate concur in division S—5603BC of the House amendment and requested a non-record roll call.

Rule 25 was invoked.

The ayes were 21, nays 24.

The motion lost and the Senate refused to concur in division S—5603BC of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Ramsey withdrew amendment S—5660 to division S—5603W of the House amendment:

S—5660

- 1 Amend the House amendment, S—5603, to Senate File
- 2 83 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 28, by adding after line 39 the follow-
- 5 ing:

6 "..... Page 90, by striking lines 19 through
7 28."

President pro tempore Doderer took the chair at 10:45 a.m.

Senator Glenn moved that the Senate concur in division S—5603BD of the House amendment.

A non-record roll call was requested.

The ayes were 25, nays 18.

The motion prevailed and the Senate concurred in division S—5603BD of the House amendment.

Senator Glenn asked and received unanimous consent that action on division S—5603BE be temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603BF of the House amendment.

The motion prevailed and the Senate concurred in division S—5603BF of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603BG of the House amendment.

The motion lost and the Senate refused to concur in division S—5603BG of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent that action on divisions S—5603BH and S—5603BI be temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603BJ of the House amendment and requested a non-record roll call.

The ayes were 12, nays 30.

The motion lost and the Senate refused to concur in division S—5603BJ of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

President Neu took the chair at 11:50 a.m.

Senator Glenn moved that the Senate concur in division S—5603BK of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603BK of the House amendment?" (S.F. 85) the vote was:

Ayes, 5:

Briles	Scott	Taylor	Winkelman
Burroughs			

Nays, 39:

Andersen	Hill of Jasper	Murray	Robinson
Bergman	Hill of Polk	Nolting	Rodgers
Carr	Hultman	Norpel	Schwengels
Coleman	Junkins	Nystrom	Shaff
Culver	Kelly	Orr	Shaw
Curtis	Kinley	Plymat	Sovern
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	
Hansen			

Absent or not voting, 6:

Gallagher	Heying	Miller of	Nolin
Griffin		Marshall	Palmer

The motion lost and the Senate refused to concur in division S—5603BK of the House amendment, which action will be mesaged to the House in the form of an amendment to strike this division.

(Senate File 85 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

INTRODUCTION OF BILLS

Senate File 1326, by Senator Taylor, a bill for an act relating to per diem payments to members of the general assembly.

Read first time and **passed on file**.

Senate File 1327, by committee on education, a bill for an act relating to the state sanatorium.

Read first time and **placed on calendar**.

Senate File 1328, by committee on education, a bill for an act relating to exemptions from residency requirements for certain degree-granting institutions.

Read first time and **placed on calendar**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING**Senate File 85**

The Senate resumed consideration of Senate File 85 and House amendment S—5603.

Senator Glenn moved that the Senate concur in division S—5603BL of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603BL of the House amendment?" (S.F. 85) the vote was:

Ayes, 5:

Hill of Jasper	Scott	Taylor	Winkelman
Hultman			

Nays, 28:

Bergman	Glenn	Miller of	Ramsey
Burroughs	Hill of Polk	Marshall	Redmond
Coleman	Junkins	Norpel	Robinson
Culver	Kinley	Nystrom	Rodgers
Curtis	Lamborn	Orr	Schwengels
DeKoster	Merritt	Palmer	Sovern
Doderer	Miller of	Plymat	Willits
Gallagher	Des Moines		

Absent or not voting, 17:

Andersen	Hansen	Nolin	Shaff
Briles	Heying	Nolting	Shaw
Carr	Kelly	Priebe	Tieden
Gluba	Murray	Rabedeaux	Van Gilst
Griffin			

The motion lost and the Senate refused to concur in division S—5603BL of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603BM of the House amendment.

A non-record roll call was requested.

The ayes were 3, nays 41.

The motion lost and the Senate refused to concur in division

S—5603BM of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent that action on division S—5603BN be temporarily deferred.

Senator Nystrom took the chair at 1:55 p.m.

Senator Glenn moved that the Senate concur in division S—5603BO of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603BO of the House amendment?" (S.F. 85) the vote was:

Ayes, 11:

Bergman	Miller of	Rabedeaux	Taylor
Burroughs	Marshall	Schwengels	Tieden
Hultman	Plymat	Scott	Winkelman

Nays, 35:

Andersen	Glenn	Merritt	Priebe
Briles	Gluba	Miller of	Ramsey
Carr	Hansen	Des Moines	Redmond
Coleman	Hill of Jasper	Murray	Robinson
Culver	Hill of Polk	Nolting	Rodgers
Curtis	Junkins	Norpel	Shaw
DeKoster	Kelly	Nystrom	Sovern
Doderer	Kinley	Orr	Van Gilst
Gallagher	Lamborn	Palmer	Willits

Absent or not voting, 4:

Griffin	Heying	Nolin	Shaff
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The motion lost and the Senate refused to concur in division S—5603BO of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn asked and received unanimous consent to take up amendment S—5646 to division S—5603W of the House amendment filed by him and moved its adoption:

S—5646

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 2, by inserting after line 5 the following:
- 5 Page 5, line 11, by inserting after the
- 6 word "burglary" the words "in the first degree".

Amendment S—5646 to division S—5603W of the House amendment was adopted.

Division S—5603BN of the House amendment previously deferred was taken up for consideration.

Senator Glenn called for a further division of House amendment S—5603, page 38, lines 35 through 50, and page 39, lines 1 through 18, to be considered as division S—5603BN-1; page 41, lines 28 through 50 and page 42, lines 1 through 9, lines 16, 17 and 18, and lines 26, 27 and 28 to be considered as division S—5603BN-2.

Senator Glenn moved that the Senate concur in division S—5603BN-1 of the House amendment.

The motion prevailed and the Senate concurred in division S—5603BN-1 of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603BN-2 of the House amendment.

A non-record roll call was requested.

The ayes were 10, nays 33.

The motion lost and the Senate refused to concur in division S—5603BN-2 of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Ramsey offered amendment S—5662 to division S—5603BP of the House amendment:

S—5662

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted by the Senate
- 3 as follows:

Division S—5662A

- 4 1. Page 48, line 33, by inserting after the word
- 5 "misdemeanor." the following: "In lieu of the penalty
- 6 provided in section two hundred four point four hundred
- 7 one (204.401), subsection one (1), paragraph b of
- 8 the Code, any person who manufactures, delivers, or
- 9 possesses with the intent to manufacture or deliver
- 10 one ounce or less of marijuana shall, upon conviction
- 11 be imprisoned in the county jail for not to exceed
- 12 six months or be fined not to exceed one thousand
- 13 dollars or be subject to both such fine and
- 14 imprisonment."

Division S—5662B

- 15 2. Page 48, line 39, by striking the words "All
- 16 records pertaining to".

- 17 3. Page 48, by striking lines 40 and 41.
18 4. Page 48, line 42, by striking the word
19 "judgment."
20 5. Page 48, by striking line 46 through page 49,
21 line 7.

Division S—5662C

- 22 6. Page 71, by striking line 16 and inserting
23 in lieu thereof the words and figures "figures two hundred
24 four point four hundred ten (204.410), two hundred
25 twenty-three point three (223.3),".

President Neu took the chair at 2:43 p.m.

Senator Doderer raised the point of order that amendment S—5662 was not germane to House amendment S—5603.

The Chair ruled the point not well taken and that amendment S—5662 to House amendment S—5603 was in order.

Senator Doderer called for a division of the amendment, section 1 to be considered as division S—5662A; sections 2 through 5 to be considered as division S—5662B; section 6, as division S—5662C.

Senator Ramsey asked and received unanimous consent that action on divisions S—5662A and S—5662B be deferred.

Senator Doderer raised the point of order that division S—5662C was not germane to House amendment S—5603.

The Chair ruled the point well taken and division S—5662C out of order.

Senator Ramsey asked unanimous consent that the rules governing germaneness under Sec. 402, Mason's Manual of Legislative Procedure, be suspended for the purpose of taking up for consideration division S—5662C of his amendment to division S—5603W of the House amendment.

Objection was raised.

Senator Ramsey moved that the rules governing germaneness under Sec. 402 of Mason's Manual of Legislative Procedure be suspended for the purpose of taking up for consideration division S—5662C of his amendment to division S—5603W of the House amendment, and requested a record roll call.

On the question "Shall the rules governing germaneness be suspended for the purpose of taking up division S—5662C of the Ramsey amendment?" (S.F. 85) the vote was:

Ayes, 18:

Andersen	Hansen	Nystrom	Scott
Bergman	Hill of Jasper	Plymat	Shaw
Briles	Kelly	Rabedeaux	Taylor
Burroughs	Miller of	Ramsey	Winkelman
Curtis	Marshall	Schwengels	

Nays, 27:

Carr	Gluba	Miller of	Redmond
Coleman	Griffin	Des Moines	Robinson
Culver	Hill of Polk	Murray	Shaff
DeKoster	Junkins	Nolting	Sovern
Doderer	Kinley	Norpel	Tieden
Gallagher	Lamborn	Orr	Van Gilst
Glenn	Merritt	Priebe	Willits

Absent or not voting, 5:

Heying	Nolin	Palmer	Rodgers
Hultman			

The motion lost.

Senator Ramsey withdrew division S—5662A of his amendment to division S—5603BP of the House amendment.

Senator Ramsey moved the adoption of division S—5662B of his amendment to division S—5603BP of the House amendment and requested a record roll call.

On the question "Shall division S—5662B of the amendment to division S—5603BP of the House amendment be adopted?" (S. F. 85) the vote was:

Ayes, 27:

Andersen	DeKoster	Nolting	Scott
Bergman	Hill of Jasper	Norpel	Shaff
Briles	Hultman	Plymat	Shaw
Burroughs	Junkins	Priebe	Taylor
Coleman	Lamborn	Rabedeaux	Tieden
Culver	Miller of	Ramsey	Van Gilst
Curtis	Marshall	Schwengels	Winkelman

Nays, 16:

Carr	Hill of Polk	Murray	Robinson
Doderer	Kelly	Orr	Sovern
Glenn	Merritt	Palmer	Willits
Gluba	Miller of	Redmond	
Hansen	Des Moines		

Absent or not voting, 7:

Gallagher	Heying	Nolin	Rodgers
Griffin	Kinley	Nystrom	

Division S—5662B of the amendment to division S—5603BP of the House amendment was adopted.

Senator Glenn offered amendment S—5632 to division S—5603BP of the House amendment filed by him and moved its adoption:

S—5632

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted as follows:
- 3 1. Page 48, line 34, by striking the word
- 4 "paragraph" and inserting in lieu thereof the
- 5 word "subsection".

Amendment S—5632 to division S—5603BP of the House amendment was adopted.

Senator Griffin took the chair at 4:50 p.m.

President Neu took the chair at 5:15 p.m.

Senator Glenn moved that the Senate concur in division S—5603BP of the House amendment as amended.

A record roll call was requested.

On the question "Shall division S—5603BP of the House amendment as amended be adopted?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 20:

Carr	Griffin	Merritt	Robinson
Doderer	Hansen	Murray	Rodgers
Gallagher	Hill of Polk	Orr	Shaw
Glenn	Kelly	Palmer	Sovern
Gluba	Kinley	Redmond	Willits

Nays, 25:

Andersen	DeKoster	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Briles	Junkins	Nolting	Shaff
Burroughs	Lamborn	Norpel	Taylor
Coleman	Miller of	Plymat	Tieden
Culver	Des Moines	Priebe	Van Gilst
Curtis		Ramsey	Winkelman

Absent or not voting, 5:

Heying	Nolin	Nystrom	Rabedeaux
Hultman			

The motion lost and the Senate refused to concur in division S—5603BP of the House amendment as amended, which action will be messaged to the House in the form of an amendment to strike this division.

(Senate File 85 pending on adjournment.)

SENATE CONCURRENT RESOLUTION 112

By Norpel

- 1 *Whereas*, Senator Clifton C. Lamborn and Senator
- 2 Karl Nolin are retiring from the Iowa Senate after

3 distinguished legislative careers; and

4 *Whereas*, Senator Clifton C. Lamborn is completing
5 ten years of continuous service in the Iowa Senate,
6 serving the Sixty-fourth and Sixty-fifth General
7 Assembly as Majority Leader and the Sixty-sixth
8 General Assembly as Minority Leader; and

9 *Whereas*, Senator Karl Nolin served in the Iowa
10 House of Representatives during the Sixty-second
11 General Assembly and in the Iowa Senate during the
12 Sixty-fifth and Sixty-sixth General Assemblies,
13 serving as Ranking Minority Member of the Senate
14 Committee on State Government and Chairman of the
15 Senate Committee on Agriculture; and

16 *Whereas*, Senator Lamborn's and Senator Nolin's
17 statesmanship and leadership qualities have earned
18 them the highest respect of their legislative
19 colleagues of both political parties and the people
20 of Iowa whom they have served so capably; *Now*,
21 *Therefore*,

22 *Be It Resolved by the Senate, the House Concurring*,
23 That the new state office building authorized under
24 Acts of the Sixty-sixth General Assembly, 1975 Session,
25 chapter sixty-two, section one, subsection eight,
26 paragraph b, be named the Lamborn-Nolin State Office
27 Building in honor of Senator Clifton C. Lamborn and
28 Senator Karl Nolin; and

29 *Be It Further Resolved*, That an appropriate plaque
30 be placed near the main entrance of the Lamborn-Nolin

Page 2

- 1 State Office Building commemorating the distinguished
- 2 public careers of Senator Lamborn and Senator Nolin.

Read first time and passed on file.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur with division S—5603T of the House amendment to Senate File 85.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in division S—5603BA of the House amendment to Senate File 85.

MILO MERRITT

MR. PRESIDENT: I move to reconsider the vote by which division S—5603BD of the House amendment to Senate File 85 was concurred in by the Senate on May 4, 1976.

GENE W. GLENN

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1514 Appropriations
H. F. 1557 Appropriations
H. F. 1558 Appropriations
H.C.R. 132 Rules and administration

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of May, 1976: Senate File 488.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy Seiberling, of North Liberty, Johnson County, Iowa, for appointment as a public member of the State Board of Landscape Architectural Examiners, pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDEAUX, Chairperson
GENE W. GLENN
E. KEVIN KELLY
BERL E. PRIEBE
JAMES M. REDMOND

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE RECORDS COMMISSION

A copy of the State Records Management Manual submitted by the State Records Commission pursuant to Chapter 304, Code 1975.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent on Monday, May 3, 1976, when the votes were taken on the following appointments: Beverly Everett, Burt Livingston and Stanley Romans. Had I been present, I would have voted aye." I was also necessarily absent on Tuesday, May 4, 1976, when the vote was taken on division S—5603BL of the House amendment to Senate File 85. Had I been present, I would have voted "nay."

WILLARD R. HANSEN

REPORTS OF COMMITTEES

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **House File 1555**, a bill for an act relating to the township tax levy for fire protection purposes, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CHARLES P. MILLER, Chairperson

Ordered passed on file.

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred **House File 1534**, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1059**, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1320**, a bill for an act to correct an internal code reference under the individual income tax law, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1321**, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1408**, a bill for an act relating to reports, claims, tax

returns and statements to be filed with and payments made to the state or any political subdivision, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5665

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, line 28, by striking the word
- 5 "state." and inserting in lieu thereof the words
- 6 "state department of health."

JAMES M. REDMOND

S—5666

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted as follows:
- 3 Page 17, by striking lines 29 through 46.

LEONARD C. ANDERSEN

S—5667

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 17, by adding after line 46 the fol-
- 5 lowing:
- 6 "A holder of a liquor license or beer permit
- 7 or any owner, manager, or person who exercises direct
- 8 control over any licensed premises defined in section
- 9 one hundred twenty-three point three (123.3), sub-
- 10 section thirty-one (31) of the Code shall not sell
- 11 or transfer to another a firearm on the licensed pre-
- 12 mises. A person who violates the provisions of this
- 13 paragraph shall be guilty of a simple misdemeanor."

STEVE SOVERN

JAMES M. REDMOND

S—5663

- 1 Amend the House amendment, S—5603 to Senate File
- 2 85, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 32, by striking lines 1 and 2 and
- 5 inserting in lieu thereof the following:
- 6 "..... Page 130B, line 37, by striking the word
- 7 'either' and inserting in lieu thereof the word 'any'.
- 8 Page 130B, by striking lines 42 through 57
- 9 and inserting in lieu thereof the following:
- 10 'b. The information sought by way of deposition

11 cannot adequately be disclosed by a bill of particu-
12 lars and is necessary in order that the defendant
13 receive a fair trial.

14 c. Other circumstances necessitating discovery
15 by deposition, provided that:

16 1. The prospective witness to be deposed has
17 not previously been examined at a preliminary
18 hearing by the party requesting the deposition;
19 and,

20 2. Prior to the taking of any deposition, a
21 list of all witnesses expected to be called by
22 the moving party at trial is furnished to the
23 nonmoving party. Those witnesses shall be
24 subject to pretrial discovery by the nonmoving
25 party. Notwithstanding the provisions of this
26 subparagraph, if the moving party is the defen-
27 dant, the moving party need not disclose whether
28 or not the defendant intends to testify at trial.' "

RICHARD R. RAMSEY

S—5661

1 Amend the Redmond amendment, S—5659, to the
2 House amendment, S—5603, to Senate File 85, as fol-
3 lows:

4 1. Page 2, line 40, by striking the words
5 "attorney general of the state", and inserting in
6 lieu thereof the words "county attorney in the
7 county where the patient is hospitalized".

JAMES M. REDMOND

S—5664

1 Amend the Senate amendment S—5659 to the House
2 amendment S—5603, page 4, to Senate File 85 as
3 amended, passed, and reprinted by the Senate as
4 follows:

5 1. Page 1, line 24, by striking the figure and
6 word " , sapient".

7 2. Page 1, line 43, by striking the figure and
8 word " , sapient".

9 3. Page 2, line 1, by striking the figure and
10 word " , sapient".

11 4. Page 2, lines 15 and 16, by striking the
12 figure and word " , sapient".

13 5. Page 2, line 27, by striking the figure and
14 word " , sapient".

15 6. Page 3, line 3, by striking the figure and
16 word " , sapient".

STEVE SOVERN

S—5668

1 Amend Senate File 1324 as follows:

2 1. Page 11, by inserting after line 26 the fol-
3 lowing:

4 "Sec. Section ninety-seven C point two

5 (97C.2), subsection three (3), Code 1975, is amended
6 to read as follows:

7 3. The term 'employee' includes elective and ap-
8 pointive officials of the state or any political sub-
9 division thereof, except [members of the general as-
10 sembly,] elective officials in positions, the compensa-
11 tion for which is on a fee basis, elective officials
12 of school districts, elective officials of townships,
13 and elective officials of other political subdivisions
14 who are in part-time positions; provided that no mem-
15 ber of a county board of supervisors shall be deemed
16 to be an elective official in a part-time position,
17 but every member of a county board of supervisors
18 shall be deemed to be an employee within the purview
19 of this chapter and shall be eligible to receive all
20 of the benefits provided by this chapter to which
21 he may be entitled as an employee.

22 Sec. Prior to January 10, 1977, the state
23 agency as defined in chapter ninety-seven C (97C)
24 of the Code, shall make all arrangements necessary
25 in order to provide for extending the benefits of
26 the federal old-age and survivors' insurance system
27 to members of the general assembly effective January
28 9, 1978."

29 2. Amend the title, line 13, by inserting after
30 the word "fund," the words "by providing for the
31 extension of federal old-age and survivors' insurance
32 benefits to members of the general assembly".

RICHARD J. NORPEL, SR.
ROBERT M. CARR
FRED W. NOLTING
JAMES V. GALLAGHER
CHARLES P. MILLER
JAMES W. GRIFFIN, SR.
JOHN N. NYSTROM
MINNETTE F. DODERER
NORMAN G. RODGERS
C. JOSEPH COLEMAN
FORREST V. SCHWENGELS
IRVIN L. BERGMAN
WARREN E. CURTIS
ELIZABETH R. MILLER
MILO MERRITT
JOAN ORR
LOUIS P. CULVER
CLOYD E. ROBINSON
JAMES M. REDMOND
WILLIAM E. GLUBA
WILLIAM N. PLYMAT
EUGENE M. HILL
JOHN S. MURRAY
KENNETH D. SCOTT
LOWELL L. JUNKINS
JAMES E. BRILES

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:30 p.m., until 8:30 a.m., Wednesday, May 5, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MAY 5, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend James Albertson, pastor of the St. Paul Methodist Church, Cherokee, Iowa.

The Journal of Tuesday, May 4, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Gary, Cherokee, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Heying for the day and Senator Rodgers for the day on request of Senator Kinley; Senator Nystrom for the morning session and Senator Shaw for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students from Fellows Elementary School, Ames, Iowa, accompanied by Mrs. Boyd and Mrs. Saxton. Senator Murray.

Twenty-six students from the Harlan Community School District, Harlan, Iowa. Senator Culver.

Sixty-five students from Carlisle High School, Carlisle, Iowa, accompanied by Linda Blazicek and Dennis Reinertson. Senator Hill of Jasper.

Twenty-eight students from Benton Community High School, Van Horne, Iowa, accompanied by Don Logan. Senator Orr.

Sixty students from Guthrie Center Junior High School,

Guthrie Center, Iowa, accompanied by Mrs. Ray, Mr. Hanson, Miss Vanthoff and Mr. Friedrich. Senator Nolin.

Thirty students from Immaculate Conception School, Sioux City, Iowa, accompanied by Mrs. Sitzman and Sister Margaret Ann. Senator Andersen.

Twenty students from the Dallas Community School, Grimes, Iowa, accompanied by Bill Wineland. Senator Rodgers.

Thirty students from St. Joseph's School, Earling, Iowa, accompanied by Marc Harrison and Miss Amundsen. Senator Culver.

Four students from the Iowa State Training School for Girls, Mitchellville, Iowa, accompanied by Mr. and Mrs. Wayne Dehnage and Greg Miller. Senator Palmer.

Twenty-seven students from Kimballton Elementary School, Elk Horn, Iowa, accompanied by Mrs. Nelson, Mr. Mertz and Mr. Madsen. Senator Culver.

Thirty-three students from St. Paul's Lutheran School, Readlyn, Iowa. Senator Heying.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-eight residents of Buchanan County.

Ten residents of Buena Vista County.

Fourteen residents of Butler County and Grundy County.

Eighteen residents of Cedar, Scott and Muscatine Counties.

Thirty-five residents of Dallas County.

Fifteen residents of Davis County.

Thirty-four residents of Des Moines County.

Nineteen residents of Floyd County.

Nineteen residents of Henry County.

Sixteen residents of Humboldt County.

Fifty-six residents of Linn County and adjoining counties.

Sixty-seven residents of Marion County.

Seventy-one residents of Polk County and Story County.

Thirty-two residents of Pottawattamie County.

Twenty-four residents of Ringgold County.

Two hundred fifty-seven residents of Sioux County.

Thirty-two residents of Van Buren County.

Fifteen residents of Webster County.

Eleven residents of Woodbury County.

Ninety-nine residents of Wright County.

HOUSE FILE 1555 PLACED ON REGULAR CALENDAR

Senator Hill of Polk raised the point of order that House File 1555 should not have been placed on the ways and means calendar for the reason that the bill was referred to the committee on county government and reported out for passage by that committee on May 4, 1976.

The Chair ruled the point well taken and directed that House File 1555 be removed from the ways and means calendar and placed on the regular calendar.

RESOLUTION RULED OUT OF ORDER

Senator Hill of Polk raised the point of order that under Senate Rule 29 Senate Concurrent Resolution 112 should not have been introduced because it was individually sponsored.

The Chair ruled the point well taken and Senate Concurrent Resolution 112 out of order.

BUSINESS PENDING

HOUSE AMENDMENT CONSIDERED

Senate File 85

The Senate resumed consideration of Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties, and providing penalties for violations of laws of the state to accord with the revised classifications, and House amendment S—5603.

Senator Plymat offered amendment S—5657 to division S—5603EQ of the House amendment filed by Senators Plymat, et al.:

S—5657

1 Amend the House amendment S—5603 to Senate File
2 85 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 49, by striking from line 36 through page
5 51, line 27, and inserting in lieu thereof the
6 following:

7 "..... Page 337, line 11, by inserting after the
8 word 'while' the words '*having ten or more hundredths*
9 *of one per centum by weight of alcohol in the blood*
10 *or while*'.

11 Page 337, line 15, by inserting after the
12 word 'offense' the words '*and shall be imprisoned*
13 *in the county jail not less than two days*'.

14 Page 337, line 19, by inserting after the
15 word 'offense' the words '*and shall be imprisoned*
16 *in the county jail not less than two days*'."

17 2. Page 51, by inserting after line 27 the
18 following:

19 "..... Page 337, by inserting after line 28 the
20 following:

21 'Sec. Section three hundred twenty-one point
22 two hundred eighty-one (321.281), unnumbered paragraphs
23 five (5) and six (6), Code 1975, are amended to read
24 as follows:

25 This section shall not apply to a person operating
26 a motor vehicle while under the influence of a
27 narcotic, hypnotic or other drug if such substances
28 were prescribed for such person and have been taken
29 under such prescription and in accordance with the
30 directions of a [reputable doctor of medicine] *medical*
31 *practitioner as defined in section one hundred fifty-*
32 *five point three (155.3), subsection eleven (11),*
33 *of the Code*, provided, however there is no evidence
34 of the consumption of alcohol and further provided
35 said [doctor of medicine] *medical practitioner* has not
36 directed such person to refrain from operating a motor
37 vehicle.

38 [For the purposes of this section, evidence that
39 there was, at the time, more than ten hundredths of
40 one per centum by weight of alcohol in his blood shall
41 be admitted as presumptive evidence that the defendant
42 was under the influence of an alcoholic beverage.]
43 No previous conviction for, or plea of guilty to,
44 an offense under this section occurring more than
45 six years prior to the date of the violation being
46 charged shall be used to determine that the violation
47 being charged is a second, third or subsequent
48 offense.'"

49 3. Page 51, lines 44 through 47 by striking the
50 words "*notwithstanding the provisions of section*

Page 2

- 1 *three hundred twenty-one point two hundred twelve*
- 2 *(321.212) of the Code,"*.
- 3 4. Page 51, line 49, by striking the word "twenty"
- 4 and inserting in lieu thereof the words "[twenty]
- 5 *eighty"*.
- 6 5. Page 51, by striking line 50 through page 52,
- 7 line 11 and inserting in lieu thereof the words "year;
- 8 or if the person is a".
- 9 6. By renumbering the sections and paragraphs
- 10 to conform with this amendment.

Senator Plymat offered amendment S—5658 to amendment S—5657 to division S—5603BQ of the House amendment filed by him:

S—5658

- 1 Amend Senate amendment, S—5657 to House amendment,
- 2 S—5603, to Senate File 85, as amended, passed, and
- 3 reprinted by the Senate as follows:

Division S—5658A

- 4 1. Page 1, by striking lines 11 through 16 and
- 5 inserting in lieu thereof the following:
- 6 "..... Page 337, by striking lines 14 through
- 7 28 and inserting in lieu thereof the following: 'be
- 8 punished for the first offense by a fine of not [less
- 9 than three hundred dollars nor] more than one thousand
- 10 dollars, [or] and by imprisonment in the county jail
- 11 for a period of not [to exceed] *less than two days nor*
- 12 *more than one year*[, or by both such fine and
- 13 imprisonment]; for the second offense by a fine of
- 14 not [less than five hundred dollars, nor] more than
- 15 [one] *five thousand dollars*, [or] and by imprisonment
- 16 in the penitentiary for a period of not to exceed
- 17 [one year] *two years or in the county jail for a period*
- 18 *not less than two days*[, or by both such fine and
- 19 imprisonment]; and for a third offense and each offense
- 20 thereafter *by a fine not to exceed one thousand dollars*
- 21 *or by imprisonment in the penitentiary for any term*
- 22 *of years not [less than one or] more than five, and*
- 23 *the court may pronounce sentence for a lesser period*
- 24 *than the maximum, the provisions of the indeterminate*
- 25 *sentence law to the contrary notwithstanding or by*
- 26 *both such fine and imprisonment.'*"

Division S—5658B

- 27 2. Page 2, by inserting after line 8 the following:
- 28 "..... Page 72, by inserting after line 40 the
- 29 following:
- 30 'Sec. The provisions of this Act amending
- 31 sections three hundred twenty-one point two hundred
- 32 eighty-one (321.281) and three hundred twenty-one
- 33 B point seven (321B.7) of the Code shall take effect
- 34 July 1, 1976.'"

35 3. By renumbering the sections and paragraphs
36 to conform to this amendment.

Senator Willits called for a division of the amendment to amendment S—5657, section 1 to be considered as division S—5658A; sections 2 and 3 to be considered as division S—5658B.

Senator Robinson took the chair at 10:15 a.m.

Senator Hill of Polk asked and received unanimous consent that further action on division S—5658A of the amendment to amendment S—5657 be temporarily deferred.

Senator Plymat moved the adoption of division S—5658B of the amendment to amendment S—5657 and requested a record roll call.

On the question "Shall division S—5658B of the amendment to amendment S—5657 be adopted?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen	Miller of	Rabedaux	Taylor
Bergman	Marshall	Ramsey	Tieden
Curtis	Murray	Robinson	Van Gilst
Gluba	Orr	Schwengels	Willits
Hill of Jasper	Plymat	Scott	Winkelman
	Priebe	Sovern	

Nays, 22:

Briles	Doderer	Junkins	Miller of
Burroughs	Gallagher	Kelly	Des Moines
Carr	Glenn	Kinley	Nolting
Coleman	Griffin	Lamborn	Norpel
Culver	Hansen	Merritt	Palmer
DeKoster	Hill of Polk		Redmond

Absent or not voting, 7:

Heying	Nolin	Rodgers	Shaw
Hultman	Nystrom	Shaff	

Division S—5658B of the amendment to amendment S—5657 to division S—5603BQ of the House amendment lost.

Senator Plymat withdrew division S—5658A of the amendment to amendment S—5657 to division S—5603BQ of the House amendment.

Senator Gluba withdrew amendment S—5674 to amendment S—5657 to division S—5603BQ of the House amendment:

S—5674

- 1 Amend the Plymat, et al., amendment, S—5657, to
- 2 the House amendment, S—5603, to Senate File 85 as

3 amended, passed and reprinted by the Senate as fol-
4 lows:

- 5 1. Page 1, line 13, by striking the word
- 6 "two" and inserting in lieu thereof the word "one".
- 7 2. Page 1, by striking lines 14 through 16.

Senator Plymat moved the adoption of amendment S—5657 to division S—5603BQ of the House amendment and requested a record roll call.

On the question "Shall amendment S—5657 to division S—5603BQ of the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 23:

Andersen	Hill of Jasper	Plymat	Sovern
Bergman	Hill of Polk	Priebe	Taylor
Coleman	Miller of	Rabedaux	Tieden
Curtis	Marshall	Robinson	Van Gilst
DeKoster	Murray	Schwengels	Willits
Gluba	Orr	Scott	Winkelman

Nays, 19:

Briles	Griffin	Lamborn	Norpel
Carr	Hansen	Merritt	Nystrom
Culver	Junkins	Miller of	Palmer
Gallagher	Kelly	Des Moines	Ramsey
Glenn	Kinley	Nolting	Redmond

Absent or not voting, 8:

Burroughs	Heying	Nolin	Shaff
Doderer	Hultman	Rodgers	Shaw

Amendment S—5657 to division S—5603BQ of the House amendment was adopted.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—5671 to division S—5603BQ of the House amendment by Senators Ramsey and Doderer:

S—5671

- 1 Amend House amendment S—5603 to Senate File 85
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 51, lines 44 through 47, by striking the
- 5 words "*notwithstanding the provisions of section*
- 6 *three hundred twenty-one point two hundred twelve*
- 7 *(§21.212) of the Code,*".
- 8 2. Page 51, line 49, by striking the words "one
- 9 hundred twenty" and inserting in lieu thereof the
- 10 words "[one hundred twenty] *two hundred forty*".
- 11 3. Page 51, by striking line 50 through page 52,
- 12 line 11 and inserting in lieu thereof the words "year;
- 13 or if the person is a".
- 14 4. Page 52, by inserting after line 20 the
- 15 following:

16 "Sec. Chapter three hundred twenty-one B
17 (321B), Code 1975, is amended by adding the following
18 new section:

19 **NEW SECTION.** If a person under arrest submits
20 to the chemical testing and the test reveals that
21 the person had ten or more hundredths of one per
22 centum by weight of alcohol in the blood, the results
23 of the test shall be forwarded to the director and
24 the director shall revoke that person's license or
25 permit to drive for a period or not less than one
26 hundred twenty days if the person has no prior
27 conviction of the provisions of section three hundred
28 twenty-one point two hundred eighty-one (321.281)
29 of the Code during the previous six years, two hundred
30 forty days if the person has one such prior conviction,
31 and a year if the person has two or more such prior
32 convictions.

33 Sec. Section three hundred twenty-one B
34 point eight (321B.8), Code 1975, is amended to read
35 as follows:

36 **321B.8 HEARING.** Upon the written request of a
37 person whose privilege to drive has been revoked or
38 denied, the director shall grant the person an
39 opportunity to be heard within twenty days after the
40 receipt of the request, but the request must be made
41 within thirty days of the effective date of revocation
42 or denial. The hearing shall be before the director,
43 in the county wherein the alleged events occurred
44 for which the person was arrested, unless the director
45 and the person agree that the hearing may be held
46 in some other county. The hearing may be recorded
47 and its scope shall cover the issues of whether a
48 peace officer had reasonable grounds to believe the
49 person to have been operating a motor vehicle upon
50 a public highway of this state while under the

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1 influence of an alcoholic beverage, whether the person
2 was placed under arrest and whether he refused to
3 submit to the test or tests *or whether the test was*
4 *properly administered and revealed ten or more per*
5 *centum by weight of alcohol in the blood.* The director
6 shall order that the revocation or denial be either
7 rescinded or sustained."

8 5. By renumbering the sections to conform with
9 this amendment.

Senator Ramsey asked and received unanimous consent to
withdraw amendment S—5673 to division S—5603BQ of the
House amendment by Senators Ramsey, et al.:

S—5673

1 Amend Senate amendment S—5671 to House amendment
2 S—5603 to Senate File 85 as amended, passed, and
3 reprinted by the Senate as follows:

- 4 1. Page 1, line 32, by inserting after the word
5 "convictions," the words "The director may grant a
6 temporary restricted license for persons whose licenses
7 are so revoked and such license shall be subject to
8 the conditions provided in section three hundred twenty-
9 one point two hundred ten (321.210), unnumbered
10 paragraph seven (7), of the Code."

Senator Glenn moved that the Senate concur in division S—5603BQ of the House amendment as amended.

A non-record roll call was requested.

The ayes were 22, nays 19.

The motion prevailed and the Senate concurred in division S—5603BQ of the House amendment as amended.

(Senate File 85 pending at recess.)

On motion of Senator Kinley, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 85

The Senate resumed consideration of Senate File 85 and House amendment S—5603.

Senator Glenn asked and received unanimous consent that action on division S—5603BR of the House amendment be temporarily deferred.

Senator Glenn offered amendment S—5635 to division S—5603BS of the House amendment filed by him and moved its adoption:

S—5635

- 1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed, and reprinted as follows:
3 1. Page 72, lines 26 and 27, by striking the

- 4 words "to persons eighteen years of age or older".
 5 2. Page 72, lines 29 and 30, by striking the words
 6 "eighteen years of age or older".

Amendment S—5635 to division S—5603BS of the House amendment was adopted.

Senator Tieden took the chair at 2:00 p.m.

Senator Glenn moved that the Senate concur in division S—5603BS of the House amendment as amended.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603BS of the House amendment as amended?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	Gallagher	Nystrom	Scott
Briles	Gluba	Plymat	Sovern
Burroughs	Hansen	Priebe	Taylor
Coleman	Merritt	Rabedeaux	Tieden
Culver	Miller of	Ramsey	Willits
Curtis	Des Moines	Robinson	Winkelman

Nays, 18:

Bergman	Hill of Jasper	Lamborn	Palmer
Carr	Hill of Polk	Miller of	Redmond
DeKoster	Junkins	Marshall	Schwengels
Doderer	Kelly	Nolting	Van Gilst
Glenn	Kinley	Orr	

Absent or not voting, 9:

Griffin	Murray	Norpel	Shaff
Heying	Nolin	Rodgers	Shaw
Hultman			

The motion prevailed and the Senate concurred in division S—5603BS of the House amendment as amended.

Senator Glenn moved that the Senate concur in division S—5603BT of the House amendment and requested a record roll call.

On the question "Shall the Senate concur in division S—5603BT of the House amendment?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	Gallagher	Nystrom	Scott
Briles	Gluba	Plymat	Sovern
Burroughs	Merritt	Priebe	Taylor
Coleman	Miller of	Rabedeaux	Tieden
Culver	Des Moines	Ramsey	Willits
Curtis	Murray	Robinson	Winkelman

Nays, 18:

Bergman	Hill of Jasper	Lamborn	Palmer
Carr	Hill of Polk	Miller of	Redmond
DeKoster	Junkins	Marshall	Schwengels
Doderer	Kelly	Nolting	Van Gilst
Glenn	Kinley	Orr	

Absent or not voting, 9:

Griffin	Hultman	Norpel	Shaff
Hansen	Nolin	Rodgers	Shaw
Heying			

The motion prevailed and the Senate concurred in division S—5603BT of the House amendment.

Division S—5603A of the House amendment previously deferred was taken up for consideration.

Senator Redmond offered amendment S—5651 to division S—5603A of the House amendment filed by him and moved its adoption:

S—5651

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 31 through 46.
- 5 2. Page 4, by inserting after line 20 the
- 6 following:
- 7 "..... Page 10, by inserting after line 29 the
- 8 following:
- 9 'Sec. **NEW SECTION. DEATH.** "Death" means
- 10 the condition determined by the following standard:
- 11 A person will be considered dead if in the announced
- 12 opinion of a physician, based on ordinary standards
- 13 of medical practice, that person has experienced an
- 14 irreversible cessation of spontaneous respiratory
- 15 and circulatory functions. In the event that arti-
- 16 ficial means of support preclude a determination
- 17 that these functions have ceased, a person will be
- 18 considered dead if in the announced opinion of two
- 19 physicians, based on ordinary standards of medical
- 20 practice, that person has experienced an irreversible
- 21 cessation of spontaneous brain functions. Death
- 22 will have occurred at the time when the relevant
- 23 functions ceased.
- 24 A physician or a person acting on the direct
- 25 orders of a physician who ceases to provide medical
- 26 attention to a person who is dead, as defined in
- 27 paragraph one (1) of this section, shall not be
- 28 criminally liable for such cessation of medical
- 29 attention.'

Amendment S—5651 to division S—5603A of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603A of the House amendment as amended.

A non-record roll call was requested.

The ayes were 35, nays 5.

The motion prevailed and the Senate concurred in division S—5603A of the House amendment as amended.

Division S—5603B-1 of the House amendment previously deferred was taken up for consideration.

Senator Redmond offered amendment S—5659 to division S—5603B-1 of the House amendment filed by Senators Redmond and Ramsey on May 3, 1976, and found on pages 1686-1688, inclusive, of the Senate Journal.

Senator Ramsey offered amendment S—5676 to amendment S—5659 to division S—5603B-1 of the House amendment:

S—5676

1 Amend the Redmond amendment, S—5659 to page 4 of
2 the House amendment (S—5603) to Senate File 85 as
3 amended, passed and reprinted by the Senate, as follows:
4 1. Page 1, by inserting after line 9, the follow-
5 ing new sections:

6 "Sec. **NEW SECTION. TWO METHODS OF TERMI-**
7 **NATING LIFE SUPPORT SYSTEMS.** Life support systems for
8 a comatose patient may be discontinued by either of the
9 following two methods:

10 1. Upon receipt by the patient's attending physi-
11 cian of the original living will containing the pro-
12 vision and executed in the manner provided for in this
13 division, and in accordance with the procedures pro-
14 vided in this division for termination of life support
15 systems upon receipt of a living will.

16 2. Upon a court order pursuant to a petition in
17 accordance with the procedure provided in this division
18 for termination by petition and court order.

19 Sec. **NEW SECTION. LIVING WILL.** A living
20 will to be valid to authorize termination of life
21 support systems must:

22 1. Be executed in the same manner as for testa-
23 mentary wills as provided in sections six hundred
24 thirty-three point two hundred seventy-nine (633.279)
25 and six hundred thirty-three point two hundred eighty
26 (633.280) of the Code, provided that the living will
27 must be a separate instrument from any testamentary
28 will or codicil; and,

29 2. Contain a provision that should injury or
30 illness reduce the person executing the will to a
31 comatose state without reasonable possibility of ever

32 emerging to a cognitive state, they desire that life
33 support systems be discontinued; and

34 3. Be filed with the clerk of the court of the
35 county in which the person is residing at the time
36 of the execution of the instrument.

37 Sec. *NEW SECTION. PROCEDURE TO OBTAIN THE*
38 *LIVING WILL.* If a patient's attending physician be-
39 lieves there is no reasonable possibility of the patient
40 ever emerging from the present comatose condition to
41 a cognitive state, the physician shall in writing request
42 two other physicians to examine the patient stating
43 his or her opinion and requesting their opinion. If
44 both physicians inform the attending physician in writing
45 that they also believe there is no reasonable possibility
46 of the patient ever emerging from the present comatose
47 condition to a cognitive state, the attending physician
48 may deliver the three written opinions to the court
49 together with the attending physician's request that
50 the living will of the person be delivered to the

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1 requesting physician.

2 Sec. *NEW SECTION. ACTION BY THE CLERK OF*
3 *THE COURT.* The clerk of the court of each county
4 shall maintain a file and index for living wills
5 separate from other records. Upon receipt by the
6 clerk of a request by an attending physician ac-
7 companied by three written opinions as to the
8 person's state, the clerk shall deliver to the
9 attending physician the requested person's living
10 will.

11 Sec. *NEW SECTION. PROCEDURE UPON RECEIPT*
12 *OF THE LIVING WILL.* Upon receipt by the attending
13 physician of the patient's living will, the physician
14 may terminate the patient's life support systems."

15 2. Page 3, by inserting after line 13, the
16 following new section:

17 "Sec. *NEW SECTION. CRIMINAL LIABILITY.*
18 No person who discontinues life support apparatus
19 pursuant to this division shall be criminally liable
20 for such discontinuance."

Senator Carr raised the point of order that amendment S—5676 to amendment S—5659 was not germane to the House amendment.

The Chair ruled the point not well taken and amendment S—5676 to amendment S—5659 in order.

Senator Ramsey moved the adoption of amendment S—5676 to amendment S—5659 to division S—5603B-1 of the House amendment and requested a non-record roll call.

The ayes were 33, nays 9.

Amendment S—5676 to amendment S—5659 to division S—5603B-1 of the House amendment was adopted.

Senator Redmond offered amendment S—5661 to amendment S—5659 to division S—5603B-1 of the House amendment filed by him and moved its adoption:

S—5661

- 1 Amend the Redmond amendment, S—5659, to the
- 2 House amendment, S—5603, to Senate File 85, as fol-
- 3 lows:
- 4 1. Page 2, line 40, by striking the words
- 5 “attorney general of the state”, and inserting in
- 6 lieu thereof the words “county attorney in the
- 7 county where the patient is hospitalized”.

Amendment S—5661 to amendment S—5659 to division S—5603B-1 of the House amendment was adopted.

Senator Sovern offered amendment S—5664 to amendment S—5659 to division S—5603B-1 filed by him and moved its adoption:

S—5664

- 1 Amend the Senate amendment S—5659 to the House
- 2 amendment S—5603, page 4, to Senate File 85 as
- 3 amended, passed, and reprinted by the Senate as
- 4 follows:
- 5 1. Page 1, line 24, by striking the figure and
- 6 word “, sapient”.
- 7 2. Page 1, line 43, by striking the figure and
- 8 word “, sapient”.
- 9 3. Page 2, line 1, by striking the figure and
- 10 word “, sapient”.
- 11 4. Page 2, lines 15 and 16, by striking the
- 12 figure and word “, sapient”.
- 13 5. Page 2, line 27, by striking the figure and
- 14 word “, sapient”.
- 15 6. Page 3, line 3, by striking the figure and
- 16 word “, sapient”.

Amendment S—5664 to amendment S—5659 to division S—5603B-1 of the House amendment was adopted.

Senator Redmond moved the adoption of amendment S—5659 as amended to division S—5603B-1 of the House amendment and requested a non-record roll call.

The ayes were 16, nays 25.

Amendment S—5659 as amended to division S—5603B-1 of the House amendment lost.

Senator Sovern offered amendment S—5685 to division S—5603B-1 of the House amendment and moved its adoption:

S—5685

- 1 Amend the House amendment S—5603, to Senate
- 2 File 85 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 4, lines 31 and 32, by striking the
- 5 figure and word “, sapient” .
- 6 2. Page 4, line 40, by striking the figure
- 7 and word “, sapient”.

A record roll call was requested.

On the question “Shall amendment S—5685 to division S—5603B-1 of the House amendment be adopted?” (S.F. 85) the vote was:

Ayes, 29:

Andersen	Gluba	Nolting	Robinson
Bergman	Hansen	Norpel	Schwengels
Burroughs	Hill of Polk	Orr	Scott
Carr	Kinley	Plymat	Sovern
Coleman	Lamborn	Priebe	Tieden
Curtis	Miller of	Ramsey	Willits
Doderer	Des Moines	Redmond	Winkelman
Glenn	Murray		

Nays, 11:

Briles	Hill of Jasper	Miller of	Rabedaux
Culver	Kelly	Marshall	Taylor
DeKoster	Merritt	Palmer	Van Gilst

Absent or not voting, 10:

Gallagher	Hultman	Nystrom	Shaff
Griffin	Junkins	Rodgers	Shaw
Heying	Nolin		

Amendment S—5685 to division S—5603B-1 of the House amendment was adopted.

President Neu took the chair at 4:50 p.m.

Senator Glenn moved that the Senate concur in division S—5603B-1 of the House amendment as amended.

A record roll call was requested.

On the question “Shall the Senate concur in division S—5603B-1 of the House amendment as amended?” (S.F. 85) the vote was:

Ayes, 12:

Andersen	Miller of	Palmer	Scott
Briles	Marshall	Rabedaux	Taylor
Glenn	Orr	Robinson	Willits
Hill of Jasper			

Nays, 30:

Bergman	Gallagher	Merritt	Ramsey
Burroughs	Gluba	Miller of	Redmond
Carr	Hansen	Des Moines	Schwengels
Coleman	Hill of Polk	Murray	Sovern
Culver	Junkins	Nolting	Tieden
Curtis	Kelly	Norpel	Van Gilst
DeKoster	Kinley	Plymat	Winkelman
Doderer	Lamborn	Priebe	

Absent or not voting, 8:

Griffin	Hultman	Nystrom	Shaff
Heying	Nolin	Rodgers	Shaw

The motion lost and the Senate refused to concur in division S—5603B-1 of the House amendment as amended, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603D of the House amendment previously deferred was taken up for consideration.

Senator Redmond offered amendment S—5654 to division S—5603D of the House amendment filed by him and moved its adoption:

S—5654

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 7, line 15, by striking the word and
- 5 figures "59B, line 62" and inserting in lieu thereof
- 6 the word and figures "15B, lines 62 and 63".

Amendment S—5654 to division S—5603D of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603D of the House amendment as amended.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603D of the House amendment as amended?" (S.F. 85) the vote was:

Ayes, 29:

Andersen	Doderer	Miller of	Scott
Bergman	Gallagher	Marshall	Sovern
Briles	Gluba	Nolting	Taylor
Carr	Hansen	Norpel	Tieden
Coleman	Hill of Jasper	Nystrom	Van Gilst
Culver	Kinley	Palmer	Willits
Curtis	Miller of	Priebe	Winkelman
DeKoster	Des Moines	Robinson	

Nays, 9:

Burroughs
Glenn
Hill of Polk

Lamborn
Merritt

Orr
Plymat

Ramsey
Redmond

Absent or not voting, 12:

Griffin
Heying
Hultman

Junkins
Kelly
Murray

Nolin
Rabedaux
Rodgers

Schwengels
Shaff
Shaw

The motion prevailed and the Senate concurred in division S—5603D of the House amendment as amended.

Division S—5603G of the House amendment previously deferred was taken up for consideration.

Senator Burroughs took the chair at 5:40 p.m.

President Neu took the chair at 5:50 p.m.

Senator Glenn moved that the Senate concur in division S—5603G of the House amendment and requested a record roll call.

On the question "Shall the Senate concur in division S—5603G of the House amendment?" (S.F. 85) the vote was:

Rule 25 was invoked.

Ayes, 24:

Bergman
Briles
Burroughs
Carr
Curtis
DeKoster
Doderer

Gallagher
Gluba
Hansen
Hill of Polk
Junkins
Lamborn
Merritt

Miller of
Des Moines
Miller of
Marshall
Norpel
Orr

Plymat
Priebe
Robinson
Scott
Sovern
Willits

Nays, 16:

Andersen
Coleman
Culver
Glenn

Hill of Jasper
Kinley
Nolting
Nystrom

Palmer
Rabedaux
Ramsey
Schwengels

Taylor
Tieden
Van Gilst
Winkelman

Absent or not voting, 10:

Griffin
Heying
Hultman

Kelly
Murray
Nolin

Redmond
Rodgers

Shaff
Shaw

The motion prevailed and the Senate concurred in division S—5603G of the House amendment.

Division S—5603H of the House amendment previously deferred was taken up for consideration.

Senator Orr offered amendment S—5679 to division S—5603H of the House amendment and moved its adoption:

S—5679

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 8, line 12, by striking the word
- 5 "When" and inserting in lieu thereof the word "If".

Amendment S—5679 to division S—5603H of the House amendment was adopted.

Senator Curtis took the chair at 6:25 p.m.

Senator Willits offered amendment S—5650 to division S—5603H of the House amendment filed by Senator Redmond and moved its adoption:

S—5650

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 8, line 50A, by striking the figure
- 5 "100."
- 6 2. Renumber subsequent paragraphs to conform
- 7 with this amendment.

Amendment S—5650 to division S—5603H of the House amendment was adopted.

(Senate File 85 and division S—5603H of the House amendment pending on adjournment.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 503, a bill for an act relating to the maximum interest rate payable by persons purchasing securities on credit.

Also: That the House has on May 3, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology.

Also: That the House has on May 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs.

Also: That the House has on May 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1498, a bill for an act relating to establishment of historical preservation districts.

Also: That the House has on May 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1512, a bill for an act relating to the Iowa Consumer Credit Code.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1141

S—5687

- 1 Amend Senate File 1141, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 3, by inserting after the word
- 4 "cosmetology" the words " , or from any school in
- 5 another state which is recognized by the board,".
- 6 2. Page 6, by striking lines 27 and 28.
- 7 3. Page 6, by striking lines 31 through 35.
- 8 4. Page 17, line 31, by inserting after the
- 9 word "[license]" the words "*original barber assistant's*
- 10 *license, renewal of a barber assistant's license*".

HOUSE MESSAGES CONSIDERED

House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty.

Read first time and passed on file.

House File 1498, a bill for an act relating to establishment of historical preservation districts.

Read first time and passed on file.

House File 1512, a bill for an act relating to the Iowa Consumer Credit Code.

Read first time and passed on file.

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

S. F. 1326 Rules and administration

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of May, 1976: Senate Files 1225 and 1243.

STEVEN C. CROSS
Secretary of the Senate

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in division S—5603S of the House amendment to Senate File 85, on May 4, 1976.

RICHARD R. RAMSEY

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in division S—5603BP of the House amendment to Senate File 85, on May 4, 1976.

RICHARD R. RAMSEY

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in division S—5603D of the House amendment to Senate File 85.

EARL M. WILLITS

AMENDMENTS FILED

S—5677

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 4, by striking lines 8 through 20,
- 5 and inserting in lieu thereof the following:
- 6 "..... Page 10, by striking lines 20 through
- 7 29 and inserting in lieu thereof the following:
- 8 'force to prevent the escape of any person from any
- 9 jail, penal institution, correctional facility, or
- 10 similar place of confinement, or place of trial or
- 11 other judicial proceeding, or to prevent the escape
- 12 from custody of any person who is being trans-
- 13 ported from any such place of confinement, trial
- 14 or judicial proceeding to any other such place,
- 15 except that deadly force may not be used to pre-
- 16 vent the escape of one who the correctional
- 17 officer or peace officer knows or should have
- 18 known is charged with the commission of a mis-
- 19 demeanor.'"

JAMES M. REDMOND

S—5686

- 1 Amend the Redmond amendment S—5677, to page 4
- 2 of the House amendment, S—5603, to Senate File 85, as
- 3 amended, passed and reprinted by the Senate as fol-
- 4 lows:
- 5 1. Page 1, line 4, by striking the figure "20"
- 6 and inserting in lieu thereof the figure "10".

JAMES M. REDMOND

S—5670

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 8, by inserting after line 38 the follow-
- 5 ing:

- 6 "..... Page 19A, line 14, by striking the word
7 'child' and inserting in lieu thereof the words 'per-
8 son under the age of sixteen years'.
9 2. Page 9, line 41, by striking the word "child"
10 and inserting in lieu thereof the words "person under
11 the age of sixteen years".

EUGENE M. HILL

S—5688

- 1 Amend the House amendment, S—5603, to Senate
2 File 85 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 8, line 50C, by striking the word
5 "When" and inserting in lieu thereof the word "If".

JOAN ORR

S—5669

- 1 Amend the House amendment S—5603 to Senate File 85
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 21, by striking lines 36 through 41 and
5 inserting in lieu thereof the following:
6 "The provisions of this section shall not apply to
7 a theater, concert hall, art gallery, museum, or
8 similar establishment provided that the performance,
9 display or exhibit, whether live or pictorial, has
10 serious literary, scientific, political or artistic
11 value and taken as a whole is not patently offensive
12 or designed to appeal to the prurient interest
13 applying contemporary community standards."

EUGENE M. HILL

S—5678

- 1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 28, by striking lines 40 and 41 and
5 inserting in lieu thereof the following:
6 "..... Page 94, by striking lines 19 through 21 and
7 inserting in lieu thereof: 'be guilty of a mis-
8 demeanor. In addition nothing shall limit'."

JAMES M. REDMOND

S—5675

- 1 Amend Senate File 1313 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. *NEW SECTION. DEFINITIONS. As used*
5 *in this Act:*
6 1. 'Commission' means the state land use policy
7 commission.
8 2. 'Director' means the chief administrative
9 office of the commission.
10 3. 'Land use' means any activity or practice

11 relating to the utilization of space, including ground,
12 water, subsurface and air space.

13 Sec. 2. *NEW SECTION. LAND USE POLICY COMMISSION*
14 *CREATED.* There is created a state land use policy
15 commission consisting of fifteen members appointed
16 by the governor with the consent of two-thirds of
17 the members of the senate. The members shall be
18 selected from the state at large to be representative
19 of the general public but not more than eight members
20 shall be members of the same political party. The
21 members shall be appointed to four-year terms except
22 that of the initial appointees to the commission,
23 seven members shall be appointed for two-year terms.
24 The terms of each member shall be effective on the
25 first day of July of the year of appointment except
26 in the case of a vacancy which shall be filled by
27 appointment of the governor with the consent of two-
28 thirds of the members of the senate for the unexpired
29 term.

30 Sec. 3. *NEW SECTION. ORGANIZATION OF COMMISSION.*
31 The commission shall organize annually by the election
32 of a chairperson and a vice chairperson from among its
33 membership. Meetings may be called by the chairperson
34 at any time and shall be called as soon as possible
35 by the chairperson on the written request of a majority
36 of the members. A majority of the members shall
37 constitute a quorum and the concurrence of a quorum
38 of the commission shall be required to determine any
39 matter relating to its official duties.

40 Sec. 4. *NEW SECTION. COMPENSATION OF COMMISSION.*
41 Each member of the commission, not otherwise in the
42 full-time employment of a public agency, is entitled
43 to receive a per diem of forty dollars for each day
44 that such member is engaged in the discharge of
45 official duties. Each member is also entitled to
46 receive reimbursement for travel and other necessary
47 expenses incurred in the performance of official
48 duties.

49 Sec. 5. *NEW SECTION. POWERS AND DUTIES OF*
50 *COMMISSION.* The commission shall:

Page 2

1 1. Identify and evaluate issues relating to land
2 use in this state.

3 2. Prepare and recommend, for adoption by the
4 general assembly, a state land use policy and state
5 land use policy guidelines based on the state land
6 use policy objectives specified in section six (6)
7 of this Act, for the guidance of state agencies,
8 cities and counties on matters relating to land use.
9 The initial recommendations of the commission shall
10 be submitted to the general assembly not later than
11 February 1, 1978.

12 3. Cooperate in the exchange of information
13 relating to land use with any public or private person.

- 14 4. Authorize, the application for, receipt, and
15 expenditure of any public or private funds for the
16 purpose of carrying out the provisions of this Act.
17 5. Advise, consult and cooperate with state
18 agencies and other public or private agencies in the
19 preparation of recommendations for a state land use
20 policy or state land use policy guidelines.
21 6. Monitor the actions and decisions of state
22 agencies, counties and cities on matters relating
23 to land use and report its findings and any recom-
24 mendations to the general assembly.
25 7. Approve a budget for the commission.
26 8. Approve all contracts and agreements between
27 the commission and other public or private persons
28 relating to its powers and duties under this Act.
29 9. Obtain an adequate public employees fidelity
30 bond to cover those employees of the commission
31 accountable for the property or funds of the state
32 under this Act.
33 10. Adopt, amend or repeal internal rules to
34 provide for the efficient operation of the commission.
35 11. Recommend to the general assembly a method
36 for resolving conflicts which may arise between state
37 agencies on matters relating to land use.
- 38 **Sec. 6. NEW SECTION. STATE LAND USE POLICY**
39 **OBJECTIVES.** In developing a state land use policy
40 and guidelines for adoption by the general assembly
41 the state commission shall give consideration to the
42 following:
43 1. Identification of the best agricultural areas
44 for farming, commercial feedlots, and farm related
45 activities.
46 2. Identification of space for orderly urban and
47 industrial development.
48 3. Inventorying and utilization of natural
49 resources including minerals, timber and water.
50 4. Identification of areas for parks and

Page 3

- 1 recreations.
2 5. Location of highways, rail lines, and airports.
3 In all of its deliberations and recommendations the
4 state commission shall give due consideration to the
5 preservation of the environment and the avoidance
6 of pollution.
7 **Sec. 7. NEW SECTION. APPOINTMENT OF DIRECTOR.**
8 The commission shall appoint a director who shall
9 be the chief administrative officer of the commission
10 and shall serve at its pleasure. The director shall
11 be qualified by education, experience and adminis-
12 trative ability to perform the powers and duties
13 assigned to him or her. The salary of the director
14 shall be initially determined by the commission, but
15 it shall not exceed twenty-five thousand dollars per
16 annum and, thereafter, it shall be set by the general

17 assembly.

18 **Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE**
19 **DIRECTOR. The director shall:**

20 1. Direct and supervise the preparation of
21 recommendations for a state land use policy and state
22 land use policy guidelines and perform such other
23 duties as authorized by the commission under this
24 Act.

25 2. Prepare, pursuant to chapter eight (8) of the
26 Code, a budget for the commission.

27 3. Appoint, with the approval of the commission,
28 the technical, professional, secretarial, and clerical
29 staff deemed necessary to accomplish the purposes
30 of this Act subject to the provisions of chapter
31 nineteen A (19A) of the Code. The director may appoint
32 a member of the staff to be acting director in the
33 director's absence. The acting director shall have
34 the powers delegated by the director.

35 **Sec. 9. NEW SECTION. EXPENSES.** The director
36 and other employees of the commission shall receive,
37 in addition to salary, their travel and other necessary
38 expenses incurred while engaged in the performance
39 of their official duties.

40 **Sec. 10. NEW SECTION. OFFICE FACILITIES.** The
41 department of general services shall provide the
42 commission with appropriate office facilities and
43 equipment.

44 **Sec. 11. NEW SECTION. COMPLIANCE BY STATE**
45 **AGENCIES.** Effective July 1, 1978, a state agency
46 shall not take any action or issue any order or permit
47 relating to land use except in compliance with the
48 state land use policy and state land use policy
49 guidelines adopted by the general assembly as provided
50 in this Act. Any person aggrieved by any order or

Page 4

1 action of a state agency on a matter relating to land
2 use, which is alleged to be in violation of the state
3 land use policy or state land use policy guidelines
4 adopted by the general assembly, may seek judicial
5 review of such order or action as provided in chapter
6 seventeen A (17A) of the Code.

7 **Sec. 12.** Section three hundred fifty-eight A point
8 one (358A.1), Code 1975, is amended to read as follows:
9 **358A.1 WHERE APPLICABLE.** The provisions of this
10 chapter shall be applicable to any county of the state
11 at the option of the board of supervisors of any such
12 county, *however, effective July 1, 1978, it shall*
13 *be mandatory that each county adopt a comprehensive*
14 *plan and adopt and enforce regulations in compliance*
15 *with the provisions of this chapter.*

16 **Sec. 13.** Section three hundred fifty-eight A point
17 five (358A.5), unnumbered paragraph one (1), Code
18 1975, is amended to read as follows:

19 Such regulations shall be made in accordance with

20 a comprehensive plan *which shall conform to the state*
21 *land use policy and state land use policy guidelines*
22 *adopted by the general assembly*, and designed to
23 lessen congestion in the street or highway; to secure
24 safety from fire, flood, panic, and other dangers;
25 to protect health and the general welfare; to provide
26 adequate light and air; to prevent the overcrowding
27 of land; to avoid undue concentration of population;
28 to facilitate the adequate provision of transportation,
29 water, sewerage, schools, parks and other public
30 requirements.

31 Sec. 14. Section four hundred fourteen point one
32 (414.1), Code 1975, is amended to read as follows:

33 414.1 BUILDING RESTRICTIONS—POWERS GRANTED.

34 For the purpose of promoting the health, safety,
35 morals, or the general welfare of the community, [any]
36 each city [is hereby empowered to] *may and effective*
37 *July 1, 1978, shall regulate and restrict the height,*
38 *number of stories, and size of buildings and other*
39 *structures, the percentage of lot that may be occupied,*
40 *the size of yards, courts, and other open spaces,*
41 *the density of population, and the location and use*
42 *of buildings, structures, and land for trade, industry,*
43 *residence, or other purposes. However, a city may,*
44 *in lieu of adopting its own comprehensive plan and*
45 *regulations, agree to be included in the comprehensive*
46 *plan of the county and to have the county adopt and*
47 *enforce regulations.*

48 Sec. 15. Section four hundred fourteen point three
49 (414.3), unnumbered paragraph one (1), Code 1975,
50 is amended to read as follows:

Page 5

1 Such regulations shall be made in accordance with
2 a comprehensive plan *which shall conform to the state*
3 *land use policy and state land use policy guidelines*
4 *adopted by the general assembly*, and designed to
5 lessen congestion in the street; to secure safety
6 from fire, flood, panic, and other dangers; to promote
7 health and the general welfare; to provide adequate
8 light and air; to prevent the overcrowding of land;
9 to avoid undue concentration of population; to
10 facilitate the adequate provision of transportation,
11 water, sewerage, schools, parks, and other public
12 requirements.

13 Sec. 16. There is appropriated from the general
14 fund of the state to the state land use policy
15 commission for the fiscal year beginning July 1, 1976
16 and ending June 30, 1977, the sum of one hundred
17 thousand (100,000) dollars, or so much thereof as
18 may be necessary, for the purpose of carrying out
19 the provisions of this Act. Notwithstanding the
20 provisions of section eight point thirty-three (8.33)
21 of the Code, all unencumbered or unobligated balances

22 of the appropriation made by this Act shall, on August
23 31, 1976, revert to the state treasury and to the
24 credit of the fund from which appropriated.”
25 2. Amend the title, by striking lines 1 through
26 3, and inserting in lieu thereof the following:
27 “An Act to provide for a state land use policy
28 commission and to specify its powers and duties, to
29 provide for the regulation of the use of land, and
30 to make an appropriation.”

EUGENE M. HILL
C. JOSEPH COLEMAN
JAMES W. GRIFFIN, SR.
LOUIS P. CULVER
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
E. KEVIN KELLY
FRED W. NOLTING, JR.
WILLARD R. HANSEN
JAMES E. BRILES
CALVIN O. HULTMAN
NORMAN RODGERS
WILLIAM D. PALMER
ELIZABETH R. MILLER
WARREN E. CURTIS
RICHARD J. NORPEL, SR.
KENNETH D. SCOTT
CHARLES P. MILLER
CLOYD E. ROBINSON
JOHN S. MURRAY
WILLIAM N. PLYMAT

S—5680

1 Amend Senate amendment S—5588 to Senate File 1813
2 as follows:
3 1. Page 4, line 21, by striking the word “Two”
4 and inserting in lieu thereof the word “One”.
5 2. Page 4, by inserting after line 22 the
6 following:
7 “h. One member shall represent commerce or
8 industry.”
9 3. Page 4, line 32, by striking the words “and g”
10 and inserting in lieu thereof the words “g, and h”.
11 4. Page 4, line 38, by striking the words “and g”
12 and inserting in lieu thereof the words “g, and h”.

ROGER J. SHAFF
CLIFTON C. LAMBORN
WARREN E. CURTIS
LOWELL L. JUNKINS

S—5681

1 Amend Senate amendment S—5588 to Senate File 1813
2 as follows:
3 1. Page 9, by striking lines 40 through 50.

- 4 2. Page 10, by striking lines 1 through 23.

ROGER J. SHAFF
WARREN E. CURTIS
LOWELL L. JUNKINS
RAY TAYLOR
IRVIN L. BERGMAN
WILLIAM P. WINKELMAN

S—5682

- 1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:
3 1. Page 16, line 50, by striking the word “shall”
4 and inserting in lieu thereof the word “may”.

ROGER J. SHAFF
WARREN E. CURTIS
LOWELL L. JUNKINS
RAY TAYLOR
IRVIN L. BERGMAN
WILLIAM P. WINKELMAN

S—5684

- 1 Amend the Senate amendment S—5588 to Senate File
2 1313 as follows:
3 1. Page 17, by inserting after line 15 the
4 following:
5 “The county commission shall not adopt a guideline
6 which would affect or result in affecting the method
7 of cultivation or the variety of crop grown on
8 agricultural land.”

ROGER J. SHAFF
WARREN E. CURTIS
LOWELL L. JUNKINS
RAY TAYLOR
IRVIN L. BERGMAN
WILLIAM P. WINKELMAN

S—5683

- 1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:
3 1. Page 20, by striking lines 11 through 22.

ROGER J. SHAFF
WARREN E. CURTIS
LOWELL L. JUNKINS
RAY TAYLOR
IRVIN L. BERGMAN
WILLIAM P. WINKELMAN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:45 p.m., until 8:30 a.m., Thursday, May 6, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MAY 6, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Max Deffenbaugh, pastor of the First Baptist Church, Eldora, Iowa.

The Journal of Wednesday, May 5, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. A. Manderscheid, Boone, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Heying for the day on request of Senator Kinley; Senator Murray for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-five students from Edwards Elementary School, Ames, Iowa, accompanied by Sandy Whitmore, Jim Brannon and Gwen Albright. Senator Murray.

Twenty-two students from Bayard Elementary School, Bayard, Iowa, accompanied by Mrs. Craft. Senator Nolin.

Forty-eight students from North Tama High School, Traer, Iowa, accompanied by their principal, Robert Clark, Don Law and John Phillips. Senator Burroughs.

Thirty-one students from East Monona Junior-Senior High School, Moorhead, Iowa, accompanied by Bob Bierle and Pam Woeste. Senator Culver.

One hundred twenty students from Orange City Elementary School, Orange City, Iowa, accompanied by Mr. Bach, Mrs. Leslie and Mr. Koels. Senator DeKoster.

Thirty-two students from Van Meter Elementary School, Van Meter, Iowa, accompanied by Mrs. Gutshall and Mrs. Nillsen. Senator Rodgers.

Thirty students from Hubbard Elementary School, Hubbard, Iowa, accompanied by Mrs. Harley Faust. Senator Miller of Marshall.

PETITIONS

The following petition was presented and placed on file:

By Senator Taylor from one thousand one hundred seven residents of Iowa opposing the sale or exhibition of pornography and any effort to legalize prostitution.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Sixteen residents of Buena Vista County.

Twenty-six residents of Marion County.

Sixteen residents of Fayette County.

Sixteen residents of Floyd County.

Seventy-eight residents of Henry County.

Forty-four residents of O'Brien County.

Twenty-four residents of Story County.

Eight residents of Wapello County.

Nineteen residents of Woodbury County.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

PRESENTATION OF ORANGE CITY TULIP QUEEN

Senator DeKoster appeared on the rostrum and presented to the Senate Diane Van Peursem, Queen of Orange City's Thirty-

sixth Annual Tulip Festival. Miss Van Peursem introduced the members of her court, Brenda Van Gorp, Rachel Klay, Mary Lenderink, Rachel Schuller, Kathy Verdoorn and Deb Muyskens, and invited the Senate to "Breng ons een bezoek" (pay us a visit) on May 20, 21 and 22, 1976. The girls were dressed in quaint Dutch costumes and presented a pair of Klompen (wooden shoes) to Lieutenant Governor Neu.

Dutch pastries and cookies were distributed to all those present.

BUSINESS PENDING

HOUSE AMENDMENT CONSIDERED

Senate File 85

The Senate resumed consideration of Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties, and providing penalties for violations of laws of the state to accord with the revised classifications, and division S—5603H of the House amendment.

Senator Orr offered amendment S—5688 to division S—5603H of the House amendment filed by her and moved its adoption:

S—5688

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 8, line 50C, by striking the word
- 5 "When" and inserting in lieu thereof the word "If".

Amendment S—5688 to division S—5603H of the House amendment was adopted.

Senator Orr asked and received unanimous consent that further action on division S—5603H of the House amendment be temporarily deferred.

Division S—5603U of the House amendment previously deferred was taken up for consideration.

Senator Glenn moved that the Senate concur in division S—5603U of the House amendment and requested a non-record roll call.

The ayes were none, nays 38.

The motion lost and the Senate refused to concur in division S—5603U of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603BE of the House amendment previously deferred was taken up for consideration.

The Chair announced that division S—5603BE should be corrected to include all of page 32, and page 33, lines 1 and 2, of the House amendment.

Senator Shaff took the chair at 9:20 a.m.

Senator Ramsey offered amendment S—5663 to division S—5603BE of the House amendment filed by him:

S—5663

- 1 Amend the House amendment, S—5603 to Senate File
- 2 85, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 32, by striking lines 1 and 2 and
- 5 inserting in lieu thereof the following:
- 6 “..... Page 130B, line 37, by striking the word
- 7 ‘either’ and inserting in lieu thereof the word ‘any’.
- 8 Page 130B, by striking lines 42 through 57
- 9 and inserting in lieu thereof the following:
- 10 ‘b. The information sought by way of deposition
- 11 cannot adequately be disclosed by a bill of particu-
- 12 lars and is necessary in order that the defendant
- 13 receive a fair trial.
- 14 c. Other circumstances necessitating discovery
- 15 by deposition, provided that:
- 16 1. The prospective witness to be deposed has
- 17 not previously been examined at a preliminary
- 18 hearing by the party requesting the deposition;
- 19 and,
- 20 2. Prior to the taking of any deposition, a
- 21 list of all witnesses expected to be called by
- 22 the moving party at trial is furnished to the
- 23 nonmoving party. Those witnesses shall be
- 24 subject to pretrial discovery by the nonmoving
- 25 party. Notwithstanding the provisions of this
- 26 subparagraph, if the moving party is the defen-
- 27 dant, the moving party need not disclose whether
- 28 or not the defendant intends to testify at trial.’”

Senator Ramsey offered amendment S—5689 to amendment S—5663 to division S—5603BE of the House amendment and moved its adoption:

S—5689

- 1 Amend the Ramsey amendment, S—5663, to page 32
- 2 of the House amendment, S—5603, to Senate File 85 as

3 amended, passed and reprinted by the Senate as follows:

4 1. Page 1, by inserting after line 28 the

5 following:

6 "2. Page 32, by striking everything after line

7 2 through page 33, line 2."

Amendment S—5689 to amendment S—5663 to division S—5603BE of the House amendment was adopted.

Senator Ramsey moved the adoption of amendment S—5663 as amended to division S—5603BE of the House amendment and requested a record roll call.

On the question "Shall amendment S—5663 as amended to division S—5603BE of the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 29:

Andersen	Griffin	Norpel	Scott
Bergman	Hansen	Nystrom	Shaff
Briles	Hill of Jasper	Priebe	Shaw
Burroughs	Hultman	Rabedeaux	Taylor
Carr	Kelly	Ramsey	Tieden
Coleman	Lamborn	Rodgers	Van Gilst
Curtis	Miller of	Schwengels	Winkelman
DeKoster	Marshall		

Nays, 17:

Culver	Hill of Polk	Nolting	Redmond
Doderer	Kinley	Orr	Robinson
Gallagher	Merritt	Palmer	Sovern
Glenn	Miller of	Plymat	Willits
Gluba	Des Moines		

Absent or not voting, 4:

Heying	Junkins	Murray	Nolin
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Amendment S—5663 as amended to division S—5603BE of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603BE of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603BE of the House amendment as amended.

Division S—5603BH of the House amendment previously deferred was taken up for consideration.

President Neu took the chair at 10:25 a.m.

Senator Glenn called for a further division of the House amendment, page 35, lines 14 through 20, to be considered as division S—5603BH-1, and page 35, lines 26, 27 and 28 to be considered as division S—5603BH-2.

Senator Glenn moved that the Senate concur in division S—5603BH-1 of the House amendment.

The motion lost and the Senate refused to concur in division S—5603BH-1 of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603BH-2 of the House amendment.

The motion prevailed and the Senate concurred in division S—5603BH-2 of the House amendment.

Division S—5603BI of the House amendment previously deferred was taken up for consideration.

Senator Glenn moved that the Senate concur in S—5603BI of the House amendment.

The motion lost and the Senate refused to concur in division S—5603BI of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603BR of the House amendment previously deferred was taken up for consideration.

Senator Hill of Polk asked and received unanimous consent that division S—5603BR be extended to include page 56A, lines 25, 26 and 27, all of pages 57 through 70, and page 71, lines 1 through 9.

Senator Hill of Polk offered amendment S—5692 to division S—5603BR of the House amendment and moved its adoption:

S—5692

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed and reprinted, as follows:
- 3 1. Page 56A by striking lines 25 through 27, and
- 4 page 57 by striking lines 1 through 36, and inserting
- 5 in lieu thereof the following:
- 6 “508. Page 78, by striking lines 33 through 35
- 7 and inserting in lieu thereof the following:
- 8 ‘Sec. 505. **NEW SECTION. FAILURE TO APPEAR.**
- 9 1. Any person who willfully fails to appear in
- 10 court as specified by the citation shall be guilty
- 11 of a simple misdemeanor. Where a defendant fails
- 12 to make a required court appearance, the court shall
- 13 issue an arrest warrant for the offense of failure
- 14 to appear, and shall forward the warrant and the
- 15 original citation to the clerk. The clerk shall enter

16 a transfer to the issuing agency on the docket, and
17 shall return the warrant with the original citation
18 attached to the law enforcement agency which issued
19 the original citation for enforcement of the warrant.
20 Upon arrest of the defendant, the warrant and the
21 original citation shall be returned to the court,
22 and the offenses shall be heard and disposed of
23 simultaneously. This subsection shall not apply in
24 any case in which the citation alleges a simple
25 misdemeanor and in which the person cited has submitted
26 bond as provided in subsection two (2) of this section.

27 2. In the case of a citation which alleges the
28 commission of a simple misdemeanor and in which the
29 person cited has submitted an appearance bond in the
30 form of cash, check, or guaranteed arrest bond
31 certificate as defined in section three hundred twenty-
32 one point one (321.1) of the Code, the court shall
33 not issue an arrest warrant for failure to appear,
34 but shall order a forfeiture of the bond as provided
35 in subsection four (4) of section one thousand one
36 hundred seven (1107) of chapter two (2) of this Act."

37 2. Page 57, by inserting after line 36 the
38 following:

39 "509. Page 97, by inserting after line 21 the
40 following new subsection:

41 "4. The provisions of subsections one (1), two
42 (2) and three (3) of this section shall not apply
43 to a case in which a simple misdemeanor is charged
44 by police citation pursuant to section five hundred
45 five (505) of chapter two (2) of this Act or by uniform
46 citation and complaint pursuant to section seven
47 hundred fifty-three point fifteen (753.15) of the
48 Code, and in which the defendant has submitted
49 appearance bond in the form of cash, check, or
50 guaranteed arrest bond certificate as defined in

Page 2

1 section three hundred twenty-one point one (321.1)
2 of the Code. Where a defendant fails to appear as
3 required in such a case, the court shall enter a
4 judgment of forfeiture of the bond which shall be
5 final upon entry and shall not be set aside."

6 3. Page 58, line 5, by striking the word
7 "quadruplicate" and inserting in lieu thereof the
8 words "[quadruplicate] *quintuplicate*".

9 4. Page 58, line 7, by striking the words "a copy to"
10 and inserting in lieu thereof the words "[a copy] *two*
11 *copies to*".

12 5. Page 58, lines 14 and 15, by striking the words
13 "*and seven hundred fifty-three point six (753.6) of*
14 *the Code*" and inserting in lieu thereof the words
15 "*of the Code and five hundred two (502) of chapter*
16 *two (2) of this Act*".

17 6. Page 58, lines 17 and 18, by striking the words
18 "*and seven hundred fifty-three point seven (753.7)*"

19 of the Code" and inserting in lieu thereof the words
20 "and five hundred three (503) of chapter two (2) of
21 this Act".

22 7. Page 58, line 29, by striking the word and
23 figure "section 755.4" and inserting in lieu thereof
24 the words and figures "section [755.4] four hundred
25 seven (407) of chapter two (2) of this Act".

26 8. Page 58, line 45, by striking the words and
27 figures "July 1, [1974] 1976" and inserting in lieu
28 thereof the words and figures "[July] January 1, [1974]
29 1978".

30 9. Page 59, line 15, by striking the word "[TRAFFIC]"
31 and inserting in lieu thereof the words "TRAFFIC AND".

32 10. Page 59, line 18, by striking the word
33 "[traffic]" and inserting in lieu thereof the words
34 "traffic and".

35 11. Page 59, by striking lines 29 through 33 and
36 inserting in lieu thereof the words "[nonmoving
37 scheduled violations] applicable to commercial carriers.
38 The collection".

39 12. Page 61, lines 33, 34 and 35, by striking
40 the words "three hundred twenty-one point four hundred
41 fifteen (321.415)",.

42 13. Page 62, by striking lines 19, 20 and 21,
43 and inserting in lieu thereof the words "is thirty
44 dollars."

45 14. Page 62, by inserting after line 23 the
46 following new paragraph:

47 "Excessive speed in whatever amount by a school
48 bus is not a scheduled violation under any section
49 listed in a subparagraph of this paragraph F."

50 15. Page 66, line 18, by striking the word "ten"

Page 3

1 and inserting in lieu thereof the word "five".

2 16. Page 66, lines 30 and 31, by striking the
3 words "one hundred six point fifteen (106.15),
4 subsection two (2),".

5 17. Page 67, line 12, by striking the word "ten"
6 and inserting in lieu thereof the word "five".

7 18. Page 67, lines 48 and 49, by striking the
8 words "one hundred eleven point forty-four (111.44),".

9 19. Page 67, line 50, and page 68, line 1, by
10 striking the words "one hundred eleven point forty-
11 eight (111.48)".

12 20. Page 70, line 28, by striking the words
13 "[traffic] scheduled" and inserting in lieu thereof
14 the words "traffic violations, whether or not
15 scheduled, and for all other scheduled".

16 21. Page 70, line 34, by striking the words
17 "[Traffic] scheduled" and inserting in lieu thereof
18 the words "Traffic violations, whether or not
19 scheduled, and all other scheduled".

20 22. Page 70, line 39, by striking the words

- 21 "[traffic] *scheduled*" and inserting in lieu thereof
22 the words "*traffic violations, whether or not*
23 *scheduled, and any other scheduled*".
24 23. Page 70, line 45, by striking the words
25 "[traffic] *scheduled*" and inserting in lieu thereof
26 the words "*traffic and scheduled*".
27 24. Page 70, by striking lines 47 through 50,
28 and page 71 by striking lines 1 through 9.
29 25. By renumbering paragraphs of the amendment.

Amendment S—5692 to division S—5603BR of the House amendment was adopted.

Amendment S—5634 to division S—5603BR of the House amendment filed by Senator Glenn April 30, 1976, was ruled out of order with the adoption of amendment S—5692.

Senator Rabedaux took the chair at 11:05 a.m.

Senator Glenn moved that the Senate concur in division S—5603BR of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603BR of the House amendment as amended.

The Senate resumed consideration of division S—5603H of the House amendment.

Senator Doderer asked and received unanimous consent that further action on division S—5603H of the House amendment be deferred for the preparation of an amendment.

Division S—5603I of the House amendment previously deferred was taken up for consideration.

Senator Orr asked and received unanimous consent that further action on division S—5603I of the House amendment be deferred.

Senator Glenn called for a further division of the House amendment, page 2, lines 20 through 28 to be considered as division S—5603I-1.

(Senate File 85 and division S—5603I-1 of the House amendment pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1092, a bill for an act creating a court of appeals.

Also: That the House has on May 4, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1278, a bill for an act relating to airports and aeronautics.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1371, a bill for an act relating to the status, membership, and duties of the energy policy council.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1499, a bill for an act relating to the Iowa law enforcement academy.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1503, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1546, a bill for an act relating to certain authority of the industrial commissioner.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1559, a bill for an act relating to the amount of indebtedness which may be contracted for by a school corporation without a petition for an election.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1092

S—5690

- 1 Amend Senate File 1092, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, by striking line 21 and inserting in
- 4 lieu thereof the words "and four associate judges,
- 5 any three of whom shall constitute".
- 6 2. Page 7, line 7, by striking the word "three"
- 7 and inserting in lieu thereof the word "five".
- 8 3. Page 12, line 4, by striking the word "one"
- 9 and inserting in lieu thereof the word "two".
- 10 4. Page 12, line 7, by striking the word "one"
- 11 and inserting in lieu thereof the word "two".

HOUSE AMENDMENT TO SENATE FILE 1278

S—5691

- 1 Amend Senate File 1278, as passed by the Senate,
2 as follows:
3 1. Page 3, line 13 by inserting after the word
4 "consultants." the words "The department may perform
5 upon request by the political subdivision, any con-
6 sulting services necessary for acquisition, planning,
7 construction and certification of the airport
8 facilities. All costs of such consulting services
9 shall be reimbursed to the department by the
10 political subdivision and deposited to the credit
11 of the fund from which the costs were paid."
12 2. Page 3, lines 33 and 34, by striking the
13 words "[or the municipality acting for itself,]" and
14 inserting in lieu thereof the words "or the
15 [municipality] *governmental subdivision* acting for
16 itself,".

HOUSE MESSAGES CONSIDERED

House File 1371, a bill for an act relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979.

Read first time and passed on file.

House File 1499, a bill for an act relating to the Iowa law enforcement academy.

Read first time and passed on file.

House File 1503, a bill for an act relating to the practice of nursing and providing for disciplinary procedures.

Read first time and passed on file.

House file 1546, a bill for an act relating to certain authority of the industrial commissioner.

Read first time and passed on file.

House File 1559, a bill for an act relating to the amount of indebtedness which may be contracted for by a school corporation without a petition for an election.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 85

The Senate resumed consideration of Senate File 85, and division S—5603I-1 of the House amendment.

Senator Glenn asked and received unanimous consent that further action on division S—5603I-1 of the House amendment be deferred.

Senator Glenn called for a further division of House amendment S—5603 as follows:

Division S—5603BU—Page 2, line 11.

Division S—5603BV—Page 2, lines 29 through 36.

Division S—5603CA—Page 4, lines 6 through 10.

Division S—5603CB—Page 4, line 21.

Division S—5603CC—Page 7, line 45.

Division S—5603CD—Page 8, line 2.

Division S—5603CE—Page 9, lines 44 through 50 and page 10, lines 1 through 8.

Division S—5603CF—Page 10, lines 26 through 28.

Division S—5603CG—Page 10, lines 29 through 32.

Division S—5603CH—Page 10, lines 33 through 38.

Division S—5603CI—Pages 10, lines 47 through 50.

Division S—5603CJ—Page 11, line 26.

Division S—5603CK—Page 13, lines 1 through 25 and page 71, lines 28 through 32.

Division S—5603CL—Page 13, line 50A.

Division S—5603CM—Page 15, lines 34 through 37 and lines 43 and 44.

Division S—5603CN—Page 15, lines 45 and 46.

Division S—5603CO—Page 16, lines 10 through 13.

Division S—5603CP—Page 17, lines 7 and 8 and lines 12 through 17.

Division S—5603CQ—Page 17, lines 29 through 46.

Division S—5603CR—Page 18, lines 37 through 50; all of pages 19 and 20; page 21, lines 1 through 4; all of page 46 and page 47, lines 1 through 43.

Division S—5603CS—Page 24, lines 33 through 35 and page 28, lines 40 and 41.

Division S—5603CT—Page 25, lines 3 through 14, 24 through 27, 38 and 39, and 49 and 50; page 26, lines 1 through 45, and lines 47 through 50; page 27; page 28, lines 1 through 33; page 31, lines 43 through 45 and lines 49 and 50; page 43, lines 18 through 26; page 55, lines 23 through 36 and page 72, lines 10 through 12.

Division S—5603CU—Page 26, line 46 and page 28, line 34.

Division S—5603CV—Page 30, lines 28 and 29.

Division S—5603DA—Page 31, lines 3 and 4.

Division S—5603DB—Page 33, lines 9 and 10.

Division S—5603DC—Page 33, lines 34 through 50 and page 34, lines 1 through 7.

Division S—5603DD—Page 34, line 17.

Division S—5603DE—Page 34, lines 18 through 24.

Division S—5603DF—Page 34, lines 25 through 27.

Division S—5603DG—Page 35, lines 46 and 47.

Division S—5603DH—Page 36, lines 15 through 31.

Division S—5603DI—Page 36, lines 45 through 47; and page 38, lines 29 through 34.

Division S—5603DJ—Page 37, line 6.

Division S—5603DK—Page 38, lines 7 through 21.

Division S—5603DL—Page 38, line 22.

Division S—5603DM—Page 38, lines 27 and 28.

Division S—5603DN—Page 39, lines 19 through 49; page

40, lines 42 through 47; page 41, lines 6 through 23 and page 42, lines 19 through 22.

Division S—5603DO—Page 39, line 50 and page 40, lines 1 and 2.

Division S—5603DP—Page 40, line 35.

Division S—5603DQ—Page 41, lines 25 through 27.

Division S—5603DR—Page 42, lines 23 through 25.

Division S—5603DS—Page 43, lines 14 and 15 and page 71, lines 10 through 13.

Division S—5603DT—Page 49, lines 34 and 35 and page 71, lines 25 through 27.

Division S—5603DU—Page 72, lines 41 through 45.

Senator Glenn moved that the Senate concur in division S—5603BU of the House amendment.

A non-record roll call was requested.

The ayes were 20, nays 11.

The motion prevailed and the Senate concurred in division S—5603BU of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603BV of the House amendment and requested a non-record roll call.

The ayes were 21, nays 16.

The motion prevailed and the Senate concurred in division S—5603BV of the House amendment.

Senator Glenn asked and received unanimous consent that action on division S—5603CA of the House amendment be temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603CB of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CB of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

President pro tempore Doderer took the chair at 1:25 p.m.

Senator Priebe took the chair at 1:30 p.m.

Senator Glenn moved that the Senate concur in division S—5603CC of the House amendment and requested a non-record roll call.

The ayes were 23, nays 17.

The motion prevailed and the Senate concurred in division S—5603CC of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603CD of the House amendment and requested a non-record roll call.

The ayes were 17, nays 26.

The motion lost and the Senate refused to concur in division S—5603CD of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CE of the House amendment and requested a non-record roll call.

The ayes were 37, nays 2.

The motion prevailed and the Senate concurred in division S—5603CE of the House amendment.

Senator Redmond offered amendment S—5665 to division S—5603CF of the House amendment filed by him and moved its adoption:

S—5665

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, line 28, by striking the word
- 5 “‘state’.” and inserting in lieu thereof the words
- 6 “state department of health.”

Amendment S—5665 to division S—5603CF of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603CF of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603CF of the House amendment as amended.

Senator Glenn moved that the Senate concur in division S—5603CG of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CG of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Redmond offered amendment S—5653 to division S—5603CH of the House amendment filed by him and moved its adoption:

S—5653

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, by striking lines 36 through 38.

Amendment S—5653 to division S—5603CH of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603CH of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603CH of the House amendment as amended.

Senator Glenn moved that the Senate concur in division S—5603CI of the House amendment and requested a non-record roll call.

The ayes were 3, nays 33.

The motion lost and the Senate refused to concur in division S—5603CI of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CJ of the House amendment and requested a non-record roll call.

The ayes were 18, nays 24.

The motion lost and the Senate refused to concur in division S—5603CJ of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Action on division S—5603CK of the House amendment was temporarily deferred for the preparation of an amendment.

Senator Glenn moved that the Senate concur in division S—5603CL of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CL of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CM of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CM of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CN of the House amendment and requested a non-record roll call.

The ayes were 4, nays 35.

The motion lost and the Senate refused to concur in division S—5603CN of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn called for a further division of the House amend-ment, page 16, lines 10 and 11, to be considered as division S—5603CO-1, page 16, lines 12 and 13 to be considered as divi-sion S—5603CO-2.

Senator Glenn moved that the Senate concur in division S—5603CO-1 of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CO-1 of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CO-2 of the House amendment.

The motion prevailed and the Senate concurred in division S—5603CO-2 of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603CP of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603CP of the House amendment?" (S.F. 85) the vote was:

Ayes, 3:

Hill of Polk

Orr

Redmond

Nays, 41:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Des Moines	Robinson
Briles	Griffin	Miller of	Rodgers
Burroughs	Hansen	Marshall	Schwengels
Carr	Hill of Jasper	Nolting	Shaw
Coleman	Junkins	Norpel	Sovern
Culver	Kelly	Nystrom	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher		Rabedaux	Winkelman

Absent or not voting, 6:

Heying	Murray	Scott	Shaff
Hultman	Nolin		

The motion lost and the Senate refused to concur in division S—5603CP of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Andersen offered amendment S—5666 to division S—5603CQ of the House amendment filed by him, moved its adoption, and requested a record roll call:

S—5666

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85 as amended, passed, and reprinted as follows:
- 3 Page 17, by striking lines 29 through 46.

On the question “Shall amendment S—5666 to division S—5603CQ of the House amendment be adopted?” (S.F. 85) the vote was:

Ayes, 32:

Andersen	Hansen	Miller of	Rabedaux
Bergman	Hill of Jasper	Des Moines	Ramsey
Briles	Hultman	Miller of	Rodgers
Burroughs	Junkins	Marshall	Schwengels
Coleman	Kelly	Nolting	Taylor
Culver	Kinley	Norpel	Tieden
Curtis	Lamborn	Nystrom	Van Gilst
Glenn	Merritt	Palmer	Winkelman
Griffin		Priebe	

Nays, 14:

Carr	Hill of Polk	Robinson	Shaw
DeKoster	Orr	Scott	Sovern
Doderer	Plymat	Shaff	Willits
Gallagher	Redmond		

Absent or not voting, 4:

Gluba	Heying	Murray	Nolin
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Amendment S—5666 to division S—5603CQ of the House amendment was adopted.

The following amendments were ruled out of order with the adoption of amendment S—5666 to division S—5603CQ of the House amendment:

Amendment S—5667 filed by Senators Sovern and Redmond on May 4, 1976.

Amendment S—5695 by Senator Tieden:

S—5695

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 17, by striking lines 37 through 39
- 5 and inserting in lieu thereof the words "date, the
- 6 age, occupation, place of employment or business, name
- 7 and residence of the prospective purchaser."
- 8 2. Page 17, by inserting after line 46 the fol-
- 9 lowing:
- 10 "The provisions of this section shall not apply
- 11 when the purchaser is exchanging or trading-in a
- 12 serviceable revolver or pistol on a different pistol
- 13 or revolver, or when the recipient has a federal
- 14 firearms license of a type that authorizes dealing
- 15 in revolvers and pistols."

Amendment S—5696 to amendment S—5695 by Senators Kelly and Tieden:

S—5696

- 1 Amend the Tieden amendment, S—5695, to House
- 2 amendment S—5603, to Senate File 85, as amended,
- 3 passed and reprinted by the Senate as follows:
- 4 1. Page 1, line 13, by striking the word
- 5 "recipient" and inserting in lieu thereof the word
- 6 "purchaser".
- 7 2. Page 1, line 14, by inserting before the
- 8 word "federal" the words "permit to carry weapons or".

Senator Glenn moved that the Senate concur in division S—5603CQ of the House amendment as amended and requested a non-record roll call.

The ayes were 35, nays 12.

The motion prevailed and the Senate concurred in division S—5603CQ of the House amendment as amended.

The Senate resumed consideration of division S—5603I-1 pending on recess.

Senator Glenn moved that the Senate concur in division S—5603I-1 of the House amendment and requested a non-record roll call.

The ayes were 1, nays 43.

The motion lost and the Senate refused to concur in division S—5603I-1 of the House amendment, which action will be messaged to the House in the form of an amendment to **strike** this division.

The Senate resumed consideration of division S—5603H of the House amendment.

Senator Doderer withdrew amendment S—5693 to division S—5603H of the House amendment:

S—5693

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85, as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 8, by striking lines 10 through 38.
- 5 2. Page 8, by striking everything after line 45
- 6 through page 9, line 27.
- 7 3. Page 9, by inserting after line 43 the
- 8 following:
- 9 “..... Page 20A, by inserting after line 8 the
- 10 following:
- 11 ‘Sec. **NEW SECTION. RESISTANCE TO SEXUAL**
- 12 **ABUSE.** Under the provisions of this division
- 13 resistance by a participant shall not be deemed
- 14 necessary to establish that an act of sexual abuse
- 15 was committed by force and against the will of the
- 16 participant.’”

Senator Doderer offered amendment S—5698 to division S—5603H of the House amendment:

S—5698

- 1 Amend the House amendment, S—5603, to Senate File
- 2 85, as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 8, by striking lines 10 through 38.
- 5 2. Page 8, by striking everything after line 45
- 6 through page 9, line 27.
- 7 3. Page 9, by inserting after line 43 the
- 8 following:
- 9 “..... Page 20A, by inserting after line 8 the
- 10 following:
- 11 ‘Sec. **NEW SECTION. RESISTANCE TO SEXUAL**
- 12 **ABUSE.** Under the provisions of this division physical
- 13 resistance by a participant shall not be deemed
- 14 necessary to establish that an act of sexual abuse
- 15 was committed by force and against the will of the
- 16 participant.’”

Senator Doderer offered amendment S—5700 to amendment

S—5698 to division S—5603H of the House amendment and moved its adoption:

S—5700

- 1 Amend the Doderer amendment, S—5698, to the
- 2 House amendment, S—5603, to Senate File 85, as
- 3 amended, passed and reprinted by the Senate as fol-
- 4 lows:
- 5 1. Page 1, by striking lines 12 through 16 and
- 6 inserting in lieu thereof the following:
- 7 "ABUSE. Under the provisions of this division
- 8 it shall not be necessary to establish physical re-
- 9 sistance by a participant in order to establish that
- 10 an act of sexual abuse was committed by force and
- 11 against the will of the participant."

Amendment S—5700 to amendment S—5698 to division S—5603H—of the House amendment was adopted.

Senator Doderer moved the adoption of amendment S—5698 as amended to division S—5603H of the House amendment.

A record roll call was requested.

On the question "Shall amendment S—5698 as amended to division S—5603H of the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 29:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Des Moines	Redmond
Burroughs	Hansen	Miller of	Shaw
Carr	Hill of Polk	Marshall	Sovern
Curtis	Kelly	Norpel	Taylor
DeKoster	Lamborn	Nystrom	Van Gilst
Doderer	Merritt	Orr	Willits
Gallagher		Plymat	Winkelman

Nays, 16:

Briles	Hill of Jasper	Nolting	Rodgers
Coleman	Hultman	Palmer	Schwengels
Culver	Junkins	Rabedeaux	Scott
Glenn	Kinley	Ramsey	Tieden

Absent or not voting, 5:

Heying	Nolin	Robinson	Shaff
Murray			

Amendment S—5698 as amended to division S—5603H of the House amendment was adopted.

Amendment S—5701 to division S—5603H of the House amendment by Senator Willits ruled out of order with the adoption of amendment S—5698:

S—5701

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 8, by striking lines 10 through 38.
- 5 2. Page 8, by striking everything after line
- 6 45 through page 9, line 27.
- 7 3. Page 8, by inserting after line 9, the
- 8 following:
- 9 "..... Page 19A, by striking lines 8 and 9
- 10 and inserting in lieu thereof the following:
- 11 '2. Such act is done without the consent of
- 12 the other.'"

Senator Glenn moved that the Senate concur in division S—5603H of the House amendment as amended, and requested a non-record roll call.

The ayes were 30, nays 15.

The motion prevailed and the Senate concurred in division S—5603H of the House amendment as amended.

The Senate resumed consideration of division S—5603I of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603I of the House amendment.

The motion lost and the Senate refused to concur in division S—5603I of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603J of the House amendment previously deferred was taken up for consideration.

Senator Glenn moved that the Senate concur in division S—5603J of the House amendment.

The motion lost and the Senate refused to concur in division S—5603J of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603N of the House amendment previously deferred was taken up for consideration.

Senator Hill of Jasper withdrew amendment S—5670 to division S—5603N of the House amendment filed by him on May 5, 1976, and found on pages 1729 and 1730 of the Senate Journal.

Senator Glenn moved that the Senate concur in division S—5603N of the House amendment.

The motion lost and the Senate refused to concur in division S—5603N of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Division S—5603K of the House amendment previously deferred was taken up for consideration.

Senator Glenn moved that the Senate concur in division S—5603K of the House amendment.

The motion lost and the Senate refused to concur in division S—5603K of the House amendment, which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Willits offered amendment S—5643 to division S—5603CR of the House amendment filed by him and moved its adoption:

S—5643

- 1 Amend the House amendment, S—5603 to Senate
- 2 File 85 as amended, passed and reprinted as
- 3 follows:
- 4 1. Page 18, line 45, by striking the figure,
- 5 “,” and inserting in lieu thereof the word “or”.
- 6 2. Page 18, by striking lines 46 through 49,
- 7 and inserting in lieu thereof “apparatus.”

A non-record roll call was requested.

The ayes were 11, nays 31.

Amendment S—5643 to division S—5603CR of the House amendment lost.

Senator Glenn moved that the Senate concur in division S—5603CR of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CR of the House amendment which action will be mes-saged to the House in the form of an amendment to strike this division.

Senator Redmond withdrew amendment S—5678 to division S—5603CS of the House amendment filed by him on May 5, 1976, and found on page 1730 of the Senate Journal.

Senator Glenn moved that the Senate concur in division S—5603CS of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CS of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CT of the House amendment.

The motion prevailed and the Senate concurred in division S—5603CT of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603CU of the House amendment and requested a non-record roll call.

The ayes were none, nays 40.

The motion lost and the Senate refused to concur in division S—5603CU of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603CV of the House amendment.

The motion lost and the Senate refused to concur in division S—5603CV of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DA of the House amendment.

The motion lost and the Senate refused to concur in division S—5603DA of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DB of the House amendment, and requested a non-record roll call.

The ayes were 8, nays 32.

The motion lost and the Senate refused to concur in division S—5603DB of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DC of the House amendment.

The motion lost and the Senate refused to concur in division S—5603DC of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DD of the House amendment and requested a non-record roll call.

The ayes were 22, nays 16.

The motion prevailed and the Senate concurred in division S—5603DD of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DE of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DE of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DF of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DF of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DG of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DG of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DH of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DH of the House amendment.

Senator Ramsey withdrew amendment S—5704 to division S—5603DI of the House amendment:

S—5704

- 1 Amend the House amendment, S—5608, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 36, line 47, by striking the words
- 5 "one year" and inserting in lieu thereof the words
- 6 "six months".
- 7 2. Page 38, line 31, by striking the words
- 8 "one year" and inserting in lieu thereof the words

- 9 "six months".
 10 3. Page 38, lines 33 and 34, by striking the
 11 words "one year" and inserting in lieu thereof
 12 the words "six months".

Senator Glenn moved that the Senate concur in division S—5603DI of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603DI of the House amendment?" (S.F. 85) the vote was:

Ayes, 11:

Glenn	Merritt	Scott	Taylor
Hill of Jasper	Nolting	Shaff	Van Gilst
Kinley	Rodgers	Shaw	

Nays, 30:

Andersen	Doderer	Miller of	Ramsey
Bergman	Gallagher	Des Moines	Redmond
Burroughs	Gluba	Norpel	Schwengels
Carr	Hansen	Nystrom	Sovern
Coleman	Hill of Polk	Orr	Tieden
Culver	Junkins	Palmer	Willits
Curtis	Kelly	Plymat	Winkelman
DeKoster	Lamborn	Priebe	

Absent or not voting, 9:

Briles	Hultman	Murray	Rabedaux
Griffin	Miller of	Nolin	Robinson
Heying	Marshall		

The motion lost and the Senate refused to concur in division S—5603DI of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

(Senate File 85 pending on adjournment.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5603G of the House amendment to Senate File 85 was concurred in by the Senate on May 5, 1976.

RICHARD J. NORPEL, SR.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1164, a bill for an act relating to affirmative action programs of state agencies and political subdivisions.

Also: That the House has on May 4, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1200, a bill for an act relating to the assessment date, tax year, collection period, and delinquency dates of property taxes.

Also: That the House has on May 3, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1502, a bill for an act relating to transportation programs.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1565, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under Title XX.

DAVID L. WRAY, Chief Clerk.

HOUSE MESSAGES CONSIDERED

House File 1164, a bill for an act relating to affirmative action programs of state agencies and political subdivisions.

Read first time and passed on file.

House File 1200, a bill for an act relating to the assessment date, tax year, collection period, and delinquency dates of property taxes.

Read first time and passed on file.

House File 1502, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs.

Read first time and passed on file.

House File 1565, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1490 Agriculture

H. F. 1498 State government

H. F. 1512 Commerce

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 614

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

ON THE PART OF THE SENATE:

WILLIAM E. GLUBA, Chairperson
MINNETTE F. DODERER
JAMES M. REDMOND
RICHARD R. RAMSEY
ELIZABETH SHAW

ON THE PART OF THE HOUSE:

M. PETER MIDDLETON, Chairperson
THOMAS J. HIGGINS
JOYCE LONERGAN
JOAN LIPSKY
BRICE C. OAKLEY

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of May, 1976: Senate File 1275.

STEVEN C. CROSS
Secretary of the Senate

REPORT BY THE SECRETARY OF THE SENATE

MR. PRESIDENT: Senate File 1313 was referred under Senate Rule 38 to the committee on state government on April 21, 1976. It provides for a state land preservation policy and creates state and county land preservation commissions. The committee has been in possession of the bill for ten legislative days after referral, without reporting it out to the Senate calendar. I have, therefore, pursuant to Senate Rule 38, returned it to the calendar with the same priority which it had immediately before referral.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. T. J. Heronimus of Grundy Center, Grundy County, Iowa, for reappointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, Code 1975, for the regular six-year term beginning January 3, 1976, and ending January 2, 1982, begs

leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
CLIFF BURROUGHS
LOUIS P. CULVER
JOHN N. NYSTROM
WILLIAM D. PALMER

AMENDMENTS FILED

S—5699

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:

4 1. Page 13, by striking lines 3 through 25
5 and inserting in lieu thereof the following:

6 "Sec. **NEW SECTION. SEIZING DOGS.** It shall
7 be lawful for any person or peace officer to seize and
8 impound dogs for which a license is required when the
9 dog is not wearing a collar with a license tag attached.

10 If a dog is seized by a person within the unincor-
11 porated area of a county or within the corporate limits
12 of a city that has established a dog pound or contracted
13 for the collection and protection of dogs, the person
14 shall notify the dog pound or incorporated society or
15 association for the prevention of cruelty to animals,
16 who shall take possession of the dog.

17 If a dog is seized by a person within the unincor-
18 porated area of a county or within the corporate limits
19 of a city which has not provided for the collection and
20 protection of dogs, the person shall notify the police
21 department or sheriff respectively. The police depart-
22 ment or sheriff may deliver the dog to the nearest dog
23 pound, society for the prevention of cruelty to animals
24 or animal rescue league which shall accept possession
25 of the dog. The normal and usual fee for accepting pos-
26 session of a dog shall be billed to the city or county
27 which delivered the dog and shall be paid from their
28 general fund if other funds have not been provided.
29 The known owner of any dog seized by a person or impounded
30 within the unincorporated area of a county or within the
31 corporate limits of a city that has an established dog
32 pound or has contracted for the collection and protection of
33 dogs, shall be given oral notice or written notice by mail
34 within three days after seizure or impoundment of the dog.
35 If the owner does not redeem the dog within five days of
36 the date of notice, the dog may be humanely destroyed or
37 disposed of in accordance with the law. An owner may
38 redeem a dog by showing ownership to the appropriate
39 authority and by paying the cost of impoundment.

40 Sec. **NEW SECTION. RIGHT TO KILL A DOG.** It
41 shall be lawful for any person to kill a licensed or
42 unlicensed dog only when such dog is caught in the act
43 of worrying, chasing, maiming, or killing any domestic
44 animal or fowl, or when such dog is attacking or attempt-

45 ing to bite a person. Nothing in this section shall
46 prohibit the use of any tranquilizing device designed to
47 immobilize an animal to facilitate its capture if the
48 device is designed and used in a manner to prevent serious
49 injury. Violation of this section is a simple misdemeanor."

WILLIAM E. GLUBA
ROBERT M. CARR
MINNETTE DODERER

S—5702

1 Amend the House amendment, S—5603, to Senate
2 File 85 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 17, by inserting after line 6 the fol-
5 lowing:
6 "..... Page 52, by striking lines 31 and 32."
7 2. Page 17, line 20, by striking the words
8 "serial number."
9 3. Page 17, by adding after line 20 the fol-
10 lowing:
11 "..... Page 53, lines 11 and 12, by striking
12 the words 'A copy of this report shall be forwarded
13 by the sheriff to the commissioner of public safety.'"
14 4. Page 17, by inserting after line 28 the fol-
15 lowing:
16 "..... Page 54, line 14, by striking the words
17 'permits authorized by this division of'.
18 Page 54, line 15, by striking the words
19 'and reports of sales of weapons.'"

WILLIAM P. WINKELMAN

S—5697

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 36, by inserting after line 32 the
5 following:
6 "..... Page 213B, line 38, by inserting after the
7 word 'community' the words 'and the pecuniary damages
8 for which the victim is entitled to restitution under
9 section two hundred six (206) or section seven hundred
10 twelve (712), of the Iowa Corrections Code.'"
11 2. Page 37, by inserting after line 21 the
12 following:
13 "..... Page 217A, by inserting after line 20 the
14 following:
15 "Terms of a person's release by order of the board
16 of parole shall include an order to make restitution
17 in accordance with the findings of the presentence
18 investigation carried out under section one hundred
19 four (104) of this chapter and with the procedure
20 outlined in section seven hundred twelve (712) of
21 this chapter."

22 3. Page 41, by inserting after line 23 the fol-
23 lowing:

24 "..... Page 235, line 25, by striking all after
25 the word 'shall' and inserting in lieu thereof the
26 following: ', in cases where restitution is appro-
27 priate, order that a restitution hearing be held
28 before imposition of any order of probation. Any
29 victim who may be entitled to restitution shall be
30 given notice of the hearing and, upon that person's
31 motion, shall be made a party to the proceeding.
32 The defendant shall have the right to appear at the
33 hearing and to present his or her position orally
34 or in writing. A determination shall be made at
35 this hearing as to defendant's present and future
36 ability to make restitution, and a schedule of regular
37 payments shall be made for satisfaction of any portion
38 of the restitution which cannot be immediately paid.
39 The court shall order the defendant to make such
40 continuing payments as a condition of continuing
41 probation.

42 The court shall make a separate finding of facts
43 and conclusions of law, and shall order restitution,
44 which order shall be appealable by any victim claiming
45 restitution, or by the defendant, as a civil pro-
46 ceeding and in accordance with the rules of civil
47 procedure.

48 Separate and apart from the court's final order,
49 the court shall enter civil judgment against the
50 defendant in an amount equal to the victim's actual

Page 2

1 damages. Any part of this judgment outstanding upon
2 termination of defendant's probation shall remain
3 enforceable against the defendant by the victim as
4 an ordinary civil judgment.

5 In any subsequent civil action arising out of the
6 same occurrence which constitutes the offense, the
7 amount actually paid by defendant as restitution shall
8 be a setoff against any final judgment.

9 The portion of the judgment which defendant must
10 pay as a condition of continuing probation, and the
11 schedule of payments thereon, shall be fixed by the
12 court according to its determination of defendant's
13 ability to pay during probation. After notice and
14 hearing subsequent changes in the restitution order
15 may be made by the court on application of either
16 a victim or the defendant demonstrating a substantial
17 change in the circumstances occurring subsequent to
18 the issuance of such order.'

19 Page 235, by striking lines 26 through 35.

20 Page 236, by striking lines 1 through 35.

21 Page 237, by striking lines 1 through 25."

WILLIAM WINKELMAN

S—5703

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 55, by inserting after line 11 the
- 5 following:
- 6 “..... Page 415, by inserting after line 15 the
- 7 following new section:
- 8 ‘Sec. Any person who willfully violates
- 9 sections six hundred one A point six (601A.6), sub-
- 10 section one (1), six hundred one A point seven (601A.7),
- 11 subsection one (1), or six hundred one A point eight
- 12 (601A.8), of the Code, shall, upon conviction be
- 13 guilty of a serious misdemeanor.’”

WILLIAM E. GLUBA**S—5694**

- 1 Amend House File 1478 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 22, by striking everything
- 4 after the word “fifty” through line 29 and insert-
- 5 ing in lieu thereof the following:
- 6 “thousand [according to the most recent federal
- 7 census may establish two such offices within the
- 8 boundaries of the municipal corporation or urban
- 9 complex, if the municipal corporation or urban com-
- 10 plex has a population of over one hundred thousand]
- 11 but not over”.
- 12 2. Page 3, line 30, by striking the words “one
- 13 hundred thousand but not over”.

**WARREN E. CURTIS
JAMES W. GRIFFIN, SR.
LOWELL L. JUNKINS
CALVIN O. HULTMAN**

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 8:15 p.m., until 8:30 a.m., Friday, May 7, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MAY 7, 1976

The Senate met in regular session, Senator Priebe presiding.

Prayer was offered by the Reverend Steven Root, pastor of the St. James Methodist Church, Cedar Rapids, Iowa.

The Journal of Thursday, May 6, 1976, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Heying for the day and Senator Scott for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-nine students from the Lake View-Auburn Community School District, Lake View, Iowa, accompanied by Mrs. Grone-meyer and Mrs. Cleveland. Senator Winkelman.

Forty-three students from Bryant Elementary School, Boone, Iowa, accompanied by Mrs. Enslow. Senator Nystrom.

Fifty students from Washington Elementary School, Muscatine, Iowa, accompanied by Charles Christophersen. Senator Rabedeaux.

Thirty-six students from Williams Junior High School, Davenport, Iowa, accompanied by Mrs. Buis, Mrs. Loken and Mr. Hoover. Senator Gluba.

Forty-five students from East Elementary School, Knoxville, Iowa, accompanied by Gladys Trammel and Arlene McKnight. Senator Van Gilst.

Fifty students from the Sigourney Community School District, Sigourney, Iowa, accompanied by Miss Howell and Mrs. Conner. Senator Schwengels.

Fifty-three students from the Sheffield-Chapin Community School District, Sheffield, Iowa, accompanied by Betty Rohn, Margaret Bolk and Deborah Adair. Senators Taylor and Scott.

Twenty-five students from the Sigourney Community School District, Sigourney, Iowa, accompanied by Mrs. Perkins. Senator Schwengels.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-three residents of Butler County.

Five residents of Franklin County.

Sixty-one residents of Polk County.

Six residents of Pottawattamie County.

Fifty-three residents of Story County.

BUSINESS PENDING

HOUSE AMENDMENT CONSIDERED

Senate File 85

The Senate resumed consideration of Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties, and providing penalties for violations of laws of the state to accord with the revised classifications, and House amendment S—5603.

Senator Glenn asked and received unanimous consent that action on division S—5603DJ of the House amendment be temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603DK of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DK of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DL of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DL of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DM of the House amendment.

The motion lost and the Senate refused to concur in division S—5603DM of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

President pro tempore Doderer took the chair at 8:55 a.m.

Senator Glenn moved that the Senate concur in division S—5603DN of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DN of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DO of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DO of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DP of the House amendment and requested a non-record roll call.

The ayes were 11, nays 34.

The motion lost and the Senate refused to concur in division S—5603DP of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DQ of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DQ of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DR of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DR of the House amendment.

Senator Glenn moved that the Senate concur in division

S—5603DS of the House amendment and requested a non-record roll call.

The ayes were 11, nays 32.

The motion lost and the Senate refused to concur in division S—5603DS of the House amendment, which motion will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603DT of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DT of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DU of the House amendment and requested a non-record roll call.

The ayes were 38, nays 4.

The motion prevailed and the Senate concurred in division S—5603DU of the House amendment.

Division S—5603DJ of the House amendment previously deferred was taken up for consideration.

Senator Glenn moved that the Senate concur in division S—5603DJ of the House amendment.

The motion lost and the Senate refused to concur in division S—5603DJ of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603CA of the House amendment previously deferred was taken up for consideration.

Senator Redmond offered amendment S—5677 to division S—5603CA of the House amendment filed by him:

S—5677

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 4, by striking lines 8 through 20,
- 5 and inserting in lieu thereof the following:
- 6 "..... Page 10, by striking lines 20 through
- 7 29 and inserting in lieu thereof the following:
- 8 'force to prevent the escape of any person from any
- 9 jail, penal institution, correctional facility, or

10 similar place of confinement, or place of trial or
11 other judicial proceeding, or to prevent the escape
12 from custody of any person who is being trans-
13 ported from any such place of confinement, trial
14 or judicial proceeding to any other such place,
15 except that deadly force may not be used to pre-
16 vent the escape of one who the correctional
17 officer or peace officer knows or should have
18 known is charged with the commission of a mis-
19 demeanor.”

Senator Redmond offered amendment S—5686 to amendment S—5677 to division S—5603CA of the House amendment filed by him and moved its adoption:

S—5686

- 1 Amend the Redmond amendment S—5677, to page 4
- 2 of the House amendment, S—5603, to Senate File 85, as
- 3 amended, passed and reprinted by the Senate as fol-
- 4 lows:
- 5 1. Page 1, line 4, by striking the figure “20”
- 6 and inserting in lieu thereof the figure “10”.

Amendment S—5686 to amendment S—5677 to division S—5603CA of the House amendment was adopted.

Senator Redmond moved the adoption of amendment S—5677 as amended to division S—5603CA of the House amendment.

A non-record roll call was requested.

The ayes were 21, nays 20.

Amendment S—5677 as amended to division S—5603CA of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603CA of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603CA of the House amendment as amended.

Division S—5603CK of the House amendment previously deferred was taken up for further consideration.

Senator Gluba offered amendment S—5699 to division S—5603CK of the House amendment filed by Senators Gluba, Carr and Doderer:

S—5699

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:

4 1. Page 13, by striking lines 3 through 25
5 and inserting in lieu thereof the following:
6 "Sec. **NEW SECTION. SEIZING DOGS.** It shall
7 be lawful for any person or peace officer to seize and
8 impound dogs for which a license is required when the
9 dog is not wearing a collar with a license tag attached.
10 If a dog is seized by a person within the unincor-
11 porated area of a county or within the corporate limits
12 of a city that has established a dog pound or contracted
13 for the collection and protection of dogs, the person
14 shall notify the dog pound or incorporated society or
15 association for the prevention of cruelty to animals,
16 who shall take possession of the dog.
17 If a dog is seized by a person within the unincor-
18 porated area of a county or within the corporate limits
19 of a city which has not provided for the collection and
20 protection of dogs, the person shall notify the police
21 department or sheriff respectively. The police depart-
22 ment or sheriff may deliver the dog to the nearest dog
23 pound, society for the prevention of cruelty to animals
24 or animal rescue league which shall accept possession
25 of the dog. The normal and usual fee for accepting pos-
26 session of a dog shall be billed to the city or county
27 which delivered the dog and shall be paid from their
28 general fund if other funds have not been provided.
29 The known owner of any dog seized by a person or impounded
30 within the unincorporated area of a county or within the
31 corporate limits of a city that has an established dog
32 pound or has contracted for the collection and protection of
33 dogs, shall be given oral notice or written notice by mail
34 within three days after seizure or impoundment of the dog.
35 If the owner does not redeem the dog within five days of
36 the date of notice, the dog may be humanely destroyed or
37 disposed of in accordance with the law. An owner may
38 redeem a dog by showing ownership to the appropriate
39 authority and by paying the cost of impoundment.
40 Sec. **NEW SECTION. RIGHT TO KILL A DOG.** It
41 shall be lawful for any person to kill a licensed or
42 unlicensed dog only when such dog is caught in the act
43 of worrying, chasing, maiming, or killing any domestic
44 animal or fowl, or when such dog is attacking or attempt-
45 ing to bite a person. Nothing in this section shall
46 prohibit the use of any tranquilizing device designed to
47 immobilize an animal to facilitate its capture if the
48 device is designed and used in a manner to prevent serious
49 injury. Violation of this section is a simple misdemeanor."

Senator Priebe took the chair at 10:30 a.m.

Senator Gluba offered amendment S—5710 to amendment
S—5699 to division S—5603CK of the House amendment:

S—5710

- 1 Amend the Gluba, et al., amendment S—5699, to page 13,
- 2 of the House amendment S—5603, to Senate File 85, as

- 3 amended, passed and reprinted by the Senate as fol-
4 lows:
5 1. Page 1, line 42, by striking the word
6 "only".

Action on amendment S—5710 to amendment S—5699 to division S—5603CK of the House amendment was temporarily deferred.

Senator Doderer offered amendment S—5711 to amendment S—5699 to division S—5603CK of the House amendment and moved its adoption:

S—5711

- 1 Amend the Gluba amendment, S—5699, to page 13,
2 to the House amendment, S—5603, to Senate File 85,
3 as amended, passed and reprinted by the Senate as
4 follows:
5 1. Page 1, line 49, by inserting after the word
6 "injury." the words "This section shall not apply to
7 any person designated by a city or county as an animal
8 control officer or to the owner of the dog."

The Chair requested a non-record roll call.

The ayes were 23, nays 16.

Amendment S—5711 to amendment S—5699 to division S—5603CK of the House amendment was adopted.

Senator Gluba asked and received unanimous consent to withdraw amendment S—5710 to amendment S—5699 to division S—5603CK of the House amendment.

On motion of Senator Gluba, amendment S—5699 as amended to division S—5603CK of the House amendment was adopted.

Senator Glenn moved that the Senate concur in division S—5603CK of the House amendment as amended.

The motion lost and the Senate refused to concur in division S—5603CK of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Division S—5603W of the House amendment was taken up for consideration.

Senator Redmond offered amendment S—5644 to division S—5603W of the House amendment filed by him and called for a division of the amendment as follows:

S—5644

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:

Division S—5644A

- 4 1. Page 1, by adding after line 17 the following:
- 5 "Page 3, by striking lines 20 and 21, and
- 6 inserting in lieu thereof the following:
- 7 Sec. 202. *NEW SECTION. ACT OR ACTION.* The
- 8 terms 'act' or 'action' mean a bodily movement
- 9 whether voluntary or involuntary and include a
- 10 failure to do any act which the law requires an
- 11 individual to perform."

Division S—5644B

- 12 2. Page 6, by striking lines 30 and 31, and
- 13 inserting in lieu thereof the following:
- 14 "68. Page 13B, by striking lines 61-65 and
- 15 inserting in lieu thereof the following:
- 16 Sec. 705. *NEW SECTION. INVOLUNTARY MANSLAUGHTER.*
- 17 1. A person commits a class D felony when the
- 18 person unintentionally causes the death of another
- 19 person during the commission of a public offense
- 20 other than a forcible felony or an escape."

Senator Ramsey raised the point of order that division S—5644A of the Redmond amendment was not germane to the House amendment.

The Chair ruled the point well taken and division S—5644A of the amendment to division S—5603W of the House amendment out of order.

Senator Redmond asked unanimous consent that the rules governing germaneness under Sec. 402 of Mason's Manual of Legislative Procedure be suspended for the purpose of continuing consideration of division S—5644A of his amendment to division S—5603W of the House amendment.

Objection was raised.

Senator Redmond withdrew division S—5644B of the amendment to division S—5603W of the House amendment.

Senator Ramsey offered amendment S—5640 to division S—5603W of the House amendment filed by him and moved its adoption:

S—5640

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed and reprinted by the
- 3 Senate as follows:

- 4 1. Page 3, by striking lines 3 through 5 and
- 5 inserting in lieu thereof the words "expressly or
- 6 tacitly acquiesce in and was not one".

Amendment S—5640 to division S—5603W of the House amendment was adopted.

Senator Redmond withdrew amendment S—5649 to division S—5603W of the House amendment filed by him on May 3, 1976, and found on page 1688 of the Senate Journal.

Senator Redmond offered amendment S—5648 to division S—5603W of the House amendment filed by him and moved its adoption:

S—5648

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, line 19, by striking the words
- 5 "such person or another" and inserting in lieu
- 6 thereof the words "either party".

Amendment S—5648 to division S—5603W of the House amendment was adopted.

Senator Glenn offered amendment S—5639 to division S—5603W of the House amendment filed by him and moved its adoption:

S—5639

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, by striking lines 23 through 25.

Amendment S—5639 to division S—5603W of the House amendment was adopted.

Senator Glenn offered amendment S—5712 to division S—5603W of the House amendment and moved its adoption:

S—5712

- 1 Amend the House amendment (S—5603) to Senate File
- 2 85 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 13, line 22, by striking the word "and"
- 5 and inserting in lieu thereof the word "an".
- 6 2. Page 21, line 37, by striking the word "similiar"
- 7 and inserting in lieu thereof the word "similar".
- 8 3. Page 22, by striking lines 35 through 38 and
- 9 inserting in lieu thereof the following: "WITHOUT A
- 10 LICENSE. Any person who without a license carries

11 on or transacts any business or occupation for which
12 a license is required by any law of this State
13 commits a simple misdemeanor.”

14 4. Page 40, by striking lines 11 through 34.

15 5. Page 52, line 38, by striking the word “annual”
16 and inserting in lieu thereof the word “annual”.

17 6. Page 54, by inserting after line 46, the
18 following:

19 “..... Page 381, by striking lines 10 through 17.”

20 7. By changing paragraph and section numbers and
21 correcting internal references as required by this
22 amendment.

Amendment S—5712 to division S—5603W of the House amendment was adopted.

Senator Winkelman offered amendment S—5702 to division S—5603W of the House amendment and called for a division of the amendment as follows:

S—5702

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85 as amended, passed and reprinted by the
- 3 Senate as follows:

Division S—5702A

- 4 1. Page 17, by inserting after line 6 the fol-
- 5 lowing:
- 6 “..... Page 52, by striking lines 31 and 32.”

Division S—5702B

- 7 2. Page 17, line 20, by striking the words
- 8 “serial number.”

Division S—5702A (cont'd.)

- 9 3. Page 17, by adding after line 20 the fol-
- 10 lowing:
- 11 “..... Page 53, lines 11 and 12, by striking
- 12 the words ‘A copy of this report shall be forwarded
- 13 by the sheriff to the commissioner of public safety.’”
- 14 4. Page 17, by inserting after line 28 the fol-
- 15 lowing:
- 16 “..... Page 54, line 14, by striking the words
- 17 ‘permits authorized by this division of’.
- 18 Page 54, line 15, by striking the words
- 19 ‘and reports of sales of weapons.’”

Senator Glenn raised the point of order that division S—5702A of the amendment was not germane to the House amendment.

The Chair ruled the point well taken and division S—5702A of the amendment out of order.

Senator Winkelman moved the adoption of division S—5702B

of the amendment to division S—5603W of the House amendment.

Division S—5702B of the amendment to division S—5603W of the House amendment lost.

Senator Glenn withdrew amendment S—5637 to division S—5603W of the House amendment filed by him on April 30, 1976, and found on page 1663 of the Senate Journal.

Senator Winkelman offered amendment S—5697 to division S—5603W of the House amendment filed by him:

S—5697

1 Amend the House amendment, S—5603, to Senate File
2 85 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 36, by inserting after line 32 the
5 following:

6 "..... Page 213B, line 38, by inserting after the
7 word 'community' the words 'and the pecuniary damages
8 for which the victim is entitled to restitution under
9 section two hundred six (206) or section seven hundred
10 twelve (712), of the Iowa Corrections Code.'"

11 2. Page 37, by inserting after line 21 the
12 following:

13 "..... Page 217A, by inserting after line 20 the
14 following:

15 'Terms of a person's release by order of the board
16 of parole shall include an order to make restitution
17 in accordance with the findings of the presentence
18 investigation carried out under section one hundred
19 four (104) of this chapter and with the procedure
20 outlined in section seven hundred twelve (712) of
21 this chapter.'

22 3. Page 41, by inserting after line 23 the fol-
23 lowing:

24 "..... Page 235, line 25, by striking all after
25 the word 'shall' and inserting in lieu thereof the
26 following: 'in cases where restitution is appro-
27 priate, order that a restitution hearing be held
28 before imposition of any order of probation. Any
29 victim who may be entitled to restitution shall be
30 given notice of the hearing and, upon that person's
31 motion, shall be made a party to the proceeding.
32 The defendant shall have the right to appear at the
33 hearing and to present his or her position orally
34 or in writing. A determination shall be made at
35 this hearing as to defendant's present and future
36 ability to make restitution, and a schedule of regular
37 payments shall be made for satisfaction of any portion
38 of the restitution which cannot be immediately paid.

39 The court shall order the defendant to make such
40 continuing payments as a condition of continuing
41 probation.

42 The court shall make a separate finding of facts
43 and conclusions of law, and shall order restitution,
44 which order shall be appealable by any victim claiming
45 restitution, or by the defendant, as a civil pro-
46 ceeding and in accordance with the rules of civil
47 procedure.

48 Separate and apart from the court's final order,
49 the court shall enter civil judgment against the
50 defendant in an amount equal to the victim's actual

Page 2

1 damages. Any part of this judgment outstanding upon
2 termination of defendant's probation shall remain
3 enforceable against the defendant by the victim as
4 an ordinary civil judgment.

5 In any subsequent civil action arising out of the
6 same occurrence which constitutes the offense, the
7 amount actually paid by defendant as restitution shall
8 be a setoff against any final judgment.

9 The portion of the judgment which defendant must
10 pay as a condition of continuing probation, and the
11 schedule of payments thereon, shall be fixed by the
12 court according to its determination of defendant's
13 ability to pay during probation. After notice and
14 hearing subsequent changes in the restitution order
15 may be made by the court on application of either
16 a victim or the defendant demonstrating a substantial
17 change in the circumstances occurring subsequent to
18 the issuance of such order.'

19 Page 235, by striking lines 26 through 35.

20 Page 236, by striking lines 1 through 35.

21 Page 237, by striking lines 1 through 25."

Senator Glenn raised the point of order that amendment S—5697 was not germane to the House amendment.

The Chair ruled the point well taken and amendment S—5697 to division S—5603W of the House amendment out of order.

Senator Gluba offered amendment S—5703 to division S—5603W of the House amendment filed by him:

S—5703

1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:

4 1. Page 55, by inserting after line 11 the
5 following:

6 "..... Page 415, by inserting after line 11 the
7 following new section:

8 'Sec. Any person who willfully violates

- 9 sections six hundred one A point six (601A.6), sub-
10 section one (1), six hundred one A point seven (601A.7),
11 subsection one (1), or six hundred one A point eight
12 (601A.8), of the Code, shall, upon conviction be
13 guilty of a serious misdemeanor.'”

Senator Glenn raised the point of order that amendment S—5703 was not germane to the House amendment.

The Chair ruled the point well taken and amendment S—5703 to division S—5603W of the House amendment out of order.

Senator Ramsey offered amendment S—5705 to division S—5603W of the House amendment:

S—5705

- 1 Amend the House amendment, S—5603, to Senate
2 File 85, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 72, by inserting after line 18 the
5 following:
6 “..... Page 425, line 24, by striking the words
7 and figure ‘seven hundred eighty six (786),’”.

Senator Glenn raised the point of order that amendment S—5705 was not germane to the House amendment.

The Chair ruled the point well taken and amendment S—5705 to division S—5603W of the House amendment out of order.

Senator Redmond called for a further division of the House amendment S—5603, as follows:

Division S—5603DV—Page 1, lines 13, 14 and 15.

Division S—5603DW—Page 10, lines 41, 42 and 43.

Division S—5603EA—Page 11, lines 46 through 49.

Division S—5603EB—Page 12, lines 18 through 23.

Division S—5603EC—Page 6, lines 30 and 31.

Action on division S—5603W of the House amendment was temporarily deferred.

Senator Glenn moved that the Senate concur in division S—5603DV of the House amendment.

The motion prevailed and the Senate concurred in division S—5603DV of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603DW of the House amendment.

The motion lost and the Senate refused to concur in division S—5603DW of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603EA of the House amendment.

The motion lost and the Senate refused to concur in division S—5603EA of the House amendment, which action will be messaged to the House in the form of an amendment to strike this division.

Senator Glenn moved that the Senate concur in division S—5603EB of the House amendment.

The motion prevailed and the Senate concurred in division S—5603EB of the House amendment.

Senator Glenn moved that the Senate concur in division S—5603EC of the House amendment.

The motion prevailed and the Senate concurred in division S—5603EC of the House amendment.

(Senate File 85 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:05 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, are as follows: The Representative from Black Hawk, Mr. Middleton, chair; the Representative from Scott, Mr. Higgins; the Representative from Boone, Mrs. Lonergan; the Representative from Clinton, Mr. Oakley; and the Representative from Linn, Mrs. Lipsky.

Also: That the House has on May 5, 1976, amended the Senate amendment to the House amendment; concurred in the Senate amendment as amended; receded from that portion of the House amendment in which the

Senate refused to concur; and passed the following bill in which the concurrence of the House was asked:

Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons and to use specially designated parking places.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1087, a bill for an act making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

Also: That the House has on April 26, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1207, a bill for an act establishing an Iowa building code.

Also: That the House has on May 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

Also: That the House has on May 5, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees.

Also: That the House has on April 30, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1204, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1216, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department.

Also: That the House has on March 23, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1366, a bill for an act relating to certain savings accounts.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 1067

S—5713

- 1 Amend the Senate amendment H—6309 to the House
- 2 amendment to Senate File 1067 as amended and passed
- 3 by the Senate as follows:

- 4 1. By inserting after line 2 of the Senate
5 amendment the following new section:
6 "1. By striking lines 3 and 4 of the House
7 amendment and inserting in lieu thereof the following:
8 '1. Page 1, by striking line 23 and inserting
9 in lieu thereof the words "on-street parking areas
10 or off-street parking facilities shall in all cases
11 where so required by chapters one hundred three A
12 (103A) and one hundred four A (104A) of the Code,
13 and may in all other cases",'
14 2. By renumbering the succeeding sections of the
15 Senate amendment in accordance with the foregoing
16 amendment.
17 3. By inserting after line 11 of the Senate
18 amendment the following new section:
19 "6. Line 23, by inserting after the word 'section.'
20 the words 'The advisory standards promulgated under
21 this paragraph shall not unnecessarily duplicate and
22 shall not conflict with standards promulgated pursuant
23 to chapters one hundred three A (103A) and one hundred
24 four A (104A) of the Code.'"

HOUSE AMENDMENT TO SENATE FILE 1207

S—5706

- 1 Amend Senate File 1207, as passed by the Senate
2 and reprinted as follows:
3 1. Page 1, by striking all of lines 9 through
4 14 and inserting in lieu thereof the following:
5 "The cost of conventional housing has risen to
6 a height that effectively prevents many families
7 from purchasing homes. This is a serious social
8 and economic problem. A goal of this Act is to
9 minimize the cost of acceptable housing, consistent
10 with the need to maintain the public health and
11 welfare. Therefore, administration of this Act
12 will include a continuing imaginative program to
13 seek out, evaluate and promote new concepts, new
14 materials and new techniques which show promise
15 of reducing costs and providing better housing to
16 the citizens of this state."
17 2. Page 1, by striking lines 21 and 22 and
18 inserting in lieu thereof the following:
19 "a. All public buildings constructed by any
20 political subdivision of the state."
21 3. Page 1, line 23, by striking the words
22 "recreational vehicles," and inserting in lieu
23 thereof the word "including".
24 4. Page 1, by striking line 34 and inserting in
25 lieu thereof the words "Standards relating to
26 adequate lighting coupled with efficiency in sources
27 of light energy shall apply as well".
28 5. Page 1, by inserting after line 35 the
29 following new subsection:

30 "3. The standards, specifications and requirements
31 of a housing code promulgated under section eight (8),
32 subsection one (1), paragraph g, of this Act shall
33 apply to every city which, by the last federal
34 census, had a population of fifteen thousand or
35 more."

36 6. By renumbering the remaining subsections of
37 section 3.

38 7. Page 2, line 1, by striking the word "The" and
39 inserting in lieu thereof the following: "Except
40 for the provisions of section three (3), subsection
41 two (2), the".

42 8. Page 2, line 9, by inserting after the word
43 "The" the words "appropriate divisions of the".

44 9. Page 2, line 12, by inserting after the word
45 "of" the words "one or more divisions of".

46 10. Page 2, line 15, by inserting after the word
47 "The" the words "applicable divisions of the".

48 11. Page 2, by striking lines 23 and 24 and
49 inserting in lieu thereof the following:

50 "comprises a structure affording facilities

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1 or shelter for human use or occupancy. The word".

2 12. Page 3, line 31, by inserting after the
3 period the following: "Certification of manu-
4 facturing companies by the department of housing
5 and urban development, federal housing administra-
6 tion, or other accepted inspection agencies shall
7 qualify 'mobile home systems'.

8 Inspection fees shall only be imposed when no
9 previous inspection has been performed under
10 'mobile home systems' criteria."

11 13. Page 5, line 12, by striking the word "who"
12 and inserting in lieu thereof the words ", three
13 of whom".

14 14. Page 5, line 14, by inserting after the
15 word "Act." the following:

16 "Two members shall be local building officials
17 directly responsible for enforcement of the code,
18 and two members shall represent the general public."

19 15. Page 6, lines 19 and 20 by striking the
20 words "noise insulation and abatement,".

21 16. Page 6, by striking line 24 and inserting
22 in lieu thereof the words "components and mobile
23 homes."

24 17. Page 6, line 32, by inserting after the word
25 "enforcement." the following: "A state housing
26 code shall not apply to existing single-family
27 residences occupied by the owner or the owner's
28 family."

29 18. Page 6, line 32, by inserting after the
30 word "enforcement." the following: "A housing or
31 building code shall not prohibit a person or family
32 from using their own personal labor to build, equip

33 or modify a single-family residence for their own
34 use. This provision shall not abrogate any rights
35 of a political subdivision to inspect the premises
36 and regulate the use of such personal labor to
37 build, equip or modify a single-family residence for
38 their own use."

39 19. Page 7, line 5, by inserting after the word
40 "handicapped," the following:

41 "Rules adopted to implement this paragraph shall
42 recognize the need for a reasonable balance between
43 benefits to the handicapped and the cost of achieving
44 these benefits, and shall permit individual cases
45 to be decided on their merits."

46 20. Page 7, by adding after line 8 the following
47 new subparagraph:

48 "1. Policy relating to maintenance and re-
49 storation of buildings of historic interest. This
50 policy shall permit great latitude in design,

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1 materials, and techniques to insure historic
2 authenticity."

3 21. By renumbering the remaining subparagraph.

4 22. Page 7, line 10, by striking both of the
5 words "shall" and inserting in lieu thereof the
6 words "may".

7 23. Page 7, line 16, by striking the words
8 "nationally recognized" and inserting in lieu
9 thereof the words "national and state".

10 24. Page 7, line 22, by inserting after the
11 word "techniques," the word "trades".

12 25. Page 7, line 22, by striking the word "and"
13 and inserting in lieu thereof the word "or".

14 26. Page 8, by striking lines 27 and 28 and
15 inserting in lieu thereof the words "permits for
16 building construction and occupancy permits."

17 27. Page 9, by inserting after line 26 the
18 following:

19 "5. The building code commissioner shall
20 immediately notify all local governments of revisions
21 adopted as part of the state building code. Unless
22 the local government files a request for local
23 variation with respect to these revisions within
24 ninety days of the date of notification by the
25 commissioner, the local government shall be held
26 responsible for enforcing the revisions so adopted."

27 28. Page 10, line 10, by inserting after the
28 word "techniques," the word "trades".

29 29. Page 12, line 20, by striking the words
30 "If a local" and lines 21 through 25.

31 30. Page 13, line 32, by inserting after the
32 word "code," the following: "to the extent that
33 it is hazardous to life or property,".

34 31. Page 13, line 34, by inserting after the
35 word "code," the following: "to the extent that

36 it will not longer be hazardous to life or property.”.

37 32. Page 14, by inserting after line 9 the

38 following new subsections:

39 “10. Where the housing code provisions of this
40 Act are applicable, no existing rented or leased
41 dwelling shall be occupied in whole or in part until
42 the issuance of a certificate of occupancy by the
43 local enforcement agency indicating that such
44 dwelling conforms to the provisions of section eight
45 (8), subsection one (1), paragraph g, of this Act
46 or applicable local ordinance. The requirements of
47 this section shall be satisfied by an existing
48 certificate of occupancy.

49 11. If any dwelling occupied in whole or in part
50 is in violation of subsection ten (10) of this section,

Page 4

1 no rent shall be recoverable by the owner or
2 lessee of such premises for the period of unlawful
3 occupation, and no action or special proceeding
4 shall be maintained therefor or for possession
5 of the premises for nonpayment of rent, and the
6 premises shall be deemed unfit for human habitation
7 and an order to vacate may be issued. Nothing in
8 this section shall be construed to prohibit
9 termination of tenancy pursuant to section five
10 hundred sixty-two point four (562.4) of the Code.”

11 33. Page 14, line 26, by adding after the
12 word “Act.” the words “Such fees shall be deposited
13 in the state general fund.”

14 34. Page 14, line 31, by inserting after the
15 word “jurisdiction” the following: “unless
16 inspected by the state pursuant to section twelve
17 (12), subsection one (1) of this Act”.

18 35. Page 14, line 31, by adding after the word
19 “jurisdiction.” the words “Such fees shall be de-
20 posited in the local government’s general fund.”

21 36. Page 15, by striking lines 8 through 15 and
22 inserting in lieu thereof the following:

23 **“Sec. 16. NEW SECTION. INJUNCTIVE RELIEF.** The
24 commissioner or the local enforcement agencies may
25 obtain injunctive relief from any court of competent
26 jurisdiction to enjoin the occupancy other than
27 owner-occupancy, erection, alteration, or installation
28 of any building covered by this Act, or to enjoin
29 the offering for sale, sale, delivery, use, occupancy,
30 erection, alteration, or installation of any factory
31 built structure covered by this Act, upon an
32 affidavit specifying the manner in which the building
33 does not conform to the requirements of this Act or
34 the Iowa building code.”

35 37. Page 15, line 20, by striking the word “one”
36 and inserting in lieu thereof the word “five”.

37 38. Page 15, line 23, by striking the words “Each
38 day the violation continues” and line 24.

- 39 39. Page 18, by striking lines 4 through 29.
 40 40. Page 18, line 32, by inserting after the
 41 figures "(135.14)," the words and figures "one hundred
 42 thirty-five point fifteen (135.15)."
 43 41. Page 18, line 34, by striking the period and
 44 inserting in lieu thereof the following:
 45 "effective on the date that the state building
 46 code developed under the provisions of this Act
 47 becomes effective."
 48 42. Page 18, by inserting after line 34 the
 49 following new section:
 50 "Sec. Section six hundred fourteen point

Page 5

- 1 one (614.1), Code 1975, is amended by adding the
 2 following new subsection:
 3 **NEW SUBSECTION. IMPROVEMENTS TO REAL PROP-**
ERTY
 4 In no event shall any action arising out of the
 5 unsafe or defective condition of an improvement to
 6 real property, whether in contract or tort, and
 7 founded on injury to property, real or personal, or
 8 injuries to the person or wrongful death, be brought
 9 more than ten years after the date on which occurred
 10 the act or omission of the defendant alleged in
 11 the action to have been the cause of the injury or
 12 death complained of."

HOUSE AMENDMENT TO SENATE FILE 1210**S—5707**

- 1 Amend Senate File 1210, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by striking the word "town-
 4 ships,"
 5 2. Page 1, line 17, by striking the words "a rate"
 6 and inserting in lieu thereof the word "rates".
 7 3. Page 1, line 18, by inserting after the word
 8 "providing" the word "additional".
 9 4. Page 1, by striking line 25 and inserting in
 10 lieu thereof the following:
 11 "Shall a tax the amount of which will not exceed
 12 the amount which would be raised by a uniform one
 13 dollar and sixty-two".
 14 5. Page 1, line 33, by inserting after the word
 15 "district." the words "A county or city which is
 16 included in a unified law enforcement district shall
 17 not reduce the percent of its total general fund bud-
 18 get used for law enforcement purposes because of ad-
 19 ditional moneys collected pursuant to the voted levy."
 20 6. Page 2, line 5, by inserting after the word
 21 "sheriff," the words "or administrative director of
 22 the law enforcement agency,".
 23 7. Page 2, line 8, by striking the words "the
 24 sources of the revenue" and the inserting in lieu thereof

25 the words "in conjunction with the county board of
26 supervisors and the city councils of the unified law
27 enforcement district determine the amount of revenue
28 available from sources other than the tax levy
29 authorized by this Act and determine the amount of
30 revenue needed to be raised by the tax levy authorized
31 by this Act under the terms of an agreement executed
32 under the provisions of chapter twenty-eight E (28E)
33 of the Code".

34 8. Page 2, by striking lines 16 and 17 and
35 inserting in lieu thereof the words "in the unified
36 law enforcement district. The method of computing
37 the tax levy shall be determined by the county board
38 of supervisors unless the agreement under chapter
39 twenty-eight E (28E) of the Code specifies a method."

40 9. Page 2, line 18, by striking the figure "1."

41 10. Page 2, line 23, by striking the word "; or"
42 and inserting in lieu thereof the words "which shall
43 be determined by one of the following methods:".

44 11. Page 2, by striking lines 24 through 29 and
45 inserting in lieu thereof the following:

46 "1. Levies based upon population computed as
47 follows:".

48 12. Page 2, line 30, by striking the letter "b"
49 and inserting in lieu thereof the letter "a".

50 13. Page 2, line 32, by striking the words and

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1 letter "paragraph 'a' of ".

2 14. Page 2, line 34, by striking the letter "c"
3 and inserting in lieu thereof the letter "b".

4 15. Page 3, by striking lines 8 through 13 and
5 inserting in lieu thereof the following subsection:

6 "2. Different levies for each city and the
7 unincorporated area of the county located in the
8 unified law enforcement district based upon the
9 percentage of service to be provided to each political
10 subdivision in the district."

11 16. Page 3, by striking line 27 and inserting
12 in lieu thereof: "affirmative vote of qualified
13 electors of the city voting in the manner".

14 17. Page 3, by inserting after line 33 the
15 following section:

16 "Sec. **NEW SECTION. CITY CIVIL SERVICE**
17 **AND RETIREMENT.** The inclusion of a city in a
18 unified law enforcement district shall not affect
19 the prior establishment of a civil service system
20 under chapter four hundred (400) of the Code or
21 a pension or retirement system under either chapter
22 four hundred ten (410) or four hundred eleven
23 (411) of the Code."

24 18. Page 3, by inserting after line 33 the
25 following section:

26 "Sec. Chapter twenty-eight E (28E),
27 Code 1975, is amended by adding the following new

28 section:

- 29 **NEW SECTION. DURATION OF AGREEMENTS FOR LAW**
30 **ENFORCEMENT PURPOSES.** An agreement under this
31 chapter to provide joint or cooperative services
32 or facilities for law enforcement purposes shall
33 not be executed for less than a three-year period.”
34 19. Amend the title, line 1, by striking the
35 words “funds available for”.
36 20. Amend the title, line 1, by inserting
37 after the word “enforcement” a comma.
38 21. Amend the title, line 2, by striking the
39 words “purposes, including” and inserting in lieu
40 thereof the words “including the duration of
41 agreements,”.
42 22. By renumbering sections as necessary.

HOUSE AMENDMENT TO SENATE FILE 1285

S—5708

- 1 Amend Senate File 1285 as follows:
2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof the following:
4 “Section 1. Section nineteen A point nine (19A.9),
5 subsection nine (9), Code 1975, is amended to read
6 as follows:
7 9. For emergency employment for not more than
8 sixty calendar days in any twelve-month period without
9 examination, and for intermittent employment for not
10 more than one hundred [eighty] *twenty* calendar days
11 in any twelve-month period. For intermittent
12 employment the employee must have had a probationary,
13 permanent, or temporary appointment.
14 Sec. 2. The provisions of section nineteen A
15 point”.
16 2. Page 1, lines 3 and 4, by striking the word
17 “one hundred eighty” and inserting in lieu thereof
18 the words “a specified number of”.
19 3. Page 1, line 13, by striking the figure “2”
20 and inserting in lieu thereof the figure “3”.
21 4. Title, line 1, by inserting after the word
22 “Act” the words “relating to limiting intermittent
23 employment under the merit employment system to a
24 period of not more than one hundred twenty calendar
25 days out of any twelve-month period.”.

HOUSE AMENDMENT TO SENATE FILE 1288

S—5709

- 1 Amend Senate File 1288 by striking everything
2 after the enacting clause and inserting in lieu
3 thereof the following:
4 Section 1. Section seventeen A point four (17A.4),
5 subsections one (1) and two (2), Code 1975, are
6 amended to read as follows:

7 1. Prior to the adoption, amendment, or repeal
8 of any rule an agency shall:
9 a. Give notice of its intended action by
10 *[causing a notice] submitting two copies of the notice*
11 *to the Code editor to be published in the "Iowa*
12 *Administrative Code" created pursuant to section*
13 *seventeen A point six (17A.6) of the Code.* Any
14 notice of intended action shall be published at
15 least thirty-five days in advance of the action.
16 The notice shall include a statement of either the
17 terms or substance of the intended action or a
18 description of the subjects and issues involved,
19 and the time when, the place where, and the manner
20 in which interested persons may present their views
21 thereon.
22 b. Afford all interested persons [reasonable
23 opportunity] *not less than twenty days* to submit data,
24 views or arguments in writing. If timely requested
25 in writing by twenty-five interested persons, by a
26 governmental subdivision, by the administrative rules
27 review committee, by an agency, or by an association
28 having not less than twenty-five members, the agency
29 must give interested persons an opportunity to make
30 oral presentation according to agency rules which
31 *give the public [adequate] not less than twenty days*
32 *notice of the time when and the place where oral*
33 *presentation may be made, and which provide for the*
34 *presentation prior to agency action on the rule which*
35 *is the subject of the proceeding.* The agency shall
36 consider fully all written and oral submissions
37 respecting the proposed rule. Within one hundred
38 eighty days following either the notice published
39 according to the provisions of subsection 1, paragraph
40 *"a" or within one hundred eighty days after the last*
41 *date of the oral presentations on the proposed rule,*
42 *whichever is later, the agency shall adopt a rule*
43 *pursuant to the rule-making proceeding or shall*
44 *terminate the proceeding by publishing notice of*
45 *termination in the Iowa administrative code.* If
46 requested to do so by an interested person, either
47 prior to adoption or within thirty days thereafter,
48 the agency shall issue a concise statement of the
49 principal reasons for and against the rule it
50 adopted, incorporating therein the reasons for

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1 overruling considerations urged against the rule.
2 c. *Upon the request of at least two members of*
3 *the administrative rules review committee publish*
4 *in the "Iowa Administrative Code" an estimate of the*
5 *economic impact of the proposed rule adoption,*
6 *amendment, or repeal upon all persons affected by*
7 *it and upon the agency itself. If the agency*
8 *determines that such an estimate cannot be formulated,*
9 *the reasons for impossibility of formulation shall*

10 *be published instead of the estimate. An estimate*
11 *shall be published at least fifteen days in advance*
12 *of the adoption, amendment or repeal of the rule. In*
13 *the case of a rule issued under subsection two (2)*
14 *or made effective under the provisions of section*
15 *seventeen A point five (17A.5), subsection two (2),*
16 *paragraph b of the Code, an estimate, or the reasons*
17 *for the impossibility of formulating an estimate*
18 *shall be published within thirty days of the request.*

19 2. When an agency for good cause finds that
20 notice and public participation would be impracticable[,
21 unnecessary,] or contrary to the public interest, the
22 provisions of subsection 1 shall be inapplicable if
23 the rule which is so adopted provides by its own terms
24 that it shall be effective for only one hundred eighty
25 specified days. If an agency for good cause finds
26 that notice and public participation would be un-
27 necessary, subsection 1 shall be inapplicable
28 if a majority of the members of the Administrative Rules
29 Review Committee approve the inapplicability. The
30 agency shall incorporate in each rule issued in
31 reliance upon this provision either the finding and a
32 brief statement of the reasons therefor, or a statement
33 that the rule is within a very narrowly tailored
34 category of rules whose issuance has previously been
35 exempted from subsection 1 by a special rule relying
36 on this provision and including such a finding and
37 statement of reasons for the entire category. In any
38 action contesting a rule adopted pursuant to this sub-
39 section, the burden of proof shall be on the agency
40 to show that the procedures of subsection 1 were im-
41 practicable, unnecessary, or contrary to the public
42 interest and that, if a category of rules was involved,
43 the category was very narrowly tailored.

44 Sec. 2. Section seventeen A point four
45 (17A.4) subsection four (4), Code 1975, is amend-
46 ed by striking the subsection and inserting in
47 lieu thereof the following:

48 4. a. Upon the vote of two-thirds of its
49 members finding that a proposed rule is arbitrary,
50 capricious, unreasonable, or beyond the scope of

Page 3

1 authority delegated to the promulgating agency,
2 the administrative rules committee may delay the
3 effective date of the adoption, amendment, or
4 repeal of a rule for which a notice of intended
5 action has been published, until thirty-five
6 days after the convening of
7 the legislature. Notice of the delay of the ef-
8 fective date of the rule shall be published in
9 the next supplement of the Iowa administrative
10 code.

11 b. Any rule, the effective date of which
12 has been delayed under paragraph a of this sub-

13 section and the notice of intended action to
14 which it was related shall be forwarded to the
15 speaker of the house and the president of the
16 senate. The speaker and the president shall re-
17 fer this rule and notice to the appropriate
18 standing committee. If a majority of the mem-
19 bership of both houses by resolution reject the
20 proposed rule, the effective date of which has
21 been delayed by the administrative rules commit-
22 tee, **within thirty five calendar days after the**
23 **convening of the legislature the rule shall not**
24 **go into effect and be returned to the promul-**
25 **gating agency. If the legislature does not pass**
26 **such a resolution within thirty five calendar**
27 **days the rule shall be in effect.**

28 Sec. 3. Section seventeen A point five (17A.5),
29 Code 1975, is amended to read as follows:

30 **17A.5 FILING AND TAKING EFFECT OF RULES.**

31 1. Each agency shall file in the office of the
32 **secretary of state [a] three certified [copy] copies of**
33 **each rule adopted by it[, including all rules as**
34 **defined in this chapter existing on July 1, 1975].**
35 **Each adopted rule shall, before filing, be submitted**
36 **for endorsement by the Code editor that it is in**
37 **proper form and style. The Code editor shall not**
38 **hold a rule for endorsement for longer than a week.**
39 **Lack of endorsement shall not preclude publication**
40 **of a rule. Two copies of it shall be forwarded to**
41 **the Code editor. The secretary of state shall keep**
42 **a permanent register of the rules open to public**
43 **inspection. [Rules presently on file in the office,**
44 **of the secretary of state need not be refilled.]**

45 2. Each rule hereafter adopted is effective
46 thirty-five days after filing, as required in this
47 section, and indexing and publication as required
48 by section 17A.6, except that:

49 a. If a later date is required by statute or
50 specified in the rule, the later date is the

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1 effective date.

2 b. Subject to applicable constitutional or
3 statutory provisions, a rule becomes effective
4 immediately upon filing with the secretary of state,
5 or at a subsequent stated date prior to indexing and
6 publication, or at a stated date less than thirty-
7 five days after filing, indexing and publication,
8 **if the rule provides by its own terms that it is**
9 **effective for a period not to exceed one hundred**
10 **eighty days, as specified, and if the agency finds:**

11 (1) That a statute so provides;

12 (2) That the rule confers a benefit or removes
13 a restriction on the public or some segment thereof;
14 or

15 (3) That this effective date is necessary because

16 of imminent peril to the public health, safety or
17 **welfare. In any subsequent action contesting the**
18 **effective date of a rule promulgated under this**
19 **paragraph, the burden of proof shall be on the agency**
20 **to justify its finding. The agency's finding and**
21 **a brief statement of the reasons therefor shall be**
22 **filed with and made a part of the rule. Prior to**
23 **indexing and publication, the agency shall make**
24 **reasonable efforts to make known to the persons who**
25 **may be affected by it a rule made effective under**
26 **the terms of this paragraph.**

27 Sec. 4. Section seventeen A point six (17A.6),
28 subsections one (1) and three (3), Code 1975, are
29 amended to read as follows:

30 1. The Code editor shall cause to be compiled,
31 indexed and published in loose leaf form all rules
32 adopted by each agency and notice of all proposed
33 rule-making by each agency. The Code editor further
34 **shall cause to be [distributed] published supplements**
35 **to this publication at least every other week which**
36 **supplements shall contain, in such a form that they**
37 **may be filed in the appropriate places in the com-**
38 **pile, all rules and notice of proposed rules filed**
39 **for publication in the prior two weeks. The Code**
40 **editor shall devise a uniform numbering system for**
41 **rules and may renumber rules before publication to**
42 **conform with the system.**

43 3. This publication, which shall be known as the
44 "Iowa Administrative Code", shall be made available
45 upon request to all persons who subscribe [thereto]
46 **to it through the state printing division. Copies**
47 **of this Code so made available shall be kept current**
48 **by the division.**

49 Sec. 5. Section seventeen A point eight (17A.8),
50 Code 1975, is amended by adding the following new

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1 subsection:
2 **NEW SUBSECTION.** Notwithstanding section thirteen
3 point seven (13.7) of the Code, the committee may
4 **employ necessary legal and technical staff.**

5 Sec. 6. Section eighteen point ninety-seven
6 (18.97), Code 1975, as amended by the Acts of the
7 Sixty-sixth General Assembly, 1975 Session, Chapter
8 72, is amended by striking unnumbered paragraph 1
9 and inserting in lieu thereof the following:

10 The superintendent of printing shall make free
11 distribution of the Code, rules of civil procedure,
12 supreme court rules, the Acts of each general
13 assembly, and, upon request, the Iowa administrative
14 **code as follows:"**

15 Sec. 7. Chapter one hundred forty-seven (147),
16 Code 1975, is amended by adding the following new
17 section:

18 **NEW SECTION.** The examining boards for the various

19 professions shall promulgate all necessary and
20 proper rules to implement and interpret the
21 provisions of this chapter and chapters one hundred
22 forty-eight (148), one hundred forty-eight A (148A),
23 one hundred forty-eight B (148B), one hundred
24 forty-nine (149), one hundred fifty (150), one
25 hundred fifty A (150A), one hundred fifty-one (151),
26 one hundred fifty-two (152), one hundred fifty-three
27 (153), one hundred fifty-four (154), one hundred
28 fifty-four A (154A), one hundred fifty-four B (154B),
29 one hundred fifty-five (155), and one hundred fifty-six
30 (156) of the Code.

31 2. By amending the title by inserting after the
32 word "rule" the following: "modifying provisions
33 of the Iowa Administrative Procedure Act, limiting
34 the duration of an emergency rule, relating to the
35 duties of the Code editor in publishing the Iowa
36 Administrative Code, relating to the duties of
37 the superintendent of printing in distributing the
38 Iowa Administrative Code, and providing staff for
39 the administrative rules review committee".

HOUSE MESSAGES CONSIDERED

House File 1204, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

Read first time and passed on file.

House File 1216, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department.

Read first time and passed on file.

House File 1366, a bill for an act relating to certain savings accounts.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

Senate File 85

The Senate resumed consideration of Senate File 85 and House amendment S—5603.

Senator Willits withdrew the motion to reconsider the vote by which the Senate concurred in division S—5603D of the House amendment filed by him on May 5, 1976.

Senator Ramsey withdrew the motion to reconsider the vote by which the Senate refused to concur in division S—5603BP of the House amendment filed by him on May 5, 1976.

Senator Priebe took the chair at 1:20 p.m.

Senator Ramsey moved to reconsider the vote by which the Senate refused to concur in division S—5603S of the House amendment as amended on May 3, 1976.

A record roll call was requested.

On the question "Shall the motion to reconsider division S—5603S of the House amendment as amended be adopted?" (S.F. 85) the vote was:

Ayes, 32:

Andersen	Glenn	Miller of	Rodgers
Bergman	Gluba	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Shaw
Carr	Junkins	Nolting	Taylor
Coleman	Kelly	Norpel	Tieden
Culver	Kinley	Orr	Van Gilst
DeKoster	Miller of	Palmer	Willits
Doderer	Des Moines	Priebe	Winkelman
Gallagher		Ramsey	

Nays, 6:

Curtis	Hill of Polk	Plymat	Shaff
Hansen	Merritt		

Absent or not voting, 12:

Briles	Hultman	Nystrom	Robinson
Griffin	Lamborn	Rabedeaux	Scott
Heying	Nolin	Redmond	Sovern

The motion prevailed and division S—5603S of the House amendment as amended was taken up for reconsideration.

Senator Coleman moved to reconsider the vote by which division S—5629B of the Glenn amendment to division S—5603S of the House amendment was adopted by the Senate on May 3, 1976.

The motion prevailed and division S—5629B of the Glenn amendment to division S—5603S of the House amendment was taken up for reconsideration.

Senator Coleman moved the adoption of division S—5629B of the amendment to division S—5603S of the House amendment.

Division S—5692B of the amendment to division S—5603S of the House amendment lost.

Senator Ramsey moved that the Senate concur in division S—5603S of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603S of the House amendment as amended.

Senator Coleman took the chair at 1:50 p.m.

Senator Norpel moved to reconsider the vote by which the Senate concurred in division S—5603G of the House amendment on May 5, 1976.

A record roll call was requested.

On the question "Shall the motion to reconsider division S—5603G of the House amendment be adopted?" (S. F. 85) the vote was:

Rule 25 was invoked.

Ayes, 21:

Briles	Hultman	Norpel	Schwengels
Burroughs	Junkins	Palmer	Shaff
Coleman	Kelly	Ramsey	Taylor
Culver	Kinley	Robinson	Tieden
Glenn	Nolting	Rodgers	Winkelman
Hill of Jasper			

Nays, 20:

Andersen	Gallagher	Miller of	Priebe
Bergman	Gluba	Des Moines	Shaw
Carr	Hansen	Miller of	Sovern
Curtis	Hill of Polk	Marshall	Van Gilst
DeKoster	Merritt	Orr	Willits
Doderer		Plymat	

Absent or not voting, 9:

Griffin	Murray	Nystrom	Redmond
Heying	Nolin	Rabedeaux	Scott
Lamborn			

The motion prevailed and division S—5603G of the House amendment was taken up for reconsideration.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a

Call of the Senate on Senate File 85 and all amendments and motions thereto.

JAMES V. GALLAGHER
 WILLIAM E. GLUBA
 JOAN ORR
 WILLARD R. HANSEN
 PHILIP B. HILL
 STEVE SOVERN
 ELIZABETH SHAW
 WILLIAM N. PLYMAT
 ELIZABETH R. MILLER
 IRVIN L. BERGMAN

Senator Ramsey moved that the Call of the Senate be lifted and requested a record roll call.

On the question "Shall the motion to lift the Call of the Senate be adopted?" the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Orr	Taylor
Culver	Kelly	Palmer	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Merritt	Ramsey	Willits
Doderer	Miller of	Redmond	Winkelman
Gallagher	Des Moines		

Nays, 2:

Hill of Polk	Plymat
--------------	--------

Absent or not voting, 8:

Griffin	Lamborn	Nystrom	Scott
Heying	Nolin	Rabedeaux	Sovern

The motion prevailed and the Call of the Senate was lifted.

Senator Norpel moved that the Senate concur in division S—5603G of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603G of the House amendment?" (S.F. 85) the vote was:

Ayes, 23:

Andersen	Gallagher	Miller of	Robinson
Bergman	Gluba	Marshall	Shaw
Burroughs	Hansen	Murray	Sovern
Carr	Hill of Polk	Orr	Van Gilst
Curtis	Merritt	Plymat	Willits
DeKoster	Miller of	Redmond	
Doderer	Des Moines		

Nays, 20:

Briles	Hultman	Norpel	Schwengels
Coleman	Junkins	Palmer	Shaff
Culver	Kelly	Priebe	Taylor
Glenn	Kinley	Ramsey	Tieden
Hill of Jasper	Nolting	Rodgers	Winkelman

Absent or not voting, 7:

Griffin	Lamborn	Nystrom	Scott
Heying	Nolin	Rabedeaux	

The motion prevailed and the Senate concurred in division S—5603G of the House amendment.

Senator Priebe moved to reconsider the vote by which the Senate refused to concur in division S—5603T of the House amendment and requested a non-record roll call.

The ayes were 24, nays 18.

The motion prevailed and division S—5603T of the House amendment was taken up for reconsideration.

Senator Hill of Jasper withdrew amendment S—5669 to division S—5603T of the House amendment filed by him on May 5, 1976, and found on page 1730 of the Senate Journal.

Senator Priebe moved that the Senate concur in division S—5603T of the House amendment.

A record roll call was requested.

On the question "Shall the Senate concur in division S—5603T of the House amendment?" (S.F. 85) the vote was:

Ayes, 26:

Andersen	Hultman	Norpel	Schwengels
Bergman	Kinley	Orr	Shaff
Briles	Merritt	Plymat	Taylor
Coleman	Miller of	Priebe	Tieden
Culver	Des Moines	Ramsey	Van Gilst
Curtis	Miller of	Robinson	Winkelman
Doderer	Marshall	Rodgers	
Hill of Jasper			

Nays, 17:

Burroughs	Gluba	Kelly	Redmond
Carr	Hansen	Murray	Shaw
DeKoster	Hill of Polk	Nolting	Sovern
Gallagher	Junkins	Palmer	Willits
Glenn			

Absent or not voting, 7:

Griffin	Lamborn	Nystrom	Scott
Heying	Nolin	Rabedeaux	

The motion prevailed and the Senate concurred in division S—5603T of the House amendment.

Senator Merritt moved to reconsider the vote by which the Senate refused to concur in division S—5603BA of the House amendment.

A record roll call was requested.

On the question "Shall the motion to reconsider division S—5603BA of the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 29:

Andersen	Hill of Jasper	Miller of	Rodgers
Bergman	Hultman	Marshall	Schwengels
Briles	Junkins	Orr	Shaff
Burroughs	Kinley	Palmer	Taylor
Carr	Merritt	Plymat	Tieden
Culver	Miller of	Priebe	Van Gilst
Curtis	Des Moines	Ramsey	Willits
Doderer		Robinson	Winkelman

Nays, 14:

Coleman	Gluba	Murray	Redmond
DeKoster	Hansen	Nolting	Shaw
Gallagher	Hill of Polk	Norpel	Sovern
Glenn	Kelly		

Absent or not voting, 7:

Griffin	Lamborn	Nystrom	Scott
Heying	Nolin	Rabedeaux	

The motion prevailed and division S—5603BA of the House amendment was taken up for reconsideration.

Senator Willits took the chair at 4:00 p.m.

Senator Hill of Polk offered amendment S—5717 to division S—5603BA of the House amendment and moved its adoption:

S—5717

- 1 Amend the House amendment, S—5603 to Senate File
- 2 85, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 23, by striking lines 2 through 15, and
- 5 inserting in lieu thereof the following:
- 6 "..... Page 62, by inserting after line 5 the
- 7 following:
- 8 'Sec. *NEW SECTION.* Any person who
- 9 knowingly sells or offers for sale material depicting
- 10 sado-masochistic abuse, excretory functions, and
- 11 bestiality which the average adult taking the material
- 12 as a whole in applying contemporary community standards
- 13 would find that it appeals to the prurient interest

14 and is patently offensive; and the material, taken as
 15 a whole, lacks serious literary, scientific, political,
 16 or artistic value where such material is sold or
 17 offered for sale with merchandise or services which is
 18 unrelated to such material shall upon conviction be
 19 guilty of a simple misdemeanor.'"

A record roll call was requested.

On the question "Shall amendment S—5717 to division S—5603BA of the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 24:

Burroughs	Gallagher	Kinley	Redmond
Carr	Glenn	Murray	Robinson
Coleman	Gluba	Nolting	Rodgers
Culver	Hansen	Orr	Shaw
DeKoster	Hill of Polk	Palmer	Sovern
Doderer	Junkins	Ramsey	Willits

Nays, 17:

Andersen	Merritt	Norpel	Taylor
Bergman	Miller of	Plymat	Tieden
Briles	Des Moines	Priebe	Van Gilst
Curtis	Miller of	Schwengels	Winkelman
Hill of Jasper	Marshall	Shaff	

Absent or not voting, 9:

Griffin	Kelly	Nolin	Rabedeaux
Heying	Lamborn	Nystrom	Scott
Hultman			

Amendment S—5717 to division S—5603BA of the House amendment was adopted.

Senator Merritt moved that the Senate concur in division S—5603BA of the House amendment as amended.

The Chair requested a non-record roll call.

The ayes were 30, nays 11.

The motion prevailed and the Senate concurred in division S—5603BA of the House amendment as amended.

Senator Glenn asked and received unanimous consent to withdraw his motion to reconsider the vote by which the Senate concurred in division S—5603BD of the House amendment filed by him on May 4, 1976.

The Senate resumed consideration of division S—5603W of the House amendment.

Senator Ramsey offered amendment S—5715 to division S—5603W of the House amendment:

S—5715

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed and reprinted, by the
- 3 Senate as follows:
- 4 1. Page 11, by adding after line 45 the fol-
- 5 lowing:
- 6 "..... Page 28A, line 20, by inserting after the
- 7 word 'property' the words 'including a motor ve-
- 8 hicle,'".

Senator Glenn raised the point of order that amendment S—5715 was not germane to House amendment S—5603W.

The Chair ruled the point well taken and amendment S—5715 to division S—5603W of the House amendment out of order.

The Senate resumed consideration of amendment S—5638 to division S—5603W of the House amendment previously deferred.

Senator Winkelman withdrew amendment S—5638 to division S—5603W of the House amendment filed by him on April 30, 1976, and found on pages 1660-1663, inclusive, of the Senate Journal.

Senator Winkelman offered amendment S—5716 to division S—5603W of the House amendment:

S—5716

- 1 Amend the House amendment, S—5603, to Senate
- 2 File 85, as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 37 by striking lines 25 through 30
- 5 and inserting in lieu thereof the following:
- 6 "Sec. **NEW SECTION. DANGEROUS OFFENDER.**
- 7 A dangerous offender is:
- 8 1. A person convicted of a Class B
- 9 felony who has previously been convicted of
- 10 a felony involving the threat of death or
- 11 serious injury.
- 12 2. A person who has been convicted
- 13 of investing funds in commerce from a
- 14 pattern of racketeering activity, or from
- 15 loansharking as defined and prohibited in
- 16 the Iowa Criminal Code and who has previously
- 17 been convicted of a crime classified as a
- 18 felony in the Court of this state, any
- 19 other state or the United States."
- 20 2. Page 8, by inserting after line 1 the
- 21 following:
- 22 "..... Page 18, by inserting after line 1 the
- 23 following:
- 24 'Sec. **NEW SECTION. DEFINITIONS. As**
- 25 **used in Section through:**

26 1. "Racketeering activity" means any act
27 or threat involving an aggravated misdemeanor or
28 a felony under the laws of this state.

29 2. "Pattern of racketeering activity"
30 means at least two separate acts of racketeering
31 activity, at least one of which occurred after
32 the effective date of this Act, that have the
33 same or similar purposes, results, participants,
34 victims, or methods of commission, or that are
35 otherwise, interrelated by distinguishing
36 characteristics and not isolated events.

37 3. "Unlawful debt" means a debt for a
38 thing of value which is incurred or contracted
39 in violation of chapters ninety-nine A (99A),
40 ninety-nine B (99B), five hundred thirty-five
41 (535), or five hundred thirty-seven (537) of
42 the Code and which is incurred or contracted
43 at an interest rate at least twice the
44 lawful rate.

45 4. "Attorney General" means the attorney
46 general or a designee, including a state agency.

47 5. "Enterprise" means a natural person,
48 partnership, corporation, association, or other
49 legal entity, and any union or group of
50 individuals associated in fact although not
51 a legal entity.

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1 6. "Person" means any natural person or
2 entity capable of holding a legal or beneficial
3 interest in property.

4
5 7. "Commerce" is any kind of activity
6 which can, in any manner, affect the buying,
7 selling, or moving of goods and services
8 in this state.

9
10 8. "Loansharking" is the collection of
11 an "unlawful debt" as defined herein.

12 Sec. **NEW SECTION. PROHIBITED**
13 **ACTIVITIES.**

14 1. A person shall not directly or in-
15 directly receive income from a pattern of
16 racketeering activity or through loansharking
17 in which this person has participated as a
18 principal, to directly or indirectly use or
19 invest this income or its proceeds in the
20 acquisition of an enterprise which is en-
21 gaged in or the activities of which affect
22 commerce in this State. This subsection
23 does not prohibit the purchase of securities
24 on the open market for purposes of invest-
25 ment and without the intention of controlling
26 or participating in the control of the

27 issuer or of assisting another to do so if the
28 securities of the issuer held by the
29 purchaser, the members of the purchaser's
30 family within the fifth degree of consanguinity
31 or affinity, or the purchaser's accomplices
32 in any pattern of racketeering activity
33 or the collection of an unlawful debt after this
34 purchase do not amount in the aggregate to one percent
35 of the outstanding securities of any one class and
36 do not confer the power, either in law or in fact,
37 to elect one or more directors of the issuer.

38 2. A person shall not directly or indirectly
39 acquire or maintain through a pattern of racketeering
40 activity or through a collection of an unlawful debt
41 any interest in or control of any enterprise which
42 is engaged in or the activities of which affect
43 commerce in this state.

44 3. A person employed by or associated with an
45 enterprise engaged in or the activities of which
46 affect commerce in this state shall not directly or
47 indirectly conduct or participate in this enterprise's
48 affairs through a pattern of racketeering activities
49 or through a collection of an unlawful debt.

50 4. A person shall not conspire to violate the
51 provisions of subsection one (1), two (2), or three

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1 (3) of this section.

2 Sec. **NEW SECTION. CRIMINAL PENALTIES.**

3 1. A person who violates the provisions of this
4 enactment shall be, upon conviction, fined not to
5 exceed twenty-five thousand dollars, imprisoned in
6 the state penitentiary not to exceed twenty years,
7 or both so fined and imprisoned.

8 2. In addition to the penalty prescribed under
9 subsection one (1) of this section, a person who
10 violates the provisions of this enactment shall, upon
11 conviction, forfeit to the state:

12 a. Any interest acquired or maintained in violation
13 of this enactment and

14 b. Any interest in, security of, claim against,
15 or property or contractual right of any kind affording
16 a source of influence over any enterprise which this
17 person has established, operated, conducted, or
18 participated in the conduct of in violation of this
19 division.

20 3. In any prosecution brought under this section,
21 a district court may enter restraining orders or
22 injunctions and take other appropriate action such
23 as requiring a satisfactory performance bond with
24 regard to any property or interest subject to
25 forfeiture.

26 4. Upon conviction of a person under this section,

27 a district court shall authorize the attorney general
28 to seize all property or interests declared forfeited
29 under this section under designated terms and
30 conditions. If a forfeited property right or other
31 interest is not exercisable in favor of the state,
32 it shall expire and not revert to the convicted person.
33 The state shall dispose of forfeited property and
34 interests as soon as commercially feasible, making
35 due provision for the rights of innocent persons.

36 Sec. **NEW SECTION. CIVIL REMEDIES.**

37 1. Upon petition of the attorney general, a
38 district court may prevent or restrain violations
39 under this enactment by issuing appropriate orders.
40 These orders may include:

41 a. Ordering a person to divest of any direct or
42 indirect interest in an enterprise.

43 b. Imposing reasonable restrictions on the future
44 activities or investments of any person, including
45 prohibiting any person from engaging in the same type
46 of endeavor as the enterprise is engaged in if this
47 endeavor affects commerce in this state.

48 c. Ordering dissolution or reorganization of any
49 enterprise, making due provision for the rights of
50 innocent persons.

Page 4

1 2. Any action brought by the attorney general
2 under this section shall proceed as soon as practicable
3 to hearing and final determination. Prior to final
4 determination, a district court may enter restraining
5 orders or injunctions and take other appropriate
6 action such as requiring a satisfactory performance
7 bond.

8 3. In addition to any action brought by the
9 attorney general under this section, a person injured
10 by a violation of this enactment may recover up to
11 threefold the damages sustained and court costs,
12 including a reasonable attorney fee.

13 4. A criminal conviction under this division shall
14 estop a civil defendant under this section from denying
15 the essential elements of this defendant's criminal
16 offense.

17 5. Any civil action or proceeding brought under
18 this section shall be brought in the district court
19 in whose jurisdiction the defendant resides, is found,
20 has an agent, or transacts the defendant's affairs.

21 6. In any proceeding ancillary to or any civil
22 action brought by the attorney general, the district
23 court may close the proceedings after considering
24 the rights of affected persons.'"

Senator Glenn raised the point of order that amendment
S—5716 was not germane to the House amendment.

The Chair ruled the point well taken and amendment S—5716 to division S—5603W of the House amendment out of order.

Senator Glenn moved that the Senate concur in division S—5603W of the House amendment as amended.

The motion prevailed and the Senate concurred in division S—5603W of the House amendment as amended.

Senator Glenn moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 85) the vote was:

Ayes, 30:

Andersen	Gluba	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Carr	Kinley	Norpel	Shaw
Culver	Merritt	Orr	Sovern
Curtis	Miller of	Palmer	Taylor
DeKoster	Des Moines	Plymat	Tieden
Doderer	Miller of	Priebe	Van Gilst
Gallagher	Marshall	Redmond	Willits

Nays, 11:

Briles	Glenn	Junkins	Shaff
Burroughs	Hill of Jasper	Ramsey	Winkelman
Coleman	Hill of Polk	Schwengels	

Absent or not voting, 9:

Griffin	Kelly	Nolin	Rabedeaux
Heying	Lamborn	Nystrom	Scott
Hultman			

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 85 passed the Senate on May 7, 1976.

RAY TAYLOR

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 85 passed the Senate on May 7, 1976.

WILLIAM D. PALMER

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

117th Day

FRIDAY, MAY 7, 1976

1807

May 7, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

It is my pleasure to resubmit to the Senate for their consideration the name of Joyce Repp, Minburn, Dallas County, Iowa, for appointment as a member of the Natural Resources Council for the State of Iowa pursuant to Section 455A.4-5, 1975 Code of Iowa, for an unexpired term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to resubmit to the Senate for their consideration the name of Hugh A. Templeton, Knoxville, Marion County, Iowa, for reappointment as a member of the Natural Resources Council pursuant to Section 455A.4, 1975 Code of Iowa, for a term commencing July 1, 1975, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- H. F. 1164 State government
- H. F. 1200 Ways and means
- H. F. 1371 Energy
- H. F. 1499 State government
- H. F. 1502 Transportation
- H. F. 1503 Human resources
- H. F. 1546 Labor and industrial relations
- H. F. 1559 Ways and means
- H. F. 1565 Appropriations

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 7, 1976,

the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 1225—Relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation.

S. F. 1243—Appropriating funds to the state board of regents for aujeszky's disease research to be conducted by the Iowa state university of science and technology.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of May, 1976: Senate File 503.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

May 6, 1976

Mr. Steve C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1062, and Governor Robert D. Ray's item veto message were published in entirety in the Globe-Gazette, Mason City, Iowa on May 4, 1976, and in The Perry Daily Chief, Perry, Iowa on May 3, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORT BY THE SECRETARY OF THE SENATE

MR. PRESIDENT: House File 1280 was referred under Senate Rule 38 to the committee on state government on April 22, 1976. It is an act to merge the division of alcoholism and the drug abuse authority into a single state chemical substances abuse agency. The committee has been in possession of the bill for ten legislative days after referral, without reporting it out to the Senate calendar. I have, therefore, pursuant to Senate Rule 38, returned it to the calendar with the same priority which it had immediately before referral.

STEVEN C. CROSS
Secretary of the Senate

REPORT OF COMMITTEE

Senator Priebe submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred House File 1481, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **do pass**.

BERL E. PRIEBE, Subcommittee Chairperson

Ordered passed on file.

AMENDMENT FILED

S—5714

- 1 Amend House File 1478 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 15, line 19, by inserting after the word
- 4 "complex," the words "This subsection is repealed
- 5 effective July 1, 1978."

WARREN E. CURTIS
LOWELL L. JUNKINS

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:00 p.m., until 10:00 a.m., Monday, May 10, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MAY 10, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Richard G. Mohr, pastor of the Airport Baptist Church, Des Moines, Iowa.

The Journal of Friday, May 7, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harold Moessner, Oakdale, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Heying for the day on request of Senator Kinley; Senator Murray for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty students from Urbandale Junior High School, Urbandale, Iowa, accompanied by Mrs. Forest. Senator Plymat.

Forty-seven students from All Saints School, Des Moines, Iowa, accompanied by Mrs. Tracy. Senator Willits.

Forty students from Tama Intermediate School, Tama, Iowa, accompanied by their principal, Mr. Kruger, and Mrs. Garwood. Senator Orr.

Thirty-eight students from the Oelwein-West Union Community School District, West Union, Iowa, accompanied by Betty Downs. Senator Heying.

PETITIONS

The following petitions favoring legislation to raise the legal

drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-six residents of Allamakee County.

Fifteen residents of Buchanan County.

Twelve residents of Calhoun County.

One hundred twenty-three residents of Cerro Gordo County.

Twenty-two residents of Clayton County.

Twenty-one residents of Delaware County.

Ninety-seven residents of Fayette County.

Fifty residents of Franklin County.

Thirty-three residents of Grundy County.

Twenty-two residents of Jefferson County.

Forty-five residents of O'Brien County and Sioux County.

Thirty residents of Pocahontas County.

Eighteen residents of Poweshiek County.

Forty-one residents of Sioux County.

Eighteen residents of Story County.

Twenty-two residents of Washington County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Palmer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Irvin H. Palm, Red Oak, Montgomery County, Iowa, for appointment to the State Board of Watchmaking Examiners pursuant to Section 120.3, Code 1975, for an initial term ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
CALVIN O. HULTMAN
ROGER J. SHAFF
STEVE SOVERN
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Palmer moved the appointment of Irvin H. Palm as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Glenn	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Sovern
Carr	Hill of Polk	Nystrom	Taylor
Coleman	Kelly	Orr	Tieden
Culver	Kinley	Palmer	Van Gilst
Curtis	Lamborn	Plymat	Willits
DeKoster	Merritt	Priebe	Winkelman
Gallagher			

Nays, none.

Absent or not voting, 14:

Doderer	Junkins	Nolin	Scott
Gluba	Miller of	Rabedaux	Shaff
Heying	Des Moines	Ramsey	Shaw
Hultman	Murray	Rodgers	

President Neu declared the appointment of Irvin H. Palm as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1976.

Senator Palmer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Lois M. Sherman, Cedar Falls, Black Hawk County, Iowa, for appointment to the State Board of Examiners for Nursing Home Administrators pursuant to Section 147.119, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
WILLARD R. HANSEN
DALE L. TIEDEN
BASS VAN GILST
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Palmer moved the appointment of Lois M. Sherman as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Gallagher	Merritt	Redmond
Bergman	Glenn	Miller of	Robinson
Briles	Griffin	Marshall	Schwengels
Burroughs	Hansen	Nolting	Sovern
Carr	Hill of Jasper	Norpel	Taylor
Coleman	Hill of Polk	Nystrom	Tieden
Culver	Kelly	Orr	Van Gilst
Curtis	Kinley	Palmer	Willits
DeKoster	Lamborn	Priebe	Winkelman
Doderer			

Nays, none.

Absent or not voting, 14:

Gluba	Miller of	Plymat	Scott
Heying	Des Moines	Rabedaux	Shaff
Hultman	Murray	Ramsey	Shaw
Junkins	Nolin	Rodgers	

President Neu declared the appointment of Lois M. Sherman as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial term ending June 30, 1976.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the **second conference committee** on **House File 614**, on the part of the Senate: Senators Gluba, chairperson; Doderer, Redmond, Ramsey and Shaw.

The Senate stood at ease until 1:00 p.m.

AFTERNOON SESSION

The Senate resumed session, Senator Hultman presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 357, a bill for an act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 487, a bill for an act relating to the regulation of savings and loan associations organized under the laws of the state of Iowa.

Also: That the House has on May 6, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 546, a bill for an act to exempt certain publicly-owned motor vehicles used for venereal disease investigation from use of state sign or other labeling and of official registration plates.

Also: That the House has on April 28, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1258, a bill for an act relating to the establishment of electric utility service areas and to the regulation of rural electric co-operative rates by the state commerce commission.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 829, a bill for an act relating to the administration of the Uniform Consumer Credit Code.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1451, a bill for an act relating to court reporters.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1466, a bill for an act relating to the possession, receipt, and transportation of firearms by persons convicted of a felony.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1533, a bill for an act relating to state insurance exposures.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 357

S—5720

- 1 Amend Senate File 357, as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, line 22, by inserting after the
- 4 word "foregoing" the words "whereby the municipal-
- 5 ity could receive revenues for payment of such
- 6 bonds from any one person or any group of persons
- 7 under common control".
- 8 2. Page 1, line 24, by inserting after the
- 9 word "bank." the following: "A state bank shall
- 10 obtain the express consent of the superintendent
- 11 prior to investment by that bank of an amount in
- 12 excess of twenty percent of its capital and sur-
- 13 plus in bonds or securities issued by any one
- 14 municipality."

HOUSE AMENDMENT TO SENATE FILE 546

S—5719

- 1 Amend Senate File 546 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 1, by inserting after line 17 the fol-

4 lowing:

5 "Sec. Chapter one hundred forty (140), Code
6 1975, is amended by adding the following new section:
7 **NEW SECTION.** If the commissioner determines that
8 an unmarked vehicle should be used by state department
9 of health employees for venereal disease investigation
10 the commissioner may either assign or request the
11 assignment of unmarked publicly-owned vehicles to
12 the employees for use in the performance of their
13 official duties or may request that the employees
14 use their personal vehicles in the performance of
15 their official duties. Any employee required to use
16 a personal vehicle for conducting venereal disease
17 investigations shall receive a mileage reimbursement
18 at the rate of fifteen cents per mile for mileage
19 incurred in the performance of the employee's official
20 duties."

21 2. Amend the title, line 1, by striking every-
22 thing after the word "Act" and inserting in lieu
23 thereof the words "relating to the use of unmarked
24 motor vehicles for venereal disease investigations."

25 3. By renumbering the remaining sections and cor-
26 recting internal references in accordance with this
27 amendment.

HOUSE MESSAGES CONSIDERED

House File 829, a bill for an act relating to the administration of the Uniform Consumer Credit Code.

Read first time and passed on file.

House File 1451, a bill for an act relating to court reporters.

Read first time and passed on file.

House File 1466, a bill for an act relating to the possession, receipt, and transportation of firearms by persons convicted of a felony and providing penalties.

Read first time and passed on file.

House File 1533, a bill for an act relating to state insurance exposures.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

DEFERRED

Senator Kinley asked and received unanimous consent that action on Senate File 1293 be deferred and that the bill retain its place on the calendar.

House File 1059

On the motion of Senator Taylor, House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 1:23 p.m.

Senator Doderer asked and received unanimous consent that further action on House File 1059 be deferred and that the bill be placed on the calendar under unfinished business.

CONSIDERATION OF BILLS

House File 1320

On motion of Senator Curtis, House File 1320, a bill for an act to correct an internal code reference under the individual income tax law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1320) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Nolting	Schwengels
Burroughs	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Nystrom	Shaw
Coleman	Hultman	Orr	Sovern
Culver	Junkins	Palmer	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedeaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn			

Nays, none.

Absent or not voting, 6:

Heying	Miller of Marshall	Murray Nolin	Redmond Shaff
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 1321

On motion of Senator Rodgers, House File 1321, a bill for an act relating to accumulated distributions of trusts under the individual income tax and making the Act retroactive, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1321) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Scott
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedeaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Briles	Murray	Redmond	Shaff
Heying	Nolin		

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

House File 1408

On motion of Senator Curtis, House File 1408, a bill for an act relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1408) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn		Rabedeaux	Winkelman

Nays, none.

Absent or not voting, 5:

Heying	Nolin	Redmond	Shaff
Murray			

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

WITHDRAWN

Senator Norpel asked and received unanimous consent that Senate File 1197 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senate File 1322

On the motion of Senator Willits, Senate File 1322, a bill for an act making an appropriation to the Iowa department of revenue, was taken up for consideration.

Senator Willits offered amendment S—5652 filed by Senators Willits and Palmer and moved its adoption:

S—5652

- 1 Amend Senate File 1322, page 1, by inserting after
- 2 line 14 the following:
- 3 "For the Iowa industrial property
- 4 valuation program\$200,000".

Amendment S—5652 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1322) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines		

Nays, none.

Absent or not voting, 6:

Griffin	Murray	Redmond	Shaff
Heying	Nolin		

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

Senator Kinley asked and received unanimous consent that Senate File 1322 be immediately messaged to the House, which request was complied with.

Senate File 1323

On motion of Senator Willits, Senate File 1323, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1323) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Gallagher
Heying

Murray
Nolin

Redmond

Shaff

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

Senator Kinley asked and received unanimous consent that Senate File 1323 be immediately messaged to the House, which request was complied with.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

House File 628

On motion of Senator Van Gilst, House File 628, a bill for an act relating to school bus transportation requirements, with report of the committee on appropriations recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster moved to reconsider the vote by which amendment S—5419 was adopted by the Senate on March 25, 1976.

The motion prevailed and amendment S—5419 was taken up for reconsideration.

Senator DeKoster withdrew amendment S—5419.

President Neu took the chair at 3:00 p.m.

Senator DeKoster offered amendment S—5424 filed by him and moved its adoption:

S—5424

- 1 Amend House File 628 as follows:
- 2 1. Page 3, by adding after line 10 the following:
- 3 "Sec. 1. This Act, being deemed of immedi-
- 4 ate importance, shall take effect and be in force from
- 5 and after its publication in The Fremont Gazette, a
- 6 newspaper published in Fremont, Iowa, and in The
- 7 Record, a newspaper published in Cedar Rapids, Iowa.
- 8 2. The sections of this Act amending section two
- 9 hundred eighty-five point one (285.1), subsection five
- 10 (5), Code 1975; section two hundred eighty-five point
- 11 two (285.2), unnumbered paragraph four (4), Code 1975;

12 section two hundred eighty-five point one (285.1),
 13 subsection three (3), Code 1975; and section two hun-
 14 dred eighty-five point one (285.1), subsection seven-
 15 teen (17), shall take effect after its publication as
 16 provided in paragraph one (1) of this section. The
 17 remaining sections of this Act shall take effect on
 18 July 1, 1976."

Amendment S—5424 was adopted.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 628) the vote was:

Ayes, 34:

Andersen	Glenn	Miller of	Robinson
Bergman	Gluba	Des Moines	Rodgers
Briles	Griffin	Nolting	Schwengels
Carr	Hansen	Norpel	Scott
Coleman	Hill of Polk	Nystrom	Sovern
Culver	Junkins	Palmer	Tieden
Curtis	Kelly	Plymat	Van Gilst
DeKoster	Kinley	Priebe	Willits
Gallagher	Lamborn	Redmond	

Nays, 13:

Burroughs	Merritt	Rabedaux	Shaw
Doderer	Miller of	Ramsey	Taylor
Hill of Jasper	Marshall	Shaff	Winkelman
Hultman	Orr		

Absent or not voting 3:

Heying	Murray	Nolin
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that House File 628 be immediately messaged to the House, which request was complied with.

Senate File 1324

On motion of Senator Hill of Jasper, Senate File 1324, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by

providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, was taken up for consideration.

Senator DeKoster offered amendment S—5645 filed by him and moved its adoption:

S—5645

- 1 Amend Senate File 1324, page 9, line 14, by
- 2 striking the figure "\$6,318" and inserting in
- 3 lieu thereof the figure "\$6,750".

The Chair requested a non-record roll call.

The ayes were 30, nays 14.

Amendment S—5645 was adopted.

Senator Norpel offered amendment S—5668 filed by Senators Norpel, et al.:

S—5668

- 1 Amend Senate File 1324 as follows:
- 2 1. Page 11, by inserting after line 26 the fol-
- 3 lowing:
- 4 "Sec. Section ninety-seven C point two
- 5 (97C.2), subsection three (3), Code 1975, is amended
- 6 to read as follows:
- 7 3. The term 'employee' includes elective and ap-
- 8 pointive officials of the state or any political sub-
- 9 division thereof, except [members of the general as-
- 10 sembly,] elective officials in position, the compensa-
- 11 tion for which is on a fee basis, elective officials
- 12 of school districts, elective officials of townships,
- 13 and elective officials of other political subdivisions
- 14 who are in part-time positions; provided that no mem-
- 15 ber of a county board of supervisors shall be deemed
- 16 to be an elective official in a part-time position,
- 17 but every member of a county board of supervisors
- 18 shall be deemed to be an employee within the purview
- 19 of this chapter and shall be eligible to receive all
- 20 of the benefits provided by this chapter to which
- 21 he may be entitled as an employee.
- 22 Sec. Prior to January 10, 1977, the state
- 23 agency as defined in chapter ninety-seven C (97C)
- 24 of the Code, shall make all arrangements necessary
- 25 in order to provide for extending the benefits of
- 26 the federal old-age and survivors' insurance system
- 27 to members of the general assembly effective January
- 28 9, 1978."
- 29 2. Amend the title, line 13, by inserting after
- 30 the word "fund," the words "by providing for the
- 31 extension of federal old-age and survivors' insurance
- 32 benefits to members of the general assembly".

Senator Norpel offered amendment S—5721 to amendment S—5668 and moved its adoption:

S—5721

- 1 Amend amendment S—5668 to Senate File 1324 as
- 2 follows:
- 3 1. Page 1, by inserting after line 28 the fol-
- 4 lowing:
- 5 "2. Amend the title, line 2, by striking the word
- 6 'nonelected'."
- 7 2. By renumbering as necessary.

The Chair requested a non-record roll call.

The ayes were 38, nays 7.

Amendment S—5721 to amendment S—5668 was adopted.

Senator Andersen raised the point of order that amendment S—5668 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5668 as amended out of order.

Senator Griffin offered amendment S—5726:

S—5726

- 1 Amend Senate File 1324 as follows:
- 2 1. Page 9, by striking lines 7 through 22 and
- 3 inserting in lieu thereof the following:
- 4 "1. Governor\$48,000
- 5 2. Secretary of state\$34,000
- 6 3. Auditor of state\$34,000
- 7 4. Treasurer of state\$34,000
- 8 5. Secretary of agriculture\$34,000
- 9 6. Chief justice of the supreme
- 10 court\$40,000
- 11 7. Each justice of the supreme
- 12 court\$39,000
- 13 8. Attorney general\$38,000
- 14 9. Each chief judge of a judicial
- 15 district\$35,000
- 16 10. Each district court judge ex-
- 17 cept the chief judge of a
- 18 judicial district\$34,500
- 19 11. Each district associate judge\$26,000
- 20 12. Each full-time judicial
- 21 magistrate\$25,500
- 22 13. Each part-time judicial
- 23 magistrate\$ 7,000
- 24 14. Code editor\$25,000
- 25 15. Court administrator\$25,000
- 26 16. Clerk of the supreme court\$22,000
- 27 17. Each legal assistant to the

28	supreme court	\$13,500
29	18. Chairman of the public employ-	
30	ment relations board	\$28,000
31	19. Two members of the public employ-	
32	ment relations board, each	\$26,000"
33	2. Amend the title, line 2, by striking the word	
34	"nonelected".	
35	3. Amend the title, line 5, by inserting after the	
36	word "for" the words "elected state officials,".	

Senator Hill of Jasper raised the point of order that amendment S—5726 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5726 out of order.

Senator Griffin withdrew amendment S—5729:

S—5729

1	Amend Senate File 1324 as follows:	
2	1. Page 9, by striking lines 7 through 22	
3	and inserting in lieu thereof the following:	
4	"1. Chief justice of the supreme	
5	court	\$40,000
6	2. Each justice of the supreme	
7	court	\$39,000
8	3. Attorney general	\$38,000
9	4. Each chief judge of a judicial	
10	district	\$35,000
11	5. Each district court judge except	
12	the chief judge of a judicial	
13	district	\$34,500
14	6. Each district associate judge	\$26,000
15	7. Each full-time judicial	
16	magistrate	\$25,500
17	8. Each part-time judicial	
18	magistrate	\$ 7,000
19	9. Code editor	\$25,000
20	10. Court administrator	\$25,000
21	11. Clerk of the supreme court	\$22,000
22	12. Each legal assistant to the	
23	supreme court	\$13,500
24	13. Chairman of the public employment	
25	relations board	\$28,000
26	14. Two members of the public employ-	
27	ment relations board, each	\$26,000"
28	2. Amend the title, line 2, by striking the word	
29	"nonelected".	
30	3. Amend the title, line 5, by inserting after the	
31	word "for" the words "elected state officials,".	

Senator Winkelman moved that Senate File 1324 be returned to the committee on appropriations and requested a record roll call.

President pro tempore Doderer took the chair at 4:30 p.m.

On the question "Shall the motion to return the bill to committee be adopted?" (S.F. 1324) the vote was:

Ayes, 10:

Briles	Plymat	Schwengels	Tieden
Hultman	Rabedaux	Shaff	Winkelman
Miller of Marshall	Ramsey		

Nays, 33:

Andersen	Gallagher	Kinley	Palmer
Bergman	Glenn	Merritt	Redmond
Burroughs	Gluba	Miller of	Rodgers
Carr	Griffin	Des Moines	Scott
Coleman	Hansen	Nolting	Sovern
Culver	Hill of Jasper	Norpel	Taylor
Curtis	Hill of Polk	Nystrom	Van Gilst
DeKoster	Junkins	Orr	Willits
Doderer	Kelly		

Absent or not voting, 7:

Heying	Murray	Priebe	Shaw
Lamborn	Nolin	Robinson	

The motion lost.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1324) the vote was:

Ayes, 33:

Andersen	Gallagher	Kinley	Plymat
Bergman	Glenn	Miller of	Rabedaux
Briles	Gluba	Des Moines	Ramsey
Burroughs	Griffin	Miller of	Redmond
Carr	Hansen	Marshall	Rodgers
Coleman	Hill of Jasper	Nolting	Schwengels
Culver	Hill of Polk	Norpel	Sovern
Curtis	Hultman	Nystrom	Taylor
DeKoster	Junkins	Orr	Van Gilst
Doderer	Kelly	Palmer	Willits

Nays, 5:

Merritt	Shaff	Tieden	Winkelman
Scott			

Absent or not voting, 7:

Heying	Murray	Priebe	Shaw
Lamborn	Nolin	Robinson	

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

Senator Kinley asked and received unanimous consent that Senate File 1324 be immediately messaged to the House, which request was complied with.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the **conference committee** on House File 1277 on the part of the Senate: Senators Miller of Des Moines, chairperson; Robinson, Scott, Ramsey and Taylor.

MOTION TO RECONSIDER LOST

Senate File 85

Senator Palmer called up the following motion to reconsider filed by him on May 7, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 85 passed the Senate on May 7, 1976.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 85) the vote was:

Ayes, 17:

Andersen	Lamborn	Plymat	Shaff
Bergman	Miller of	Priebe	Taylor
Briles	Des Moines	Rabedeaux	Van Gilst
Hill of Jasper	Miller of	Ramsey	Winkelman
Hultman	Marshall	Scott	

Nays, 27:

Burroughs	Gallagher	Kelly	Palmer
Carr	Glenn	Kinley	Redmond
Coleman	Gluba	Merritt	Rodgers
Culver	Griffin	Nolting	Schwengels
Curtis	Hansen	Norpel	Sovern
DeKoster	Hill of Polk	Nystrom	Tieden
Doderer	Jenkins	Orr	

Absent or not voting, 6:

Heying	Nolin	Shaw	Willits
Murray	Robinson		

The motion lost.

MOTION TO RECONSIDER OUT OF ORDER

The motion to reconsider the vote by which Senate File 85 passed the Senate filed by Senator Taylor on May 7, 1976, was ruled out of order.

HOUSE AMENDMENTS CONSIDERED

Senate File 1279

Senator Carr called up for consideration Senate File 1279, a bill for an act to legalize and validate the proceedings of the Polk County Commissioner of Elections in connection with an election in and for the City of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto, amended by the House, and moved that the Senate concur in the following amendment:

S—5642

- 1 Amend Senate File 1279 as follows:
- 2 1. Page 1, by striking lines 31 through 35
- 3 and inserting in lieu thereof the following:
- 4 "Sec. This Act, being deemed of
- 5 immediate importance, shall take effect and be
- 6 in force from and after its publication in The
- 7 Cedar Valley Daily Times, a newspaper published
- 8 in Vinton, Iowa, and the Neola Gazette-Reporter,
- 9 a newspaper published in Neola, Iowa."
- 10 2. Page 2, by striking line 1.

The motion prevailed and the Senate concurred in House amendment S—5642.

Senator Carr moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1279) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Rabedaux
Bergman	Griffin	Des Moines	Ramsey
Briles	Hansen	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Winkelman
Glenn			

Nays, none.

Absent or not voting, 7:

Heying	Nolin	Robinson	Willits
Murray	Redmond	Shaw	

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

Senate File 1265

Senator Norpel called up for consideration Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, amended by the House, and moved that the Senate concur in the following amendment:

S—5616

- 1 Amend Senate File 1265 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 31 the fol-
- 4 lowing:
- 5 "Sec. Section three hundred six C point
- 6 eleven (306C.11), subsection four (4), Code 1975,
- 7 is amended to read as follows:
- 8 4. Official *and* directional [or other traffic
- 9 control devices or] signs[. Advertising devices] and
- 10 notices which shall include, but not be limited to,
- 11 [advertising devices] *signs* and notices pertaining
- 12 to natural wonders, scenic and historic attractions,
- 13 recreational attractions and municipal recognition
- 14 signs, which shall conform with rules promulgated
- 15 by the department, provided that such rules shall
- 16 be consistent with national standards promulgated
- 17 [from time to time by the appropriate authority of
- 18 the federal government,] pursuant to Title 23, section
- 19 131, [paragraph] *subsection 'c'* of the United States
- 20 Code.
- 21 Sec. Section three hundred six C point
- 22 thirteen (306C.13), subsection six (6), Code 1975,
- 23 is amended to read as follows:
- 24 6. Official [advertising devices] *and directional*
- 25 *signs and notices* and advertising devices concern-
- 26 ing the sale or lease of the property or activities
- 27 conducted upon the property as specified in Title
- 28 23, section 131, [paragraph] *subsection 'c'* of the
- 29 United States Code, shall not be taken into
- 30 consideration in determining compliance with spacing
- 31 requirements."
- 32 2. Renumber sections and correct internal
- 33 references as necessary in conformance with this
- 34 amendment.
- 35 3. Amend the title, line 1, by striking the words
- 36 "to establish" and inserting in lieu thereof the words
- 37 "relating to certain signs and notices providing for
- 38 changes in the terms referring to certain signs and
- 39 notices and establishing".

The motion prevailed and the Senate concurred in House amendment S—5616.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on Senate File 1265 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5616, to Senate File 1265.

RICHARD J. NORPEL, SR.

HOUSE AMENDMENT CONSIDERED

Senate File 1210

Senator Ramsey called up for consideration Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, amended by the House amendment S—5707 found on pages 1788-1790, inclusive, of the Senate Journal.

Senator Coleman took the chair at 5:40 p.m.

DEFERRED

Senator Ramsey asked and received unanimous consent that further action on Senate File 1210 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 205, a bill for an act relating to the issuance, continuation, and termination of teachers' contracts.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1485, a bill for an act relating to the recording of an instrument and a lien affecting real estate.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 205

S—5731

- 1 Amend Senate File 205, as amended, passed, and
- 2 reprinted by the Senate, by striking everything

3 after the enacting clause and inserting in lieu
4 thereof the following:

5 1. Page 1, by striking lines 5 through 50 and
6 inserting in lieu thereof the following:

7 "Section 1. Section two hundred seventy-nine point
8 thirteen (279.13), Code 1975, is amended by striking
9 the section and inserting in lieu thereof the follow-
10 ing:

11 279.13 CONTRACTS WITH TEACHERS—AUTOMATIC
12 CONTINUATION.

13 1. Contracts with teachers, which for the purpose
14 of this section means all certificated employees of
15 a school district and nurses employed by the board,
16 excluding superintendents, assistant superintendents,
17 principals, and assistant principals, shall be in
18 writing and shall state the number of contract days,
19 the annual compensation to be paid, and any other
20 matters as may be mutually agreed upon. The contract
21 may include employment for a term not exceeding the
22 ensuing school year, except as otherwise authorized.

23 The contract is invalid if the teacher is under
24 contract with another board of directors to teach
25 during the same time period until a release from the
26 other contract is achieved. The contract shall be
27 signed by the president of the board when tendered,
28 and after it is signed by the teacher, the contract
29 shall be filed with the secretary of the board before
30 the teacher enters into performance under the contract.

31 2. The contract shall remain in force and effect
32 for the period stated in the contract and shall be
33 automatically continued for equivalent periods except
34 as modified or terminated by mutual agreement of the
35 board of directors and the teacher or as terminated
36 in accordance with the provisions specified in this
37 chapter. A contract shall not be offered by the
38 employing board to a teacher under its jurisdiction
39 prior to March fifteenth of any year. A teacher who
40 has not accepted a contract for the ensuing school
41 year tendered by the employing board may resign
42 effective at the end of the current school year by
43 filing a written resignation with the secretary of
44 the board. The resignation must be filed not later
45 than the last day of the current school year or the
46 date specified by the employing board for return of
47 the contract, whichever date occurs first. However,
48 a teacher shall not be required to return a contract
49 to the board or to resign less than twenty-one days
50 after the contract has been offered.

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1 3. The board shall establish evaluation criteria
2 and shall implement evaluation procedures. If an
3 exclusive bargaining representative has been certified,
4 the board shall negotiate in good faith with respect
5 to evaluation procedures pursuant to chapter twenty

6 (20) of the Code.

7 4. The superintendent or the superintendent's
8 designee shall notify the teacher not later than March
9 fifteenth that the superintendent will recommend in
10 writing to the board at a regular or special meeting
11 of the board held not later than March thirty-first
12 that the teacher's continuing contract be terminated
13 effective at the end of the current school year.

14 5. Such notification shall be in writing and shall
15 be personally delivered to the teacher, or mailed
16 by certified mail. The notification shall be complete
17 when received by the teacher. The notification and
18 the recommendation to terminate shall contain a short
19 and plain statement of the reasons, which shall be
20 for just cause, why the recommendation is being made.
21 The notification shall be given at or before the time
22 the recommendation is given to the board.

23 As a part of the termination proceedings, the
24 teacher's complete personnel file of employment by
25 that board shall be available to the teacher, which
26 file shall contain a record of all periodic evaluations
27 between the teacher and appropriate supervisors.

28 Within five days of the receipt of the written
29 notice that the superintendent is recommending termina-
30 tion of the contract, the teacher may request, in
31 writing to the secretary of the board, a private
32 hearing with the board. The private hearing shall
33 not be subject to chapter twenty-eight A (28A) of
34 the Code and shall be held no sooner than ten days
35 and no later than twenty days following the receipt
36 of the request unless the parties otherwise agree.
37 The secretary of the board shall notify the teacher
38 in writing of the date, time, and location of the
39 private hearing, and at least five days before the
40 hearing shall also furnish to the teacher any
41 documentation which may be presented to the board
42 at the private hearing and a list of persons who may
43 address the board in support of the superintendent's
44 recommendation at the private hearing. At least three
45 days before the hearing, the teacher shall provide
46 any documentation he or she expects to present at
47 the private hearing, along with the names of any
48 persons who may address the board on behalf of the
49 teacher. This exchange of information shall be at
50 the time specified unless otherwise agreed.

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1 6. The participants at the private hearing shall
2 be at least a majority of the members of the board,
3 their legal representatives, if any, the
4 superintendent, the superintendent's designated
5 representatives, if any, the teacher's immediate
6 supervisor, the teacher, the teacher's representatives,
7 if any, and the witnesses for the parties. The
8 evidence at the private hearing shall be limited to

9 the specific reasons stated in the superintendent's
10 notice of recommendation of termination. No
11 participant in the hearing shall be liable for any
12 damages to any person if any statement at the hearing
13 is determined to be erroneous as long as the statement
14 was made in good faith. The superintendent shall
15 present evidence and argument on all issues involved
16 and the teacher may cross-examine, respond and present
17 evidence and argument in his or her behalf relevant
18 to all issues involved. Evidence may be by stipulation
19 of the parties and informal settlement may be made
20 by stipulation, consent, or default or by any other
21 method agreed upon by the parties in writing. The
22 board shall employ a certified shorthand reporter
23 to keep a record of the private hearing. The
24 proceedings or any part thereof shall be transcribed
25 at the request of either party with the expense of
26 transcription charged to the requesting party.

27 The presiding officer of the board may administer
28 oaths in the same manner and with like effect and
29 under the same penalties as in the case of magistrates
30 exercising criminal or civil jurisdiction. The board
31 shall cause subpoenas to be issued for such witnesses
32 and the production of such books and papers as either
33 the board or the teacher may designate. The subpoenas
34 shall be signed by the presiding officer of the board.

35 In case a witness is duly subpoenaed and refuses
36 to attend, or in case a witness appears and refuses
37 to testify or to produce required books or papers,
38 the board shall, in writing, report such refusal to
39 the district court of the county in which the
40 administrative office of the school district is
41 located, and the court shall proceed with the person
42 or witness as though the refusal had occurred in a
43 proceeding legally pending before the court.

44 The board shall not be bound by common law or
45 statutory rules of evidence or by technical or formal
46 rules of procedure, but it shall hold the hearing
47 in such manner as is best suited to ascertain and
48 conserve the substantial rights of the parties.
49 Process and procedure under this section shall be
50 as summary as reasonably may be.

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1 At the conclusion of the private hearing, the
2 superintendent and the teacher may file written briefs
3 and arguments with the board within three days or
4 such other time as may be agreed upon.

5 If the teacher fails to timely request a private
6 hearing or does not appear at the private hearing,
7 the board may proceed and make a determination upon
8 the superintendent's recommendation, which
9 determination in that case shall be not later than
10 April tenth, or not later than five days after the
11 scheduled date for the private hearing, whichever

12 is applicable. The board shall convene in open session
13 and by roll call vote determine the termination or
14 continuance of the teacher's contract.

15 Within five days after the private hearing, the
16 board shall, in executive session, meet to make a
17 final decision upon the recommendation and the evidence
18 as herein provided. The board shall also consider
19 any written brief and arguments submitted by the
20 superintendent and the teacher.

21 The record for a private hearing shall include:

22 a. All pleadings, motions and intermediate rulings.

23 b. All evidence received or considered and all
24 other submissions.

25 c. A statement of all matters officially noticed.

26 d. All questions and offers of proof, objections
27 and rulings thereon.

28 e. All findings and exceptions.

29 f. Any decision, opinion, or conclusion by the
30 board.

31 g. Findings of fact shall be based solely on the
32 evidence in the record and on matters officially
33 noticed in the record.

34 The decision of the board shall be in writing and
35 shall include findings of fact and conclusions of
36 law, separately stated. Findings of fact, if set
37 forth in statutory language, shall be accompanied
38 by a concise and explicit statement of the underlying
39 facts and supporting the findings. Each conclusion
40 of law shall be supported by cited authority or by
41 reasoned opinion.

42 When the board has reached a decision, opinion,
43 or conclusion, it shall convene in open meeting and
44 by roll call vote determine the continuance or
45 discontinuance of the teacher's contract. The record
46 of the private conference and findings of fact and
47 exceptions shall be exempt from the provisions of
48 chapter sixty-eight A (68A) of the Code. The secretary
49 of the board shall immediately mail notice of the
50 board's action to the teacher.

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1 7. If the teacher is no longer a probationary
2 teacher, the teacher may, within ten days, appeal
3 the determination of the board to an adjudicator by
4 filing a notice of appeal with the secretary of the
5 board. The notice of appeal shall contain a concise
6 statement of the action which is the subject of the
7 appeal, the particular board action appealed from,
8 the grounds on which relief is sought, and the relief
9 sought.

10 Within five days following receipt by the secretary
11 of the notice of appeal, the board or the board's
12 legal representative, if any, and the teacher or the
13 teacher's representative, if any, may select an
14 adjudicator who resides within the boundaries of the

15 merged area in which the school district is located.
16 If an adjudicator cannot be mutually agreed upon
17 within the five-day period, the secretary shall notify
18 the chairperson of the public employment relations
19 board by transmitting the notice of appeal, and the
20 chairperson of the public employment relations board
21 shall within five days provide a list of five
22 adjudicators to the parties. Within three days from
23 receipt of the list of adjudicators, the parties shall
24 select an adjudicator by alternately removing a name
25 from the list until only one name remains. The person
26 whose name remains shall be the adjudicator. The
27 parties shall determine by lot which party shall
28 remove the first name from the list submitted by the
29 chairperson of the public employment relations board.
30 The secretary of the board shall inform the chairperson
31 of the public employee relations board of the name
32 of the adjudicator selected.

33 If the teacher does not timely request an appeal
34 to an adjudicator the decision, opinion, or conclusion
35 of the board shall become final and binding.

36 Within thirty days after filing the notice of
37 appeal, or within further time allowed by the
38 adjudicator, the board shall transmit to the
39 adjudicator the original or a certified copy of the
40 entire record of the private hearing which may be
41 the subject of the petition. By stipulation of the
42 parties to review the proceedings, the record of the
43 case may be shortened. The adjudicator may require
44 or permit subsequent corrections or additions to the
45 shortened record.

46 The record certified and filed by the board shall
47 be the record upon which the appeal shall be heard
48 and no additional evidence shall be heard by the
49 adjudicator. In such appeal to the adjudicator,
50 especially when considering the credibility of

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1 witnesses, the adjudicator shall give weight to the
2 fact findings of the board; but shall not be bound
3 by them.

4 Before the date set for hearing a petition for
5 review of board action, which shall be within ten
6 days after receipt of the record unless otherwise
7 agreed or unless the adjudicator orders additional
8 evidence be taken before the board, application may
9 be made to the adjudicator for leave to present
10 evidence in addition to that found in the record of
11 the case. If it is shown to the adjudicator that
12 the additional evidence is material and that there
13 were good reasons for failure to present it in the
14 private hearing before the board, the adjudicator
15 may order that the additional evidence be taken before
16 the board upon conditions determined by the
17 adjudicator. The board may modify its findings and

18 decision in the case by reason of the additional
19 evidence and shall file that evidence and any
20 modifications, new findings, or decisions, with the
21 adjudicator and mail copies of the new findings or
22 decisions to the teacher.

23 The adjudicator may affirm board action or remand
24 to the board for further proceedings. The adjudicator
25 shall reverse, modify, or grant any appropriate relief
26 from the board action if substantial rights of the
27 teacher have been prejudiced because the board action
28 is:

29 a. In violation of a board rule or policy or
30 contract; or

31 b. Unsupported by a preponderance of the competent
32 evidence in the record made before the board when
33 that record is viewed as a whole; or

34 c. Unreasonable, arbitrary or capricious or
35 characterized by an abuse of discretion or a clearly
36 unwarranted exercise of discretion.

37 The adjudicator shall, within fifteen days after
38 the hearing, make a decision and shall give a copy
39 of the decision to the teacher and the secretary of
40 the board. The decision of the adjudicator shall
41 become the final and binding decision of the board
42 unless either party within ten days notifies the
43 secretary of the board that the decision is rejected.
44 The board may reject the decision by majority vote,
45 by roll call, in open meeting and entered into the
46 minutes of the meeting. The board shall immediately
47 notify the teacher of its decision by certified mail.
48 **The teacher may reject the adjudicator's decision**
49 by notifying the board's secretary in writing within
50 ten days of the filing of such decision.

Page 7

1 All costs of the adjudicator shall be shared equally
2 by the teacher and the board.

3 8. If either party rejects the adjudicator's
4 decision, the rejecting party shall, within thirty
5 days of the initial filing of such decision, appeal
6 to the district court of the county in which the
7 administrative office of the school district is
8 located. The notice of appeal shall be immediately
9 mailed by certified mail to the other party. The
10 adjudicator shall transmit to the reviewing court
11 the original or a certified copy of the entire record
12 which may be the subject of the petition. By
13 stipulation of all parties to the review proceedings,
14 the record of such a case may be shortened. A party
15 unreasonably refusing to stipulate to limit the record
16 may be taxed by the court for the additional cost.
17 The court may require or permit subsequent corrections
18 or additions to the shortened record.

19 In proceedings for judicial review of the
20 adjudicator's decision, the court shall not hear any

21 further evidence but shall hear the case upon the
22 certified record. In such judicial review, especially
23 when considering the credibility of witnesses, the
24 court shall give weight to the fact findings of the
25 board; but shall not be bound by them. The court
26 may affirm the adjudicator's decision or remand to
27 the adjudicator or the board for further proceedings
28 upon conditions determined by the court. The court
29 shall reverse, modify, or grant any other appropriate
30 relief from the board decision or the adjudicator's
31 decision equitable or legal and including declaratory
32 relief if substantial rights of the petitioner have
33 been prejudiced because the action is:

- 34 a. In violation of constitutional or statutory
- 35 provisions; or
- 36 b. In excess of the statutory authority of the
- 37 board or the adjudicator; or
- 38 c. In violation of a board rule or policy or
- 39 contract; or
- 40 d. Made upon unlawful procedure; or
- 41 e. Affected by other error of law; or
- 42 f. Unsupported by a preponderance of the compe-
- 43 tent evidence in the record made before the board
- 44 and the adjudicator when that record is viewed as
- 45 a whole; or
- 46 g. Unreasonable, arbitrary or capricious or
- 47 characterized by an abuse of discretion or a clearly
- 48 unwarranted exercise of discretion.

49 An aggrieved or adversely affected party to the
50 judicial review proceeding may obtain a review of

Page 8

1 any final judgment of the district court by appeal
2 to the supreme court. The appeal shall be taken as
3 in other civil cases, although the appeal may be taken
4 regardless of the amount involved.

5 9. The first two consecutive years of employment
6 of a teacher in the same school district are a proba-
7 tionary period. However, a board of directors may
8 waive the probationary period for any teacher who
9 previously has served a probationary period in another
10 school district and the board may extend the proba-
11 tionary period for an additional year with the consent
12 of the teacher.

13 In the case of the termination of a probationary
14 teacher's contract, the provisions of subsections
15 four (4), five (5), and six (6), of this section shall
16 apply.

17 The board's decision shall be final and binding
18 unless the termination was based upon an alleged
19 violation of a constitutionally guaranteed right of
20 the teacher or an alleged violation of public employee
21 rights of the teacher under section twenty point ten
22 (20.10) of the Code.

23 Sec. 2. Section two hundred seventy-nine point

24 twenty-four (279.24), Code 1975, is amended by strik-
25 ing the section and inserting in lieu thereof the
26 following:
27 279.24 DISCHARGE OF TEACHER. A teacher may be
28 discharged at any time during the contract year for
29 just cause. The superintendent or the superintendent's
30 designee, shall notify the teacher immediately that
31 the superintendent will recommend in writing to the
32 board at a regular or special meeting of the board
33 held not more than fifteen days after notification
34 has been given to the teacher that the teacher's
35 continuing contract be terminated effective immediately
36 following a decision of the board. The procedure
37 for dismissal shall be as provided in subsections
38 five (5) through nine (9) of section two hundred
39 seventy-nine point thirteen (279.13) of the Code.
40 The superintendent may suspend a teacher under this
41 section pending hearing and determination by the
42 board."

HOUSE MESSAGE CONSIDERED

House File 1485, a bill for an act relating to the recording of an instrument and a lien affecting real estate.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 1329, by committee on appropriations, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of following bills to committee:

H. F. 1204 Appropriations

H. F. 1216 Appropriations

H. F. 1366 Commerce

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented

to the Governor for his approval on this 10th day of May, 1976: Senate File 1087.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 7, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 488—Relating to persons serving on state boards, commissions, and councils.
- H. F. 91—Relating to fees for posting business signs on specific information panels and advertising permits.
- H. F. 200—Relating to the labeling of prescription drugs.
- H. F. 292—To abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.
- H. F. 1011—To amend the election laws of the State of Iowa.
- H. F. 1063—Relating to certain statutory provisions affecting the legal treatment of male and female persons.
- H. F. 1162—To provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code.
- H. F. 1359—Relating to coverage under a surety bond or liability insurance policy of a commercial applicator of pesticides.
- H. F. 1403—Relating to cities and specifically to authorization for issuance of revenue bonds.
- H. F. 1492—Relating to liability insurance for hospitals.

EXPLANATION OF VOTES

MR. PRESIDENT: I was absent from the Senate chamber to meet with the Governor's staff and Historical Department representatives when the votes were taken on the motion to reconsider Senate File 85 and on Senate File 1279 as amended by the House. Had I been present, I would have voted "nay" on the motion to reconsider Senate File 85, and "aye" on motion to concur in House amendment S—5642 and on the final passage of Senate File 1279.

EARL M. WILLITS

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons, begs leave to report it has had the same under consideration and recommends the same do pass.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1514**, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1520**, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1556**, a bill for an act relating to the inspection of weights and measures and making an appropriation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1557**, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred **House File 795**, a bill for an act relating to tuition paid by school districts, begs leave to report it has had the same under consideration and recom-

mends the same be amended as follows; and when so amended the bill do pass:

S—5724

1 Amend House File 795 as follows:

2 1. Page 1, by inserting before line 1 the fol-
3 lowing new section:

4 "Section 1. Section two hundred eighty-two point
5 one (282.1), Code 1975, is amended to read as follows:

6 282.1 SCHOOL AGE—NONRESIDENTS. Persons between
7 five and twenty-one years of age shall be of school
8 age. A board may establish and maintain evening
9 schools for all residents of the corporation regard-
10 less of age and for which no tuition need be charged.
11 Nonresident children [and] *shall be charged the maximum*
12 *tuition rate as determined in section three (3) of*
13 *this Act, with the exception that those sojourning*
14 *temporarily in any school corporation may attend*
15 *school therein upon such terms as the board may*
16 *determine."*

17 2. Page 1, by striking line 21.

18 3. Page 1, line 22, by striking the word "and".

19 4. Page 1, line 23, by striking the word "Code,
20 or an amount computed in like manner for the district
21 on its actual expenditures, whichever is the lesser
22 amount." and inserting in lieu thereof the word "Code."

23 5. Page 1, by striking lines 26 through 35 and
24 inserting in lieu thereof the following:

25 "Sec. 4. Section two hundred eighty-two point
26 twenty-four (282.24), unnumbered paragraph one (1),
27 Code 1975, as amended by Acts of the Sixty-sixth
28 General Assembly, 1975 Session, chapter one hundred
29 fifty-three (153), section nine (9), is amended by
30 striking the paragraph and inserting in lieu thereof
31 the following:

32 282.24 TUITION FEES ESTABLISHED. There is
33 established a maximum tuition fee to be charged for
34 students, elementary or high school, residing within
35 another school district or corporation. That fee
36 shall be the state cost per pupil as computed in
37 section four hundred forty-two point eight (442.8)
38 of the Code or the district cost per pupil of the
39 receiving district as computed in section four hundred
40 forty-two point nine (442.9), subsection one (1),
41 paragraph a, of the Code, whichever is the lesser
42 amount.

43 Any school corporation which owns facilities used
44 as attendance centers for students shall maintain
45 an itemized statement of the appraised value of all
46 buildings owned by the school corporation. Beginning
47 July 1, 1976, the appraisal shall be updated at least
48 one time every five years."

49 6. Page 2, by striking lines 1 through 17.

50 7. Amend the title, line 1, by striking the word

Page 2

- 1 "by" and inserting in lieu thereof the word "to".
- 2 8. By renumbering the sections as necessary.

JOAN ORR, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5723

- 1 Amend Senate File 1106 as follows:
- 2 1. Page 1, by striking lines 12 through 20 and
- 3 inserting in lieu thereof the following new sections:
- 4 "Sec. Section five hundred sixty-five A point
- 5 one (565A.1), Code 1975, is amended by adding the
- 6 following new subsection:
- 7 **NEW SUBSECTION.** A 'life insurance policy or annuity
- 8 contract' means a life insurance policy or annuity
- 9 contract issued by an insurance company authorized
- 10 to do business in this state on the life of a minor,
- 11 or on the life of a member of the minor's family to
- 12 whom a gift of the policy or contract is made in the
- 13 manner prescribed in this chapter.
- 14 Sec. Section five hundred sixty-five A point
- 15 two (565A.2), subsection one (1), Code 1975, is amended
- 16 to read as follows:
- 17 1. An adult person may, during his lifetime, make
- 18 a gift of a security *a life insurance policy or annuity*
- 19 *contract*, or money to a person who is a minor on the
- 20 date of the gift.
- 21 Sec. Section five hundred sixty-five A point
- 22 two (565A.2), subsection one (1), Code 1975, is amended
- 23 by adding the following new paragraph:
- 24 **NEW PARAGRAPH.** If the subject of a gift is a life
- 25 insurance policy or annuity contract, by causing the
- 26 ownership of the policy or contract to be registered with
- 27 the issuing insurance company in the name of the donor,
- 28 another adult person, or a trust company, followed,
- 29 in substance, by the words: 'as custodian for
- 30 _____ under the Iowa Uniform Gifts to
- 31 (name of minor)
- 32 **Minors Act'.**
- 33 Sec. Section five hundred sixty-five A point
- 34 three (565A.3), subsection one (1), Code 1975, is
- 35 amended to read as follows:
- 36 1. A gift made in a manner prescribed in this
- 37 chapter is irrevocable and conveys to the minor
- 38 indefeasibly vested legal title to the security, *life*
- 39 *insurance policy, annuity contract* or money given,
- 40 but no guardian of the minor has any right, power,
- 41 duty or authority with respect to the custodial
- 42 property except as provided in this chapter.
- 43 Sec. Section five hundred sixty-five A point
- 44 three (565A.3), subsection two (2), Code 1975, is
- 45 amended to read as follows:

46 2. By making a gift in a manner prescribed in
47 this chapter, the donor incorporates in his gift all
48 the provisions of this chapter and grants to the
49 custodian, and to any issuer, transfer agent, bank,
50 *financial institution, life insurance company, broker*

Page 2

1 or third person dealing with a person designated as
2 custodian, the respective powers, rights and immunities
3 provided in this chapter.

4 Sec. Section five hundred sixty-five A point
5 four (565A.4), Code 1975, is amended by adding the
6 following new subsection:

7 **NEW SUBSECTION.** If the subject of the gift is
8 a life insurance policy or annuity contract, the
9 custodian in his or her capacity as custodian, has
10 all the incidents of ownership in the policy or
11 contract to the same extent as if he or she were the
12 owner, except that the designated beneficiary of any
13 policy or contract on the life of the minor shall
14 be the minor's estate and the designated beneficiary
15 of any policy or contract on the life of a person
16 other than the minor shall be the custodian as
17 custodian for the minor for whom he or she is acting,
18 and may pay premiums on the policy or contract out
19 of the custodial property.

20 Sec. Section five hundred sixty-five A point
21 six (565A.6), Code 1975, is amended to read as follows:

22 **565A.6 RESPONSIBILITY OF OTHERS.** No issuer,
23 transfer agent, bank, *life insurance company, broker*
24 or other person acting on the instructions of or
25 otherwise dealing with any person purporting to act
26 as a donor or in the capacity of a custodian is
27 responsible for determining whether the person
28 designated by the purported donor or purporting to
29 act as a custodian has been duly designated or whether
30 any purchase, sale or transfer to or by or any other
31 act of any person purporting to act in the capacity
32 of custodian is in accordance with or authorized by
33 this chapter, or is obliged to inquire into the
34 validity or propriety under this chapter of any
35 instrument or instructions executed or given by a
36 person purporting to act as a donor or in the capacity
37 of a custodian, or is bound to see to the application
38 by any person purporting to act in the capacity of
39 a custodian of any money or other property paid or
40 delivered to him.

41 Sec. Section five hundred sixty-five A point
42 seven (565A.7), subsection two (2), paragraph b, Code
43 1975, is amended to read as follows:

44 b. Causing each security which is custodial
45 property and in registered form or a life insurance
46 policy or annuity contract, to be registered, with
47 the issuing insurance company in the case of a life
48 insurance policy or annuity contract, to be registered

49 in the name of the successor custodian followed, in
50 substance, by the words:

Page 3

1 'as custodian for _____ under the Iowa Uni-
2 (Name of minor)
3 form Gifts to Minors Act'; and".

PHILIP B. HILL

S—5732

1 Amend the House amendment S—5616 to Senate File
2 1265 as passed by the Senate as follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. Section three hundred six C point
6 eleven (306C.11), subsection five (5), Code 1975,
7 as amended by Acts of the Sixty-sixth General Assembly,
8 1976 Session, House File ninety-one (91), section
9 one (1), is amended by adding the following new
10 paragraph:
11 **NEW PARAGRAPH.** For the year beginning July 1,
12 1977, and each subsequent year the annual fee shall
13 be equal to the sum of twenty-five dollars plus ten
14 dollars per month. The ten dollar per month portion
15 shall be due on or before the first of each month
16 or payable quarterly with installments due on or
17 before July first, October first, January first, and
18 April first of each year. The ten dollar per month
19 portion of the annual fee shall be used by the
20 department for the design, construction, erection
21 and maintenance of specific information panels and
22 administration costs of collecting the monthly fee.
23 The twenty-five dollar portion of the annual fee shall
24 be deposited in the highway beautification fund."
25 2. Page 1, line 39, by inserting after the word
26 "notices" the words ", providing for changes in the
27 annual fee for certain advertising devices".
28 3. Renumber sections as necessary in conformance
29 with this amendment.

C. JOSEPH COLEMAN

S—5725

1 Amend Senate File 1313 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. **INVENTORY OF CURRENT LAND USES.** The
5 department of soil conservation shall prepare, under
6 the general supervision of the state soil conservation
7 committee, a comprehensive inventory of the current
8 use of all land in this state. The inventory report
9 shall include information showing significant changes
10 and trends in land uses which have occurred in the
11 last ten years. The department shall consult and
12 cooperate with any agency of the federal government,
13 any agency of this state, and any political subdivision

14 of this state for the purpose of obtaining and
15 compiling the comprehensive land use inventory. Each
16 state agency and political subdivision of this state
17 shall cooperate, within time, personnel and budgetary
18 limitations, in providing information requested by
19 the department.

20 Sec. 2. REPORT TO GOVERNOR AND GENERAL ASSEMBLY.

21 Upon completion of the land use inventory, the state
22 soil conservation committee shall evaluate the
23 inventory and make a report to the governor and to
24 the presiding officer of each house of the general
25 assembly not later than January 1, 1979. Based upon
26 the evaluation, the state soil conservation committee
27 shall include in the report its recommendation on
28 whether or not a comprehensive land use policy is
29 needed for the state and what legislation, if any,
30 is deemed necessary to carry out its recommendation."

31 2. Amend the title, lines 1 through 3, by striking
32 the words "preservation policy, creating state and
33 county land preservation commissions and specifying
34 the powers and duties of such commissions" and
35 inserting in lieu thereof the words "use inventory
36 by the department of soil conservation and the making
37 of a report to the governor and the general assembly".

CALVIN O. HULTMAN

S—5728

- 1 Amend the Senate amendment S—5588 to Senate
- 2 File 1313 as follows:
- 3 1. Page 17, by striking lines 13 through 15.

ROGER J. SHAFF
BASS VAN GILST

S—5727

- 1 Amend the Senate amendment S—5588 to Senate
- 2 File 1313 as follows:
- 3 1. Page 17, by inserting after line 15 the
- 4 following:
- 5 "The county commission shall not adopt a
- 6 guideline which would affect the method of opera-
- 7 ting an animal feed lot, nor the kinds of animal
- 8 species fed therein.

ROGER J. SHAFF
BASS VAN GILST

S—5730

- 1 Amend House File 1059 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 5 through 9, and
- 4 inserting in lieu thereof the following:
- 5 "The county board of supervisors may levy a tax
- 6 for financing the county agricultural extension edu-
- 7 cation program authorized in this chapter. The ex-

8 tension council of each extension district shall, at a
9 regular or special meeting held in January of each
10 year, certify to the board of supervisors a budget
11 for its county agricultural extension education
12 program. The annual tax that may be levied by the
13 board of supervisors and".

14 2. Page 2, by inserting after line 2, the
15 following:

16 "Sec. 2. The provisions of this Act shall be
17 governed by budget limitations contained in Senate
18 File 1062, passed by the Sixty-sixth General Assembly, 1976
19 session."

MINNETTE DODERER
WILLIAM D. PALMER

S-5722

1 Amend House File 1478 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 10, by inserting after line 31 the fol-
4 lowing new subsection:

5 "7. 'Multiple use terminal' means any machine
6 or device to which all of the following are applicable:

7 a. The machine or device is owned or operated
8 by a person who primarily engages in a service,
9 business or enterprise, including but not limited
10 to the retail sale of goods or services, but who is
11 not organized under the laws of this state or under
12 federal law as a bank, savings and loan association,
13 or credit union;

14 b. The machine or device is used by the person
15 by whom it is owned or operated in some capacity other
16 than as a satellite terminal; and

17 c. A financial institution proposes to contract
18 or has contracted to utilize that machine or device
19 as a satellite terminal."

20 2. Page 10, by striking line 32 and inserting
21 in lieu thereof the following:

22 "Sec. 12. **NEW SECTION. ENFORCEMENT.**

23 1. For purposes of this".

24 3. Page 11, by inserting after line 6 the fol-
25 lowing new subsections:

26 "2. The administrator shall have the authority
27 to examine any person who operates a multiple use
28 terminal or other satellite terminal, and any other
29 device or facility with which such terminal is
30 interconnected, as to any transaction by, with, or
31 involving a financial institution. Information
32 obtained in the course of such an examination shall
33 not be disclosed, except as provided by law.

34 3. Nothing contained in this chapter shall
35 authorize the administrator to regulate the conduct
36 of business functions or to obtain access to any
37 business records, data, or information of a person
38 who operates a multiple use terminal, except those
39 pertaining to a financial transaction engaged in

40 through a satellite terminal, or as may otherwise
41 be provided by law.

42 4. Nothing contained in this chapter shall be
43 construed to prohibit or to authorize the admin-
44 istrator to prohibit an operator of a multiple use
45 terminal, other than a financial institution, or an
46 operator of any other device or facility with which
47 such terminal is interconnected, other than a central
48 routing unit or data processing center as defined
49 in section eleven (11) of this Act from using those
50 facilities to perform internal proprietary functions,

Page 2

1 including the extension of credit pursuant to an open
2 end credit arrangement."

3 4. Page 12, line 1, by inserting after the word
4 "chapter." the words "The use and operation of each
5 satellite terminal shall be governed by a written
6 agreement between the controlling financial in-
7 stitution and the person controlling the physical
8 location at which the satellite terminal is placed.
9 The written agreement shall specify all of the terms
10 and conditions, including any fees and charges, under
11 which a satellite terminal is placed at that location.
12 In the event a satellite terminal is a multiple use
13 terminal, the written agreement shall specify, and
14 may limit, the specific types of transactions
15 incidental to the conduct of the business of a
16 financial institution which may be engaged in through
17 that terminal."

18 5. Page 13, by striking lines 17 through 22 and
19 inserting in lieu thereof the following:

20 "The informational statement shall be accompanied
21 by a copy of the written agreement required by sub-
22 section one (1) of this section. The".

LOWELL L. JUNKINS
WARREN E. CURTIS

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:00
p.m., until 8:30 a.m., Tuesday, May 11, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MAY 11, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Charles Khiyalie, District Superintendent and Assistant to the Methodist Bishop of India, Moradabad, India.

The Journal of Monday, May 10, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Christensen, Lake City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Rodgers for the day and Senator Heying for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed Lorella Rinaldi, American Field Service student from Italy, who was present in the Senate chamber as a guest of Senator Taylor.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-five students from Valley Park Elementary School, Cedar Falls, Iowa, accompanied by Mrs. Hall, Mrs. Purdy and Mrs. Danner. Senator Hansen.

Twenty-five students from Dedham-Wiley School, Dedham, Iowa, accompanied by their principal, Sister Rose Ellen Donde-linge. Senator Nolin.

Fifty-nine students from Johnston High School, Johnston, Iowa, accompanied by Dave Pitz. Senator Plymat.

Twenty-four students from the Centerville Community School District, Centerville, Iowa, accompanied by Miss Farnsworth. Senator Ramsey.

Forty students from Grant Elementary School, Oskaloosa, Iowa, accompanied by Francine Jones and Carole Hasselman. Senator Van Gilst.

Thirty-two students from Bridgewater-Fontanelle Elementary School, Fontanelle, Iowa, accompanied by their principal, Mrs. Wolfe, Pat Bishop and Mr. Goltz. Senator Rodgers.

Seventy students from St. Joseph's School, Bode, Iowa, accompanied by the Reverend David Hogan, Dena Reeves and Louis Bassler. Senator Priebe.

Thirty-two students from Rodman Middle School, Rodman, Iowa, accompanied by Darlys Scully. Senator Priebe.

Forty-five students from Abbie Sawyer Elementary School, Ames, Iowa, accompanied by Jackie Jones. Senator Murray.

Thirty-two students from the Schaller Community School District, Schaller, Iowa. Senator Winkelman.

Forty-four students from Fairfield High School, Fairfield, Iowa, accompanied by Mrs. Franklin and Mr. Unkrich. Senator Schwengels.

Forty-six students from Victor Junior High School, Victor, Iowa, accompanied by Rod Stanley and Bob Trout. Senator Orr.

Thirty-three students from St. Albert's High School, Council Bluffs, Iowa, accompanied by the Reverend Gordon Gittens. Senator Griffin.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Nineteen residents of Butler County.

Thirty-eight residents of Cass County.

One hundred residents of Decatur County.

Sixteen residents of Floyd County.

Ninety-two residents of Grundy County.

Eight residents of Hamilton County.

Sixteen residents of Hardin County and Franklin County.

One hundred five residents of Linn County.

Eighteen residents of Marion County.

Twenty-four residents of Polk County.

One hundred nine residents of Webster County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Hultman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Gary H. Koerselman of Sioux City, Woodbury County, Iowa, for reappointment to the Iowa State Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for the term commencing July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

CALVIN O. HULTMAN, Chairperson
LEONARD C. ANDERSEN
LOWELL L. JUNKINS
GEORGE R. KINLEY
NORMAN RODGERS

The motion prevailed and the report was adopted.

Senator Hultman moved the appointment of Gary H. Koerselman as a member of the Iowa State Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Burroughs	Hill of Polk	Murray	Scott
Carr	Hultman	Nolting	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Ramsey	Winkelman
Glenn		Redmond	

Nays, none.

Absent or not voting, 10:

Briles	Hill of Jasper	Norpel	Rodgers
Griffin	Kelly	Plymat	Willits
Heying	Nolin		

President Neu declared the appointment of Gary H. Koerselman as a member of the Iowa State Civil Rights Commission confirmed for the regular four-year term ending June 30, 1979.

Senator Nolting called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marie L. Holz of Grand Junction, Greene County, Iowa, for appointment as a member of the State Board of Veterinary Medical Examiners under the provisions of Section 169.15, Code 1975, for the initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

FRED W. NOLTING, Chairperson
JOHN N. NYSTROM
JOAN ORR
CLOYD E. ROBINSON
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Nolting moved the appointment of Marie L. Holz as a member of the State Board of Veterinary Medical Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Bergman	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Schwengels
Carr	Hill of Polk	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Priebe	Tieden
Gallagher	Miller of	Rabedaux	Van Gilst
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 10:

Andersen	Hill of Jasper	Norpel	Rodgers
Briles	Kelly	Plymat	Willits
Heying	Nolin		

President Neu declared the appointment of Marie L. Holz as a member of the State Board of Veterinary Medical Examiners confirmed for an initial term ending June 30, 1976.

HOUSE AMENDMENTS CONSIDERED

Senate File 1092

Senator Glenn called up for consideration Senate File 1092, a bill for an act creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review, amended by the House, and moved that the Senate concur in the following amendment:

S—5690

- 1 Amend Senate File 1092, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 1, by striking line 21 and inserting in
- 4 lieu thereof the words "and four associate judges,
- 5 any three of whom shall constitute".
- 6 2. Page 7, line 7, by striking the word "three"
- 7 and inserting in lieu thereof the word "five".
- 8 3. Page 12, line 4, by striking the word "one"
- 9 and inserting in lieu thereof the word "two".
- 10 4. Page 12, line 7, by striking the word "one"
- 11 and inserting in lieu thereof the word "two".

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S—5690?" (S.F. 1092) the vote was:

Ayes, 29:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Des Moines	Rabedeaux
Carr	Hansen	Norpel	Redmond
Coleman	Hultman	Nystrom	Robinson
Culver	Junkins	Orr	Scott
Curtis	Kinley	Palmer	Sovern
DeKoster	Lamborn	Plymat	Van Gilst
Glenn	Merritt		

Nays, 14:

Burroughs	Miller of	Ramsey	Taylor
Doderer	Marshall	Schwengels	Tieden
Gallagher	Murray	Shaff	Winkelman
Hill of Polk	Nolting	Shaw	

Absent or not voting, 7:

Briles	Hill of Jasper	Nolin	Willits
Heying	Kelly	Rodgers	

The motion prevailed and the Senate concurred in House amendment S—5690.

Senator Shaw raised the point of order that a fiscal note was required on the bill under Senate Rule 32.

The Chair ruled the point well taken and invoked Senate Rule 32.

Senator Glenn moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1092) the vote was:

Ayes, 37:

Andersen	Glenn	Miller of	Rabedeaux
Bergman	Gluba	Des Moines	Ramsey
Briles	Griffin	Miller of	Redmond
Burroughs	Hansen	Marshall	Robinson
Carr	Hill of Jasper	Norpel	Schwengels
Coleman	Hultman	Nystrom	Scott
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Van Gilst
DeKoster	Lamborn	Plymat	Willits
Gallagher	Merritt	Priebe	

Nays, 10:

Doderer	Murray	Shaw	Tieden
Hill of Polk	Nolting	Taylor	Winkelman
Junkins	Shaff		

Absent or not voting, 3:

Heying	Nolin	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 1124

Senator Priebe called up for consideration Senate File 1124, a bill for an act making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security Act, amended by the House, as follows:

S—5617

- 1 Amend Senate File 1124 as follows:
- 2 1. Page 1, line 2, by striking the word "seventy"
- 3 and inserting "thirty".
- 4 2. Page 1, line 3, by striking the figure
- 5 "70,000" and inserting the figure "30,000".
- 6 3. Page 1, by striking lines 9 through 15 and
- 7 inserting in lieu thereof the words "Act. The
- 8 joint senate-house".

Senator Hill of Polk offered amendment S—5733 to House amendment S—5617, moved its adoption and requested a record roll call:

S—5733

- 1 Amend the House amendment, S—5617, to Senate
- 2 File 1124, as amended, passed and reprinted by the

3 Senate as follows:

4 1. Page 1, by striking lines 6 through 8.

Senator Shaff took the chair at 10:10 a.m.

On the question "Shall amendment S—5733 to House amendment S—5617 be adopted?" (S.F. 1124) the vote was:

Rule 25 was invoked.

Ayes, 16:

Andersen	Hansen	Lamborn	Nystrom
Burroughs	Hill of Polk	Miller of	Ramsey
Coleman	Hultman	Marshall	Shaff
DeKoster	Kelly	Murray	Shaw
Glenn			

Nays, 28:

Bergman	Junkins	Orr	Schwengels
Briles	Kinley	Palmer	Scott
Carr	Merritt	Plymat	Sovern
Culver	Miller of	Priebe	Taylor
Curtis	Des Moines	Rabedeaux	Van Gilst
Gluba	Nolting	Redmond	Willits
Griffin	Norpel	Robinson	Winkelman
Hill of Jasper			

Absent or not voting, 6:

Doderer	Heying	Rodgers	Tieden
Gallagher	Nolin		

Amendment S—5733 to amendment S—5617 lost.

Senator Priebe moved that the Senate concur in House amendment S—5617.

The motion prevailed and the Senate concurred in House amendment S—5617.

Senator Priebe moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1124) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hultman	Nolting	Shaff
Carr	Junkins	Norpel	Shaw
Coleman	Kelly	Orr	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, 1:
Hill of Polk

Absent or not voting, 5:
Gallagher Nolin
Heying

Nystrom Rodgers

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

UNFINISHED BUSINESS

Senate File 1265

Senator Norpel called up for further consideration Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code, amended by the House, concurred in by the Senate, and deferred on May 10, 1976.

Senator Norpel moved to reconsider the vote by which the Senate concurred in House amendment S—5616 on May 10, 1976.

The motion prevailed and House amendment S—5616 was taken up for reconsideration.

Senator Coleman offered amendment S—5732 to House amendment S—5616 filed by him and moved its adoption:

S—5732

- 1 Amend the House amendment S—5616 to Senate File
- 2 1265 as passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "Sec. Section three hundred six C point
- 6 eleven (306C.11), subsection five (5), Code 1975,
- 7 as amended by Acts of the Sixty-sixth General Assembly,
- 8 1976 Session, House File ninety-one (91), section
- 9 one (1), is amended by adding the following new
- 10 paragraph:
- 11 *NEW PARAGRAPH.* For the year beginning July 1,
- 12 1977, and each subsequent year the annual fee shall
- 13 be equal to the sum of twenty-five dollars plus ten
- 14 dollars per month. The ten dollar per month portion
- 15 shall be due on or before the first of each month
- 16 or payable quarterly with installments due on or
- 17 before July first, October first, January first, and
- 18 April first of each year. The ten dollar per month
- 19 portion of the annual fee shall be used by the
- 20 department for the design, construction, erection
- 21 and maintenance of specific information panels and
- 22 administration costs of collecting the monthly fee.

- 23 The twenty-five dollar portion of the annual fee shall
 24 be deposited in the highway beautification fund."
 25 2. Page 1, line 39, by inserting after the word
 26 "notices" the words ", providing for changes in the
 27 annual fee for certain advertising devices".
 28 3. Renumber sections as necessary in conformance
 29 with this amendment.

Amendment S—5732 to House amendment S—5616 was adopted.

Senator Norpel moved that the Senate concur in House amendment S—5616 as amended.

The motion prevailed and the Senate concurred in House amendment S—5616 as amended.

Senator Norpel moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1265) the vote was:

Ayes, 39:

Andersen	Hansen	Miller of	Robinson
Bergman	Hill of Jasper	Marshall	Schwengels
Briles	Hill of Polk	Murray	Scott
Burroughs	Hultman	Nolting	Shaff
Carr	Junkins	Norpel	Sovern
Coleman	Kelly	Orr	Tieden
Curtis	Kinley	Plymat	Van Gilst
DeKoster	Lamborn	Rabedeaux	Willits
Doderer	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Griffin	Des Moines		

Nays, none.

Absent or not voting, 11:

Culver	Heying	Palmer	Shaw
Gallagher	Nolin	Priebe	Taylor
Gluba	Nystrom	Rodgers	

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

Senate File 1190

Senator Willits called up for consideration Senate File 1190, a bill for an act relating to the financing and administration of the office of the attorney general and making an appropriation, amended by the House, and moved that the Senate concur in the following amendment:

S—5641

- 1 Amend Senate File 1190, as amended by the Senate,
- 2 as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "any" the word "*executive*".
- 5 2. Page 2, line 23, by inserting after the word
- 6 "if" the word "*sufficient*".
- 7 3. Page 2, line 24, by inserting after the word
- 8 "if" the word "*sufficient*".

The motion prevailed and the Senate concurred in House amendment S—5641.

Senator Willits moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1190) the vote was:

Ayes, 39:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Burrroughs	Hill of Jasper	Murray	Shaff
Carr	Hill of Polk	Nolting	Sovern
Coleman	Hultman	Norpel	Taylor
Culver	Junkins	Orr	Tieden
Curtis	Kelly	Plymat	Van Gilst
DeKoster	Kinley	Rabedaux	Willits
Doderer	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 11:

Briles	Lamborn	Palmer	Rodgers
Gallagher	Nolin	Priebe	Shaw
Heying	Nystrom	Robinson	

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

Senate File 1278

Senator DeKoster called up for consideration Senate File 1278, a bill for an act relating to airports and aeronautics and providing for a fee, amended by the House, as follows:

S—5691

- 1 Amend Senate File 1278, as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, line 13 by inserting after the word
- 4 "consultants." the words "The department may perform
- 5 upon request by the political subdivision, any con-
- 6 sulting services necessary for acquisition, planning,

7 construction and certification of the airport
 8 facilities. All costs of such consulting services
 9 shall be reimbursed to the department by the
 10 political subdivision and deposited to the credit
 11 of the fund from which the costs were paid."
 12 2. Page 3, lines 33 and 34, by striking the
 13 words "[or the municipality acting for itself,]" and
 14 inserting in lieu thereof the words "or the
 15 [municipality] *governmental subdivision acting for*
 16 *itself*."

Senator DeKoster offered amendment S—5734 to House amendment S—5691 and moved its adoption:

S—5734

1 Amend the House amendment S—5691, to Senate File
 2 1278, by striking lines 3 through 11.

Amendment S—5734 to House amendment S—5691 was adopted.

Senator DeKoster moved that the Senate concur in House amendment S—5691 as amended.

The motion prevailed and the Senate concurred in House amendment S—5691 as amended.

Senator DeKoster moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1278) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Robinson
Briles	Hansen	Miller of	Schwengels
Burroughs	Hill of Jasper	Marshall	Scott
Carr	Hill of Polk	Murray	Shaff
Coleman	Hultman	Nolting	Shaw
Culver	Junkins	Norpel	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Kinley	Plymat	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Glenn		Ramsey	Winkelman

Nays, 1:

Sovern

Absent or not voting, 8:

Gallagher	Lamborn	Nystrom	Priebe
Heying	Nolin	Palmer	Rodgers

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

UNFINISHED BUSINESS

Senate File 1210

Senator Ramsey called up for further consideration Senate File 1210, a bill for an act relating to funds available for unified law enforcement purposes, including a property tax levy for unified law enforcement purposes and the establishment of a public safety fund, amended by House amendment S—5707 found on pages 1788–1790, inclusive, of the Senate Journal.

Senator Hill of Polk offered amendment S—5735 to House amendment S—5707, moved its adoption and requested a non-record roll call:

S—5735

- 1 Amend the House amendment S—5707 to Senate
- 2 File 1210, page 1, by striking lines 14 through 19.

The ayes were 14, nays 25.

Amendment S—5735 to House amendment S—5707 lost.

Senator Ramsey moved that the Senate concur in House amendment S—5707.

A record roll call was requested.

On the question “Shall the Senate concur in House amendment S—5707?” (S.F.1210) the vote was:

Ayes, 33:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Robinson
Briles	Hultman	Miller of	Schwengels
Burroughs	Junkins	Marshall	Shaff
Carr	Kelly	Murray	Shaw
Coleman	Kinley	Orr	Sovern
Culver	Lamborn	Palmer	Taylor
Curtis	Merritt	Plymat	Van Gilst
Glenn		Rabedaux	Winkelman

Nays, 11:

DeKoster	Hill of Jasper	Priebe	Tieden
Doderer	Hill of Polk	Redmond	Willits
Hansen	Nolting	Scott	

Absent or not voting, 6:

Gallagher	Nolin	Nystrom	Rodgers
Heying	Norpel		

The motion prevailed and the Senate concurred in House amendment S—5707.

Senator Ramsey moved that the bill as amended by the House

and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1210) the vote was:

Ayes, 41:

Andersen	Hansen	Miller of	Redmond
Bergman	Hill of Jasper	Marshall	Robinson
Briles	Hultman	Murray	Schwengels
Burroughs	Junkins	Nolting	Scott
Carr	Kelly	Norpel	Shaff
Culver	Kinley	Orr	Shaw
Curtis	Lamborn	Palmer	Sovern
DeKoster	Merritt	Plymat	Taylor
Doderer	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedeaux	Van Gilst
Griffin		Ramsey	Willits

Nays, 4:

Coleman	Gluba	Hill of Polk	Winkelman
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Absent or not voting, 5:

Gallagher	Nolin	Nystrom	Rodgers
Heying			

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

VOTE RECORDED BY UNANIMOUS CONSENT

Senator Hultman asked and received unanimous consent that he be recorded in the Senate Journal as voting "aye" on the final passage of Senate File 1092.

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 345, a bill for an act relating to the method used by judges of election to select and certify potential jurors.

Also: Attached hereto is the corrected House amendment to Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology.

Also: That the House has on May 7, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department.

Also: That the House has on May 7, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1283, a bill for an act relating to and making an appropriation to the Iowa beer and liquor control department.

Also: That the House has on May 7, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1472, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1480, a bill for an act relating to rail regulation.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 345

S—5736

1 Amend Senate File 345, as amended and passed by
2 the Senate, as follows:

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

5 "Section 1. Section six hundred eight point two
6 (608.2), Code 1975, is amended to read as follows:

7 608.2 APPOINTIVE COMMISSION TO SELECT. In each
8 county [having situated therein a city with a popu-
9 lation of fourteen thousand or more], the judges of
10 the district court of the judicial district in which
11 said county is located shall, on or before October
12 [1] first of each year in which the general election
13 is held, appoint three competent electors as a jury
14 commission to select and make lists of the names of
15 persons to serve as grand and petit jurors and talesmen
16 for the two years beginning January [1] first after
17 such election.

18 Sec. 2. Section six hundred nine point one (609.1),
19 subsections one (1), two (2), and three (3), Code 1975,
20 are amended to read as follows:

21 1. GRAND JURORS. A list of names and addresses
22 of one hundred fifty *eligible* electors from which
23 to select grand jurors.

24 2. PETIT JURORS. A list of names and addresses
25 of *eligible* electors equal to one-eighth of the whole
26 number of qualified electors in the county as shown
27 by the [election registers of the previous general
28 election] *current list of registered voters*, from which
29 to select petit jurors.

30 3. TALESMEN. A list of the names and addresses

31 of *eligible* electors equal to fifteen percent of the
32 whole number of qualified electors as shown by the
33 [election registers of the previous general election]
34 *current list of registered voters*, in the city [or
35 town] in which the district court is held and in the
36 township or townships in which such city is located
37 (but in no case exceeding five hundred names) from
38 which to select talesmen.

39 Sec. 3. Section six hundred nine point two (609.2),
40 Code 1975, is amended to read as follows:

41 609.2 NONELIGIBLE NAMES. The appointive com-
42 mission, in the preparation of said lists, shall not
43 place thereon the name of any person:

44 [1. Who is not an elector of the state.]

45 [2. Who is not of good moral character.]

46 [3. Who is not of sound judgment.]

47 [4. Who is not in full possession of the senses
48 of hearing and seeing.]

49 [5. Who cannot speak, write, and read the English
50 language.]

Page 2

1 [6. Who has served in said county and in the
2 district court as a grand or petit juror since the
3 first day of January preceding the last general
4 election.]

5 [7] 1. Who by reason of the condition of his or
6 her health, business, domestic duties, or other
7 circumstances will probably be unable to serve as
8 a juror.

9 [8] 2. Who has, directly or indirectly, requested
10 that his or her name be placed on said lists, or on
11 any of them.

12 [9] 3. Who has been exempted by law from jury
13 service.

14 Sec. 4. Section six hundred nine point four
15 (609.4), Code 1975, is amended to read as follows:

16 609.4 AUDITOR TO APPORTION AND CERTIFY. On or
17 before the date of said meeting of the appointive
18 commission, the county auditor shall apportion the
19 number of grand and petit jurors to be selected among
20 the several [election precincts] *political subdivisions*
21 *of the county*, and the talesmen of which there shall
22 be at least two, among the [precincts] *political*
23 *subdivisions* from which the same are to be drawn,
24 in each case as nearly as practicable in proportion
25 to the number of [electors registered in such precincts
26 as shown by the election registers of the last general
27 election] *persons residing in the respective political*
28 *subdivisions*, and certify said apportionment to such
29 commission.

30 Sec. 5. Section six hundred nine point five
31 (609.5), Code 1975, is amended by striking the section
32 and inserting in lieu thereof the following:

33 609.5 ADDITIONAL INFORMATION PROVIDED. For the

34 purpose of aiding the appointive commission in drawing
35 the jury lists, officials of the state and its
36 political subdivisions shall furnish the appointive
37 commission with copies of the current list of
38 registered voters, tax assessments lists, lists of
39 persons holding motor vehicle operators' licenses,
40 or such other comprehensive lists of persons residing
41 in the county as the commission may request. The
42 clerk of the district court shall also deliver to
43 the commission a list of all persons who have served
44 as grand or petit jurors since January first of the
45 preceding year.

46 Sec. 6. Section six hundred nine point seven
47 (609.7), Code 1975, is amended by striking the section
48 and inserting in lieu thereof the following:

49 609.7 DEFINITIONS. As used in this chapter, the
50 term 'eligible elector' has the meaning assigned the

Page 3

1 term by section thirty-nine point three (39.3), sub-
2 section one (1), of the Code.

3 Sec. 7. Section six hundred nine point eleven
4 (609.11), Code 1975, is amended by striking the sec-
5 tion and inserting in lieu thereof the following:

6 609.11 CERTIFICATION. When the jury lists
7 prescribed by this chapter are completed, they shall
8 be certified by the appointive commissioners in
9 substantially the following form:

10 We, _____,
11 _____, and _____, constituting the jury
12 commission for _____ county, do hereby
13 certify that the foregoing lists do not, to our
14 knowledge and belief, contain the name of any per-
15 son who should be excluded under section six hundred
16 nine point two (609.2) of the Code.

17 Sec. 8. Sections six hundred eight point nine
18 (608.9), six hundred nine point eight (609.8), six
19 hundred nine point nine (609.9), six hundred nine
20 point ten (609.10) and six hundred nine point thir-
21 teen (609.13), Code 1975, are repealed."

22 2. Title, line 1, by striking the words "by judges
23 of election".

CORRECTED HOUSE AMENDMENT TO SENATE FILE 1141

S—5738

1 Amend Senate File 1141, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 3, by inserting after the word
4 "cosmetology" the words "or from any school in
5 another state which is recognized by the board."

6 2. Page 6, by striking lines 27 and 28.

7 3. Page 6, by striking lines 31 through 35.

8 4. Page 7, by striking lines 1 through 11.

9 5. Page 17, line 31, by inserting after the

- 10 word "[license]" the words "*original barber assistant's*
11 *license, renewal of a barber assistant's license*".

HOUSE AMENDMENT TO SENATE FILE 1191

S—5737

- 1 Amend Senate File 1191 as follows:
2 Page 1, by striking line 21 and inserting in lieu
3 thereof the words "subsection\$671,382
4 The general assembly anticipates that federal funds
5 will be available to the regional library system in
6 an amount approximating two hundred sixteen thousand
7 (216,000) dollars. However if such federal funds
8 do not become available, it is the intent of the gen-
9 eral assembly that it will appropriate an amount of
10 funds to replace those funds anticipated that do not
11 become available during the fiscal year beginning
12 July 1, 1976."

HOUSE MESSAGES CONSIDERED

House File 1472, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate.

Read first time and passed on file.

House File 1480, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties.

Read first time and passed on file.

HOUSE AMENDMENTS CONSIDERED

Senate File 1285

Senator Priebe called up for consideration Senate File 1285, a bill for an act temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act, amended by the House, and moved that the Senate concur in the following amendment:

S—5708

- 1 Amend Senate File 1285 as follows:
2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof the following:
4 "Section 1. Section nineteen A point nine (19A.9),

- 5 subsection nine (9), Code 1975, is amended to read
 6 as follows:
 7 9. For emergency employment for not more than
 8 sixty calendar days in any twelve-month period without
 9 examination, and for intermittent employment for not
 10 more than one hundred [eighty] *twenty* calendar days
 11 in any twelve-month period. For intermittent
 12 employment the employee must have had a probationary,
 13 permanent, or temporary appointment.
 14 Sec. 2. The provisions of section nineteen A
 15 point".
 16 2. Page 1, lines 3 and 4, by striking the word
 17 "one hundred eighty" and inserting in lieu thereof
 18 the words "a specified number of".
 19 3. Page 1, line 13, by striking the figure "2"
 20 and inserting in lieu thereof the figure "3".
 21 4. Title, line 1, by inserting after the word
 22 "Act" the words "relating to limiting intermittent
 23 employment under the merit employment system to a
 24 period of not more than one hundred twenty calendar
 25 days out of any twelve-month period,".

The motion prevailed and the Senate concurred in the House amendment S—5708.

Senator Priebe moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1285) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Schwengels
Bergman	Griffin	Marshall	Scott
Briles	Hill of Jasper	Murray	Shaff
Burroughs	Hultman	Nolting	Shaw
Carr	Kelly	Norpel	Sovern
Coleman	Kinley	Nystrom	Taylor
Culver	Lamborn	Orr	Tieden
DeKoster	Merritt	Palmer	Van Gilst
Doderer	Miller of	Priebe	Willits
Gallagher	Des Moines	Rabedeaux	Winkelman
Glenn		Ramsey	

Nays, none.

Absent or not voting, 10:

Curtis	Hill of Polk	Plymat	Robinson
Hansen	Junkins	Redmond	Rodgers
Heying	Nolin		

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

Senate File 357

Senator Lamborn called up for consideration Senate File 357, a bill for an act relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects, amended by the House, and moved that the Senate concur in the following amendment:

S—5720

- 1 Amend Senate File 357, as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, line 22, by inserting after the
- 4 word "foregoing" the words "whereby the municipal-
- 5 ity could receive revenues for payment of such
- 6 bonds from any one person or any group of persons
- 7 under common control".
- 8 2. Page 1, line 24, by inserting after the
- 9 word "bank." the following: "A state bank shall
- 10 obtain the express consent of the superintendent
- 11 prior to investment by that bank of an amount in
- 12 excess of twenty percent of its capital and sur-
- 13 plus in bonds or securities issued by any one
- 14 municipality."

The motion prevailed and the Senate concurred in House amendment S—5720.

Senator Lamborn moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 357) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Voting present, 1:

Kelly

Absent or not voting, 6:

Doderer	Nolin	Redmond	Rodgers
Heying	Plymat		

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1295.

Senate File 1295

On motion of Senator Kelly, Senate File 1295, a bill for an act relating to the rules of the board of parole, was taken up for consideration.

President pro tempore Doderer took the chair at 1:50 p.m.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1295) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Schwengels
Bergman	Griffin	Marshall	Scott
Briles	Hansen	Murray	Shaff
Burroughs	Hill of Jasper	Nolting	Shaw
Carr	Hill of Polk	Norpel	Sovern
Coleman	Hultman	Nystrom	Taylor
Culver	Junkins	Orr	Tieden
Curtis	Kelly	Palmer	Van Gilst
DeKoster	Kinley	Rabedaux	Willits
Doderer	Lamborn	Ramsey	Winkelman
Gallagher	Miller of	Robinson	
Glenn	Des Moines		

Nays, none.

Absent or not voting, 7:

Heying	Nolin	Priebe	Rodgers
Merritt	Plymat	Redmond	

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

WITHDRAWN

Senator Kelly asked and received unanimous consent that Senate File 404 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1478.

House File 1478

On motion of Senator Curtis, House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis offered amendment S—5622 filed by the committee on commerce and moved its adoption:

S—5622

1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 10, lines 30 and 31, by striking the word
4 and figure "ten (10)" and inserting in lieu thereof
5 the word and figure "twelve (12)".

6 2. Page 11, line 25, by inserting after the word
7 "location" the words "except pursuant to an agreement
8 with a financial institution which is authorized by
9 the preceding sentence to establish a satellite
10 terminal at that location and which will utilize the
11 satellite terminal so established".

12 3. Page 12, by striking lines 25 through 35, and
13 page 13, by striking lines 1 and 2.

14 4. Page 16, line 14, by striking the word "bank"
15 and inserting in lieu thereof the words "financial
16 institution".

17 5. Page 18, line 3, by inserting after the word
18 "state" the words "and controlled by the same type
19 of financial institution as those financial
20 institutions previously utilizing the services of
21 the applicant central routing unit".

22 6. Page 18, line 5, by inserting after the word
23 "unit," the words "For the purposes of this paragraph
24 the term "type of financial institution" shall, not-
25 withstanding the issuer of the financial institu-
26 tion's charter, mean either (a) banks; or (b) savings
27 and loan associations; or (c) credit unions."

Senator Miller of Des Moines took the chair at 2:20 p.m.

Amendment S—5622 was adopted.

Senator Rabedaux offered amendment S—5740:

S—5740

1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 25, by striking the word "or"

4 and inserting in lieu thereof the words "*industrial*
5 *loan companies licensed under chapter five hundred*
6 *thirty-six A (536A) of the Code, or*".

7 2. Page 5, line 33, by striking the word "or"
8 and inserting in lieu thereof the words "*industrial*
9 *loan companies licensed under chapter five hundred*
10 *thirty-six A (536A) of the Code, or*".

11 3. Page 7, line 21, by striking the word "or"
12 and inserting in lieu thereof the words "*industrial*
13 *loan companies licensed under chapter five hundred*
14 *thirty-six A (536A) of the Code, or*".

15 4. Page 8, by inserting after line 25 the following
16 new section:

17 "Sec. Section five hundred thirty-six A
18 point twenty-three (536A.23), Code 1975, is amended
19 by adding the following new subsections:

20 **NEW SUBSECTION.** Subject to the prior approval
21 of the auditor, acquire and hold shares in a
22 corporation engaged in providing and operating
23 facilities through which industrial loan companies
24 and customers may engage, by means of either the
25 direct transmission of electronic impulses to and
26 from an industrial loan company or the recording of
27 electronic impulses or other indicia of a transaction
28 for delayed transmission to an industrial loan company,
29 in transactions in which such industrial loan companies
30 are otherwise permitted to engage pursuant to
31 applicable law.

32 **NEW SUBSECTION.** Engage in any transaction otherwise
33 permitted by this chapter and applicable law by means
34 of either the direct transmission of electronic
35 impulses to or from the industrial loan company or
36 the recording of electronic impulses or other indicia
37 of a transaction for delayed transmission to the
38 industrial loan company. Subject to the provisions
39 of division II of this Act, an industrial loan company
40 may utilize, establish or operate, alone or with one
41 or more other industrial loan companies, banks
42 incorporated under the provisions of chapter five
43 hundred twenty-four (524) of the Code or the national
44 banking acts (12 U.S.C. Sections 21-95), savings
45 and loan associations incorporated under chapter five
46 hundred thirty-four (534) of the Code or the Home
47 Owners Loan Act of 1933 (12 U.S.C. Sections 1461-
48 1468), credit unions incorporated under the provisions
49 of chapter five hundred thirty-three (533) of the
50 Code or the federal Credit Union Act (12 U.S.C.

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1 Sections 1751-1790), or third parties, the satellite
2 terminals permitted under division II of this Act,
3 by means of which industrial loan companies may
4 transmit and receive electronic impulses constituting
5 transactions pursuant to this subsection. However,
6 such utilization, establishment or operation shall

7 be lawful only when in compliance with division II
8 of this Act. Nothing in this subsection shall be
9 construed as authority for any person to engage in
10 transactions not otherwise permitted by applicable
11 law, nor shall anything in this subsection be deemed
12 to repeal, replace or in any other way affect any
13 applicable law or rule regarding the maintenance of
14 or access to financial information maintained by any
15 industrial loan company."

16 5. Page 10, line 16, by inserting after the
17 numerals "(1468)," the words "any industrial loan
18 company licensed under chapter five hundred thirty-
19 six A (536A) of the Code,".

20 6. Page 10, line 26, by striking the word "both".

21 7. Page 10, line 27, by striking the word "banking"
22 and inserting in lieu thereof the word "banking".

23 8. Page 10, line 28, by inserting after the word
24 "associations" the words "and the supervisor of
25 industrial loan companies".

26 9. Page 11, line 6, by inserting after the word
27 "associations." the words "The supervisor of industrial
28 loan companies only shall have and exercise such
29 powers and authority with respect to industrial loan
30 companies."

31 10. Page 12, line 19, by inserting after the word
32 "association" the words ", industrial loan company,".

33 11. Page 12, line 21, by inserting after the word
34 "bank" the words ", industrial loan company,".

35 12. Page 12, line 24, by inserting after the word
36 "association" the words "; and one established and
37 controlled by an industrial loan company is not
38 required to be available for use by a bank, credit
39 union, or savings and loan association".

40 13. By renumbering sections of the bill, and by
41 correcting internal references in the bill as
42 necessary.

Senator Junkins raised the point of order that amendment S—5740 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5740 in order.

Senator Rabedaux moved the adoption of amendment S—5740 and requested a non-record roll call.

Rule 25 was invoked.

The ayes were 20, nays 26.

Amendment S—5740 lost.

Senator Griffin withdrew amendment S—5513 filed by him on April 14, 1976, and found on page 1314 of the Senate Journal.

Senator Curtis offered amendment S—5694 filed by Senators Curtis, et al., and moved its adoption:

S—5694

- 1 Amend House File 1478 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 22, by striking everything
- 4 after the word "fifty" through line 29 and insert-
- 5 ing in lieu thereof the following:
- 6 "thousand [according to the most recent federal
- 7 census may establish two such offices within the
- 8 boundaries of the municipal corporation or urban
- 9 complex, if the municipal corporation or urban com-
- 10 plex has a population of over one hundred thousand]
- 11 but not over".
- 12 2. Page 3, line 30, by striking the words "one
- 13 hundred thousand but not over".

The Chair requested a non-record roll call.

The ayes were 30, nays 10.

Amendment S—5694 was adopted.

Senator Carr offered amendment S—5741, moved its adoption and requested a non-record roll call:

S—5741

- 1 Amend House File 1478 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 9, line 7, by striking the word
- 4 "essential" and inserting in lieu thereof the words
- 5 "recognized as".

The ayes were 15, nays 26.

Amendment S—5741 lost.

Senator Curtis offered amendment S—5722 filed by Senators Junkins and Curtis and moved its adoption:

S—5722

- 1 Amend House File 1478 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 10, by inserting after line 31 the fol-
- 4 lowing new subsection:
- 5 "7. 'Multiple use terminal' means any machine
- 6 or device to which all of the following are applicable:
- 7 a. The machine or device is owned or operated
- 8 by a person who primarily engages in a service
- 9 business or enterprise, including but not limited
- 10 to the retail sale of goods or services, but who is
- 11 not organized under the laws of this state or under
- 12 federal law as a bank, savings and loan association,
- 13 or credit union;

14 b. The machine or device is used by the person
15 by whom it is owned or operated in some capacity other
16 than as a satellite terminal; and

17 c. A financial institution proposes to contract
18 or has contracted to utilize that machine or device
19 as a satellite terminal."

20 2. Page 10, by striking line 32 and inserting
21 in lieu thereof the following:

22 "Sec. 12. *NEW SECTION. ENFORCEMENT.*

23 1. For purposes of this".

24 3. Page 11, by inserting after line 6 the fol-
25 lowing new subsections:

26 "2. The administrator shall have the authority
27 to examine any person who operates a multiple use
28 terminal or other satellite terminal, and any other
29 device or facility with which such terminal is
30 interconnected, as to any transaction by, with, or
31 involving a financial institution. Information
32 obtained in the course of such an examination shall
33 not be disclosed, except as provided by law.

34 3. Nothing contained in this chapter shall
35 authorize the administrator to regulate the conduct
36 of business functions or to obtain access to any
37 business records, data, or information of a person
38 who operates a multiple use terminal, except those
39 pertaining to a financial transaction engaged in
40 through a satellite terminal, or as may otherwise
41 be provided by law.

42 4. Nothing contained in this chapter shall be
43 construed to prohibit or to authorize the admin-
44 istrator to prohibit an operator of a multiple use
45 terminal, other than a financial institution, or an
46 operator of any other device or facility with which
47 such terminal is interconnected, other than a central
48 routing unit or data processing center as defined
49 in section eleven (11) of this Act from using those
50 facilities to perform internal proprietary functions,

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1 including the extension of credit pursuant to an open
2 end credit arrangement."

3 4. Page 12, line 1, by inserting after the word
4 "chapter," the words "The use and operation of each
5 satellite terminal shall be governed by a written
6 agreement between the controlling financial in-
7 stitution and the person controlling the physical
8 location at which the satellite terminal is placed.
9 The written agreement shall specify all of the terms
10 and conditions, including any fees and charges, under
11 which a satellite terminal is placed at that location.
12 In the event a satellite terminal is a multiple use
13 terminal, the written agreement shall specify, and
14 may limit, the specific types of transactions
15 incidental to the conduct of the business of a
16 financial institution which may be engaged in through

17 that terminal."

18 5. Page 13, by striking lines 17 through 22 and

19 inserting in lieu thereof the following:

20 "The informational statement shall be accompanied

21 by a copy of the written agreement required by sub-

22 section one (1) of this section. The".

Amendment S—5722 was adopted.

Senator Shaw withdrew amendment S—5511 filed by her on April 13, 1976, and found on page 1297 of the Senate Journal.

Senator Curtis offered amendment S—5714 filed by Senators Curtis and Junkins, moved its adoption and requested a non-record roll call:

S—5714

1 Amend House File 1478 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 15, line 19, by inserting after the word
4 "complex," the words "This subsection is repealed
5 effective July 1, 1978."

The ayes were 17, nays 26.

Amendment S—5714 lost.

Senator Shaw offered amendment S—5518 filed by her and moved its adoption:

S—5518

1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 15, line 24, by inserting after the word
4 "state," the following: "However, satellite terminals
5 established in any county of this state which is
6 contiguous to a border of this state may be utilized
7 to accomplish all debit and credit transactions
8 involving financial institutions established in any
9 county of another state when that county is contiguous
10 to the same border of this state if the laws of that
11 other state and if the persons in control of satellite
12 terminals located in that other state permit customers
13 to utilize, on substantially equivalent terms and
14 conditions, satellite terminals located in that state
15 to accomplish transactions involving financial
16 institutions in this state. The administrator shall
17 promulgate rules which prohibit or limit the
18 utilization of satellite terminals established in
19 this state to accomplish transactions involving
20 financial institutions located in another state to
21 the extent necessary to assure compliance with the
22 provisions of this section."

Amendment S—5518 was adopted.

Senator Carr offered amendment S—5742 and moved its adoption:

S—5742

1 Amend House File 1478 as amended, passed, and
2 reprinted as follows:

3 1. Page 15, line 30, by striking the words
4 "A written".

5 2. Page 15, by striking line 31 through page
6 16, line 4, and inserting in lieu thereof the
7 following:

8 "The machine receipt provided to a satellite
9 account transaction card user by a satellite term-
10 inal shall be admissible as evidence in any legal
11 action or proceeding and shall constitute prima
12 facie proof of the transaction evidenced by that
13 receipt.

14 A financial institution shall provide each of
15 its satellite account holders with a periodic ac-
16 count statement that shall contain a brief descrip-
17 tion of all satellite terminal transactions suf-
18 ficient to enable the account holder to identify
19 any transaction and to relate it to machine receipts
20 provided by the satellite terminals.

21 When a periodic account statement includes both
22 satellite terminal transactions and other, non-
23 satellite terminal transactions, all satellite ter-
24 minal transactions shall be indicated as such,
25 and shall be accompanied by the description requir-
26 ed by this subsection."

Amendment S—5742 was adopted.

Senator Carr offered amendment S—5746 by Senators Carr, Junkins and Curtis and moved its adoption:

S—5746

1 Amend House File 1478, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 15, by inserting after line 24 the follow-
4 ing new section:

5 "Sec. **NEW SECTION. DISCLOSURE OF TERMS.**

6 Prior to permitting a customer or member to engage in
7 transactions in such person's account with a financial
8 institution through use of a satellite terminal, the
9 financial institution shall provide such person with
10 a written statement which sets forth the terms under
11 which such transactions will be permitted, including,
12 but not limited to, the following information:

13 1. The specific transactions which, subject to
14 the capabilities of individual satellite terminals,
15 may be performed through a satellite terminal by such
16 person.

17 2. The fixed charges, if any, for permitting such
18 person to engage in transactions through a satellite

19 terminal.

20 3. The charges, if any, for individual transactions
21 engaged in through a satellite terminal, and the
22 method for determining such charges.

23 4. The minimum balance, if any, which must be
24 maintained by such person in an account with a finan-
25 cial institution as a condition for engaging in
26 transactions in such account through a satellite ter-
27 minal.

28 5. The limitation on the liability of the customer
29 or member for losses incurred by such person as a
30 result of transactions through a satellite terminal
31 which were not authorized by such person or to which
32 such person was not a party.

33 6. The legal status of receipts issued from a
34 satellite terminal.

35 7. The right of the customer or member to a des-
36 cription of transactions performed through a satellite
37 terminal on any periodic statement of an account of
38 such person affected by such transactions.

39 8. The right of the customer or member to seek
40 correction of any errors believed by such person to have
41 been made as a result of any transaction through a
42 satellite terminal affecting an account of such person
43 with the financial institution."

Amendment S—5746 was adopted.

Senator Carr offered amendment S—5747 by Senators Carr,
Junkins and Curtis and moved its adoption:

S—5747

1 Amend House File 1478, as amended, passed and reprinted
2 by the House, as follows:

3 1. Page 16, line 29, by striking the words "LIABILITY.
4 As a condition of" and inserting in lieu thereof the
5 words "LIABILITY AND ERRORS."

6 2. Page 16, line 30, by striking the word "exercising"
7 and inserting in lieu thereof the words "1. As a condition
8 of exercising".

9 3. Page 17, by inserting after line 10 the following
10 new subsections:

11 "2. If, upon receipt of a periodic statement of account
12 from a financial institution, a customer or member of the
13 financial institution believes that the statement contains
14 an error with respect to a transaction engaged in by such
15 person through a satellite terminal, then such person
16 shall, within sixty (60) days of the date on which such
17 statement was mailed or otherwise delivered by the finan-
18 cial institution, notify the financial institution by
19 means of a writing which (a) sets forth or otherwise en-
20 ables the financial institution to identify the member or
21 customer and the number of the account in question; (b)
22 indicates the customer's or member's belief that the state-

23 ment contains an error with respect to a transaction engaged
24 in by such person through a satellite terminal, and states
25 the amount of the alleged error; and (c) sets forth the
26 reasons for the person's belief that the statement contains
27 such an error. Unless the action required in subsection
28 three (3) of this section is taken prior to the end of
29 the thirty (30) day period, the financial institution shall
30 acknowledge in writing its receipt of the notice provided
31 for in this subsection within thirty (30) days of its
32 actual receipt thereof.

33 3. Within ninety (90) days of the financial institu-
34 tion's receipt of the notice described in subsection two
35 (2) of this section, it shall either:

36 a. Correct the account in question and provide the
37 customer or member with written notification of the cor-
38 rection and, if the correction is not in the exact amount
39 of the alleged error, provide such person with a written
40 explanation of any difference between the alleged error
41 and the correction made; or

42 b. Provide the customer or member with a written expla-
43 nation, after having conducted an investigation of the
44 matter, stating the reason the financial institution be-
45 lieves the statement is correct and, within thirty (30) days
46 of further written request of the customer or member, pro-
47 vide such person with a written copy of the record of the
48 transaction in question, as maintained by the financial
49 institution pursuant to section fifteen (15) of this Act.

50 4. A financial institution which has received a notice

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1 specified in subsection two (2) of this section shall
2 not, prior to its compliance with subsection three (3)
3 of this section, close the account concerning which
4 the dispute exists or restrict transactions in such
5 account which affect only the portion thereof which is
6 not in dispute. A financial institution which has
7 complied with the provisions of subsection three (3)
8 of this section with respect to an alleged error con-
9 cerning a transaction engaged in through a satellite
10 terminal shall have no further responsibility under
11 subsections two (2) through four (4) of this section
12 if the customer or member continues to make substan-
13 tially the same allegation with respect to such error.

14 5. If the correction of any error relating to a
15 transaction engaged in through satellite terminal in
16 an account of a customer or member results in a cre-
17 dit to such account, the financial institution shall
18 additionally credit such account with any amount of
19 interest which would have been paid to such customer
20 or member by the financial institution except for the
21 error, or which was paid by such person to the finan-
22 cial institution as a result of the error.

23 6. A financial institution which fails to comply
24 with the provisions of subsections two (2) through

- 25 five (5) of this section shall be liable to the cus-
 26 tomer or member who has complied with such provisions
 27 for a civil penalty in the amount of fifty dollars."

Amendment S—5747 was adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1478) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Scott
Burroughs	Hill of Jasper	Nolting	Shaff
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Junkins	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedaux	

Nays, 2:

Ramsey Winkelman

Voting present, 1:

Kelly

Absent or not voting, 6:

Doderer	Lamborn	Rodgers	Schwengels
Heying	Nolin		

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: Attached hereto is the corrected House amendment to Senate File 205, a bill for an act relating to the issuance, continuation, and termination of teachers' contracts.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT CONSIDERED

Senate File 205

Senator Carr called up for consideration Senate File 205, a bill for an act relating to the issuance, continuation, and termination of teachers' contracts, amended by the House, as follows:

CORRECTED HOUSE AMENDMENT TO SENATE FILE 205

S—5745

1 Amend Senate File 205, as amended, passed, and
2 reprinted by the Senate, by striking everything
3 after the enacting clause and inserting in lieu
4 thereof the following:

5 "Section 1. Section two hundred seventy-nine point
6 thirteen (279.13), Code 1975, is amended by striking
7 the section and inserting in lieu thereof the follow-
8 ing:

9 279.13 CONTRACTS WITH TEACHERS—AUTOMATIC
10 CONTINUATION.

11 1. Contracts with teachers, which for the purpose
12 of this section means all certificated employees of
13 a school district and nurses employed by the board,
14 excluding superintendents, assistant superintendents,
15 principals, and assistant principals, shall be in
16 writing and shall state the number of contract days,
17 the annual compensation to be paid, and any other
18 matters as may be mutually agreed upon. The contract
19 may include employment for a term not exceeding the
20 ensuing school year, except as otherwise authorized.

21 The contract is invalid if the teacher is under
22 contract with another board of directors to teach
23 during the same time period until a release from the
24 other contract is achieved. The contract shall be
25 signed by the president of the board when tendered,
26 and after it is signed by the teacher, the contract
27 shall be filed with the secretary of the board before
28 the teacher enters into performance under the contract.

29 2. The contract shall remain in force and effect
30 for the period stated in the contract and shall be
31 automatically continued for equivalent periods except
32 as modified or terminated by mutual agreement of the
33 board of directors and the teacher or as terminated
34 in accordance with the provisions specified in this
35 chapter. A contract shall not be offered by the
36 employing board to a teacher under its jurisdiction
37 prior to March fifteenth of any year. A teacher who
38 has not accepted a contract for the ensuing school
39 year tendered by the employing board may resign
40 effective at the end of the current school year by
41 filing a written resignation with the secretary of
42 the board. The resignation must be filed not later
43 than the last day of the current school year or the
44 date specified by the employing board for return of
45 the contract, whichever date occurs first. However,
46 a teacher shall not be required to return a contract
47 to the board or to resign less than twenty-one days
48 after the contract has been offered.

49 3. The board shall establish evaluation criteria
50 and shall implement evaluation procedures. If an

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1 exclusive bargaining representative has been certified,

2 the board shall negotiate in good faith with respect
3 to evaluation procedures pursuant to chapter twenty
4 (20) of the Code.

5 4. The superintendent or the superintendent's
6 designee shall notify the teacher not later than March
7 fifteenth that the superintendent will recommend in
8 writing to the board at a regular or special meeting
9 of the board held not later than March thirty-first
10 that the teacher's continuing contract be terminated
11 effective at the end of the current school year.

12 5. Such notification shall be in writing and shall
13 be personally delivered to the teacher, or mailed
14 by certified mail. The notification shall be complete
15 when received by the teacher. The notification and
16 the recommendation to terminate shall contain a short
17 and plain statement of the reasons, which shall be
18 for just cause, why the recommendation is being made.
19 The notification shall be given at or before the time
20 the recommendation is given to the board.

21 As a part of the termination proceedings, the
22 teacher's complete personnel file of employment by
23 that board shall be available to the teacher, which
24 file shall contain a record of all periodic evaluations
25 between the teacher and appropriate supervisors.

26 Within five days of the receipt of the written
27 notice that the superintendent is recommending termina-
28 tion of the contract, the teacher may request, in
29 writing to the secretary of the board, a private
30 hearing with the board. The private hearing shall
31 not be subject to chapter twenty-eight A (28A) of
32 the Code and shall be held no sooner than ten days
33 and no later than twenty days following the receipt
34 of the request unless the parties otherwise agree.
35 The secretary of the board shall notify the teacher
36 in writing of the date, time, and location of the
37 private hearing, and at least five days before the
38 hearing shall also furnish to the teacher any
39 documentation which may be presented to the board
40 at the private hearing and a list of persons who may
41 address the board in support of the superintendent's
42 recommendation at the private hearing. At least three
43 days before the hearing, the teacher shall provide
44 any documentation he or she expects to present at
45 the private hearing, along with the names of any
46 persons who may address the board on behalf of the
47 teacher. This exchange of information shall be at
48 the time specified unless otherwise agreed.

49 6. The participants at the private hearing shall
50 be at least a majority of the members of the board,

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1 their legal representatives, if any, the
2 superintendent, the superintendent's designated
3 representatives, if any, the teacher's immediate

4 supervisor, the teacher, the teacher's representatives,
5 if any, and the witnesses for the parties. The
6 evidence at the private hearing shall be limited to
7 the specific reasons stated in the superintendent's
8 notice of recommendation of termination. No
9 participant in the hearing shall be liable for any
10 damages to any person if any statement at the hearing
11 is determined to be erroneous as long as the statement
12 was made in good faith. The superintendent shall
13 present evidence and argument on all issues involved
14 and the teacher may cross-examine, respond and present
15 evidence and argument in his or her behalf relevant
16 to all issues involved. Evidence may be by stipulation
17 of the parties and informal settlement may be made
18 by stipulation, consent, or default or by any other
19 method agreed upon by the parties in writing. The
20 board shall employ a certified shorthand reporter
21 to keep a record of the private hearing. The
22 proceedings or any part thereof shall be transcribed
23 at the request of either party with the expense of
24 transcription charged to the requesting party.

25 The presiding officer of the board may administer
26 oaths in the same manner and with like effect and
27 under the same penalties as in the case of magistrates
28 exercising criminal or civil jurisdiction. The board
29 shall cause subpoenas to be issued for such witnesses
30 and the production of such books and papers as either
31 the board or the teacher may designate. The subpoenas
32 shall be signed by the presiding officer of the board.

33 In case a witness is duly subpoenaed and refuses
34 to attend, or in case a witness appears and refuses
35 to testify or to produce required books or papers,
36 the board shall, in writing, report such refusal to
37 the district court of the county in which the
38 administrative office of the school district is
39 located, and the court shall proceed with the person
40 or witness as though the refusal had occurred in a
41 proceeding legally pending before the court.

42 The board shall not be bound by common law or
43 statutory rules of evidence or by technical or formal
44 rules of procedure, but it shall hold the hearing
45 in such manner as is best suited to ascertain and
46 conserve the substantial rights of the parties.
47 Process and procedure under this section shall be
48 as summary as reasonably may be.

49 At the conclusion of the private hearing, the
50 superintendent and the teacher may file written briefs

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1 and arguments with the board within three days or
2 such other time as may be agreed upon.

3 If the teacher fails to timely request a private
4 hearing or does not appear at the private hearing,
5 the board may proceed and make a determination upon
6 the superintendent's recommendation, which

7 determination in that case shall be not later than
8 April tenth, or not later than five days after the
9 scheduled date for the private hearing, whichever
10 is applicable. The board shall convene in open session
11 and by roll call vote determine the termination or
12 continuance of the teacher's contract.

13 Within five days after the private hearing, the
14 board shall, in executive session, meet to make a
15 final decision upon the recommendation and the evidence
16 as herein provided. The board shall also consider
17 any written brief and arguments submitted by the
18 superintendent and the teacher.

19 The record for a private hearing shall include:

20 a. All pleadings, motions and intermediate rulings.

21 b. All evidence received or considered and all
22 other submissions.

23 c. A statement of all matters officially noticed.

24 d. All questions and offers of proof, objections
25 and rulings thereon.

26 e. All findings and exceptions.

27 f. Any decision, opinion, or conclusion by the
28 board.

29 g. Findings of fact shall be based solely on the
30 evidence in the record and on matters officially
31 noticed in the record.

32 The decision of the board shall be in writing and
33 shall include findings of fact and conclusions of
34 law, separately stated. Findings of fact, if set
35 forth in statutory language, shall be accompanied
36 by a concise and explicit statement of the underlying
37 facts and supporting the findings. Each conclusion
38 of law shall be supported by cited authority or by
39 reasoned opinion.

40 When the board has reached a decision, opinion,
41 or conclusion, it shall convene in open meeting and
42 by roll call vote determine the continuance or
43 discontinuance of the teacher's contract. The record
44 of the private conference and findings of fact and
45 exceptions shall be exempt from the provisions of
46 chapter sixty-eight A (68A) of the Code. The secretary
47 of the board shall immediately mail notice of the
48 board's action to the teacher.

49 7. If the teacher is no longer a probationary
50 teacher, the teacher may, within ten days, appeal

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1 the determination of the board to an adjudicator by
2 filing a notice of appeal with the secretary of the
3 board. The notice of appeal shall contain a concise
4 statement of the action which is the subject of the
5 appeal, the particular board action appealed from,
6 the grounds on which relief is sought and the relief
7 sought.

8 Within five days following receipt by the secretary
9 of the notice of appeal, the board or the board's

10 legal representative, if any, and the teacher or the
11 teacher's representative, if any, may select an
12 adjudicator who resides within the boundaries of the
13 merged area in which the school district is located.
14 If an adjudicator cannot be mutually agreed upon
15 within the five-day period, the secretary shall notify
16 the chairperson of the public employment relations
17 board by transmitting the notice of appeal, and the
18 chairperson of the public employment relations board
19 shall within five days provide a list of five
20 adjudicators to the parties. Within three days from
21 receipt of the list of adjudicators, the parties shall
22 select an adjudicator by alternately removing a name
23 from the list until only one name remains. The person
24 whose name remains shall be the adjudicator. The
25 parties shall determine by lot which party shall
26 remove the first name from the list submitted by the
27 chairperson of the public employment relations board.
28 The secretary of the board shall inform the chairperson
29 of the public employee relations board of the name
30 of the adjudicator selected.

31 If the teacher does not timely request an appeal
32 to an adjudicator the decision, opinion, or conclusion
33 of the board shall become final and binding.

34 Within thirty days after filing the notice of
35 appeal, or within further time allowed by the
36 adjudicator, the board shall transmit to the
37 adjudicator the original or a certified copy of the
38 entire record of the private hearing which may be
39 the subject of the petition. By stipulation of the
40 parties to review the proceedings, the record of the
41 case may be shortened. The adjudicator may require
42 or permit subsequent corrections or additions to the
43 shortened record.

44 The record certified and filed by the board shall
45 be the record upon which the appeal shall be heard
46 and no additional evidence shall be heard by the
48 adjudicator. In such appeal to the adjudicator,
48 especially when considering the credibility of
49 witnesses, the adjudicator shall give weight to the
50 fact findings of the board; but shall not be bound

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1 by them.

2 Before the date set for hearing a petition for
3 review of board action, which shall be within ten
4 days after receipt of the record unless otherwise
5 agreed or unless the adjudicator orders additional
6 evidence be taken before the board, application may
7 be made to the adjudicator for leave to present
8 evidence in addition to that found in the record of
9 the case. If it is shown to the adjudicator that
10 the additional evidence is material and that there
11 were good reasons for failure to present it in the
12 private hearing before the board, the adjudicator

13 may order that the additional evidence be taken before
14 the board upon conditions determined by the
15 adjudicator. The board may modify its findings and
16 decision in the case by reason of the additional
17 evidence and shall file that evidence and any
18 modifications, new findings, or decisions, with the
19 adjudicator and mail copies of the new findings or
20 decisions to the teacher.

21 The adjudicator may affirm board action or remand
22 to the board for further proceedings. The adjudicator
23 shall reverse, modify, or grant any appropriate relief
24 from the board action if substantial rights of the
25 teacher have been prejudiced because the board action
26 is:

27 a. In violation of a board rule or policy or
28 contract; or

29 b. Unsupported by a preponderance of the competent
30 evidence in the record made before the board when
31 that record is viewed as a whole; or

32 c. Unreasonable, arbitrary or capricious or
33 characterized by an abuse of discretion or a clearly
34 unwarranted exercise of discretion.

35 The adjudicator shall, within fifteen days after
36 the hearing, make a decision and shall give a copy
37 of the decision to the teacher and the secretary of
38 the board. The decision of the adjudicator shall
39 become the final and binding decision of the board
40 unless either party within ten days notifies the
41 secretary of the board that the decision is rejected.
42 The board may reject the decision by majority vote,
43 by roll call, in open meeting and entered into the
44 minutes of the meeting. The board shall immediately
45 notify the teacher of its decision by certified mail.
46 The teacher may reject the adjudicator's decision
47 by notifying the board's secretary in writing within
48 ten days of the filing of such decision.

49 All costs of the adjudicator shall be shared equally
50 by the teacher and the board.

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1 8. If either party rejects the adjudicator's
2 decision, the rejecting party shall, within thirty
3 days of the initial filing of such decision, appeal
4 to the district court of the county in which the
5 administrative office of the school district is
6 located. The notice of appeal shall be immediately
7 mailed by certified mail to the other party. The
8 adjudicator shall transmit to the reviewing court
9 the original or a certified copy of the entire record
10 which may be the subject of the petition. By
11 stipulation of all parties to the review proceedings,
12 the record of such a case may be shortened. A party
13 unreasonably refusing to stipulate to limit the record
14 may be taxed by the court for the additional cost.
15 The court may require or permit subsequent corrections

16 or additions to the shortened record.

17 In proceedings for judicial review of the
18 adjudicator's decision, the court shall not hear any
19 further evidence but shall hear the case upon the
20 certified record. In such judicial review, especially
21 when considering the credibility of witnesses, the
22 court shall give weight to the fact findings of the
23 board; but shall not be bound by them. The court
24 may affirm the adjudicator's decision or remand to
25 the adjudicator or the board for further proceedings
26 upon conditions determined by the court. The court
27 shall reverse, modify, or grant any other appropriate
28 relief from the board decision or the adjudicator's
29 decision equitable or legal and including declaratory
30 relief if substantial rights of the petitioner have
31 been prejudiced because the action is:

32 a. In violation of constitutional or statutory
33 provisions; or

34 b. In excess of the statutory authority of the
35 board or the adjudicator; or

36 c. In violation of a board rule or policy or
37 contract; or

38 d. Made upon unlawful procedure; or

39 e. Affected by other error of law; or

40 f. Unsupported by a preponderance of the compe-
41 tent evidence in the record made before the board
42 and the adjudicator when that record is viewed as
43 a whole; or

44 g. Unreasonable, arbitrary or capricious or
45 characterized by an abuse of discretion or a clearly
46 unwarranted exercise of discretion.

47 An aggrieved or adversely affected party to the
48 judicial review proceeding may obtain a review of
49 any final judgment of the district court by appeal
50 to the supreme court. The appeal shall be taken as

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1 in other civil cases, although the appeal may be taken
2 regardless of the amount involved.

3 9. The first two consecutive years of employment
4 of a teacher in the same school district are a proba-
5 tionary period. However, a board of directors may
6 waive the probationary period for any teacher who
7 previously has served a probationary period in another
8 school district and the board may extend the proba-
9 tionary period for an additional year with the consent
10 of the teacher.

11 In the case of the termination of a probationary
12 teacher's contract, the provisions of subsections
13 four (4), five (5), and six (6), of this section shall
14 apply.

15 The board's decision shall be final and binding
16 unless the termination was based upon an alleged
17 violation of a constitutionally guaranteed right of
18 the teacher or an alleged violation of public employee

19 rights of the teacher under section twenty point ten
20 (20.10) of the Code.

21 Sec. 2. Section two hundred seventy-nine point
22 twenty-four (279.24), Code 1975, is amended by strik-
23 ing the section and inserting in lieu thereof the
24 following:

25 279.24 DISCHARGE OF TEACHER. A teacher may be
26 discharged at any time during the contract year for
27 just cause. The superintendent or the superintendent's
28 designee, shall notify the teacher immediately that
29 the superintendent will recommend in writing to the
30 board at a regular or special meeting of the board
31 held not more than fifteen days after notification
32 has been given to the teacher that the teacher's
33 continuing contract be terminated effective immediately
34 following a decision of the board. The procedure
35 for dismissal shall be as provided in subsections
36 five (5) through nine (9) of section two hundred
37 seventy-nine point thirteen (279.13) of the Code.
38 The superintendent may suspend a teacher under this
39 section pending hearing and determination by the
40 board."

Senator Hultman offered amendment S—5748 to the corrected
House amendment S—5745 by Senators Hultman and Rabedaux:

S—5748

1 Amend the House amendment, S—5745 to Senate File
2 205, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking line 5 through page
5 8 and inserting in lieu thereof the fol-
6 lowing:

7 "Section 1. Section twenty point nine (20.9),
8 unnumbered paragraph one (1), Code 1975, is amended
9 to read as follows:

10 The public employer and the employee organization
11 shall meet at reasonable times, including meetings
12 reasonably in advance of the public employer's budget-
13 making process, to negotiate in good faith with respect
14 to wages, hours, vacations, insurance, holidays,
15 leaves of absence, shift differentials, overtime
16 compensation, supplemental pay, seniority, transfer
17 procedures, job classifications, health and safety
18 matters, evaluation procedures, procedures for staff
19 reduction, in-service training and other matters
20 mutually agreed upon. *Public employees employed by*
21 *a school district, area education agency, or area*
22 *school and the respective board of directors shall*
23 *also negotiate in good faith with respect to the*
24 *issuance, continuation, and termination of teacher*
25 *contracts and discharge of teachers. Negotiations*
26 *shall also include terms authorizing dues checkoff*
27 *for members of the employee organization and grievance*
28 *procedures for resolving any questions arising under*

29 the agreement, which shall be embodied in a written
 30 agreement and signed by the parties. If an agreement
 31 provides for dues checkoff, a member's dues may be
 32 checked off only upon the member's written request
 33 and the member may terminate the dues checkoff at
 34 any time by giving thirty days' written notice. Such
 35 obligation to negotiate in good faith does not compel
 36 either party to agree to a proposal or make a
 37 concession.

38 Sec. 2. Section two hundred seventy-nine point
 39 thirteen (279.13), Code 1975, is amended by adding
 40 the following new unnumbered paragraph as unnumbered
 41 paragraph one (1):

42 **NEW UNNUMBERED PARAGRAPH.** If a collective
 43 bargaining agreement has been negotiated under the
 44 provisions of chapter twenty (20) of the Code, the
 45 provisions of this section shall not be applicable
 46 to teachers.

47 Sec. 3. Section two hundred seventy-nine point
 48 twenty-four (279.24), Code 1975, is amended by adding
 49 the following new unnumbered paragraph as unnumbered
 50 paragraph one (1):

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1 **NEW UNNUMBERED PARAGRAPH.** If a collective
 2 bargaining agreement has been negotiated under the
 3 provisions of chapter twenty (20) of the Code, the
 4 provisions of this section shall not be applicable
 5 to teachers."

President pro tempore Doderer took the chair at 4:35 p.m.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Hultman moved the adoption of S—5748 to House amendment S—5745 and requested a record roll call.

On the question "Shall amendment S—5748 to House amendment S—5745 be adopted?" (S.F. 205) the vote was:

Ayes, 14:

Bergman	Griffin	Miller of	Shaff
Briles	Hill of Jasper	Marshall	Shaw
Burroughs	Hultman	Rabedaux	Taylor
DeKoster	Lamborn	Scott	

Nays, 31:

Andersen	Hill of Polk	Nolting	Redmond
Carr	Junkins	Norpel	Robinson
Coleman	Kelly	Nystrom	Schwengels
Culver	Kinley	Orr	Sovern
Doderer	Merritt	Palmer	Tieden
Glenn	Miller of	Plymat	Van Gilst
Gluba	Des Moines	Priebe	Willits
Hansen	Murray	Ramsey	Winkelman

Absent or not voting, 5:

Curtis
Gallagher

Heying

Nolin

Rodgers

Amendment S—5748 to House amendment S—5745 lost.

Senator Ramsey offered amendment S—5753 to House amendment S—5745, moved its adoption and requested a record roll call:

S—5753

- 1 Amend the corrected House amendment, S—5745, to
- 2 Senate File 205, as follows:
- 3 1. Page 2, by inserting after line 20, the
- 4 following new paragraph:
- 5 "For the purpose of this section, 'just cause'
- 6 includes:
- 7 a. incompetency,
- 8 b. persistent or substantial neglect of duty,
- 9 c. inadequate performance,
- 10 d. physical or mental disability or sickness which
- 11 interferes with performance of duty as shown by com-
- 12 petent medical evidence and following a leave of
- 13 absence of one year,
- 14 e. other just cause affecting performance of
- 15 duties, or
- 16 f. factors which require a reduction of staff."
- 17 2. Page 8, by inserting after line 40, the following
- 18 new paragraph:
- 19 "For the purpose of this section, 'just cause'
- 20 shall include those reasons enumerated in section two
- 21 hundred seventy-nine point thirteen (279.13) of
- 22 the Code, as amended by this Act. However, before
- 23 a teacher may be discharged, an additional specific
- 24 finding must be made by the board that retention of
- 25 the teacher will have a substantial adverse effect
- 26 upon the educational process where the teacher is
- 27 employed or that the teacher will be unable to perform
- 28 contracted duties."

On the question "Shall amendment S—5753 to House amendment S—5745 be adopted?" (S.F. 205) the vote was:

Ayes, 15:

Bergman
Briles
Burroughs
Hill of Jasper

Hultman
Lamborn
Miller of
Marshall

Rabedeaux
Ramsey
Schwengels
Scott

Shaw
Taylor
Tieden
Winkelman

Nays, 30:

Andersen
Carr
Coleman
Culver
DeKoster
Doderer
Gallagher
Glenn

Gluba
Griffin
Hansen
Hill of Polk
Junkins
Kelly
Kinley
Merritt

Miller of
Des Moines
Murray
Nolting
Norpe
Nystrom
Orr
Plymat

Palmer
Priebe
Redmond
Robinson
Sovern
Van Gilst
Willits

Absent or not voting, 5:

Curtis
Heying

Nolin

Rodgers

Shaff

Amendment S—5753 to House amendment S—5745 lost.

Senator Ramsey offered amendment S—5749 to House amendment S—5745, moved its adoption and requested a record roll call:

S—5749

- 1 Amend the House amendment, S—5745, to Senate
- 2 File 205, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 6, line 36, by striking the word
- 5 "make" and inserting in lieu thereof the word "render".
- 6 2. Page 6, by striking lines 38 through 48 and
- 7 inserting in lieu thereof the following:
- 8 "the board. Such decision shall be final unless
- 9 appealed to the district court pursuant to the pro-
- 10 visions of subsection eight (8) of this section."
- 11 3. Page 7, by striking lines 1 through 4 and in-
- 12 serting in lieu thereof the following:
- 13 "The adjudicator's decision may be appealed to
- 14 the district court by either party to it and must be
- 15 filed within twenty (20) days of the date of the render-
- 16 ing of the decision in the district court of the county
- 17 in which the".

On the question "Shall amendment S—5749 to House amendment S—5745 be adopted?" (S.F. 205) the vote was:

Rule 25 was invoked.

Ayes, 17:

Bergman	Hill of Jasper	Miller of	Shaw
Briles	Hill of Polk	Marshall	Taylor
Burroughs	Hultman	Rabedaux	Tieden
DeKoster	Lamborn	Ramsey	Winkelman
Griffin		Schwengels	

Nays, 27:

Andersen	Hansen	Murray	Priebe
Carr	Junkins	Nolting	Redmond
Culver	Kelly	Norpel	Robinson
Doderer	Kinley	Nystrom	Scott
Gallagher	Merritt	Orr	Sovern
Glenn	Miller of	Palmer	Van Gilst
Gluba	Des Moines	Plymat	Willits

Absent or not voting, 6:

Coleman
Curtis

Heying
Nolin

Rodgers

Shaff

Amendment S—5749 to House amendment S—5745 lost.

Senator Norpel offered amendment S—5754 to House amendment S—5745 and moved its adoption:

S—5754

1 Amend House amendment, S—5745, to Senate File
2 205, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 8, by inserting after line 20 the
5 following:

6 "The board shall not consider terminating the
7 contract of a teacher who has been employed as a
8 teacher for twenty-five years or more in this state,
9 is at least fifty-six years of age, and holds a
10 valid preprofessional certificate issued by the
11 board of educational examiners, for reasons that
12 the teacher does not possess a bachelor's degree
13 from a recognized institution."

14 2. Page 8, by inserting after line 40 the
15 following section:

16 "Sec. It is the intent of the general
17 assembly that any teacher be reinstated for employ-
18 ment by the board for the school year beginning
19 July 1, 1976, and thereafter if the teacher's
20 contract has been terminated or the teacher has
21 resigned, effective for the school year beginning
22 July 1, 1975, solely because the teacher does not
23 possess a bachelor's degree from a recognized insti-
24 tution. The provisions of this section shall apply
25 only to teachers who have been employed in this
26 state as teachers for not less than forty years,
27 who are at least fifty-six years of age, and who
28 hold valid preprofessional certificates. Teachers
29 qualifying for reinstatement under this section
30 shall be offered contracts, for the school year
31 beginning July 1, 1976, and thereafter, which
32 specify an annual salary in an amount not less
33 than the annual salary established by the board for
34 a teacher with no previous teaching experience who
35 holds a professional certificate issued by the board
36 of educational examiners."

A record roll call was requested.

On the question "Shall amendment S—5754 to House amend-
ment S—5745 be adopted?" (S.F. 205) the vote was:

Ayes, 6:

Briles
Lamborn

Norpel
Radebeaux

Schwengels

Tieden

Nays, 37:

Andersen
Bergman
Burroughs
Carr
Culver
DeKoster
Doderer
Glenn
Gluba
Griffin

Hansen
Hill of Jasper
Hill of Polk
Hultman
Kelly
Kinley
Junkins
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Nystrom
Orr
Palmer
Plymat
Priebe
Ramsey

Redmond
Robinson
Scott
Shaw
Sovern
Taylor
Van Gilst
Willits
Winkelman

Absent or not voting, 7:

Coleman	Gallagher	Nolin	Shaff
Curtis	Heying	Rodgers	

Amendment S—5754 to House amendment S—5745 lost.

Senator Carr moved that the Senate concur in House amendment S—5745.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S—5745?" (S.F. 205) the vote was:

Ayes, 34:

Andersen	Griffin	Miller of	Priebe
Bergman	Hansen	Marshall	Redmond
Carr	Hill of Polk	Murray	Robinson
Culver	Junkins	Nolting	Schwengels
DeKoster	Kelly	Norpel	Scott
Doderer	Kinley	Nystrom	Sovern
Gallagher	Merritt	Orr	Tieden
Glenn	Miller of	Palmer	Van Gilst
Gluba	Des Moines	Plymat	Willits

Nays, 10:

Briles	Hultman	Ramsey	Taylor
Burroughs	Lamborn	Shaw	Winkelman
Hill of Jasper	Rabedeaux		

Absent or not voting, 6:

Coleman	Heying	Rodgers	Shaff
Curtis	Nolin		

The motion prevailed and the Senate concurred in House amendment S—5745.

Senator Rabedeaux raised the point of order that a fiscal note was required under Senate Rule 32.

The Chair ruled the point not well taken.

Senator Carr moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 205) the vote was:

Ayes, 32:

Andersen	Hansen	Miller of	Priebe
Bergman	Hill of Polk	Marshall	Redmond
Carr	Junkins	Murray	Schwengels
Culver	Kelly	Nolting	Sovern
DeKoster	Kinley	Norpel	Taylor
Doderer	Merritt	Nystrom	Tieden
Gallagher	Miller of	Orr	Van Gilst
Glenn	Des Moines	Palmer	Willits
Gluba		Plymat	

Nays, 10:

Briles	Hultman	Ramsey	Shaw
Burroughs	Lamborn	Scott	Winkelman
Hill of Jasper	Rabedaux		

Absent or not voting, 8:

Coleman	Griffin	Nolin	Rodgers
Curtis	Heying	Robinson	Shaff

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 11, 1976, refused to concur in the Senate amendment to the House amendment to Senate File 85, relating to a complete revision of the criminal laws of the state of Iowa.

DAVID L. WRAY, Chief Clerk

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 829 Commerce
H. F. 1451 Judiciary
H. F. 1466 Judiciary
H. F. 1485 County government
H. F. 1533 Commerce

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 10, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

S. F. 1275—Appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

REPORTS OF COMMITTEES

Senator Miller of Des Moines submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred House File 1440, a bill for an act to prohibit the notation of the amount of the security interest on certificate of title, the release form, or

notation certificate for a motor vehicle, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CHARLES P. MILLER, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1460**, a bill for an act striking references to the Iowa Annie Wittenmyer Home, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on labor and industrial relations to which was referred **House File 1546**, a bill for an act relating to certain authority of the industrial commissioner, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CLOYD E. ROBINSON, Chairperson

Ordered passed on file.

Senator Hill of Jasper submitted the following report:

MR. PRESIDENT: Your committee on state government to which was referred **House File 1498**, a bill for an act relating to establishment of historical preservation districts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EUGENE M. HILL, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5752

- 1 Amend the House amendment, S—5706, to Senate
- 2 File 1207 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 2, by striking lines 11 through 18.
- 5 2. Page 4, by striking lines 35 and 36.
- 6 3. Page 4, by striking lines 37 and 38.
- 7 4. Page 4, by striking line 39.
- 8 5. Page 4, by striking line 48 through page
- 9 5, line 12.

JAMES W. GRIFFIN, SR.

S—5750

- 1 Amend the House amendment, S—5709, to Senate
- 2 File 1288 as amended, passed and reprinted by the
- 3 Senate as follows:

- 4 1. Page 2, lines 28 and 29, by striking the
 5 words, "*if a majority of the members of the Admin-*
 6 *istrative Rules Review Committee approve the*
 7 *inapplicability*".
 8 2. Page 2, by striking line 44 through page
 9 3, line 27.
 10 3. Page 3, by striking lines 35 through 40 and
 11 and inserting in lieu thereof the words, "*Two copies of*
 12 *each rule shall be forwarded to*".
 13 4. Page 4, lines 8 through 10, by striking the
 14 words, "*the rule provides by its own terms that it*
 15 *is effective for a period not to exceed one hundred*
 16 *eighty days, as specified, and if*".
 17 5. By renumbering the sections as necessary.

MINNETTE DODERER
 EUGENE M. HILL
 ELIZABETH SHAW

S—5743

- 1 Amend Senate File 1299 as follows:
 2 1. Page 2, by inserting after line 27 the fol-
 3 lowing:
 4 "Sec. Chapter two hundred fifty-three (253),
 5 Code 1975, is amended by adding the following new
 6 section:
 7 **NEW SECTION. Following any inspection of a county**
 8 care facility conducted by the state department of
 9 social services, or by the state department of health
 10 pursuant to the provisions of chapter one hundred
 11 thirty-five C (135C) of the Code, a copy of the find-
 12 ings of the inspection shall be sent by the depart-
 13 ment conducting the inspection to the board of super-
 14 visors."
 15 2. Amend the title, line 1, by striking the words
 16 "care review committees for".
 17 3. Amend the title, line 2, by inserting after
 18 the word "facilities" the words "by changing the
 19 manner of appointment and duties of care review
 20 committees for health care facilities, specifying
 21 the duties of the commission on aging, area agencies
 22 on aging and facility administrators in relation to
 23 care review committees, providing for the removal
 24 of committee members, and requiring the submission
 25 of inspection findings for certain health care
 26 facilities to the county board of supervisors".
 27 4. By renumbering the remaining sections and cor-
 28 recting internal references in accordance with this
 29 amendment.

WILLIAM E. GLUBA

S—5755

- 1 Amend Senate amendment S—5588 to Senate File 1313
 2 as follows:
 3 1. Page 17, by striking line 28 and inserting

4 in lieu thereof the following: "twelve months after
5 the adoption of the state land use policy and policy
6 guidelines,".

7 2. Page 20, by striking line 2 and inserting in
8 lieu thereof the following: "eighteen months after
9 the adoption of the state land use policy and policy
10 guidelines,".

11 3. Page 20, lines 15 and 16, by striking the words
12 "three years after the effective date of this Act,"
13 and inserting in lieu thereof the words "eighteen
14 months after the adoption of the state land use policy
15 and policy guidelines,".

16 4. Page 27, lines 13 and 14, by striking the words
17 "~~three years after the effective date of this act,~~"
18 and inserting in lieu thereof the following: "*eighteen*
19 *months after the adoption of the state land use policy*
20 *and policy guidelines,*,".

21 5. Page 27, lines 25 and 26, by striking the words
22 "~~three years after the effective date of this Act~~"
23 and inserting in lieu thereof the following: "*eighteen*
24 *months after the adoption of the state land use policy*
25 *and policy guidelines*,".

26 6. Page 27, lines 46 and 47, by striking the words
27 "~~three years after the effective date of this Act~~"
28 and inserting in lieu thereof the words "*eighteen*
29 *months after the adoption of the state land use policy*
30 *and policy guidelines*,".

STEVE SOVERN

S-5751

1 Amend Senate File 1320 as follows:

2 1. Page 3, line 16, by striking the word "section"
3 and inserting in lieu thereof the word "sections".

4 2. Page 4, by inserting after line 7 the follow-
5 ing new section:

6 "**NEW SECTION. LIMITATION ON AMOUNT OF JUDGMENTS,**
7 **AWARDS, AND SETTLEMENTS.** A judgment, award, or settle-
8 ment against a municipality within the scope of this
9 chapter shall not exceed:

10 1. The sum of one hundred thousand dollars to
11 one claimant for all claims arising out of a single
12 accident or occurrence.

13 2. The sum of three hundred thousand dollars to
14 two or more claimants for all claims arising out of
15 a single accident or occurrence. However, in such
16 instance, a claimant shall not recover more than one
17 hundred thousand dollars."

ELIZABETH SHAW

S-5744

1 Amend House File 1346, by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section twenty-nine C point one
5 (29C.1), Code 1975, is amended to read as follows:

6 29C.1 ADMINISTRATION. The state civil defense
7 agency shall be a division within the department of
8 public defense of the state government and shall be
9 [styled and] known as the '[civil defense division] *Iowa*
10 *defense civil preparedness agency*, department of
11 public defense'.

12 The [civil defense division] *Iowa defense civil*
13 *preparedness agency* shall be responsible for the
14 administration of civil defense matters, to include
15 emergency resource planning, in the state of Iowa
16 and co-ordinate available services in the event of
17 major man-made disasters in the event of natural
18 disasters including, but not limited to, hurricanes,
19 tornadoes, windstorms or floods.

20 Sec. 2. Section twenty-nine C point two (29C.2),
21 Code 1975, is amended to read as follows:

22 29C.2 MEMBERSHIP—EXPENSES. There is hereby
23 created a civil defense advisory council, hereinafter
24 referred to as the 'council', the members of which
25 shall be composed of nine residents of the state of
26 Iowa appointed by the governor [for three year terms]
27 *not later than sixty days after the effective date*
28 *of this Act*. Membership in the council shall [be
29 representative] consist of [counties, municipalities
30 and rural areas] *one person each from the senate state*
31 *government and county government committees, one*
32 *person each from the house state government and county*
33 *government committees, two local civil defense*
34 *directors selected from a list of four nominees*
35 *provided by the civil defense directors association*
36 *and three lay persons*, shall be nonpartisan, and the
37 members shall be appointed without reference to their
38 political affiliation. *Beginning on September 1,*
39 *1976 three members shall be appointed for a one-year*
40 *term expiring July 1, 1977, three members shall*
41 *be appointed for a two-year term expiring July 1,*
42 *1978 and three members shall be appointed for a three-*
43 *year term expiring on July 1, 1979.*

44 The governor shall appoint one of the members as
45 chairman [and one as vice chairman]. *The vice chairman*
46 *shall be elected by the council.*

47 As the terms of the members so appointed shall
48 expire, their successors shall be appointed, each
49 for a term of three years; provided, however, that
50 [upon] *within sixty days following the death, disability*

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1 or resignation of any member, the governor shall
2 appoint a person to serve for the unexpired term.

3 The council shall advise the governor, the executive
4 director of the department of public defense, and
5 the director, on all matters pertaining to civil
6 defense and *shall approve all emergency planning.*
7 *The council shall meet at least quarterly.*

8 The members of the council shall serve without

9 compensation, except that they shall be reimbursed
10 *by the agency or department they represent* for their
11 actual and necessary expenses incurred in performing
12 their duties as members of the council, *except that*
13 *lay members shall be reimbursed for actual and*
14 *necessary expenses from the funds of the Iowa defense*
15 *civil preparedness agency.*

16 Sec. 3. Section twenty-nine C point three (29C.3),
17 subsection two (2), unnumbered paragraph one (1),
18 paragraph a, Code 1975, are amended to read as fol-
19 lows:

20 2. In performing his duties under this chapter
21 and to effect it policy and purpose, the governor
22 [is authorized and empowered] *may:*

23 a. [To] *After issuing a declaration of disaster,*
24 *make, amend, and rescind the necessary orders and*
25 *rules to carry out the provisions of this chapter*
26 *within the limits of the authority conferred upon*
27 *him herein, and on behalf of the state, to enter into*
28 *agreements with the federal government in conformance*
29 *with plans and policies of the [federal] United States*
30 *defense civil [defense] preparedness agency and [the*
31 *office of emergency planning] other federal agencies*
32 *having an emergency or disaster responsibility. All*
33 *rules issued by the Iowa defense civil preparedness*
34 *agency in the absence of a declaration of disaster*
35 *affecting state or local civil defense operations*
36 *and planning shall be subject to the provisions of*
37 *chapter seventeen A (17A) of the Code.*

38 Sec. 4. Section twenty-nine C point three (29C.3),
39 Code 1975, is amended by adding the following new
40 subsection:

41 **NEW SUBSECTION.** Requests for national guard
42 assistance to a political subdivision shall be made
43 according to the provisions of section twenty-nine
44 A point eight (29A.8) of the Code.

45 Sec. 5. Section twenty-nine C point four (29C.4),
46 subsection one (1), Code 1975, is amended to read
47 as follows:

48 1. The [civil] *Iowa defense [division] civil*
49 *preparedness agency* shall be under the management
50 of a civil defense director who shall be appointed

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1 by the governor, upon the recommendation of the
2 council, for a four-year term. The governor shall
3 fix his compensation out of funds hereafter
4 appropriated to or otherwise available to the
5 department of the public defense for such purpose.

6 Sec. 6. Section twenty-nine C point five (29C.5),
7 Code 1975, is amended to read as follows:

8 29C.5 ASSISTANTS. The director, [with the approval
9 of the executive director, department of public defense
10 and] upon the recommendation of the council, may employ
11 a deputy director and may employ such technical,

12 clerical, stenographic and other personnel, and make
13 such expenditures within the appropriation therefor,
14 or from other funds made available to the department
15 of public defense for purposes of civil defense and
16 emergency planning, as may be necessary to carry out
17 the purposes of this chapter.

18 Sec. 7. Section twenty-nine C point seven (29C.7),
19 unnumbered paragraphs one (1), eleven (11), and twelve
20 (12), Code 1975, are amended to read as follows:

21 County boards of supervisors, city councils and
22 school boards [are hereby authorized to] *shall co-operate*
23 with the [civil] Iowa defense [division] *civil preparedness*
24 *agency*, department of public defense to carry out
25 the provisions of this chapter, and shall form a joint
26 county-municipal civil defense and emergency planning
27 administration, hereinafter referred to as the joint
28 administration. Such joint administration shall be
29 composed of a member of the county board of supervisors
30 and the [mayor or his representative] *mayors* of the
31 city governments within the county and the sheriff
32 of such county. *Duly authorized members serving on*
33 *the joint administration may in their absence be*
34 *represented by temporary members to the joint*
35 *administration.* One member of the joint administration
36 shall be designated as chairman and one as vice
37 chairman. The joint administration shall appoint
38 a director who shall be responsible to the joint
39 administration for the administration and co-ordination
40 of all civil defense and emergency planning matters
41 throughout the county, subject to the direction and
42 control of the joint administration. Each county
43 and city located therein is authorized to appropriate
44 money out of any funds that are not restricted for
45 the purpose of paying expenses relating to civil
46 defense and emergency planning matters of such joint
47 administration, and to establish a joint county-
48 municipal civil defense fund in the office of the
49 county treasurer, and the county and cities located
50 in that county may deposit moneys in such fund, which

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1 fund shall be for the purpose of paying expenses
2 relating to civil defense and emergency planning
3 matters of such joint administration. Any
4 reimbursement, matching funds, or moneys received
5 from sale of property obtained through the surplus
6 property program, or moneys obtained from any source
7 whatever in connection with the civil defense and
8 emergency planning program, shall be deposited in
9 the joint civil defense fund, herein established.
10 Withdrawal of moneys from the joint county-municipal
11 civil defense and emergency planning account maintained
12 by the office of the county treasurer to reimburse
13 both county and city governments for their share of
14 funds received by the joint county-municipal civil

15 defense and emergency planning agency, and deposited
16 with the county treasurer, may be made on warrants
17 drawn by the county auditor, supported by claims from
18 the county or city government concerned, and these
19 claims verified and vouchers signed by the chairman
20 **or vice chairman of the joint administration and the**
21 **director of the joint county-municipal civil defense**
22 **and emergency planning administration.**

23 The county boards of supervisors in any two or
24 more adjacent counties, may by mutual agreement act
25 as a joint board to appoint one director who shall
26 be the official director of civil defense and emergency
27 planning for each of the counties, shall work with
28 any joint county-municipal defense and emergency
29 planning administrations which may have been formed
30 within any of the counties, and who shall provide
31 such services as may be carried on jointly to the
32 mutual benefit of all counties involved. Such
33 agreement shall be in writing, shall be approved by
34 the state civil defense director, and shall be entered
35 in the respective minutes of each county board. The
36 director so appointed shall [be appointed for a term
37 of one to three years but in no event longer than
38 the period of time the mutual agreement by the boards
39 is to be in effect] *serve at the pleasure of the joint*
40 *board.* The written agreement shall provide for the
41 determination of the cost of the joint program and
42 the manner of allocation of such cost to each board
43 for inclusion in the budget of the respective boards.
44 For the payment of the salary and expenses of the
45 director and such other necessary expenses as may
46 be incurred, the board shall designate one board to
47 make such payments and be reimbursed by the other
48 board or boards pursuant to the joint agreement.
49 The boards are hereby authorized to meet together
50 for the transaction of joint business.

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1 The director employed by the county boards of
2 supervisors may further serve as a joint county-
3 **municipal civil defense director for any joint county-**
4 **municipal civil defense administration if a joint**
5 **administration has been formed in any of the counties**
6 **in which the director is serving. Where the director**
7 **also serves as a joint county-municipal civil defense**
8 **director, any city included in the joint administration**
9 **may appropriate funds for the payment of the salary**
10 **and expenses of the director in the same manner the**
11 **city may appropriate money under the joint**
12 **administration. *The director's salary shall be***
13 ***commensurate with other locally appointed department***
14 ***heads.***

15 **Sec. 8. Section twenty-nine C point eight (29C.8),**
16 **Code 1975, is amended to read as follows:**

17 **29C.8 EXISTING FACILITIES USED. In carrying out**

18 the provisions of this chapter, the governor, the
 19 executive director, department of public defense,
 20 and the director, [civil] Iowa defense [division] *civil*
 21 *preparedness agency*, and the executive officers or
 22 governing bodies of political subdivisions of the
 23 state are authorized to utilize, to the maximum extent
 24 practicable, the services, equipment, supplies and
 25 facilities of existing departments, officers, and
 26 agencies of the state and of political subdivisions
 27 at their respective levels of responsibility.

28 Sec. 9. Section twenty-nine C point ten (29C.10),
 29 Code 1975, is amended to read as follows:

30 **29C.10 COMPTROLLER TO ISSUE WARRANTS.** The
 31 comptroller is authorized and directed to draw warrants
 32 on the treasurer of state for the several sums and
 33 for the purposes specified in this chapter, upon duly
 34 itemized and verified vouchers that have been approved
 35 by the director of the [civil] Iowa defense [division]
 36 *civil preparedness agency* and executive director,
 37 department of public defense.

38 Sec. 10. Section twenty-nine C point sixteen
 39 (29C.16), Code 1975, is amended to read as follows:

40 **29C.16 CITATION OF LAW.** This chapter may be cited
 41 as the 'Iowa [Civil] Defense *Civil Preparedness Act*'.

42 Sec. 11. Chapter twenty-nine C (29C), Code 1975,
 43 is amended by adding the following new sections:

44 **NEW SECTION.** The state and its political sub-
 45 divisions shall hold harmless and shall indemnify
 46 the United States government against any claim arising
 47 from the removal of debris from publicly or privately
 48 owned lands and waters caused by a major disaster.
 49 The state or its political subdivision shall not be
 50 held liable for claims arising from the removal of

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1 debris caused by a major disaster from privately or
 2 publicly owned property or waters unless willful
 3 misconduct, gross negligence or bad faith can be
 4 established by the injured party.

5 **NEW SECTION.** A county or a joint municipal-county
 6 civil defense and emergency planning administration
 7 and political subdivisions under the jurisdiction
 8 of the administration may accept contributions, gifts,
 9 grants or matching funds and may provide services,
 10 including but not limited to, the following:

- 11 1. Emergency housing.
- 12 2. Debris removal.
- 13 3. Individual and family grant programs.
- 14 4. Unemployment assistance.
- 15 5. Food commodities.
- 16 6. Relocation assistance.
- 17 7. Legal services.
- 18 8. Crises counseling and training.
- 19 9. Emergency communications.

20 10. Emergency public transportation.

21 11. Fire suppression.

22 12. Emergency sanitation.

23 The services or powers may be provided or exer-
24 cised by the administration and its political sub-
25 divisions under disaster conditions notwithstanding
26 statutory limitations imposed under non-disaster
27 conditions.

28 **NEW SECTION.** All functions prescribed by this
29 chapter and other activities relating to disaster
30 emergency services are governmental functions. The
31 state, a political subdivision, department, agency
32 or disaster emergency worker complying with or rea-
33 sonably attempting to comply with this chapter, or
34 any order or rule promulgated pursuant to the pro-
35 vision of this chapter, or pursuant to any ordinance
36 enacted by a political subdivision relating to pre-
37 cautionary measures shall be not liable for the death
38 or injury to persons, or for damage to property re-
39 sulting from compliance or attempted compliance ex-
40 cept in case of willful misconduct, gross negligence,
41 or bad faith. The provisions of this section shall
42 not affect the right of a person to receive benefits
43 to which the person would be otherwise entitled under
44 this chapter, or under the workmen's compensation
45 law, or under any pension law, or under an Act of
46 Congress. A requirement for a license to practice
47 a professional or mechanical skill or other skill
48 shall not apply to any authorized disaster emergency
49 worker who shall, in the course of performing his
50 duties during a disaster emergency, practice the

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1 profession or mechanical skill, or other skill.

2 **NEW SECTION. INTERSTATE CIVIL DEFENSE AND**
3 **DISAS-**

4 **TER COMPACT AUTHORIZED.** The interstate civil defense
5 and disaster compact, shall be in effect with all
6 jurisdictions which have joined or which may join
7 in the form substantially as contained in this sec-
8 tion, provided that other jurisdictions have signi-
9 fied their joinder with this state by enactment with-
10 out limitation as to parties or in some other manner
11 sufficient in law to make it clear that joinder has
12 been effected with this state.

13 The contracting states solemnly agree:

14 Article 1. The purpose of this compact is to
15 provide mutual aid among the states in meeting any
16 emergency or disaster. The prompt, full, and ef-
17 fective utilization of the resources of the respec-
18 tive states, including the resources as may be avail-
19 able from the United States government or any other
20 source, are essential to the safety, care, and wel-
fare of the people in the event of disaster, and any

21 other resources, including personnel, equipment, or
22 supplies, shall be incorporated into a plan or plans
23 of mutual aid to be developed among the civil defense
24 agencies or similar bodies of the states that are
25 parties to this contract. The directors of civil
26 defense of all party states shall constitute a commit-
27 tee to formulate plans to take all necessary steps
28 for the implementation of this contract.

29 Art. 2. It shall be the duty of each party state
30 to formulate civil defense plans and programs for
31 application within such state. There shall be frequent
32 consultation between the representatives of the states
33 and with the United States government and the free
34 exchange of information and plans, including inven-
35 tories of any materials and equipment available for
36 civil defense. In carrying out civil defense plans
37 and programs the party states shall so far as possible
38 provide and follow uniform standards, practices and
39 rules in regard to:

40 1. Insignia, arm bands and any other distinctive
41 articles to designate and distinguish the different
42 civil defense services;

43 2. Blackouts and practice blackouts, air-raid
44 drills, mobilization of civil defense forces and other
45 tests and exercises;

46 3. Warnings and signals for drills or attacks
47 and the mechanical devices to be used in connection
48 therewith;

49 4. The effective screening or extinguishing of
50 all lights and lighting devices and appliances;

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1 5. Shutting off water mains, gas mains, electric
2 power connections and the suspension of all other
3 utility services;

4 6. All materials or equipment used or to be used
5 for civil defense purposes in order to assure that
6 such materials and equipment will be easily and freely
7 interchangeable when used in or by any other party
8 state;

9 7. The conduct of civilians and the movement and
10 cessation of movement of pedestrians and vehicular
11 traffic, prior, during and subsequent to drills or
12 attacks;

13 8. The safety of public meetings or gathering;
14 and

15 9. Mobile support units.

16 Art. 3. Any party state requested to render mutual
17 aid shall take such action as is necessary to provide
18 and make available the resources covered by this com-
19 pact in accordance with terms of the contract; but
20 the state rendering aid may withhold resources to
21 the extent necessary to provide reasonable protection
22 for such state. Each party state shall extend to
23 the civil defense forces of any other party state,

24 while operating within its state limits under the
25 terms and conditions of this compact, the same powers
26 (except that of arrest unless specifically authorized
27 by the receiving state), duties, rights, privileges
28 and immunities as if they were performing their duties
29 in the state in which normally employed or rendering
30 services. Civil defense forces will continue under
31 the command and control of their regular leaders but
32 **the organizational units will come under the opera-**
33 **tional control of the civil defense authorities of**
34 **the state receiving assistance.**

35 Art. 4. Whenever a person holds a license,
36 certificate, or other permit issued by a state
37 evidencing the meeting of qualifications for pro-
38 fessional, mechanical or other skills, such person
39 may render aid involving such skill in any party state
40 to meet an emergency or disaster and the state shall
41 give due recognition to such license, certificate
42 or other permit as if issued in the state in which
43 aid is rendered.

44 Art. 5. No party state or its officers or employees
45 rendering aid in another state pursuant to this com-
46 pact shall be liable on account of any act or omis-
47 sion in good faith on the part of such forces while
48 so engaged or on account of the maintenance or use
49 of any equipment or supplies used in connection with
50 rendering aid.

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1 Art. 6. If the pattern and detail of the machinery
2 for mutual aid among two or more states differs from
3 that appropriate among other party states, this in-
4 strument contains elements of a broad base common
5 to all states, and nothing contained in it shall pre-
6 clude any state from entering into supplementary
7 agreements with another state or states. Such
8 supplementary agreements may comprehend, but shall
9 not be limited to, provisions for evacuation and
10 reception of injured and other persons, and the
11 exchange of medical, fire, police, public utility,
12 reconnaissance, welfare, transportation and
13 communications personnel, equipment and supplies.

14 Art. 7. Each party state shall provide for the
15 payment of compensation and death benefits to injured
16 members of the civil defense forces of that state
17 and the representatives of deceased members of such
18 forces if members sustain injuries or are killed while
19 rendering aid pursuant to this compact, in the same
20 manner and on the same terms as if the injury or death
21 were sustained within such state.

22 Art. 8. A party state rendering aid in another
23 state pursuant to this compact shall be reimbursed
24 by the party state receiving such aid for any loss
25 or damage to, or expense incurred in the operation
26 of any equipment answering a request for aid, and

27 for the cost incurred in connection with such requests;
28 but any aiding party state may assume in whole or
29 in part such loss, damage, expense, or other cost,
30 or may loan such equipment or donate the services
31 to the receiving party state without charge or cost
32 and any two or more party states may enter into
33 supplementary agreements establishing a different
34 allocation of costs as among those states. The party
35 state receiving aid may accept relief from the federal
36 government from any liability and the party state
37 supplying civil defense forces may accept reimbursement
38 from the federal government for the compensation paid
39 to and the transportation, subsistence, and maintenance
40 expenses and supplies of such forces during the time
41 of the rendition of such aid or assistance outside
42 the state.

43 Art. 9. Plans for the orderly evacuation and re-
44 ception of the civilian population as the result of
45 an emergency or disaster shall be worked out from
46 time to time between representatives of the party
47 states and the various local civil defense areas.
48 Such plans shall include the manner of transporting
49 evacuees, the number of evacuees to be received in
50 different areas, the manner in which food, clothing,

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1 housing, and medical care will be provided, the regis-
2 tration of the evacuees, the providing of facilities
3 for the notification of relatives or friends and the
4 forwarding of such evacuees to other areas or the
5 bringing in of additional materials, supplies, and
6 all other relevant factors. The plans shall provide
7 that the party state receiving evacuees shall be re-
8 imbursed generally for the actual and necessary ex-
9 penses incurred in receiving and caring for evacuees,
10 for expenditures for transportation, food, clothing,
11 medicines and medical care, and like items. The ex-
12 penditures shall be reimbursed by the party state
13 of which the evacuees are residents, or by the United
14 States government under plans approved by it. After
15 the termination of the emergency or disaster the party
16 state of which the evacuees are residents shall assume
17 the responsibility for the ultimate support or
18 repatriation of such evacuees.

19 Art. 10. This compact shall be available to any
20 state, territory or possession of the United States,
21 and the District of Columbia. The term 'state' may
22 also include any neighboring foreign country or
23 province or state thereof.

24 Art. 11. The committee established pursuant to
25 article one (1) of this compact may request the civil
26 defense agency of the United States government to act
27 as an informational and coordinating body under this
28 compact, and representatives of such agency of the
29 United States government may attend meetings of the

30 committee.

31 Art. 12. This compact shall become operative im-
32 mediately upon its ratification by any state as between
33 it and any other state or states so ratifying and
34 shall be subject to approval by Congress unless prior
35 congressional approval has been given. Duly
36 authenticated copies of this compact and of
37 supplementary agreements entered into by the party
38 states shall, at the time of their approval, be de-
39 posited with each of the party states and the civil
40 defense agency and other appropriate agencies of the
41 United States government.

42 Art. 13. This compact shall continue in force
43 and remain binding on each party state until the
44 legislature or the governor of the party state takes
45 action to withdraw. The action shall not be effective
46 until thirty days after notice has been sent by the
47 governor of the party state desiring to withdraw to
48 the governors of all other party states.

49 Art. 14.

50 1. This article shall be in effect only as among

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1 those states which have enacted it into law or in
2 which the governors have adopted it pursuant to
3 constitutional or statutory authority sufficient to
4 give it the force of law as part of this compact.
5 Nothing contained in this article or in any supple-
6 mentary agreement made in implementation thereof shall
7 be construed to abridge, impair or supersede any other
8 provisions of this compact or any obligation undertaken
9 by a state pursuant thereto, except that if its terms
10 so provide, a supplementary agreement in implementation
11 of this article may modify, expand or add to any such
12 obligation as among the parties to the supplementary
13 agreement.

14 2. In addition to the occurrences, circumstances
15 and subject matters to which preceding articles of
16 this compact make it applicable, this compact and
17 the authorizations, entitlements and procedures thereof
18 shall apply to:

19 a. Searches for and rescue of persons who are
20 lost, marooned, or otherwise in danger;

21 b. Action useful in coping with disasters aris-
22 ing from any cause or designed to increase capabili-
23 ty to cope with any such disasters;

24 c. Incidents, or the imminence thereof, which
25 endanger the health or safety of the public and which
26 require the use of special equipment, trained person-
27 nel or personnel in larger numbers than are locally
28 available in order to reduce, counteract or remove
29 the danger;

30 d. The giving and receiving of aid by subdivi-
31 sions of party states;

32 e. Exercises, drills or other training or prac-
33 tice activities designed to aid personnel to prepare
34 for, cope with, or prevent any disaster or other
35 emergency to which this compact applies.

36 3. Except as expressly limited by this compact
37 or a supplementary agreement in force pursuant there-
38 to, any aid authorized by this compact or such supple-
39 mentary agreement may be furnished by any agency of
40 a party state, a subdivision of such state, or by
41 a joint agency of any two or more party states or
42 of their subdivisions. Any joint agency providing
43 such aid shall be entitled to reimbursement therefor
44 to the same extent and in the same manner as a state.
45 The personnel of such a joint agency, when rendering
46 aid pursuant to this compact, shall have the same
47 rights, authority and immunity as personnel of party
48 states.

49 4. Nothing in this article shall be construed
50 to exclude from the coverage of articles one (1)

Page 12

1 through thirteen (13) of this compact any matter
2 which, in the absence of this article, could reason-
3 ably be construed to be covered thereby.

4 Sec. 12. Section twenty-nine A point eight (29A.8),
5 Code 1975, is amended to read as follows:

6 29A.8 ACTIVE SERVICE. The governor shall have
7 the power to order into active state service such
8 of the military forces of the state, including retired
9 national guardsmen, both army and air, who are willing
10 to return to service, as he may deem proper, under
11 command of such officer as he may designate, for the
12 purpose of aiding the civil authorities of any
13 political subdivision of the state in maintaining
14 law and order *and providing other assistance as may*
15 *be necessary, if possible*, in such subdivision in
16 cases of *man-made and natural disasters and in cases*
17 *of breaches of the peace or imminent danger thereof*,
18 if the law enforcement officers of such subdivision
19 are unable to maintain law and order, and the civil
20 authorities request such assistance."

JOHN N. NYSTROM

S—5739

1 Amend House File 1555 as amended and passed by
2 the House as follows:

3 1. Page 1, by inserting after line 21 the following
4 new sections:

5 "Sec. 2. Chapter three hundred fifty-nine (359)
6 of the Code is amended by adding sections three (3)
7 and four (4) of this Act.

8 Sec. 3. **NEW SECTION. TOWNSHIP AMBULANCE SERVICE.**
9 The trustees of any township in this state may provide
10 ambulance service for the township, exclusive of any

11 portion of the township lying within a city which
12 provides ambulance service, upon petition therefor
13 and approval by the voters of the area to be served
14 in the manner prescribed by section four (4) of this
15 Act. When the voters have so approved, the trustees
16 may:

17 1. Purchase, own, rent or maintain ambulances
18 and ambulance equipment and provide housing for the
19 ambulances and equipment, or may contract with any
20 public or private agency under chapter twenty-eight
21 E (28E) of the Code for the purpose of providing
22 ambulance service under this section; and

23 2. Levy an annual tax not exceeding forty and
24 one-half cents per thousand dollars of assessed value
25 of the taxable property in the township, exclusive
26 of any portion thereof lying within a city which
27 provides ambulance service.

28 Sec. 4. *NEW SECTION. AMBULANCE SERVICE ELECTION.*

29 When the trustees of a township receive a petition
30 from twenty-five percent of the resident property
31 owners in the township, or that portion of the township
32 outside any city which provides ambulance service,
33 requesting that the trustees provide ambulance service
34 under section three (3) of this Act, the trustees
35 shall promptly transmit a copy of the petition to
36 the board of supervisors of the county in which the
37 township is located. The board of supervisors shall,
38 in accordance with Acts of the Sixty-sixth General
39 Assembly, 1975 Session, chapter eighty-one (81),
40 section forty-four (44), call a special election in
41 the township, or the portion thereof outside any city
42 which provides ambulance service, on the question
43 whether the trustees shall be directed to provide
44 ambulance service and levy a tax therefor under section
45 three (3) of this Act. The special election shall
46 be held within sixty days after the trustees of the
47 township transmit to the supervisors the petition
48 for ambulance service, except that the special election
49 may be delayed for a reasonable additional period
50 of time if by so doing the special election may be

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1 held concurrently with a regularly scheduled election
2 in the township, or simultaneously with similar special
3 elections in one or more other townships in the same
4 county. Notice of the special election shall be given
5 as provided by section forty-nine point fifty-three
6 (49.53) of the Code. The ballot or voting machine
7 insert for the special election shall clearly state
8 the proposition to be voted upon. The proposition
9 shall be deemed carried if it receives the affirmative
10 votes of sixty percent of the qualified electors
11 voting thereon."

12 2. By renumbering the succeeding section in
13 accordance with the foregoing amendment.

14 8. Title, line 2, by inserting after the word
15 "purposes" the words ", and authorizing township
16 trustees to provide ambulance service and levy a tax
17 therefor upon approval of the proposition to do so
18 at a special election".

CALVIN O. HULTMAN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 7:00
p.m., until 8:30 a.m., Wednesday, May 12, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MAY 12, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Thomas Strong, pastor of the First Baptist Church, Creston, Iowa.

The Journal of Tuesday, May 11, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. T. E. Jessen, Newton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Heying for the day and Senator Rodgers for the morning session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy students from the South Hamilton Community School District, Jewell, Iowa, accompanied by Mrs. Berglund, Mrs. Voss, Mr. Spohnheimer and Mrs. Vust. Senator Nystrom.

Twenty students from Central Webster Junior-Senior High School, Burnside, Iowa, accompanied by Jim Ainslie. Senator Coleman.

Sixty students from Don Bosco High School, Gilbertville, Iowa, accompanied by Sister Mary Kerber, Mrs. Mary Day and Mike Neff. Senator Gallagher.

PETITIONS

The following petition was presented and placed on file:

By Senator Miller of Marshall from nine residents of Marshall

County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-seven residents of Marshall County.

Eighteen residents of Allamakee County.

One hundred five residents of Butler County.

Eighty-three residents of Cerro Gordo, Hancock and Wright Counties.

Thirteen residents of Decatur County.

Forty-six residents of Grundy County.

Sixteen residents of Ida County.

Seventy-seven residents of Jackson County.

Thirteen residents of Linn County.

Forty-one residents of Sioux County and O'Brien County.

Twenty-one residents of Tama County.

MOTION TO RECONSIDER WITHDRAWN

Senate File 1314

Senator Palmer withdrew the motion to reconsider the vote by which Senate File 1314, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, passed the Senate, filed by him on April 29, 1976.

SENATE INSISTS

Senate File 85

Senator Glenn called up for consideration Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, amended by the House and further amended by the Senate, and moved that the Senate insist on its amendment to the House amendment.

The motion prevailed and the Senate **insisted** on its amendment to the House amendment to **Senate File 85**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on **Senate File 85**, on the part of the Senate: Senators Glenn, chairperson; Rodgers, Willits, Kelly and Ramsey.

HOUSE AMENDMENT CONSIDERED

Senate File 1141

Senator Coleman called up for consideration Senate File 1141, a bill for an act to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties, amended by the House, and moved that the Senate concur in the following corrected amendment:

CORRECTED HOUSE AMENDMENT TO SENATE FILE 1141

S—5738

- 1 Amend Senate File 1141, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 3, by inserting after the word
- 4 "cosmetology" the words ", or from any school in
- 5 another state which is recognized by the board,".
- 6 2. Page 6, by striking lines 27 and 28.
- 7 3. Page 6, by striking lines 13 through 35.
- 8 4. Page 7, by striking lines 1 through 11.
- 9 5. Page 17, line 31, by inserting after the
- 10 word "[license]" the words "*original barber assistant's*
- 11 *license, renewal of a barber assistant's license*".

The motion prevailed and the Senate concurred in House amendment S—5738.

Senator Coleman moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1141) the vote was:

Ayes, 41:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
Doderer
Gallagher
Glenn

Gluba
Griffin
Hansen
Hill of Jasper
Hill of Polk
Hultman
Kinley
Lamborn
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Redmond

Robinson
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, 3:

DeKoster

Kelly

Rabedeaux

Absent or not voting, 6:

Heying

Merritt

Ramsey

Rodgers

Junkins

Nolin

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

CONSIDERATION OF BILLS

Senate File 1329

On motion of Senator Willits, Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss, was taken up for consideration.

President pro tempore Doderer took the chair at 9:40 a.m.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1329) the vote was:

Ayes, 38:

Andersen

Gluba

Murray

Redmond

Bergman

Griffin

Nolting

Schwengels

Burroughs

Hansen

Norpel

Shaff

Carr

Hill of Polk

Nystrom

Shaw

Coleman

Hultman

Orr

Sovern

Curtis

Junkins

Palmer

Taylor

DeKoster

Kelly

Plymat

Tieden

Doderer

Kinley

Priebe

Van Gilst

Gallagher

Miller of

Rabedeaux

Willits

Glenn

Marshall

Ramsey

Nays, 5:

Culver

Merritt

Scott

Winkelman

Hill of Jasper

Absent or not voting, 7:

Briles

Miller of

Nolin

Rodgers

Heying

Des Moines

Robinson

Lamborn

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

House File 1165

On motion of Senator Gluba, House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons, with report of committee on appropriations recommending passage, and report of committee on human

resources recommending amendment and passage, was taken up, considered, and the reports of the committees adopted.

Senator Gluba offered S—5525, by the committee on human resources and moved its adoption:

S—5525

- 1 Amend House File 1165 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, lines 33 and 34, by striking the words
- 4 "[thirty days after its convening] *January 1, 1977*"
- 5 and inserting in lieu thereof the words "thirty days
- 6 after its convening".
- 7 2. Page 4, line 15, by striking the words "*The*
- 8 *state*".
- 9 3. Page 4, by striking lines 16, 17 and 18.
- 10 4. Page 4, line 19, by striking the words "*Assembly*
- 11 *not later than May 1, 1976.*"

Amendment S—5525 was adopted.

Senator Gluba withdrew amendment S—5362 filed by him on March 18, 1976, and found on page 964 of the Senate Journal.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1165) the vote was:

Ayes, 41:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Marshall	Redmond
Briles	Griffin	Murray	Robinson
Burroughs	Hansen	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Junkins	Orr	Taylor
Curtis	Kelly	Palmer	Tieden
DeKoster	Kinley	Plymat	Willits
Doderer	Miller of	Priebe	Winkelman
Gallagher	Des Moines	Rabedaux	

Nays, none.

Absent or not voting, 9:

Heying	Merritt	Rodgers	Shaff
Hill of Jasper	Nolin	Schwengels	Van Gilst
Lamborn			

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

House File 1514

On motion of Senator Priebe, House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa

service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster offered amendment S—5758 and moved its adoption:

S—5758

- 1 Amend House File 1514 as amended, passed and
- 2 reprinted, page 2, lines 12 and 13, by striking
- 3 the words "time sheets, lists of cases upon which
- 4 they work,".

Amendment S—5758 was adopted.

Senator Priebe offered amendment S—5757 by Senators Priebe, Schwengels and Murray and moved its adoption:

S—5757

- 1 Amend House File 1514 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 3, by striking line 28 through page 4,
- 4 line 8, and inserting in lieu thereof the following:
- 5 "Uniform auditing procedures for local and state
- 6 alcoholism programs shall be established subject to
- 7 the approval of the auditor of state. Funds shall be
- 8 paid to local agencies upon submission of required
- 9 reports indicating that the unit has met criteria
- 10 established by the commission on alcoholism."

Amendment S—5757 was adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1514) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Willits
Gallagher	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 5:

Heying	Nolin	Rodgers	Van Gilst
Merritt			

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

House File 1520

On motion of Senator Willits, House File 1520, a bill for an act directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1520) the vote was:

Ayes, 42:

Andersen	Glenn	Miller of	Rabedeaux
Bergman	Gluba	Des Moines	Ramsey
Briles	Griffin	Miller of	Redmond
Burroughs	Hansen	Marshall	Schwengels
Carr	Hill of Jasper	Murray	Shaff
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Nystrom	Sovern
Curtis	Junkins	Orr	Taylor
DeKoster	Kelly	Palmer	Tieden
Doderer	Kinley	Plymat	Willits
Gallagher	Lamborn	Priebe	Winkelman

Nays, none.

Absent or not voting, 8:

Heying	Nolin	Robinson	Scott
Merritt	Norpol	Rodgers	Van Gilst

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

House File 1556

On motion of Senator Kelly, House File 1556, a bill for an act relating to the inspection of weights and measures and making an appropriation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1556) the vote was:

Ayes, 36:

Andersen	Doderer	Kelly	Plymat
Bergman	Gallagher	Kinley	Rabedeaux
Briles	Glenn	Lamborn	Redmond
Burroughs	Gluba	Murray	Schwengels
Carr	Griffin	Nolting	Shaw
Coleman	Hansen	Norpel	Sovern
Culver	Hill of Polk	Nystrom	Taylor
Curtis	Hultman	Orr	Tieden
DeKoster	Junkins	Palmer	Winkelman

Nays, 6:

Miller of	Miller of	Priebe	Scott
Des Moines	Marshall	Ramsey	Shaff

Absent or not voting, 8:

Heying	Merritt	Robinson	Van Gilst
Hill of Jasper	Nolin	Rodgers	Willits

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1555.

House File 1555

On motion of Senator Briles, House File 1555, a bill for an act relating to the township tax levy for fire protection purposes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman offered amendment S—5739 filed by him:

S—5739

- 1 Amend House File 1555 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, by inserting after line 21 the following
- 4 new sections:
- 5 "Sec. 2. Chapter three hundred fifty-nine (359)
- 6 of the Code is amended by adding sections three (3)
- 7 and four (4) of this Act.
- 8 Sec. 3. *NEW SECTION. TOWNSHIP AMBULANCE SERVICE.*
- 9 The trustees of any township in this state may provide
- 10 ambulance service for the township, exclusive of any
- 11 portion of the township lying within a city which
- 12 provides ambulance service, upon petition therefor
- 13 and approval by the voters of the area to be served
- 14 and in the manner prescribed by section four (4) of this
- 15 Act. When the voters have so approved, the trustees

16 may:

17 1. Purchase, own, rent or maintain ambulances
18 and ambulance equipment and provide housing for the
19 ambulances and equipment, or may contract with any
20 public or private agency under chapter twenty-eight
21 E (28E) of the Code for the purpose of providing
22 ambulance service under this section; and

23 2. Levy an annual tax not exceeding forty and
24 one-half cents per thousand dollars of assessed value
25 of the taxable property in the township, exclusive
26 of any portion thereof lying within a city which
27 provides ambulance service.

28 Sec. 4. *NEW SECTION. AMBULANCE SERVICE ELECTION.*

29 When the trustees of a township receive a petition
30 from twenty-five percent of the resident property
31 owners in the township, or that portion of the township
32 outside any city which provides ambulance service,
33 requesting that the trustees provide ambulance service
34 under section three (3) of this Act, the trustees
35 shall promptly transmit a copy of the petition to
36 the board of supervisors of the county in which the
37 township is located. The board of supervisors shall,
38 in accordance with Acts of the Sixty-sixth General
39 Assembly, 1975 Session, chapter eighty-one (81),
40 section forty-four (44), call a special election in
41 the township, or the portion thereof outside any city
42 which provides ambulance service, on the question
43 whether the trustees shall be directed to provide
44 ambulance service and levy a tax therefor under section
45 three (3) of this Act. The special election shall
46 be held within sixty days after the trustees of the
47 township transmit to the supervisors the petition
48 for ambulance service, except that the special election
49 may be delayed for a reasonable additional period
50 of time if by so doing the special election may be

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1 held concurrently with a regularly scheduled election
2 in the township, or simultaneously with similar special
3 elections in one or more other townships in the same
4 county. Notice of the special election shall be given
5 as provided by section forty-nine point fifty-three
6 (49.53) of the Code. The ballot or voting machine
7 insert for the special election shall clearly state
8 the proposition to be voted upon. The proposition
9 shall be deemed carried if it receives the affirmative
10 votes of sixty percent of the qualified electors
11 voting thereon."

12 2. By renumbering the succeeding section in
13 accordance with the foregoing amendment.

14 3. Title, line 2, by inserting after the word
15 "purposes" the words ", and authorizing township
16 trustees to provide ambulance service and levy a tax
17 therefor upon approval of the proposition to do so
18 at a special election".

Senator Miller of Des Moines raised the point of order that amendment S—5739 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5739 out of order.

Senator Ramsey raised the point of order that the bill should be referred to the committee on ways and means under Senate Rule 38.

The Chair ruled the point well taken, invoked Senate Rule 38, and **House File 1555** was referred to the committee on **ways and means**.

Senator Kinley asked and received unanimous consent to take up out of order House File 1481.

House File 1481

On motion of Senator Priebe, House File 1481, a bill for an act relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

DEFERRED

Senator Briles asked and received unanimous consent that further action on **House File 1481** be deferred and that the bill be placed on the calendar under **unfinished business**.

Senator Sovern took the chair at 10:45 a.m.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1332.

House File 1332

On motion of Senator Murray, House File 1332, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operator's licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of

transportation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer offered amendment S—5592 filed by her and moved its adoption:

S—5592

- 1 Amend House File 1332 as follows:
- 2 1. Page 3, line 35, by inserting after the
- 3 words "APPLICATIONS OF" the word "UNMARRIED".
- 4 2. Page 3, line 35, by inserting after the
- 5 word "any" the word "unmarried".
- 6 3. Page 4, by striking lines 7 through 9.
- 7 4. Page 4, line 10, by striking the words
- 8 "years and", and inserting in lieu thereof the word
- 9 "it".

Amendment S—5592 was adopted.

Senator Lamborn offered amendment S—5759 by Senators Coleman and Lamborn and moved its adoption:

S—5759

- 1 Amend House File 1332, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 22 the fol-
- 4 lowing new section:
- 5 "Sec. Section three hundred twenty-one point
- 6 two hundred thirty-eight (321.238), subsection twelve
- 7 (12), Code 1975, as amended by Acts of the Sixty-sixth
- 8 General Assembly, 1975 Session, chapter one hundred
- 9 seventy-nine (179), section one (1), is amended to
- 10 read as follows:
- 11 12. Every motor vehicle subject to registration
- 12 under the laws of this state, except motor vehicles
- 13 registered under section 321.115, when first registered
- 14 in this state, *other than a registration to a dealer*
- 15 *licensed under chapter three hundred twenty-two (322)*
- 16 *of the Code*, and each time when transferred for use
- 17 within this state or when registration is changed
- 18 from a registration as provided in section 321.115
- 19 to a regular registration, other than transfers to
- 20 a dealer licensed under chapter three hundred twenty-
- 21 two (322), shall be inspected at an authorized
- 22 inspection station, unless there is affixed to the
- 23 motor vehicle a valid certificate of inspection which
- 24 was issued for the motor vehicle not more than sixty
- 25 days prior to the date on which the vehicle was
- 26 transferred and the vehicle has not been transferred
- 27 during the sixty-day period, provided that during
- 28 a one-year period the vehicle may be transferred
- 29 between parents and their children or between spouses
- 30 without another inspection. A vehicle inspection

31 is not required when the transfer of the vehicle or
32 an interest in the vehicle is between spouses or when
33 required pursuant to a decree for dissolution of
34 marriage between former spouses. However, the
35 certificate of inspection for a new motor vehicle
36 which has not previously been sold at retail and which
37 is not sold within sixty days after the date the
38 inspection was performed may be revalidated by the
39 inspection station without another inspection provided
40 the motor vehicle has not been driven more than one
41 hundred miles since the inspection was performed.
42 If the motor vehicle is subject to inspection, the
43 authorized inspection station shall issue and affix
44 a valid certificate of inspection or certificate
45 of rejection, as the case may be, in accordance with
46 the results of the inspection. If an inspection is
47 required, an applicant shall file with an application
48 for title to the vehicle or for registration thereof
49 under the provisions of section 321.23, subsection
50 2 or 3, with the county treasurer of the county of

Page 2

1 his residence, a statement on a form provided by the
2 director, signed by an authorized inspection station
3 certifying the date that a certificate of inspection
4 was issued for and affixed to the vehicle. If
5 an inspection is required the county treasurer shall
6 not issue a title to the vehicle to the applicant
7 or register the vehicle unless such statement is filed
8 with the application showing that the inspection of
9 the vehicle was made not more than sixty days prior
10 to the date of sale or transfer, or unless the vehicle
11 was purchased out of this state by a resident of this
12 state who resides outside of this state, but desires
13 to maintain his Iowa residency and he executes a
14 statement to that effect in form and content as
15 prescribed by the director. The county treasurer
16 shall stamp the registration card for such vehicle
17 with the words 'NOT INSPECTED.' A vehicle so
18 registered shall be inspected at an authorized
19 inspection station within fifteen days after being
20 brought into this state. The county treasurer shall
21 mail the statement of inspection or statement of out-
22 of-state residency to the department at the time of
23 mailing copies of the registration receipt. The
24 department may destroy any forms, certificates or
25 statements after one year from the date they are filed
26 unless they relate to pending appeals."
27 2. Renumber sections and correct internal ref-
28 erences as are necessary in accordance with this
29 amendment.

Amendment S—5759 was adopted.

Senator Norpel offered amendment S—5546 filed by him:

S—5546

1 Amend House File 1332 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 7, by inserting after line 5 the following:
4 "Sec. Section three hundred twenty-one point
5 two hundred eighty-five (321.285), subsection eight
6 (8), Code 1975, as amended by Acts of the Sixty-sixth
7 General Assembly, 1975 Session, chapter one hundred
8 eighty (180), section one (1), is amended to read
9 as follows:

10 8. Notwithstanding any other speed restrictions,
11 the speed limits for all vehicular traffic, except
12 vehicles subject to the provisions of section 321.286
13 on fully controlled-access, divided, multilaned
14 highways including the national system of interstate
15 highways designated by the federal highway
16 administration and this state, 23 U.S.C. 103 (d),
17 shall be [fifty-five] *sixty-five* miles per hour.
18 However, the department or the cities, with the
19 approval of the department, may establish a lower
20 speed limit upon such highways located within the
21 corporate limits of any city used as city alternate
22 routes, commonly referred to as 'freeways'. For the
23 purposes of this subsection a fully controlled-access
24 highway is a highway that gives preference to through
25 traffic by providing access connections with selected
26 public roads only and by prohibiting crossings at
27 grade or direct private driveway connections. It
28 is further provided that a minimum speed of forty
29 miles per hour, road conditions permitting, shall
30 be established on the highways referred to in this
31 subsection.

32 Sec. Section three hundred twenty-one point
33 two hundred eighty-six (321.286), subsection one (1),
34 Code 1975, as amended by Acts of the Sixty-sixth
35 General Assembly, 1975 Session, chapter one hundred
36 eighty (180), section two (2), is amended to read
37 as follows:

38 1. [Fifty-five] *Sixty-five* miles per hour on all
39 fully controlled-access, divided, multilaned high-
40 ways including interstate highways."

41 2. Renumber the sections and correct internal
42 references as necessary in conformance with this
43 amendment.

Senator Murray raised the point of order that amendment
S—5546 was not germane to the bill.

The Chair ruled the point not well taken and amendment
S—5546 in order.

Senator Norpel moved the adoption of amendment S—5546 and
requested a record roll call.

On the question "Shall amendment S—5546 be adopted?" (H.F. 1332) the vote was:

Ayes, 16:

Briles	Gluba	Nystrom	Shaw
Burroughs	Griffin	Ramsey	Taylor
Coleman	Lamborn	Redmond	Tieden
Culver	Norpel	Scott	Winkelman

Nays, 27:

Andersen	Glenn	Kinley	Priebe
Bergman	Hansen	Miller of	Rabedaux
Carr	Hill of Jasper	Marshall	Schwengels
Curtis	Hill of Polk	Nolting	Shaff
DeKoster	Hultman	Orr	Sovern
Doderer	Junkins	Palmer	Van Gilst
Gallagher	Kelly	Plymat	Willits

Absent or not voting, 7:

Heying	Miller of	Murray	Robinson
Merritt	Des Moines	Nolin	Rodgers

Amendment S—5546 lost.

Senator Norpel offered amendment S—5545 filed by him, moved its adoption and requested a record roll call:

S—5545

- 1 Amend House File 1332 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 8, by inserting after line 34 the
- 4 following:
- 5 "Sec. Section three hundred twenty-one point
- 6 three hundred eighty-one (321.381), Code 1975, is
- 7 amended to read as follows:
- 8 321.381 SCOPE AND EFFECT OF REGULATIONS. It is
- 9 a misdemeanor, punishable as provided in section
- 10 321.482, for any person to drive or move or for the
- 11 owner to cause or knowingly permit to be driven or
- 12 moved on any highway any vehicle or combination of
- 13 vehicles which is in such unsafe condition as to
- 14 endanger any person, or which does not contain those
- 15 parts or is not at all times equipped with such lamps
- 16 and other equipment in proper condition and adjustment
- 17 as required in this chapter, or which is equipped
- 18 with one or more unsafe tires or which is equipped
- 19 in any manner in violation of this chapter. *However,*
- 20 *a warning ticket shall be issued for the first*
- 21 *violation for failing to have lights in operational*
- 22 *order. The owner shall have fourteen days from the*
- 23 *issuance of the warning ticket to repair the defective*
- 24 *lights for which the warning ticket is issued."*
- 25 2. Page 14, by inserting after line 6 the
- 26 following:
- 27 "Sec. Section seven hundred fifty-three point
- 28 fifteen (753.15), subsection three (3), Code 1975,

29 is amended to read as follows:

30 3. Improper lights, *for the second and subse-*
31 *quent violations*, ten dollars."

32 3. Renumber sections and correct internal refer-
33 ences in conformance with this amendment.

On the question "Shall amendment S—5545 be adopted?"
(H.F. 1332) the vote was:

Ayes, 14:

Andersen	Gluba	Miller of	Tieden
Carr	Kinley	Marshall	Van Gilst
Coleman	Miller of	Norpel	Winkelman
Culver	Des Moines	Ramsey	
Gallagher			

Nays, 26:

Bergman	Hansen	Nystrom	Schwengels
Burroughs	Hill of Jasper	Orr	Scott
Curtis	Hill of Polk	Palmer	Shaff
DeKoster	Hultman	Plymat	Shaw
Doderer	Junkins	Rabedeaux	Sovern
Glenn	Kelly	Redmond	Willits
Griffin	Nolting		

Absent or not voting, 10:

Briles	Merritt	Priebe	Rodgers
Heying	Murray	Robinson	Taylor
Lamborn	Nolin		

Amendment S—5545 lost.

(House File 1332 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:45
p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 547, a bill for an act relating to the financing of levees and drainage districts.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 547

S—5760

1 Amend Senate File 547 as passed by the Senate

2 as follows:

- 3 1. Page 1, line 4, by striking the words
4 "fifty thousand" and inserting in lieu thereof
5 the words "two hundred thousand".

The Senate stood at ease until the fall of the gavel.

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 10, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 194, a bill for an act relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code".

Also: That the House has on May 10, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1050, a bill for an act relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

Also: That the House has on May 6, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1475, a bill for an act relating to the sale of property owned by merged area schools.

Also: That the House has on May 10, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1508, a bill for an act relating to the registration of mobile homes.

Also: That the House has on May 10, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1543, a bill for an act transferring the functions of the war surplus commodities board to the department of general services.

Also: That the House has on May 10, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1009, by committee on appropriations, a joint resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of under-

writing certain fire, casualty and liability risks, and to provide for an appropriation.

Read first time and **placed on calendar**.

Senate File 1330, by committee on appropriations, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

Read first time and **placed on calendar**.

Senate File 1331, by committee on appropriations, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Read first time and **placed on calendar**.

HOUSE MESSAGES CONSIDERED

House File 1475, a bill for an act relating to the sale of property owned by merged area schools.

Read first time and **passed on file**.

House File 1508, a bill for an act relating to the registration of mobile homes.

Read first time and **passed on file**.

House File 1543, a bill for an act transferring the functions of the war surplus commodities board to the department of general services.

Read first time and **passed on file**.

House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation.

Read first time and **passed on file**.

BUSINESS PENDING

House File 1332

The Senate resumed consideration of House File 1332.

Senator Nolting offered amendment S—5762 by Senators Nolting and Hill of Polk, moved its adoption and requested a record roll call:

S—5762

1 Amend House File 1332 as amended, passed and
2 reprinted as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. Section three hundred twenty-one
6 point forty-six (321.46), unnumbered paragraph one
7 (1), Code 1975, is amended to read as follows:

8 The purchaser or transferee shall immediately apply
9 for and obtain from the county treasurer of his re-
10 sidence a transfer of registration and a new certificate
11 of title for such vehicle except as provided in section
12 321.48. The purchaser or transferee shall present with
13 the application the certificate of title endorsed and
14 assigned by the previous owner and the signed regis-
15 tration card. *The purchaser or the transferee shall*
16 *not be required to list a social security number as*
17 *part of the application for a registration transfer*
18 *and a new title."*

19 2. Page 4, by inserting after line 29 the fol-
20 lowing:

21 "Sec. Section three hundred twenty-one
22 point one hundred eighty-nine (321.189), Code 1975,
23 is amended to read as follows:

24 321.189 LICENSES ISSUED. The department shall
25 upon payment of the required fee, issue to every
26 applicant qualifying therefor an operator's or chauffeur's
27 license as applied for, which license shall bear thereon
28 a distinguishing number assigned to the licensee, the
29 full name, date of birth, occupation, sex, residence
30 address, a brief description of the licensee, and the
31 usual signature of the licensee. No license shall be
32 valid unless it bears the signature of the licensee. *The*
33 *distinguishing number assigned to a licensee shall not*
34 *be the licensee's social security number".*

Senator Curtis took the chair at 4:00 p.m.

On the question "Shall amendment S—5762 be adopted?"
(H.F. 1332) the vote was:

Ayes, 33:

Briles	Hansen	Miller of	Redmond
Carr	Hill of Polk	Marshall	Rodgers
Coleman	Hultman	Murray	Scott
Culver	Junkins	Nolting	Sovern
Curtis	Kelly	Norpel	Taylor
Doderer	Kinley	Nystrom	Van Gilst
Gallagher	Merritt	Orr	Willits
Glenn	Miller of	Palmer	Winkelman
Gluba	Des Moines	Priebe	

Nays, 14:

Andersen	Griffin	Rabedaux	Shaff
Bergman	Hill of Jasper	Ramsey	Shaw
Burroughs	Lamborn	Schwengels	Tieden
DeKoster	Plymat		

Absent or not voting, 3:

Heying

Nolin

Robinson

Amendment S—5762 was adopted.

Senator Doderer offered amendment S—5761 and moved its adoption:

S—5761

- 1 Amend House File 1332, as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 10, line 8, by striking the words
- 4 "or usually operated".
- 5 2. Page 10, lines 19 and 20 by striking the
- 6 words "or usually operated".
- 7 3. Page 10, line 21, by inserting after the
- 8 word "department" the words "or when the member has
- 9 used the blue light beyond the scope of its authorized
- 10 use".
- 11 4. Page 10, line 27, by striking the word "an"
- 12 and inserting in lieu thereof the words "a public".

Amendment S—5761 was adopted.

Senator Norpel offered amendment S—5547 filed by him:

S—5547

- 1 Amend House File 1332, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 14, by inserting after line 6 the
- 4 following:
- 5 "Sec. Section seven hundred fifty-three point
- 6 fifteen (753.15), subsection six (6), Code 1975, is
- 7 amended by striking the subsection and inserting in
- 8 lieu thereof the following:
- 9 6. For speed in excess of the posted speed limit,
- 10 five dollars, which violation shall not be noted on
- 11 a person's operator or chauffeur license and shall
- 12 not be recorded in the records maintained by the
- 13 department of public safety or the state department
- 14 of transportation."
- 15 2. Renumber the sections and correct internal
- 16 references in conformance with this amendment.

Senator Willits raised the point of order that amendment S—5547 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5547 out of order.

Senator Doderer offered amendment S—5771 and moved its adoption:

S—5771

- 1 Amend House File 1332 as amended, passed and

2 reprinted as follows:

- 3 1. Page 14, by inserting after line 6 the fol-
4 lowing:
5 "Sec. The sections of this Act amending
6 section three hundred twenty-one point forty-six
7 (321.46) unnumbered paragraph one (1), Code 1975, and
8 section three hundred twenty-one point one hundred
9 eighty-nine (321.189), Code 1975, shall be effective
10 January 1, 1977".

Amendment S—5771 was adopted.

Senator Hill of Jasper offered amendment S—5772 and moved its adoption:

S—5772

1 Amend House File 1332 as amended, passed and
2 reprinted as follows:

- 3 1. Page 9, by striking line 11 through page
4 11, line 14.

Amendment S—5772 lost.

Senator Hultman offered amendment S—5773 by Senators Hultman and Redmond and moved its adoption:

S—5773

1 Amend House File 1332 as amended, passed and
2 reprinted as follows:

- 3 1. Page 5, by inserting after line 12 the
4 following:
5 "Section 1. Section three hundred twenty-one point
6 two hundred thirty-one (321.231), Code 1975, is amended
7 by striking the section and inserting in lieu thereof
8 the following:
9 321.231 AUTHORIZED EMERGENCY VEHICLES.
10 1. The driver of an authorized emergency vehicle,
11 when responding to an emergency call or when in the
12 pursuit of an actual or suspected violator of the
13 law or when responding to but not upon returning from
14 a fire alarm, may exercise the privileges set forth
15 in this section.
16 2. The driver of any authorized emergency vehicle
17 may:
18 a. Park or stand an authorized emergency vehicle,
19 irrespective of the provisions of this chapter.
20 b. Disregard laws or regulations governing
21 direction of movement or turning in specified
22 directions.
23 3. The driver of a fire department vehicle, police
24 vehicle or ambulance may:
25 a. Proceed past a red or stop signal or stop sign,
26 but only after slowing down as may be necessary for
27 safe operation.
28 b. Exceed the maximum speed limits so long as

29 the driver does not endanger life or property.

30 4. The exemptions granted to an authorized
31 emergency vehicle shall apply only when such vehicle
32 is making use of an audible signaling device meeting
33 the requirements of section three hundred twenty-one
34 point four hundred thirty-three (321.433) of the Code,
35 or a visual signaling device approved by the department
36 except that use of an audible or visual signaling
37 device shall not be required under the following
38 circumstances:

39 a. The vehicle is not equipped with such device,
40 and is not required to be so equipped.

41 b. The vehicle is operated by a peace officer,
42 pursuing a suspected violator of the speed restric-
43 tions imposed by or pursuant to this chapter, for
44 the purpose of determining the speed of travel of
45 such suspected violator.

46 c. The vehicle is stopped, standing, or parked.

47 5. The foregoing provisions shall not relieve
48 the driver of an authorized emergency vehicle from
49 the duty to drive with due regard for the safety of
50 all persons, nor shall such provisions protect the

Page 2

1 driver from the consequences of his reckless disregard
2 for the safety of others.

3 Sec. 2. Sections three hundred twenty-one point
4 two hundred thirty-two (321.232) and three hundred
5 twenty-one point two hundred ninety-six (321.296),
6 Code 1975, are repealed."

Amendment S—5773 was adopted.

Senator Murray moved that the bill be read the last time now,
which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1332) the vote
was:

Ayes, 47:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba			

Nays, none.

Absent or not voting, 3:

Heying	Nolin	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Junkins called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of William H. McNarney of Des Moines, Polk County, Iowa, for appointment as Executive Director of the Iowa Housing Finance Authority under the provisions of Chapter 138, Section 6, Acts of the Sixty-sixth General Assembly, 1975 Session, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL L. JUNKINS, Chairperson
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
WILLIAM E. GLUBA
WILLIAM N. PLYMAT

The motion prevailed and the report was adopted.

Senator Junkins moved the appointment of William H. McNarney as Executive Director of the Iowa Housing Finance Authority be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Schwengels
Burroughs	Hill of Jasper	Marshall	Shaff
Carr	Hill of Polk	Murray	Shaw
Coleman	Hultman	Nolting	Sovern
Culver	Junkins	Norpel	Taylor
Curtis	Kelly	Nystrom	Tieden
DeKoster	Kinley	Orr	Van Gilst
Doderer	Lamborn	Palmer	Willits
Gallagher	Merritt	Plymat	Winkelman
Glenn		Rabedeaux	

Nays, none.

Absent or not voting, 6:

Heying	Priebe	Rodgers	Scott
Nolin	Robinson		

The Chair declared the appointment of William H. McNarney as Executive Director of the Iowa Housing Finance Authority confirmed.

Senator Kelly called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Herman Lewis of Edgewood, Clayton County, Iowa, for appointment as a member of the State Board of Engineering Examiners under the provisions of Section 114.3, Code 1975, for the regular three-year term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
LOWELL L. JUNKINS
KENNETH D. SCOTT
DALE L. TIEDEN
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Kelly moved the appointment of Herman Lewis as a member of the State Board of Engineering Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 4:

Gallagher	Heying	Nolin	Robinson
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The Chair declared the appointment of Herman Lewis as a member of the State Board of Engineering Examiners confirmed for the regular three-year term ending June 30, 1978.

Senator Kelly called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Evelyn Villines of Des Moines, Polk County, Iowa,

for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Chapter 601A, Code 1975, for an unexpired term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

E. KEVIN KELLY, Chairperson
 LOUIS P. CULVER
 EUGENE M. HILL
 JOAN ORR
 WILLIAM N. PLYMAT

The motion prevailed and the report was adopted.

Senator Kelly moved the appointment of Evelyne Villines as a member of the Iowa State Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Rodgers
Briles	Hansen	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Carr	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Kinley	Priebe	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Bergman	Nolin	Plymat	Robinson
Heying	Norpel		

The Chair declared the appointment of Evelyne Villines as a member of the Iowa State Civil Rights Commission confirmed for the unexpired portion of the term ending June 30, 1977.

Senator Gluba called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Albert A. Augustine of Des Moines, Polk County, Iowa, for reappointment as a member of the Appeal Board on State Institution Construction Contracts pursuant to Section 22.1, Code 1975, for the regular four-year term beginning July 1, 1975, and ending June 30, 1979,

begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM E. GLUBA, Chairperson
LOUIS P. CULVER
PHILIP B. HILL
RICHARD J. NORPEL, SR.
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Gluba moved the appointment of Albert A. Augustine as a member of the Appeal Board on State Institution Construction Contracts be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Redmond
Briles	Hansen	Marshall	Rodgers
Burroughs	Hill of Jasper	Murray	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 4:

Bergman	Heying	Nolin	Robinson
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The Chair declared the appointment of Albert A. Augustine as a member of the Appeal Board on State Institution Construction Contracts confirmed for the regular four-year term ending June 30, 1979.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marian R. Haaf, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners under the provisions of Section 120.3, Code 1975, for an initial term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
JAMES W. GRIFFIN, SR.
CHARLES P. MILLER
FRED W. NOLTING
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Marian R. Haaf as a member of the State Board of Watchmaking Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	
Gluba			

Nays, none.

Absent or not voting, 4:

Heying	Nolin	Redmond	Robinson
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The Chair declared the appointment of Marian R. Haaf as a member of the State Board of Watchmaking Examiners confirmed for an initial term ending June 30, 1977.

MOTION TO RECONSIDER LOST

House File 1123

Senator Shaff called up the following motion to reconsider House File 1123, a bill for an act relating to noxious weeds, filed by Senator Shaw on April 20, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1123 passed the Senate on April 20, 1976.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1123) the vote was:

Rule 25 was invoked.

Ayes, 24:

Carr	Hill of Polk	Nolting	Rodgers
Coleman	Junkins	Norpel	Schwengels
Culver	Kelly	Palmer	Scott
Curtis	Kinley	Plymat	Shaw
Doderer	Merritt	Priebe	Willits
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, 18:

Andersen	Hansen	Orr	Taylor
Bergman	Hill of Jasper	Ramsey	Tieden
Briles	Hultman	Shaff	Van Gilst
Burroughs	Lamborn	Sovern	Winkelman
DeKoster	Murray		

Absent or not voting, 8:

Gallagher	Miller of	Nolin	Rabedaux
Griffin	Marshall	Nystrom	Robinson
Heying			

The motion having failed to receive a constitutional majority was declared to have lost.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 11, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol Building
Local

Dear Governor Neu:

On June 13, 1975, I submitted to the Senate for their consideration the name of Willie Glanton, Des Moines, Polk County, Iowa, for appointment as a public member of the State Board of Cosmetology Examiners.

I have now been advised by Mrs. Glanton that she will be unable to accept this appointment due to an apparent conflict of interest with her present job position.

I am, therefore, accepting her resignation and wish to withdraw her name from consideration.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

On January 15, 1976, I submitted to the Senate for their consideration the name of Alice V. Loeffler, Sioux City, Woodbury County, Iowa, for appointment as a public member of the State Board of Podiatry Examiners.

Miss Loeffler has now advised my office that she is unable to accept this appointment and wishes to have her name withdrawn from consideration. Miss Loeffler is retired and travels quite a bit; therefore, she has been unable to attend any of the board meetings since her appointment in January.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF BILL

Senate File 1332, by committee on appropriations, a bill for an act making appropriations to the department of transportation for designated capital transportation projects.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 113

By Committee on Appropriations

1	<i>Whereas</i> , section twenty-five point seven (25.7) of the		
2	Code provides that failure or refusal by the general assembly		
3	to make an appropriation for a claim after presentation to		
4	the general assembly through the state appeal board shall		
5	constitute an adjudication against the claim barring any		
6	further proceeding before the general assembly for payment		
7	of the claim; <i>Now, Therefore</i> ,		
8	<i>Be It Resolved by the Senate, the House Concurring, That</i>		
9	the following claims, duly processed by the state appeal board		
10	and rejected by the joint claims committee, to be considered		
11	by the Senate and the House of Representatives and the action		
12	of the joint committee rejecting these claims be approved.		
13	Claim	Name of Claimant	Amount of
14	Number	Nature of Claim	Claim
15	2408-64-25	Earl Wittrock	
16		Carroll, Iowa	
17		License fee refund	\$ 389.00
18	2206-65-25	L. J. Trucking, Inc.	
19		Seattle, Washington	
20		Fine refund	237.96
21	2248-65-25	George Transit Line, Inc.	
22		Des Moines, Iowa	
23		License fee refund	1,449.80
24	2332-65-25	Lois Schmidt	
25		Boone, Iowa	
26		Clerical error—Holiday pay missed	21.12
27	2492-65-25	Borroughs Division of Lear Siegler	
28		Kalamazoo, Michigan	
29		Fine and permit fee refund	25.00
30	2586-65-25	Waterloo Ambulance Service	

Page 2

1		Waterloo, Iowa	
2		Outdated invoice	140.00
3	2587-65-25	Waterloo Ambulance Service	
4		Waterloo, Iowa	
5		Outdated invoice	120.00
6	2624-65-25	Onley Refrigerated Transport, Inc.	
7		Oakland, Iowa	
8		License fee refund	Undetermined
9	306-66-25	Patricia Dunham	
10		Ames, Iowa	
11		Property damage	181.34

12	541-66-25	Chem Gro of Houghton, Inc.	
13		Houghton, Iowa	
14		County plate refund	1,175.00
15	554-66-25	Eugene B. Newton	
16		d/b/a Newton Trucking	
17		Hornick, Iowa	
18		License fee refund	524.55
19	635-66-25	Iowa Better Trucking Bureau	
20		Sioux City, Iowa	
21		Permit fee refund	10.00
22	778-66-25	Larry King	
23		Bronson, Iowa	
24		Prorate license fee refund	478.00
25	792-66-25	Daufeldt Transport, Inc.	
26		Muscatine, Iowa	
27		License fee refund	264.25
28	842-66-25	Luverne Marcusson	
29		Red Oak, Iowa	
30		License fee refund	Undetermined

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1	1878-66-25	Vernon E. Levenson	
2		Des Moines, Iowa	
3		Wages and expenses	473.47
4	1897-66-25	Clark Limestone Company	
5		Denison, Iowa	
6		Outdated invoice	15.97
7	2167-66-25	Merchants Transfer & Storage Co.	
8		Kansas City, Missouri	
9		License fee refund	27.82
10	2168-66-25	Bruce Transfer & Storage Co.	
11		Kansas City, Missouri	
12		License fee refund	21.01
13	2169-66-25	Bruce Transfer & Storage Co.	
14		Kansas City, Missouri	
15		License fee refund	23.11
16	2171-66-25	Bruce Transfer & Storage Co.	
17		Kansas City, Missouri	
18		License fee refund	12.60
19	2173-66-25	Bruce Transfer & Storage Co.	
20		Kansas City, Missouri	
21		License fee refund	23.11
22	2174-66-25	Bruce Transfer & Storage Co.	
23		Kansas City, Missouri	
24		License fee refund	23.11
25	2176-66-25	Merchants Transfer & Storage Co.	
26		Kansas City, Missouri	
27		License fee refund	19.47
28	2178-66-25	Merchants Transfer & Storage Co.	
29		Kansas City, Missouri	
30		License fee refund	30.60

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1	2179-66-25	Merchants Transfer & Storage Co.	
2		Kansas City, Missouri	
3		License fee refund	27.82

4	2181-66-25	Merchants Transfer & Storage Co.	
5		Kansas City, Missouri	
6		License fee refund	27.82
7	2291-66-25	Colleen P. Shearer	
8		Carlisle, Iowa	
9		Personal property reimbursement	25.75
10	2409-67-25	Linda R. Laffoon	
11		Cedar Falls, Iowa	
12		Property damage	2.84
13	2410-67-25	Gary Knott	
14		Cedar Rapids, Iowa	
15		Stolen property	535.00
16	2416-67-25	Donald J. Hardy	
17		Toledo, Iowa	
18		Medical reimbursement	20.00
19	2495-67-25	Northwestern Bell Telephone Co.	
20		Des Moines, Iowa	
21		Outdated invoice	32.40
22	1719-66-25	Dan J. Voegle	
23		Valley City, North Dakota	
24		License fee refund	28.70
25	1725-66-25	Iowa Beef Processors, Inc.	
26		Dakota City, Nebraska	
27		Prorate license refund	532.89
28	1738-66-25	Mouw Transportation, Inc.	
29		Sibley, Iowa	
30		License fee refund	492.96

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1	1767-66-25	Stockberg Transfer & Storage	
2		Mason City, Iowa	
3		License fee refund	660.80
4	1838-66-25	Dubuque Communication Corporation	
5		a/k/a KDUB-TV Channel 40	
6		Dubuque, Iowa	
7		Breach of contract	430.00
8	1853-66-25	Peavey Company Dealer Service	
9		Sioux City, Iowa	
10		Prorate refund	551.23
11	1856-66-25	Lewis A. Morrow	
12		Chariton, Iowa	
13		Merit pay increase	19.38
14	1861-66-25	Everett G. Stapp, Jr.	
15		Chariton, Iowa	
16		Merit pay increase	19.38
17	1887-66-25	Marvin Lee Corll	
18		Leon, Iowa	
19		Merit pay increase	12.46
20	1891-66-25	The Universe Company, Inc.	
21		Omaha, Nebraska	
22		License fee refund	6,312.64
23	1922-66-25	Robert Blair	
24		Sharpsburg, Iowa	
25		Tax stamp refund	13.61

26	1934-66-25	Dennis M. South	
27		Leon, Iowa	
28		Merit pay increase	8.16
29	1944-66-25	Garland Draper	
30		Van Wert, Iowa	

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1		Merit pay increase	12.46
2	1969-66-25	Des Moines Photo Copy	
3		Des Moines, Iowa	
4		Outdated invoice	66.50
5	2001-66-25	Richard A. Broyles	
6		Indianola, Iowa	
7		Merit pay increase	8.08
8	2002-66-25	Merl J. Curnes	
9		Indianola, Iowa	
10		Merit pay increase	17.44
11	1533-66-25	Jon Norton	
12		Sioux City, Iowa	
13		Prorate refund	39.48
14	1561-66-25	Saunders Leasing System	
15		Mt. Pleasant, Iowa	
16		License fee refund	380.28
17	1588-66-25	Melvin C. Allensworth	
18		Davenport, Iowa	
19		Registration fee refund	4.00
20	1589-66-25	Dows Community School	
21		Dows, Iowa	
22		Outdated invoice	270.00
23	1607-66-25	Larry W. Miller	
24		Merrill, Iowa	
25		License fee refund	415.24
26	1642-66-25	Gene Geissinger	
27		West Des Moines, Iowa	
28		Property Loss	50.00
29	1646-66-25	I B M	
30		Kansas City, Missouri	

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1		Outdated invoice	23.95
2	1657-66-25	Northwestern Bell Telephone Co.	
3		Des Moines, Iowa	
4		Outdated invoice	26.28
5	1669-66-25	Nachurs Plant Food Co.	
6		Red Oak, Iowa	
7		License fee refund	1,023.70
8	1695-66-25	Mrs. Wally Hale	
9		Des Moines, Iowa	
10		Property damage	36.00
11	1700-66-25	Gerald M. Donahue	
12		d/b/a/ Donahue Farms & Tri-State	
13		New Albin, Iowa	
14		License fee refund	151.87
15	1701-66-25	Gerald M. Donahue	
16		d/b/a/ Donahue Farms & Tri-State	

17		New Albin, Iowa	
18		License fee refund	209.44
19	1702-66-25	Gerald M. Donahue	
20		d/b/a/ Donahue Farms & Tri-State	
21		New Albin, Iowa	
22		License fee refund	198.62
23	1703-66-25	Gerald M. Donahue	
24		d/b/a/ Donahue Farms & Tri-State	
25		New Albin, Iowa	
26		License fee refund	151.87
27	1707-66-25	Mid-Equipment, Inc.	
28		Grundy Center, Iowa	
29		License fee refund	900.92
30	1709-66-25	Mission Trucking Service, Inc.	

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1		Mission, South Dakota	
2		License fee refund	23.21
3	870-66-25	D. A. Wilson Company	
4		Ames, Iowa	
5		License fee refund	302.94
6	876-66-25	Corner Drug Store	
7		Clear Lake, Iowa	
8		Outdated invoice	37.35
9	907-66-25	Melvin Wiseman	
10		Chapin, Iowa	
11		Prorate refund	273.00
12	962-66-25	Central Community School Dist.	
13		DeWitt, Iowa	
14		Breach of contract rental	1,495.00
15	963-66-25	Jack Link Truck Line	
16		Dyersville, Iowa	
17		License fee refund	126.25
18	965-66-25	Larry Scheibel	
19		Lebanon, Illinois	
20		License fee refund	600.00
21	1021-66-25	William Wahl	
22		New Hampton, Iowa	
23		License fee refund	565.01
24	1037-66-25	Schwerman Trucking	
25		Milwaukee, Wisconsin	
26		Registration fee refund	1,407.63
27	1038-66-25	Schwerman Trucking	
28		Milwaukee, Wisconsin	
29		Registration fee refund	1,900.69
30	1039-66-25	Schwerman Trucking	

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1		Milwaukee, Wisconsin	
2		Registration fee refund	607.82
3	1224-66-25	Harry F. Rose	
4		Glidden, Iowa	
5		License fee refund	302.41
6	1256-66-25	Albert B. Durr	

7		Dundee, Illinois	
8		Trip permit exchange	Undetermined
9	1298-66-25	Best Refrigerated Express, Inc.	
10		Council Bluffs, Iowa	
11		License fee refund	4,807.74
12	1340-66-25	Herbert James Schwarz	
13		Newton, Iowa	
14		License fee refund	Undetermined
15	1355-66-25	Jim Lightner	
16		Sioux City, Iowa	
17		License fee refund	212.46
18	1369-66-25	State Steel Supply	
19		Sioux City, Iowa	
20		Prorate refund	761.83
21	1410-66-25	Ryder Truck Rental & Central	
22		Soya Co.	
23		Des Moines, Iowa	
24		Prorate refund	1,398.02
25	1530-66-25	Karl Klein Grain & Feed	
26		LeMars, Iowa	
27		Prorate refund	355.11
28	306-65-25	Wilbur Wienert	
29		Holstein, Iowa	
30		License fee refund	65.95

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1	318-65-25	The Wahl Moving & Transfer Co.	
2		Cleveland, Ohio	
3		Permit fee refund	46.00
4	493-65-25	Hicklin G. M. Diesel	
5		Des Moines, Iowa	
6		Fine refund	70.00
7	831-65-25	George H. Wyant	
8		West Des Moines, Iowa	
9		License fee refund	35.00
10	919-65-25	A. J. Haverhals	
11		Hawarden, Iowa	
12		Registration fee refund	174.94
13	991-65-25	William Granstra	
14		Sheldon, Iowa	
15		License fee refund	90.00
16	2000-65-25	Strunk Brothers Company	
17		Tiskilwa, Illinois	
18		License fee refund	192.00
19	2234-65-25	John R. Hoffman	
20		Lamoni, Iowa	
21		License fee refund	469.05
22	2236-65-25	Leonard Olson, Olson Transfer	
23		Cherokee, Iowa	
24		License fee refund	192.54
25	2397-65-25	Harold Dickey Transport, Inc.	
26		Packwood, Iowa	
27		License fee refund	421.06

28	2398-65-25	Harold Dickey Transport, Inc.	
29		Packwood, Iowa	
30		License fee refund	318.66

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1	2506-65-25	Iowa Steel & Wire	
2		Centerville, Iowa	
3		License fee refund	Undetermined
4	2508-65-25	American Beef Packers, Inc.	
5		Oakland, Iowa	
6		License fee refund	814.56
7	2614-65-25	Sather Cookie Company	
8		Round Lake, Minnesota	
9		License fee refund	719.76
10	2625-65-25	Kenneth Nurnberg	
11		Arispe, Iowa	
12		Prorate refund	325.62
13	1863-66-25	David Bach	
14		Des Moines, Iowa	
15		Property damage	2.50
16	2031-66-25	Ray Sullins	
17		Des Moines, Iowa	
18		Outdated expense claim	1,000.00
19	2037-66-25	James L. Goodell	
20		Millerton, Iowa	
21		Merit pay increase	10.34
22	2038-66-25	Lester E. Ripperger	
23		Chariton, Iowa	
24		Merit pay increase	13.70
25	2073-66-25	Lewis A. Souer	
26		Indianola, Iowa	
27		Real estate transfer tax refund	46.75
28	2147-66-25	Ronald Banowetz	
29		Charlotte, Iowa	
30		Property tax refund	5,000.00

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1472 Education

H. F. 1480 Transportation

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 11, 1976, the Governor approved and transmitted to the Secretary of State the following bill:

S. F. 503—Relating to the maximum interest rate payable by persons purchasing securities on credit.

REPORT OF COMMITTEE

Senator Scott submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty, begs leave to report it has had the same under consideration and recommends the same *do pass*.

KENNETH D. SCOTT, Ranking Member

Ordered passed on file.

AMENDMENTS FILED

S—5756

- 1 Amend House amendment S—5736 to Senate File 345
- 2 as follows:
- 3 1. Page 2, by striking lines 20 through 23 and
- 4 inserting in lieu thereof the following:
- 5 "the several election precincts, and the talesmen
- 6 of which there shall be at least two, among the
- 7 precincts from which the same are to be drawn,".
- 8 2. Page 2, lines 27 and 28 by striking the words
- 9 "*political subdivisions*" and inserting in lieu thereof
- 10 the words "*election precincts*".

LUCAS J. DeKOSTER

S—5765

- 1 Amend the House amendment, S—5737, to Senate
- 2 File 1191 as follows:
- 3 1. Page 1, line 3, by striking the figure
- 4 "\$660,382" and inserting in lieu thereof the figure
- 5 "\$653,382".

EARL M. WILLITS

S—5764

- 1 Amend the House amendment, S—5706, to Senate
- 2 File 1207 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 48 through 50.
- 5 2. Page 2, by striking line 1.
- 6 3. Page 5, by inserting after line 12 the
- 7 following:
- 8 "43. The title, line 1, by inserting after the
- 9 word 'Act' the words 'relating to improvements to
- 10 real property,'."

JAMES W. GRIFFIN, SR.

S—5774

- 1 Amend Senate File 1273, page 2, by inserting after
- 2 line 28 the following:
- 3 "Sec. **NEW SECTION. INSPECTION UPON REQUEST.**
- 4 1. A board of supervisors may, by majority vote,
- 5 submit a request in writing to the commission re-
- 6 questing that the services of a qualified inspector

7 be provided to adequately inspect pipeline construc-
8 **tion within that county. Upon receipt of this re-**
9 quest, the commission shall make an inspector
10 available. All costs of inspection shall be paid
11 pursuant to section fourteen (14) of this Act.

12 2. As a part of the inspection process, the in-
13 spector shall, if so provided in the easement con-
14 tract, ascertain that the trench excavation has been
15 filled in such a manner as to provide that the top-
16 soil has been replaced on top and all rocks and debris
17 have been removed from the topsoil.

18 3. Adequate inspection of underground improve-
19 ments altered during construction of pipeline shall
20 be conducted at the time of the replacement or re-
21 pair of these underground improvements.

22 4. All faulty construction, as determined by the
23 inspector, shall be repaired immediately by the con-
24 tractor operating for the pipeline company. The cost
25 of these repairs shall be paid by the contractor.
26 If these repairs are not made by contractor, the
27 commission shall proceed to collect under the pro-
28 visions of section twenty-nine (29) of this Act."

NORMAN G. RODGERS
ROGER J. SHAFF

S—5775

1 Amend Senate File 1273, page 12, line 26, by
2 **inserting after the word "pipeline" the words "**
3 **including but not limited to erosion or settling of**
4 **soil above or along the location of this pipeline".**

NORMAN G. RODGERS
ROGER J. SHAFF

S—5766

1 Amend the Doderer, et al., amendment, S—5750,
2 to House amendment, S—5709, to Senate File 1288 as
3 amended, passed and reprinted by the Senate as
4 follows:

5 1. Page 1, by striking lines 10 through 12
6 **and inserting in lieu thereof the following:**
7 "3. Page 3, by striking lines 31 through 44
8 and inserting in lieu thereof the following:
9 '1. Each agency shall [file in the office of the
10 **secretary of state a certified copy of each rule**
11 **adopted by it, including all rules as defined in**
12 **this chapter existing on July 1, 1975. The secretary**
13 **of state shall keep a permanent register of the**
14 **rules open to public inspection. Rules presently**
15 **on file in the office of the secretary of state need**
16 **not be refiled.] prepare four certified copies of each**
17 **rule adopted by it for filing in the office of the**
18 **secretary of state. Before filing with the secretary**
19 **the copies of the rule shall be submitted to the**
20 **code editor for verification of form and style.**

21 *Within one week the code editor shall indicate tech-*
22 *nical approval to the agency or notify it of any*
23 *insufficiency. The secretary of state shall keep a*
24 *permanent register which shall be open to the public*
25 *of all rules filed in the secretary's office.'"*

ELIZABETH SHAW

S—5770

1 Amend Senate amendment, S—5588, to Senate File
2 1313 as follows:
3 1. Page 8, by striking lines 27 through 31 and
4 inserting in lieu thereof the following: "plan.
5 If the state commission identifies an unresolved
6 **conflict in the comprehensive plans of two continuous**
7 **counties and the counties are unable to reconcile**
8 **their plans, the state commission shall recommend**
9 **a resolution of the conflict to the general assembly.**
10 Upon recommendation".

WILLIAM P. WINKELMAN
C. JOSEPH COLEMAN
WILLARD R. HANSEN
RAY TAYLOR

S—5768

1 Amend Senate amendment, S—5588, to Senate File
2 1313 as follows:
3 1. Page 4, line 42, by striking the word "fourteen"
4 and inserting in lieu thereof the word "fifteen".
5 2. Page 5, line 4, by inserting after the word
6 "council," the words "the state historic preservation
7 officer."
8 3. Page 6, line 27, by inserting after the word
9 "**concern;**" the words "**incidence of fragile and historic**
10 **lands;**".

WILLIAM P. WINKELMAN
RAY TAYLOR
STEVE SOVERN
DALE L. TIEDEN
C. JOSEPH COLEMAN

S—5767

1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:
3 1. Page 8, line 9, by striking the words "and
4 approval".
5 2. Page 17, line 30, by striking the word
6 "approved" and inserting in lieu thereof the word
7 "reviewed".

WILLIAM P. WINKELMAN
ROGER J. SHAFF
RAY TAYLOR
DALE L. TIEDEN
C. JOSEPH COLEMAN
WILLARD R. HANSEN

S—5769

1 Amend Senate amendment S—5588 to Senate File 1313

2 as follows:

3 1. Page 17, line 18, by striking the words "one

4 public hearing" and inserting in lieu thereof the

5 words "three public hearings".

WILLIAM P. WINKELMAN

RAY TAYLOR

DALE L. TIEDEN

C. JOSEPH COLEMAN

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:35
p.m., until 8:30 a.m., Thursday, May 13, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-THIRD DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MAY 13, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Ervin Hesterberg, pastor of the Bethany Lutheran Church, West Branch, Iowa.

The Journal of Wednesday, May 12, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Heying for the day, Senator Nolin for the day, Senator Coleman for the afternoon session and Senator Merritt for the afternoon session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the Honorable Tom Riley, former member of the Senate and House of Representatives from Linn County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from St. Donatus School, St. Donatus, Iowa. Senator Norpel.

Fifty students from the Beaman-Conrad-Liscomb Community School, Conrad, Iowa. Senators Miller of Marshall and Burroughs.

Sixty students from Page Elementary School, Boone, Iowa, accompanied by Daryl Boelman, Vic Heyer and Connie Olsen. Senator Nystrom.

Thirty-four students from Fox Valley High School, Wilton, Iowa, accompanied by Mr. DeMuth. Senator Schwengels.

Sixty students from the Janesville Junior High School, Janesville, Iowa, accompanied by Mr. Gifford. Senator Burroughs.

PETITIONS

The following petitions were presented and placed on file:

By Senator Orr from fourteen residents of Tama County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

By Senator Orr from seven residents of Poweshiek County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

By Senator Heying from seventeen residents of Washington County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senator Miller of Des Moines from fourteen residents of Des Moines County and Henry County opposing Senate File 1313 or any legislation creating a state land use policy.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twelve residents of Bremer County.

Twelve residents of Butler County.

Eleven residents of Lyon County.

Ninety residents of Osceola County.

Sixteen residents of Pocahontas County.

Forty residents of Story County.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1332 passed the Senate on May 12, 1976.

RICHARD J. NORPEL, SR.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Van Gilst called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of David L. Dahlquist, of Des Moines, Polk County, Iowa, for appointment to the State Board of Landscape Architectural Examiners for the State of Iowa under the provisions of Section 118A.3, Code 1975, for an initial term commencing July 1, 1975, and ending June

30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

BASS VAN GILST, Chairperson
CLIFF BURROUGHS
LOUIS P. CULVER
FRED W. NOLTING
WILLIAM N. PLYMAT

The motion prevailed and the report was adopted.

Senator Van Gilst moved the appointment of David L. Dahlquist as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen	Gluba	Miller of	Rodgers
Bergman	Hansen	Des Moines	Schwengels
Burroughs	Hill of Jasper	Miller of	Scott
Coleman	Hill of Polk	Marshall	Shaff
Culver	Hultman	Nolting	Sovern
Curtis	Kelly	Norpel	Taylor
DeKoster	Kinley	Nystrom	Van Gilst
Doderer	Lamborn	Palmer	Willits
Gallagher	Merritt	Plymat	Winkelman
Glenn		Redmond	

Nays, none.

Absent or not voting, 14:

Briles	Junkins	Priebe	Robinson
Carr	Murray	Rabedaux	Shaw
Griffin	Nolin	Ramsey	Tieden
Heying	Orr		

President Neu declared the appointment of David L. Dahlquist as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1978.

Senator Miller of Des Moines called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Marian Lokken, of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CHARLES P. MILLER, Chairperson
JOHN S. MURRAY
RICHARD J. NORPEL, SR.
STEVE SOVERN

The motion prevailed and the report was adopted.

Senator Miller of Des Moines moved the appointment of Marian Lokken as a member of the State Board of Cosmetology Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Hansen	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Sovern
Culver	Kelly	Nystrom	Taylor
Curtis	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Rodgers	
Gluba			

Nays, none.

Absent or not voting, 12:

Briles	Heying	Nolin	Ramsey
Carr	Junkins	Priebe	Robinson
Griffin	Murray	Rabedaux	Shaw

President Neu declared the appointment of Marian Lokken as a member of the State Board of Cosmetology Examiners confirmed for an initial term ending June 30, 1976.

Senator Palmer called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of James B. Sinatra, of Ames, Story County, Iowa, for appointment as a licensed member of the State Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

WILLIAM D. PALMER, Chairperson
 CALVIN O. HULTMAN
 CHARLES P. MILLER
 JOHN S. MURRAY
 BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Palmer moved the appointment of James B. Sinatra

as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Rodgers
Burroughs	Hansen	Miller of	Scott
Carr	Hill of Jasper	Marshall	Shaff
Coleman	Hill of Polk	Murray	Sovern
Culver	Hultman	Nolting	Taylor
Curtis	Junkins	Norpel	Tieden
DeKoster	Kelly	Nystrom	Van Gilst
Doderer	Kinley	Orr	Willits
Gallagher	Lamborn	Palmer	Winkelman
Glenn	Merritt	Priebe	

Nays, none.

Absent or not voting, 9:

Briles	Plymat	Ramsey	Schwengels
Heying	Rabedeaux	Robinson	Shaw
Nolin			

President Neu declared the appointment of James B. Sinatra as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1978.

Senator Orr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carole Tracy of Dubuque, Dubuque County, Iowa, for appointment as a licensed member of the State Board of Cosmetology Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOAN ORR, Chairperson
ROBERT M. CARR
JAMES W. GRIFFIN, SR.
WILLIAM N. PLYMAT
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Orr moved the appointment of Carole Tracy as a member of the State Board of Cosmetology Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 43:

Andersen	Hansen	Miller of	Redmond
Bergman	Hill of Jasper	Marshall	Rodgers
Burroughs	Hill of Polk	Murray	Schwengels
Carr	Hultman	Nolting	Scott
Coleman	Junkins	Norpel	Shaff
Culver	Kelly	Nystrom	Shaw
Curtis	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Tieden
Gallagher	Merritt	Plymat	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Rabedeaux	Winkelman
Griffin			

Nays, none.

Absent or not voting, 7:

Briles	Heying	Ramsey	Taylor
Doderer	Nolin	Robinson	

President Neu declared the appointment of Carole Tracy as a member of the State Board of Cosmetology Examiners confirmed for an initial term ending June 30, 1977.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1432.

House File 1432

On motion of Senator Shaff, House File 1432, a bill for an act relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Coleman offered amendment S—5548 by the committee on transportation and moved its adoption:

S—5548

- 1 Amend House File 1432 as amended and passed by the
- 2 House as follows:

Division S—5548A

- 3 1. Page 1, by striking lines 1 through 10.
- 4 2. Page 3, by striking lines 24 through 32.

Division S—5548B

- 5 3. Page 6, line 18, by striking the word "fifty" and
6 inserting in lieu thereof the word "twenty-five".

Senator Murray called for a division of the amendment, sections 1 and 2 to be considered as division S—5548A; section 3 to be considered as division S—5548B.

On motion of Senator Coleman, division S—5548A of the amendment was adopted.

Senator Glenn took the chair at 9:20 a.m.

Senator Coleman moved the adoption of division S—5548B of the amendment.

A record roll call was requested.

On the question "Shall division S—5548B of the amendment be adopted?" (H.F. 1432) the vote was:

Ayes, 30:

Andersen	Gallagher	Miller of	Schwengels
Bergman	Glenn	Des Moines	Scott
Briles	Gluba	Miller of	Shaff
Burroughs	Griffin	Marshall	Taylor
Carr	Junkins	Norpel	Tieden
Coleman	Kinley	Palmer	Van Gilst
Culver	Lamborn	Priebe	Willits
Curtis	Merritt	Rodgers	Winkelman

Nays, 14 :

DeKoster	Hill of Polk	Plymat	Redmond
Doderer	Murray	Rabedaux	Shaw
Hansen	Nolting	Ramsey	Sovern
Hill of Jasper	Orr		

Absent or not voting, 6:

Heying	Kelly	Nystrom	Robinson
Hultman	Nolin		

Division S—5548B of the amendment was adopted.

Senator Coleman offered amendment S—5562 filed by Senators Coleman, Shaff and Rabedaux and moved its adoption:

S—5562

- 1 Amend House File 1432, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 3, by adding after line 23 the following:
- 4 "Sec. Section three hundred twenty-one E
- 5 point sixteen (321E.16), Code 1975, is amended to
- 6 read as follows:
- 7 321E.16 VIOLATIONS—PENALTIES. *A person shall not*
- 8 *commit any act forbidden or fail to perform any act*
- 9 *required by the provisions of this chapter or any*

10 *provision of rules adopted pursuant to section three*
11 *hundred twenty-one E point fifteen (321E.15) of the*
12 *Code.* Any person who is convicted of a violation
13 of any provision other than length, height, width,
14 or weight of any permit issued under this chapter
15 shall be punished by a fine of not less than one
16 hundred dollars, nor more than five hundred dollars.
17 The fine for violation of the length, height, width,
18 and weight allowed by permit shall be based upon the
19 difference between the actual length, height, width,
20 and weight of the vehicle and load and the maximum
21 allowable by permit and in accordance with section
22 321.482 for violations of length, height, or width
23 limitations and sections 321.482 and 321.463 for
24 violation of weight limitations. If a vehicle with
25 indivisible load traveling under permit is found to
26 be in violation of weight limitations, the vehicle
27 operator shall be allowed a reasonable amount of time
28 to remove any ice, mud, snow, and other weight
29 attributable to climatic conditions accumulated along
30 the route prior to application of the penalties
31 prescribed in sections 321.463 and 321.482."
32 2. By renumbering the sections in accordance with
33 this amendment.

Amendment S—5562 was adopted.

Senator Norpel offered amendment S—5777 by Senators Norpel, Gallagher and Tieden:

S—5777

1 Amend House File 1432, as amended and passed by
2 the House as follows:
3 1. Page 6, by inserting after line 18 the follow-
4 ing:
5 "Sec. Section seven hundred fifty-three point
6 fifteen (753.15) subsection six (6), Code 1975, is
7 amended by striking the subsection and inserting in
8 lieu thereof the following:
9 6. For speed in excess of the posted speed limit,
10 ten dollars, which violation shall not be noted on a
11 person's operator or chauffeur license and shall not
12 be recorded in the records maintained by the depart-
13 ment of public safety or the state department of trans-
14 portation."

Senator Rabedaux raised the point of order that amendment S—5777 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5777 in order.

Senator Rodgers took the chair at 9:55 a.m.

Senator Carr offered amendment S—5782 to amendment S—5777 and moved its adoption:

S—5782

- 1 Amend the Norpel, et al., amendment, S—5777, to
- 2 House File 1432 as amended and passed by the House
- 3 as follows:
- 4 1. Page 1, line 9, by inserting after the
- 5 word "limit," the words "up to and including ten miles
- 6 per hour over that limit,".

A record roll call was requested.

On the question "Shall amendment S—5782 to amendment S—5777 be adopted?" (H.F. 1432) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Gluba	Nolting	Redmond
Briles	Griffin	Norpel	Rodgers
Carr	Lamborn	Nystrom	Scott
Coleman	Merritt	Orr	Tieden
Culver	Miller of	Palmer	Winkelman
Gallagher	Des Moines	Priebe	

Nays, 23:

Bergman	Hansen	Miller of	Shaff
Burroughs	Hill of Jasper	Marshall	Shaw
Curtis	Hill of Polk	Murray	Sovern
DeKoster	Hultman	Plymat	Taylor
Doderer	Junkins	Rabedeaux	Van Gilst
Glenn	Kinley	Schwengels	Willits

Absent or not voting, 5:

Heying	Nolin	Ramsey	Robinson
Kelly			

Amendment S—5782 to amendment S—5777 lost.

Senator Norpel asked and received unanimous consent to withdraw amendment S—5777.

Senator Hill of Polk offered amendment S—5778 and moved its adoption:

S—5778

- 1 Amend House File 1432 as amended and passed
- 2 by the House as follows:
- 3 1. Page 5, lines 26 through 31, by striking
- 4 the words "*Effective July 1, 1977, each citation and*
- 5 *complaint shall be serially numbered and shall be in*
- 6 *quintuplicate, and the officer shall deliver the*
- 7 *original and a copy to the court where the defendant*

- 8 *is to appear, two copies to the defendant, and a copy*
 9 *to the law enforcement agency of the officer."*

Amendment S—5778 was adopted.

Senator Plymat offered amendment S—5785, moved its adoption and requested a non-record roll call:

S—5785

- 1 Amend House File 1432 as amended and passed
 2 by the House as follows:
 3 1. Page 6, by inserting after line 13 the
 4 following:
 5 "Sec. Section seven hundred fifty-three
 6 point fifteen (753.15), subsection six (6), Code 1975
 7 is amended to read as follows:
 8 6. Excess speed up to ten miles per hour over
 9 the legal limit, [twenty] *ten* dollars."

The ayes were 40, nays 7.

Amendment S—5785 was adopted.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1432) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Murray	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Norpel	Shaff
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Palmer	Tieden
DeKoster	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedaux	Winkelman
Gluba		Ramsey	

Nays, 2:

Hill of Polk Shaw

Absent or not voting, 4:

Doderer Heying Nolin Robinson

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

Senator Shaff asked and received unanimous consent that House File 1432 be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS

House File 1059

On motion of Senator Taylor, House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund, was taken up for further consideration.

Senator Priebe took the chair at 10:50 a.m.

Senator Doderer offered amendment S—5730 filed by Senators Doderer and Palmer:

S—5730

- 1 Amend House File 1059 as passed by the House
- 2 as follows:

Division S—5730A

- 3 1. Page 1, by striking lines 5 through 9, and
- 4 inserting in lieu thereof the following:
- 5 "The county board of supervisors may levy a tax
- 6 for financing the county agricultural extension edu-
- 7 cation program authorized in this chapter. The ex-
- 8 tension council of each extension district shall, at a
- 9 regular or special meeting held in January of each
- 10 year, certify to the board of supervisors a budget
- 11 for its county agricultural extension education
- 12 program. The annual tax that may be levied by the
- 13 board of supervisors and".

Division S—5730B

- 14 2. Page 2, by inserting after line 2, the
- 15 following:
- 16 "Sec. 2. The provisions of this Act shall be
- 17 governed by budget limitations contained in Senate
- 18 File 1062, passed by the Sixty-sixth General Assembly, 1976
- 19 session."

Senator Rodgers called for a division of the amendment, section 1 to be considered as division S—5730A; section 2 to be considered as division S—5730B.

Senator Palmer moved the adoption of division S—5730A of the amendment and requested a record roll call.

On the question "Shall division S—5730A of the amendment be adopted?" (H.F. 1059) the vote was:

Ayes, 8:

Doderer
Hill of Jasper

Hill of Polk
Kinley

Orr
Palmer

Shaw
Willits

Nays, 38:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Hultman	Norpel	Shaff
Carr	Junkins	Nystrom	Sovern
Coleman	Kelly	Plymat	Taylor
Culver	Lamborn	Priebe	Tieden
Curtis	Merritt	Rabedeaux	Van Gilst
DeKoster	Miller of	Ramsey	Winkelman
Gallagher	Des Moines	Redmond	
Glenn			

Absent or not voting, 4:

Heying	Nolin	Nolting	Robinson
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Division S—5730A of the amendment lost.

On motion of Senator Doderer, division S—5730B of the amendment was adopted.

Senator Taylor moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1059) the vote was:

Ayes, 39:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Junkins	Norpel	Shaff
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
Curtis	Lamborn	Priebe	Tieden
DeKoster	Merritt	Rabedeaux	Van Gilst
Doderer	Miller of	Ramsey	Willits
Gallagher	Des Moines	Redmond	Winkelman
Glenn			

Nays, 3:

Hill of Jasper	Hill of Polk	Nolting
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Absent or not voting, 8:

Carr	Hultman	Palmer	Robinson
Heying	Nolin	Plymat	Shaw

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

Senator Doderer asked and received unanimous consent that House File 1059 be immediately messaged to the House, which request was complied with.

WITHDRAWN

Senator Taylor asked and received unanimous consent that

Senate File 1012 be withdrawn from further consideration of the Senate.

HOUSE AMENDMENTS CONSIDERED

Senate File 345

Senator DeKoster called up for consideration Senate File 345, a bill for an act relating to the method used by judges of election to select and certify potential jurors, amended by the House amendment found on pages 1860-1862, inclusive, of the Senate Journal.

Senator DeKoster offered amendment S—5756 to House amendment S—5736 filed by him and moved its adoption:

S—5756

- 1 Amend House amendment S—5736 to Senate File 345
- 2 as follows:
- 3 1. Page 2, by striking lines 20 through 23 and
- 4 inserting in lieu thereof the following:
- 5 “the several election precincts, and the talesmen
- 6 of which there shall be at least two, among the
- 7 precincts from which the same are to be drawn,”.
- 8 2. Page 2, lines 27 and 28 by striking the words
- 9 “political subdivisions” and inserting in lieu thereof
- 10 the words “election precincts”.

Amendment S—5756 to House amendment S—5736 was adopted.

On motion of Senator DeKoster, the Senate concurred in House amendment S—5736 as amended.

Senator DeKoster moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 345) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Sovern
Culver	Junkins	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, none.

Absent or not voting, 7:

Carr
Heying

Nolin
Palmer

Plymat
Robinson

Shaw

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

Senate File 1191

Senator Willits called up for consideration Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, amended by the House, as follows:

S—5787

1 Amend Senate File 1191 as follows:

- 2 Page 1, by striking line 21 and inserting in lieu
3 thereof the words "subsection\$671,382
4 The general assembly anticipates that federal funds
5 will be available to the regional library system in
6 an amount approximating two hundred sixteen thousand
7 (216,000) dollars. However if such federal funds
8 do not become available, it is the intent of the gen-
9 eral assembly that it will appropriate an amount of
10 funds to replace those funds anticipated that do not
11 become available during the fiscal year beginning
12 July 1, 1976."

Senator Willits offered amendment S—5779 to House amendment S—5737 and moved its adoption:

S—5779

- 1 Amend the House amendment, S—5737, to Senate
2 File 1191 as follows:
3 1. Page 1, line 3, by striking the figure
4 "\$671,382" and inserting in lieu thereof the figure
5 "\$660,882".

Amendment S—5779 to House amendment S—5737 was adopted.

Senator Willits withdrew amendment S—5765 to House amendment S—5737 filed by him on May 12, 1976, and found on page 1941 of the Senate Journal.

On motion of Senator Willits, the Senate concurred in House amendment S—5737 as amended.

Senator Willits moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1191) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Sovern
Culver	Junkins	Nystrom	Taylor
Curtis	Kelly	Orr	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn			

Nays, none.

Absent or not voting, 10:

Carr	Miller of	Palmer	Rodgers
Heying	Des Moines	Plymat	Shaw
Hill of Jasper	Nolin	Robinson	

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

**HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE AMENDMENT CONSIDERED**

Senate File 1067

Senator Scott called up for consideration Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, amended by the House, further amended by the Senate, and still further amended by the House, as follows:

S—5713

- 1 Amend the Senate amendment H—6309 to the House
- 2 amendment to Senate File 1067 as amended and passed
- 3 by the Senate as follows:
- 4 1. By inserting after line 2 of the Senate
- 5 amendment the following new section:
- 6 "1. By striking lines 3 and 4 of the House
- 7 amendment and inserting in lieu thereof the following:
- 8 '1. Page 1, by striking line 23 and inserting
- 9 in lieu thereof the words "on-street parking areas
- 10 or off-street parking facilities shall in all cases
- 11 where so required by chapters one hundred three A
- 12 (103A) and one hundred four A (104A) of the Code,
- 13 and may in all other cases,'"

14 2. By renumbering the succeeding sections of the
15 Senate amendment in accordance with the foregoing
16 amendment.

17 3. By inserting after line 11 of the Senate
18 amendment the following new section:

19 "6. Line 23, by inserting after the word 'section.'
20 the words 'The advisory standards promulgated under
21 this paragraph shall not unnecessarily duplicate and
22 shall not conflict with standards promulgated pursuant
23 to chapters one hundred three A (103A) and one hundred
24 four A (104A) of the Code.'"

Senator Scott offered amendment S—5776 by Senators Scott and Griffin to House amendment S—5713 to Senate amendment H—6309 to House amendment S—5472:

S—5776

1 Amend the House amendment S—5713, to Senate
2 amendment H—6309 to the House amendment to Senate
3 File 1067 as amended and passed by the Senate, as
4 follows:

5 1. Line 6 of amendment S—5713, by striking the
6 word and figure "and 4" and inserting in lieu thereof
7 the word and figure "through 8".

8 2. Line 13 of amendment S—5713, by striking the
9 second set of quotation marks following the period
10 in that line.

11 3. By inserting after line 13 of amendment S—5713
12 the following:

13 "2. Page 1, by striking lines 26 through 29 and
14 inserting in lieu thereof the following: 'issued
15 under this section. The use of parking spaces which
16 are so designated and are located on public property
17 by a motor vehicle not displaying such a device,'."

DEFERRED

Senator Hill of Polk asked unanimous consent that further action on Senate File 1067 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Senator Hill of Polk moved that further action on Senate File 1067 be deferred and that the bill retain its place on the calendar, which motion prevailed.

HOUSE AMENDMENT CONSIDERED

Senate File 547

Senator Willits called up for consideration Senate File 547, a bill for an act relating to the financing of levees and drainage

districts, amended by the House, and moved that the Senate concur in the following amendment:

S—5760

- 1 Amend Senate File 547 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 4, by striking the words
- 4 "fifty thousand" and inserting in lieu thereof
- 5 the words "two hundred thousand".

The motion prevailed and the Senate concurred in the House amendment S—5760.

Senator Willits moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 547) the vote was:

Ayes, 82:

Andersen	Glenn	Miller of	Ramsey
Bergman	Gluba	Marshall	Schwengels
Burroughs	Griffin	Murray	Scott
Coleman	Hansen	Norpel	Shaff
Culver	Hill of Polk	Nystrom	Sovern
Curtis	Junkins	Orr	Taylor
DeKoster	Kelly	Priebe	Tieden
Doderer	Kinley	Rabedaux	Willits
Gallagher			

Nays, 4:

Merritt	Nolting	Redmond	Winkelman
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Absent or not voting, 14:

Briles	Hultman	Nolin	Rodgers
Carr	Lamborn	Palmer	Shaw
Heying	Miller of	Plymat	Van Gilst
Hill of Jasper	Des Moines	Robinson	

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

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

members of the conference committee on the part of the House to consider the differences between the House and Senate concerning Senate File 85, a bill for an act relating to a complete revision of the criminal laws of the state of Iowa, are as follows: The Representative from Polk, Mr. Jesse, chair; the Representative from Polk, Mr. Nielsen; the Representative from Clinton, Mr. Oakley; the Representative from Polk, Ms. Gentleman; and the Representative from Polk, Mr. Kreamer.

Also: That the House has on May 11, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 449, a bill for an act relating to the establishment of a corn promotion fund.

Also: That the House insists on its amendment to Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy, and that the members of the conference committee on the part of the House are as follows: The Representative from Linn, Mr. Rinas, chair; the Representative from Black Hawk, Mrs. Brandt; the Representative from Palo Alto, Mr. Krause; the Representative from Madison, Mr. Bortell; and the Representative from O'Brien, Mr. Menke.

Also: That the House has on May 4, 1976, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 584, a bill for an act relating to competition between business, commercial, or professional entities.

Also: That the members of the conference committee on the part of the House to consider the differences between the House and Senate concerning House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, are as follows: The Representative from Guthrie, Mr. Hutchins, chair; the Representative from Buena Vista, Mr. Baker; the Representative from Scott, Mr. Cusack; the Representative from O'Brien, Mr. Hansen; and the Representative from Marshall, Mr. West.

Also: That the House has on May 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1550, a bill for an act relating to public utility rates.

Also: That the House has on May 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1568, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Also: That the House has on May 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1569, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems.

Also: That the House has on May 11, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1570, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 449

S—5784

- 1 Amend Senate File 449 as passed by the Senate
- 2 as follows:
- 3 1. Page 2, line 3, by inserting after the
- 4 word "producer" the words "but shall not include
- 5 sweet corn, popcorn or seed corn".
- 6 2. Page 7, line 18, by striking the word "last"
- 7 and inserting in lieu thereof the word "least".
- 8 3. Page 7, line 30, by striking the word "one"
- 9 and inserting in lieu thereof the word "five".
- 10 4. Page 9, lines 26 and 27, by striking the
- 11 words ", sale, storage, processing, handling,".

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 584

S—5783

- 1 Amend the Senate amendment, H—5733, to House
- 2 File 584, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 2, by striking lines 28 through 31 and
- 5 inserting in lieu thereof the following: "United
- 6 States. These associations may have marketing
- 7 and purchasing agencies in common and their
- 8 members may make the necessary contracts and
- 9 agreements to effect such".
- 10 2. Page 2, line 33, by striking the words
- 11 "these persons" and inserting in lieu thereof the
- 12 words "the members of these associations".
- 13 3. Page 3, line 50, by striking the words ".
- 14 However, the" and inserting in lieu thereof the
- 15 words "for the purposes of interstate cooperation
- 16 in enforcing this Act and similar state and
- 17 federal laws."
- 18 4. Page 4, by striking lines 1 through 4.
- 19 5. Page 4, by inserting after line 7 the
- 20 following:
- 21 "5. Evidence obtained from a natural person
- 22 pursuant to the provisions of this section shall
- 23 not be introduced in a subsequent criminal
- 24 prosecution of this person. However, evidence
- 25 obtained from a natural person pursuant to a
- 26 grand jury proceeding may be so introduced."
- 27 6. Page 4, line 30, by striking the word
- 28 "Upon" and inserting in lieu thereof the words
- 29 "Before the attorney general files an application
- 30 under section ten (10) of this Act and upon".
- 31 7. Page 5, by inserting after line 48 the
- 32 following:
- 33 "Sec. **NEW SECTION. CRIMINAL PENALTIES.**
- 34 A person or a natural person having substantial
- 35 control over an enterprise who knowingly and
- 36 willfully engages in conduct prohibited by this

37 Act shall be, upon conviction, fined not to exceed
38 fifty thousand (50,000) dollars, imprisoned in
39 the county jail for not more than one year, or
40 both so fined and imprisoned.

41 Sec. *NEW SECTION. ELECTION OF REMEDIES.*

42 The bringing of suit to assess a civil penalty
43 against a person by filing a petition shall be
44 an election of remedies to not bring a criminal
45 prosecution against this person. The bringing
46 of a criminal prosecution against a person by
47 filing an information or returning an indictment
48 shall be an election of remedies to not bring suit
49 to assess a civil penalty against this person."

50 8. Page 5, line 50, by striking the words "under

Page 2

1 section thirteen (13)" and inserting in lieu
2 thereof the words "to assess a civil penalty or
3 to obtain a criminal conviction under".

4 9. Page 6, line 1, by striking the word
5 "of".

6 10. Page 6, line 6, by striking the words
7 "by any person".

8 11. Page 6, line 8, by inserting after the
9 word "accrues" the words "or, if there is a
10 fraudulent concealment of this cause of action,
11 within four years after the cause of action
12 becomes known, whichever period is later".

13 12. Page 6, line 11, by striking the word
14 "extended" and inserting in lieu thereof the
15 word "suspended".

16 13. Page 6, line 17, by striking the words
17 "under sections twelve".

18 14. Page 6, line 18, by striking the words
19 "(12) and thirteen (13) of this Act,".

20 15. Page 6, by striking lines 28 and 29.

HOUSE MESSAGES CONSIDERED

House File 1550, a bill for an act relating to public utility rates.

Read first time and passed on file.

House File 1568, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements.

Read first time and passed on file.

House File 1569, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems.

Read first time and passed on file.

House File 1570, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation.

Read first time and passed on file.

ADOPTION OF RESOLUTIONS

Senator Kinley asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 113.

Senate Concurrent Resolution 113

On motion of Senator Hill of Jasper, Senate Concurrent Resolution 113, a resolution relating to claims rejected by the joint claims committee, found on pages 1934-1940, inclusive, of the Senate Journal, was taken up for consideration.

Senator Gluba took the chair at 1:55 p.m.

Senator Hill of Jasper moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Senator Kinley asked and received unanimous consent that **Senate Concurrent Resolution 113** be **immediately** messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration Senate Joint Resolution 1009.

Senate Joint Resolution 1009

On motion of Senator Junkins, Senate Joint Resolution 1009, a joint resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation, was taken up for consideration.

Senator Junkins moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 1009) the vote was:

Ayes, 31:

Andersen
Bergman
Carr
Culver
Curtis

Doderer
Gallagher
Glenn
Gluba
Griffin

Hansen
Hill of Jasper
Hill of Polk
Junkins
Kelly

Kinley
Miller of
Des Moines
Miller of
Marshall

Murray
Nolting
Norpel
Nystrom

Orr
Palmer
Plymat

Priebe
Rodgers
Scott

Shaw
Tieden
Van Gilst

Nays, 7:

DeKoster
Hultman

Rabedeaux
Ramsey

Redmond
Taylor

Winkelman

Absent or not voting, 12:

Briles
Burroughs
Coleman

Heying
Lamborn
Merritt

Nolin
Robinson
Schwengels

Shaff
Sovern
Willits

The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that **Senate Joint Resolution 1009** be **immediately messaged** to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1330.

Senate File 1330

On motion of Senator Willits, Senate File 1330, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1330) the vote was:

Ayes, 44:

Andersen
Bergman
Briles
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedeaux
Ramsey

Redmond
Rodgers
Schwengels
Scott
Shaff
Shaw
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:Coleman
HeyingMerritt
Nolin

Robinson

Sovern

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

On motion of Senator Hill of Jasper, Senate File 1331, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement for consideration Senate File 1331.

Senate File 1331

Senator Kinley asked and received unanimous consent that **Senate File 1330** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take ment of claims made against the state of Iowa, was taken up for consideration.

Senator Orr took the chair at 2:15 p.m.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1331) the vote was:

Ayes, 45:Andersen
Bergman
Briles
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
GlubaGriffin
Hansen
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Miller of
Des MoinesMiller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedeaux
RamseyRedmond
Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman**Nays, none.****Absent or not voting, 5:**Coleman
Heying

Merritt

Nolin

Robinson

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

Senator Kinley asked and received unanimous consent that

Senate File 1331 be immediately messaged to the House, which request was complied with.

House File 1557

On motion of Senator Kelly, House File 1557, a bill for an act appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1557) the vote was:

Ayes, 45:

Andersen	Hansen	Murray	Rodgers
Bergman	Hill of Jasper	Nolting	Schwengels
Briles	Hill of Polk	Norpel	Scott
Burroughs	Hultman	Nystrom	Shaff
Carr	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
DeKoster	Kinley	Plymat	Taylor
Doderer	Lamborn	Priebe	Tieden
Gallagher	Miller of	Rabedeaux	Van Gilst
Glenn	Des Moines	Ramsey	Willits
Gluba	Miller of	Redmond	Winkelman
Griffin	Marshall	Robinson	

Nays, none.

Absent or not voting, 5:

Coleman	Heying	Merritt	Nolin
Curtis			

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

Senator Kinley asked and received unanimous consent that **House File 1557** be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1332.

Senate File 1332

On motion of Senator Norpel, Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, was taken up for consideration.

Senator Lamborn asked and received unanimous consent to withdraw amendment S—5786 by Senators Lamborn and Norpel:

S—5786

- 1 Amend Senate File 1332, page 1, line 6, by striking
- 2 the figure "\$1,500,000" and inserting in lieu thereof
- 3 the figure "\$1,000,000".

Senator Priebe offered amendment S—5781 by Senators Priebe and Lamborn and moved its adoption:

S—5781

- 1 Amend Senate File 1332 as follows:
- 2 1. Page 1, line 8, by striking the figure
- 3 "3,000,000" and inserting in lieu thereof the figure
- 4 "2,800,000".
- 5 2. Page 1, by inserting after line 8 the fol-
- 6 lowing new subsection:
- 7 "..... For terminal car
- 8 control analysis\$200,000".
- 9 3. Renumber subsections and correct internal
- 10 references as may be necessary in accordance with
- 11 this amendment.

President pro tempore Doderer took the chair at 3:05 p.m.

Amendment S—5781 was adopted.

Senator Murray offered amendment S—5793, moved its adoption, and requested a record roll call:

S—5793

- 1 Amend Senate File 1332 as follows:
- 2 1. Page 1, by striking lines 16 through 28.
- 3 2. By renumbering sections as necessary.

Senator Priebe took the chair at 3:20 p.m.

On the question "Shall amendment S—5793 be adopted?" (S.F. 1332) the vote was:

Rule 25 was invoked.

Ayes, 16:

Briles	Hultman	Murray	Ramsey
Burroughs	Lamborn	Nystrom	Scott
Curtis	Miller of	Plymat	Shaff
DeKoster	Marshall	Rabedaux	Taylor
Hill of Polk			

Nays, 29:

Andersen	Doderer	Griffin	Kelly
Bergman	Gallagher	Hansen	Kinley
Carr	Glenn	Hill of Jasper	Nolting
Culver	Gluba	Junkins	Norpel

Orr
Palmer
Priebe
Redmond

Robinson
Rodgers
Schwengels

Shaw
Sovern
Tieden

Van Gilst
Willits
Winkelman

Absent or not voting, 5:

Coleman
Heying

Merritt

Miller of
Des Moines

Nolin

Amendment S—5793 lost.

Senator Doderer offered amendment S—5794 by Senators Doderer and Briles, moved its adoption and requested a record roll call:

S—5794

- 1 Amend Senate File 1332 as follows:
- 2 1. Page 1, line 21, by striking the word
- 3 "interstate".
- 4 2. Page 1, line 24, by striking the word
- 5 "interstate".

On the question "Shall amendment S—5794 be adopted?" (S.F. 1332) the vote was:

Rule 25 was invoked.

Ayes, 19:

Briles
Curtis
DeKoster
Doderer
Gluba

Hultman
Lamborn
Miller of
Marshall
Murray

Nolting
Nystrom
Orr
Plymat
Ramsey

Redmond
Shaff
Shaw
Taylor
Winkelman

Nays, 25:

Andersen
Bergman
Burroughs
Carr
Culver
Gallagher
Glenn

Griffin
Hansen
Hill of Jasper
Junkins
Kelly
Kinley

Miller of
Des Moines
Norpel
Palmer
Priebe
Rabedaux
Robinson

Rodgers
Schwengels
Scott
Sovern
Tieden
Willits

Absent or not voting, 6:

Coleman
Heying

Hill of Polk
Merritt

Nolin

Van Gilst

Amendment S—5794 lost.

Senator Rodgers offered amendment S—5791 by Senators Rodgers and Ramsey and moved its adoption:

S—5791

- 1 Amend Senate File 1332 as follows:
- 2 1. Page 1, by inserting after line 28 the following
- 3 new section:
- 4 "Sec..... There is appropriated from the general

5 fund of the state for the fiscal year beginning July
 6 1, 1976 the sum of five million (5,000,000) dollars
 7 to be allocated by the treasurer of state to the
 8 various counties of the state based upon the same
 9 ratio that funds are allocated to counties under
 10 subsection one (1) of section three hundred twelve
 11 point three (312.3) of the Code. Such funds shall
 12 be used for county bridge construction and repair."
 13 2. Renumber sections and correct internal
 14 references as are necessary in accordance with this
 15 amendment.

A record roll call was requested.

On the question "Shall amendment S—5791 be adopted?"
 (S.F. 1332) the vote was:

Ayes, 30:

Andersen	Griffin	Norpel	Schwengels
Bergman	Junkins	Nystrom	Scott
Briles	Kelly	Orr	Shaw
Burroughs	Miller of	Plymat	Sovern
Carr	Des Moines	Priebe	Taylor
Culver	Miller of	Ramsey	Tieden
Gallagher	Marshall	Redmond	Van Gilst
Gluba	Murray	Rodgers	Winkelman

Nays, 8:

Doderer	Hansen	Kinley	Shaff
Glenn	Hill of Jasper	Palmer	Willits

Absent or not voting, 12:

Coleman	Heying	Lamborn	Nolting
Curtis	Hill of Polk	Merritt	Rabedaux
DeKoster	Hultman	Nolin	Robinson

Amendment S—5791 was adopted.

Senator Hill of Jasper offered amendment S—5792 and moved
 its adoption:

S—5792

1 Amend Senate File 1332, page 2, line 18, by
 2 inserting after the word "Act" the words ", except
 3 funds appropriated for railroad assistance under
 4 section one (1), subsection two (2) of this Act,".

Amendment S—5792 was adopted.

Senator Gallagher offered amendment S—5798:

S—5798

1 Amend Senate File 1332 as follows:
 2 1. Page 1, line 15, by inserting after the
 3 word "fund," the words "None of the funds appropriated

- 4 by this section shall be used for the construction
 5 of diagonal highways in excess of five miles in length."

Senator Hansen raised the point of order that amendment S—5798 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5798 in order.

Senator Gallagher moved the adoption of amendment S—5798 and requested a record roll call.

On the question "Shall amendment S—5798 be adopted?" (S.F. 1332) the vote was:

Ayes, 25:

Briles	Hultman	Murray	Scott
Burroughs	Junkins	Norpel	Sovern
Carr	Lamborn	Nystrom	Taylor
Culver	Miller of	Orr	Tieden
Curtis	Des Moines	Priebe	Willits
Gallagher	Miller of	Robinson	Winkelman
Gluba	Marshall	Rodgers	

Nays, 19:

Andersen	Hansen	Palmer	Schwengels
Bergman	Hill of Jasper	Plymat	Shaff
DeKoster	Kelly	Rabedeaux	Shaw
Glenn	Kinley	Ramsey	Van Gilst
Griffin	Nolting	Redmond	

Absent or not voting, 6:

Coleman	Heying	Merritt	Nolin
Doderer	Hill of Polk		

Amendment S—5798 was adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1332) the vote was:

Ayes, 33:

Andersen	Glenn	Lamborn	Priebe
Bergman	Gluba	Miller of	Ramsey
Briles	Griffin	Des Moines	Rodgers
Burroughs	Hansen	Murray	Schwengels
Carr	Hill of Jasper	Norpel	Scott
Culver	Hill of Polk	Nystrom	Tieden
Curtis	Junkins	Orr	Willits
Doderer	Kelly	Plymat	Winkelman
Gallagher	Kinley		

Nays, 12:

DeKoster	Palmer	Robinson	Sovern
Hultman	Rabedeaux	Shaff	Taylor
Nolting	Redmond	Shaw	Van Gilst

Absent or not voting, 5:Coleman
Heying

Merritt

Miller of
Marshall

Nolin

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

Senator Kinley asked and received unanimous consent that Senate File 1332 be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1327.

Senate File 1327

On motion of Senator Sovern, Senate File 1327, a bill for an act relating to the state sanatorium, was taken up for consideration.

President Neu took the chair at 5:35 p.m.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1327) the vote was:

Ayes, 41:Andersen
Bergman
Briles
Burroughs
Carr
Culver
Curtis
DeKoster
Doderer
Gallagher
GlennHansen
Hill of Jasper
Hill of Polk
Junkins
Kelly
Kinley
Lamborn
Miller of
Des Moines
Murray
NoltingNorpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedcaux
Ramsey
Redmond
RodgersSchwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman**Nays, none.****Absent or not voting, 9:**Coleman
Gluba
GriffinHeying
Hultman
MerrittMiller of
MarshallNolin
Robinson

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

**PETITION TO WITHDRAW SENATE FILE 1036
FROM COMMITTEE**

Pursuant to Senate Rule 42 the undersigned members of the Senate, Sixty-sixth General Assembly, 1976 session, request that Senate File 1036

be withdrawn from the judiciary committee and placed on the Senate calendar for immediate action.

ELIZABETH R. MILLER
WILLIAM N. PLYMAT
EUGENE M. HILL
RAY TAYLOR
LEONARD C. ANDERSEN
KENNETH D. SCOTT
FORREST V. SCHWENGELS
ELIZABETH SHAW
C. JOSEPH COLEMAN
HILARIUS L. HEYING
ROGER J. SHAFF
CLOYD E. ROBINSON
BERL E. PRIEBE

RICHARD J. NORPEL, SR.
JAMES V. GALLAGHER
CLIFF BURROUGHS
RICHARD R. RAMSEY
MILO MERRITT
BASS VAN GILST
JOHN N. NYSTROM
WILLARD R. HANSEN
WILLIAM P. WINKELMAN
IRVIN L. BERGMAN
LOUIS P. CULVER
CLIFTON C. LAMBORN
W. R. RABEDEAUX

REQUEST TO RESCIND PETITION

Senator Glenn asked unanimous consent that the petition to withdraw Senate File 1036 from the committee on judiciary be rescinded and that record of the filing of such petition be expunged from the Senate Journal.

Objection was raised by Senator Shaff.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

Mr. PRESIDENT: I am directed to inform your honorable body that the House has on May 12, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies.

Also: That the House has on May 12, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies.

Also: That the House has on May 13, 1976, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 628, a bill for an act relating to school bus transportation requirements.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1072

S-5797.

1 Amend Senate File 1072 as follows:

- 2 1. Page 1, line 10, by inserting after the
3 word "court" the words "as determined by the Acts
4 of the Sixty-sixth General Assembly, 1975 Session,
5 chapter two (2), unless an Act setting such salaries
6 is approved by the 1976 Session of the Sixty-sixth
7 General Assembly,".
- 8 2. Page 1, line 18, by striking the figures
9 "681,623" and inserting in lieu thereof the
10 figures "685,973".
- 11 3. Page 1, line 22, by striking the figures
12 "236,198" and inserting in lieu thereof the
13 figures "240,298".
- 14 4. Page 1, line 30, by striking the figures
15 "34,049" and inserting in lieu thereof the
16 figures "34,909".
- 17 5. Page 2, line 6, after the word "magistrates,"
18 insert the words "as determined by the Acts of
19 the Sixty-sixth General Assembly, 1975 Session,
20 chapter two (2), unless an Act setting such
21 salaries is approved by the 1976 Session of the
22 Sixty-sixth General Assembly,".
- 23 6. Page 2, line 14, by striking the figures
24 "5,029,257" and inserting in lieu thereof the
25 figures "5,204,257".
- 26 7. Page 2, line 23, by striking the figures
27 "57,592" and inserting in lieu thereof the
28 figures "59,492".
- 29 8. Page 2, by inserting after line 23 the
30 following:
- 31 "9. APPELLATE COURT
32 For salaries, support, maintenance
33 and miscellaneous purposes\$ 350,000".
- 34 9. Page 2, by inserting after line 27 the
35 following new section:
- 36 "Sec. Section six hundred six point
37 fifteen (606.15), subsection one (1), Code 1975,
38 is amended to read as follows:
- 39 1. For filing any petition, appeal, or writ of
40 error and docketing the same, [four] *seven* dollars.
41 [Three] *Four* dollars of such fee shall remain in
42 the county treasury for the use of the county, and
43 [one dollar] *three dollars* of such fee shall be paid
44 into the state treasury and deposited in the general
45 fund of the state. In counties having a population
46 of one hundred thousand or over, an additional one
47 dollar shall be charged and collected, to be known
48 as the journal publication fee and to be used for
49 the purposes provided for in section 618.13."
- 50 10. Amend the title, line 1, by inserting after

Page 2

- 1 the word "agencies" the words ", and providing for
2 an increase in filing fees to aid in offsetting
3 the costs of operating the courts and agencies".

HOUSE AMENDMENT TO SENATE FILE 1276

S—5796

- 1 Amend Senate File 1276 as follows:
- 2 1. Page 1, line 21, by striking the words "five
3 million (\$5,000,000)" and inserting in lieu thereof
4 the words "four million (4,000,000)".
- 5 2. Page 1, line 29, by striking the words
6 "fifteen million (15,000,000)" and inserting in lieu
7 thereof the words "twelve million (12,000,000)".
- 8 3. Page 1, by inserting after line 32 the follow-
9 ing:
- 10 "Sec. 5. There is appropriated from the general
11 fund of the state for the fiscal period beginning
12 July 1, 1976 to the department of transportation the
13 following amounts to be used in the manner designated.
- 14 1. For public transit purpose to
15 implement a state assistance plan\$2,000,000
- 16 2. For railroad assistance in-
17 cluding but not limited to branch-
18 line improvement, terminal car
19 control analysis, rail inspections,
20 and special hearings\$3,000,000
- 21 Sec. 6. There is appropriated from the general
22 fund of the state for the fiscal period beginning
23 July 1, 1976 the sum of twelve million (12,000,000)
24 dollars, or so much thereof as is necessary, to be
25 deposited in the road use tax fund."
- 26 4. Title page, line 4, by inserting after the word
27 "Act" the words "and making additional funds available
28 to the department of transportation".

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 628

S—5799

- 1 Amend the Senate amendment H—6601, to House
2 File 628, as follows:
- 3 1. Page 2, line 48, by striking everything
4 after the word "roadway" and inserting in lieu
5 thereof a period.
- 6 2. Page 2, by striking all of lines 49 and 50.
- 7 3. Page 3, by striking lines 1 through 3.
- 8 4. Page 3, line 23, by striking "Cedar Rapids"
9 and inserting in lieu thereof "Cedar Falls".

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1475 Education

H. F. 1508 Transportation

H. F. 1543 State government

H. F. 1571 Appropriations

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mildred I. Freel of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
JAMES E. BRILES
LUCAS J. DeKOSTER
MINNETTE DODERER
BERL E. PRIEBE

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ira M. Deal of Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
LEONARD C. ANDERSEN
JAMES E. BRILES
LOUIS P. CULVER
CHARLES P. MILLER

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Kenneth O. McMaster, O.D., of Oelwein, Fayette County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
LUCAS J. DeKOSTER
GENE W. GLENN
HILARIUS HEYING
JOHN N. NYSTROM

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Betty J. Furgerson of Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Judicial Nominating Commission under the provisions of Sections 46.1 and 46.5, Code 1975, for

the unexpired term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DeKOSTER, Chairperson
WILLIAM E. GLUBA
ELIZABETH R. MILLER
FRED W. NOLTING
KENNETH D. SCOTT

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jon H. Kneen, of Ottumwa, Wapello County, Iowa, for appointment as a member of the State Judicial Nominating Commission under the provisions of Sections 46.1 and 46.5, Code 1975, for an unexpired term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
GENE W. GLENN
WILLARD R. HANSEN
CHARLES P. MILLER
DALE L. TIEDEN

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carroll J. Hobson of Eldora, Hardin County, Iowa, for reappointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, Code 1975, for the regular six-year term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
C. JOSEPH COLEMAN
WILLIAM E. GLUBA
KARL NOLIN
RAY TAYLOR

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 13, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1087—Making an appropriation to the State comptroller for issuance of a current edition of a tax information booklet.
- H. F. 467—Relating to approval of plans for constructing school buildings.
- H. F. 689—Defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.
- H. F. 1281—To create an interagency coordinating council on radiation safety and prescribing its powers and duties.

- H. F. 1299—To legalize proceedings taken by the county board of supervisors of Sac County relating to the purchase of certain land.
- H. F. 1462—Relating to the permissible age for qualifying for appointment as judicial magistrate.
- H. F. 1464—Relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

REPORTS OF COMMITTEES

Senator Orr submitted the following report:

MR. PRESIDENT: Your committee on education to which was referred **House File 1472**, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Gluba submitted the following report:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1278**, a bill for an act relating to certain reporting, licensing and confidentiality requirements pertaining to the Iowa drug abuse authority, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5789

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "of" the words "any solid, liquid,".
- 4 2. Page 1, line 26, by inserting after the word
- 5 "materials" the words ", except water,".

ROGER J. SHAFF
NORMAN G. RODGERS

S—5787

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 2, by striking lines 34 and 35.
- 3 2. Page 3, line 1, by striking the words "two
- 4 (472) of the Code" and inserting in lieu thereof the
- 5 words and figure "1. A person seeking a permit".
- 6 3. Page 3, by striking lines 8 and 9 and inserting
- 7 in lieu thereof the words "for a permit and not less
- 8 than thirty days prior to the filing of this petition,
- 9 the person".
- 10 4. Page 3, by striking line 26 and inserting in
- 11 lieu thereof the words "seeking a permit".
- 12 5. Page 3, line 27, by striking the word "domain".

NORMAN G. RODGERS
ROGER J. SHAFF

S—5790

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 9, by striking lines 10 through 20 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. *NEW SECTION. USE OF FUNDS.* All
- 5 moneys received under the provisions of this Act shall
- 6 be remitted monthly to the treasurer of state and
- 7 credited to the general fund of the state."
- 8 2. Renumber the bill sections accordingly.

ROGER J. SHAFF
NORMAN G. RODGERS

S—5780

- 1 Amend Senate File 1273 as follows:
- 2 1. Page 14, by inserting after lines 26 the
- 3 following:
- 4 "Sec. Section four hundred seventy-two point
- 5 fourteen (472.14), Code 1975, is amended by adding
- 6 the following new unnumbered paragraphs:
- 7 *NEW UNNUMBERED PARAGRAPH.* Whenever an easement
- 8 or other interest in property is acquired for the
- 9 construction of a pipeline facility upon agricultural
- 10 land under chapter four hundred ninety (490) of the
- 11 Code by condemnation or by purchase if condemnation
- 12 is available, the landowner may, if there is an
- 13 increase in the assessed valuation of this agricultural
- 14 land after the first five-year period following this
- 15 acquisition and each succeeding five-year period,
- 16 negotiate a payment in addition to the initial
- 17 appraisement. This increased payment shall be
- 18 proportional to the increase in the assessed valuation
- 19 of the tract which has been subject to the easement
- 20 during the prior five-year period. Notice of this
- 21 negotiation shall be sent to the condemnor or purchaser
- 22 by registered mail within sixty days prior to the
- 23 anniversary date of the original and each succeeding
- 24 settlement. If the landowner, condemnor, purchaser,
- 25 or any succeeding owner of this easement is unable
- 26 to reach agreement within ninety days of receipt of
- 27 the notice, the dispute shall go to the compensation
- 28 commission of the county in which the property is
- 29 located. If either party is not satisfied with the
- 30 decision of the compensation commission, they may,
- 31 within thirty days of the date of the decision, appeal
- 32 to the district court of the district in which the
- 33 property is located.
- 34 *NEW UNNUMBERED PARAGRAPH.* As used in this section,
- 35 'landowner' means a person, company, or corporation
- 36 listed in the tax assessment rolls as responsible
- 37 for payment of real estate taxes imposed on the
- 38 affected property. If the ownership of the affected
- 39 property changes, it shall be the responsibility of
- 40 the new landowner to provide the condemnor or purchaser
- 41 evidence of ownership prior to January tenth of the

42 year following this transfer of ownership.
43 *NEW UNNUMBERED PARAGRAPH.* Anything in this section
44 to the contrary notwithstanding, any easement granted
45 for the construction of a pipeline facility under
46 chapter four hundred ninety (490) of the Code shall
47 continue for the period of the easement granted and
48 shall not in any way be interrupted because of
49 negotiations between the landowner, condemnor,
50 purchaser, or any succeeding owner, in establishing

Page 2

1 the new payment for each of the succeeding five-year
2 periods."

NORMAN G. RODGERS
ROGER J. SHAFF

S—5788

1 Amend House File 1346, as amended and passed by
2 the House, as follows:
3 1. Page 1, line 24, by striking the words "or
4 floods,".
5 2. Page 8, line 18, by striking the word "general"
6 and inserting in lieu thereof the word "supervisory".
7 3. Page 8, line 25, by striking the word "STAFF".
8 4. Page 8, line 27, by striking the word "staff".
9 5. Page 8, line 28, by striking the word "staff".
10 6. Page 8, by striking lines 33 and 34 and
11 inserting in lieu thereof the following:
12 "3. The director, upon the direction of the governor
13 and under the supervisory control of the executive
14 director of the department of public defense, shall:".
15 7. Page 9, line 10, by striking the word "staff".
16 8. Page 9, by striking line 23 and inserting in
17 lieu thereof the following:
18 "4. The director, with the approval of the governor
19 and upon recommendation of the adjutant".
20 9. Page 9, line 24, by striking the word "staff".
21 10. Page 13, line 28, by striking the word "staff".
22 11. Page 16, line 11, by striking the word "staff".
23 12. Page 23, line 22, by striking the word
24 "emergency" and inserting in lieu thereof the word
25 "emergency".

EUGENE M. HILL

S—5795

1 Amend Senate amendment S—5536 to House File 1539
2 as follows:
3 1. Page 1, line 48, by inserting after the word
4 "program" the words "which shall accept drug dep-
5 pendent individuals on a statewide basis".

BERL E. PRIEBE

S—5763

1 Amend House File 1558 as amended, passed, and
2 reprinted by the House as follows:

- 3 1. Page 3, by striking line 31 through page 4,
4 line 1, and inserting in lieu thereof the following:
5 "Sec. 5. Acts of the Sixty-fifth General Assembly,
6 1974 Session, chapter one thousand twenty-six (1026),
7 section one (1), subsection three (3), is amended by
8 striking the subsection and inserting in lieu thereof
9 the following:
10 '3. VOLGA RIVER. For the general construction
11 of one of the following projects at the Volga River to
12 be selected by the state conservation commission by
13 August 1, 1976, and related features\$1,500,000
14 a. The immediate construction of a single lake
15 as designed in the Frog Hollow area approximately five-
16 hundred acres in size; or
17 b. Construction to commence within the calendar
18 year of multiple lakes approximately 145 acres, 55
19 acres, 45 acres, 25 acres and 18 acres in size each to
20 be managed differently for sailing, power boating, fish-
21 ing, canoeing and swimming, and to be completed
22 by the end of 1979; or
23 c. Design and construction of only three of
24 the five lakes approximately 145 acres, 55 acres,
25 and 45 acres in size. Each lake shall be managed for
26 either fishing, sailing, power boating, canoeing but
27 not limited to these uses. Construction shall begin
28 within the calendar year 1976. At least two of the lakes
29 shall be completed by 1978. Funds allocated for the two
30 small lakes in subparagraph "b" shall be used for build-
31 ing a structure housing an indoor swimming pool, living
32 quarters for a park attendant and offices for the state
33 conservation commission.'"

HILARIUS L. HEYING

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:10
p.m., until 8:30 a.m., Friday, May 14, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MAY 14, 1976

The Senate met in regular session, Senator Norpel presiding.

Prayer was offered by the Reverend George Brighton, pastor of the Methodist Church, Lake View, Iowa.

The Journal of Thursday, May 13, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senate Nolin for the day, Senator Heying for the day, Senator Merritt for the day and Senator Sovern for the day on request of Senator Kinley; Senator Burroughs for the day on request of Senator Schwengels; Senator Lamborn for the day on request of Senator Hansen.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five students from Douma Elementary School, Ottumwa, Iowa, accompanied by Diane Williams. Senator Glenn.

Sixty-five students from the Roland-Story Community School District, Story City, Iowa, accompanied by Mr. Billerbeck and Mrs. Tige. Senator Nystrom.

PETITIONS

The following petition was presented and placed on file:

By Senator Orr from twenty-two residents of Poweshiek County favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-nine residents of Clay County.

Eighty-nine residents of Decatur County.

Thirty-nine residents of Jasper County.

Thirty-seven residents of Linn County.

Twenty-nine residents of Polk County.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1534.

House File 1534

On motion of Senator Carr, House File 1534, a bill for an act relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1534) the vote was:

Ayes, 31:

Andersen	Hansen	Murray	Schwengels
Bergman	Hill of Jasper	Norpel	Shaff
Briles	Junkins	Nystrom	Taylor
Carr	Kelly	Orr	Tieden
Coleman	Kinley	Rabedaux	Van Gilst
Curtis	Miller of	Redmond	Willits
Glenn	Des Moines	Robinson	Winkelman
Gluba	Miller of	Rodgers	
Griffin	Marshall		

Nays, 8:

Culver	Gallagher	Nolting	Priebe
DeKoster	Hill of Polk	Palmer	Scott

Absent or not voting, 11:

Burroughs	Hultman	Nolin	Shaw
Doderer	Lamborn	Plymat	Sovern
Heying	Merritt	Ramsey	

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

Senator Kinley asked and received unanimous consent to take up out of order House File 795.

House File 795

On motion of Senator Carr, House File 795, a bill for an act relating to tuition paid by school districts, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Carr offered amendment S—5724 by the committee on education and moved its adoption:

S—5724

1 Amend House File 795 as follows:

2 1. Page 1, by inserting before line 1 the fol-
3 lowing new section:

4 "Section 1. Section two hundred eighty-two point
5 one (282.1), Code 1975, is amended to read as follows:
6 282.1 SCHOOL AGE—NONRESIDENTS. Persons between
7 five and twenty-one years of age shall be of school
8 age. A board may establish and maintain evening
9 schools for all residents of the corporation regard-
10 less of age and for which no tuition need be charged.
11 Nonresident children [and] *shall be charged the maximum*
12 *tuition rate as determined in section three (3) of*
13 *this Act, with the exception that those sojourning*
14 *temporarily in any school corporation may attend*
15 *school therein upon such terms as the board may*
16 *determine."*

17 2. Page 1, by striking line 21.

18 3. Page 1, line 22, by striking the word "and".

19 4. Page 1, line 23, by striking the word "Code,
20 or an amount computed in like manner for the district
21 on its actual expenditures, whichever is the lesser
22 amount." and inserting in lieu thereof the word "Code."

23 5. Page 1, by striking lines 26 through 35 and
24 inserting in lieu thereof the following:

25 "Sec. 4. Section two hundred eighty-two point
26 twenty-four (282.24), unnumbered paragraph one (1),
27 Code 1975, as amended by Acts of the Sixty-sixth
28 General Assembly, 1975 Session, chapter one hundred
29 fifty-three (153), section nine (9), is amended by
30 striking the paragraph and inserting in lieu thereof
31 the following:

32 282.24 TUITION FEES ESTABLISHED. There is
33 established a maximum tuition fee to be charged for
34 students, elementary or high school, residing within
35 another school district or corporation. That fee
36 shall be the state cost per pupil as computed in
37 section four hundred forty-two point eight (442.8)
38 of the Code or the district cost per pupil of the
39 receiving district as computed in section four hundred

40 forty-two point nine (442.9) subsection one (1),
 41 paragraph a, of the Code, whichever is the lesser
 42 amount.

43 Any school corporation which owns facilities used
 44 as attendance centers for students shall maintain
 45 an itemized statement of the appraised value of all
 46 buildings owned by the school corporation. Beginning
 47 July 1, 1976, the appraisal shall be updated at least
 48 one time every five years."

49 6. Page 2, by striking lines 1 through 17.

50 7. Amend the title, line 1, by striking the word

Page 2

1 "by" and inserting in lieu thereof the word "to".

2 8. By renumbering the sections as necessary.

Amendment S—5724 was adopted.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 795) the vote was:

Ayes, 42:

Andersen	Hansen	Murray	Rodgers
Bergman	Hill of Jasper	Nolting	Schwengels
Briles	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall	Robinson	
Griffin			

Nays, none.

Absent or not voting, 8:

Burroughs	Heying	Merritt	Palmer
Doderer	Lamborn	Nolin	Sovern

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1460.

House File 1460

On motion of Senator Gluba, House File 1460, a bill for an act striking references to the Iowa Annie Wittenmyer Home, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1460) the vote was:

Ayes, 40:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Hill of Jasper	Norpel	Scott
Carr	Hill of Polk	Nystrom	Shaff
Coleman	Hultman	Orr	Shaw
Culver	Junkins	Plymat	Taylor
Curtis	Kelly	Rabedaux	Tieden
DeKoster	Kinley	Ramsey	Van Gilst
Gallagher	Miller of	Redmond	Willits
Glenn	Marshall	Robinson	Winkelman
Gluba			

Nays, none.

Absent or not voting, 10:

Burroughs	Lamborn	Miller of	Palmer
Doderer	Merritt	Des Moines	Priebe
Heying		Nolin	Sovern

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1498.

House File 1498

On motion of Senator Hill of Jasper, House File 1498, a bill for an act relating to establishment of historical preservation districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper asked and received unanimous consent that further action on House File 1498 be temporarily deferred.

Senator Kinley asked and received unanimous consent to take up out of order House File 1546.

House File 1546

On motion of Senator Robinson, House File 1546, a bill for an act relating to certain authority of the industrial commissioner, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1546) the vote was:

Ayes, 43:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolting	Rodgers
Briles	Hill of Polk	Norpel	Schwengels
Carr	Hultman	Nystrom	Scott
Coleman	Junkins	Orr	Shaff
Culver	Kelly	Palmer	Shaw
Curtis	Kinley	Plymat	Taylor
DeKoster	Miller of	Priebe	Tieden
Doderer	Des Moines	Rabedaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Marshall	Redmond	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Burroughs	Hill of Jasper	Merritt	Sovern
Heying	Lamborn	Nolin	

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 85

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an Act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties and providing penalties for violations of the laws of the state to accord with the revised classifications, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:

GENE W. GLENN, Chairperson
E. KEVIN KELLY
RICHARD R. RAMSEY
NORMAN G. RODGERS
EARL M. WILLITS

On the Part of the House:

NORMAN G. JESSE, Chairperson
TERRY E. BRANSTAD
JULIA B. GENTLEMAN
CARL V. NIELSEN
BRICE C. OAKLEY

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following **second conference committee** on Senate File 85, on the part of the Senate: Senators Glenn, chairperson; Kelly, Ramsey, Rodgers and Willits.

CONSIDERATION OF BILLS**House File 1498**

The Senate resumed consideration of House File 1498 temporarily deferred.

Senator Taylor asked unanimous consent that further action on House File 1498 be deferred and that the bill be placed on the calendar under unfinished business.

Objection was raised.

Senator Taylor moved that further action on House File 1498 be deferred and that the bill be placed on the calendar under unfinished business.

A non-record roll call was requested.

The ayes were 9, nays 31.

The motion lost.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1498) the vote was:

Ayes, 38:

Andersen	Gluba	Miller of	Ramsey
Bergman	Hansen	Marshall	Redmond
Briles	Hill of Jasper	Murray	Robinson
Carr	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Curtis	Junkins	Nystrom	Shaff
DeKoster	Kelly	Orr	Shaw
Doderer	Kinley	Palmer	Tieden
Gallagher	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Rabedeaux	Willits

Nays, 2:

Taylor	Winkelman
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Absent or not voting, 10:

Burroughs	Heying	Nolin	Rodgers
Culver	Lamborn	Priebe	Sovern
Griffin	Merritt		

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 13, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1291, a bill for an act to legalize the incorporation of the city of Yale, Iowa.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1442, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1519, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1547, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School and the Dubuque County Commissioner of Elections.

Also: That the House has on May 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1564, a bill for an act relating to equalization and assessment procedures.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1567, a bill for an act legalizing the proceedings for the sale of land by the North Scott Community School district.

Also: That the House has on May 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1442, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and **passed on file.**

House File 1519, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House.

Read first time and **passed on file.**

House File 1547, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and **passed on file.**

House File 1564, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of

assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review.

Read first time and passed on file.

House File 1567, a bill for an act legalizing the proceedings for the sale of land by the North Scott Community School district.

Read first time and passed on file.

House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation.

Read first time and passed on file.

House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county.

Read first time and passed on file.

House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

Read first time and passed on file.

REQUEST TO RESCIND PETITION

Senator Glenn asked unanimous consent that the petition to withdraw Senate File 1036 from the committee on judiciary filed May 13, 1976, and found on pages 1973 and 1974 of the Senate Journal be rescinded and that record of the filing of such petition be expunged from the Senate Journal.

QUORUM CALL

Senator Ramsey requested a roll call to determine that a quorum was present.

A record roll call was requested by Senator Kelly.

Present, 35:

Andersen	Hill of Polk	Nolting	Redmond
Bergman	Hultman	Norpel	Robinson
Curtis	Junkins	Nystrom	Schwengels
DeKoster	Kelly	Orr	Scott
Doderer	Kinley	Palmer	Shaff
Gallagher	Miller of	Plymat	Taylor
Glenn	Des Moines	Priebe	Tieden
Gluba	Miller of	Rabedaux	Van Gilst
Hansen	Marshall	Ramsey	Winkelman
Hill of Jasper			

Absent, 15:

Briles	Culver	Merritt	Shaw
Burroughs	Griffin	Murray	Sovern
Carr	Heying	Nolin	Willits
Coleman	Lamborn	Rodgers	

Roll call revealed a quorum present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

Senator Priebe asked unanimous consent that his name be withdrawn from the petition to withdraw Senate File 1036 from the committee on judiciary.

Senator Shaff asked unanimous consent that further action on the request by Senator Glenn to expunge the record of the filing of the petition to withdraw Senate File 1036 from the committee on judiciary be deferred.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the Representative from Polk, Mr. Kreamer, has resigned from the Conference Committee on Senate File 85, a bill for an Act relating to a complete revision of the criminal laws of the state of Iowa. The Representative from Winnebago, Mr. Branstad, has been appointed to replace Mr. Kreamer.

Also: That the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning Senate File 85, a bill for an Act relating to a complete revision of the criminal laws of the state of Iowa, are as follows: The Representative from Polk, Mr. Jesse, chair; the Representative from Polk, Mr.

Nielsen; the Representative from Polk, Mrs. Gentleman; the Representative from Clinton, Mr. Oakley; and the Representative from Winnebago, Mr. Branstad.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1333, by committee on appropriations, a bill for an act making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds.

Read first time and placed on calendar.

Senate File 1334, by committee on appropriations, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee.

Read first time and placed on calendar.

Senate File 1335, by committee on appropriations, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

Read first time and placed on calendar.

PROOFS OF PUBLICATION

Published copy of House File 1442 and verified proof of publication of said bill in The Des Moines Register, Des Moines, Iowa, on January 29, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1519 and verified proof of publication of said bill in the Allamakee Journal and Lansing Mirror, Lansing and Waukon, Iowa, on February 4, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1547 and verified proof of publication of said bill in The Decorah Public Opinion, Decorah, Iowa, on February 24, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1567 and verified proof of publication of said bill in The North Scott Press, Eldridge, Iowa, on February 25, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1574 and verified proof of publication of said bill in the Waterloo Courier, Waterloo, Iowa, on May 3, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1575 and verified proof of publication of said bill in the Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 4, 1976, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

STATE MERIT EMPLOYMENT DEPARTMENT

A copy of the annual report for the period January 1, 1975, to December 31, 1975, submitted by the Merit Employment Commission in accordance with Section 17.4, Code 1975.

SUBCOMMITTEE ASSIGNMENTS

House File 829 Commerce Curtis, Chairperson Junkins Rodgers	House File 1480 Transportation Rabedeaux, Chairperson Gallagher Norpel	House File 1512 Commerce Curtis, Chairperson Junkins Rodgers
House File 1200 Ways and Means Curtis, Chairperson Schwengels Nolting	House File 1490 Agriculture Heying, Chairperson Merritt Shaff	House File 1533 Commerce Junkins, Chairperson Curtis Carr
House File 1366 Commerce Curtis, Chairperson Junkins Rodgers	House File 1502 Transportation Orr, Chairperson Rabedeaux Gallagher	House File 1546 Labor and Industrial Relations Robinson, Chairperson Nolting Andersen
House File 1371 Energy Rodgers, Chairperson Robinson Burroughs	House File 1503 Human Resources Sovern, Chairperson Miller of Des Moines Plymat	House File 1555 Ways and Means Taylor, Chairperson Culver Junkins
House File 1472 Education Sovern, Chairperson Orr Shaw	House File 1508 Transportation Doderer, Chairperson Murray Gallagher	House File 1559 Ways and Means Nolting, Chairperson Culver Taylor
House File 1475 Education Orr, Chairperson Norpel Plymat		

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1558**, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5801

- 1 Amend House File 1558, as amended, passed
- 2 and reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 25 through
- 4 30.
- 5 2. By renumbering the remaining sections
- 6 accordingly.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Gluba submitted the following reports:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1374**, a bill for an act relating to treatment of alcoholics and to the division of alcoholism of the department of health, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5800

- 1 Amend House File 1374 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, by striking from line 13 the words
- 4 "[with the approval of the commission]" and inserting
- 5 in lieu thereof the words "with the approval of the
- 6 commission".
- 7 2. Page 5, by striking lines 6 through 20.

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on human resources to which was referred **House File 1503**, a bill for an act relating to the practice of nursing and providing for disciplinary procedures, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5802

- 1 Amend House File 1503, as amended and passed by
- 2 the House, page 4, by striking lines 3 through 5 and

- 3 inserting in lieu thereof the following: "to
4 chapter nineteen (19) of the Code."

WILLIAM E. GLUBA, Chairperson

Ordered passed on file.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 2:30
p.m., until 10:00 a.m., Monday, May 17, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MAY 17, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Bass Van Gilst, member of the Senate from Oskaloosa, Mahaska County, Iowa.

The Journal of Friday, May 14, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Ferguson, Lake City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five students from the Eagle Grove Community School District, accompanied by Richard Gibson. Senator Taylor.

Seventy-five students from the Mount Ayr Community School District, Mount Ayr, Iowa, accompanied by Mr. Miller, Mr. Hamilton and Mr. Kimball. Senator Ramsey.

Twenty-four students from Deep River Elementary School, Deep River, Iowa, accompanied by their principal, Corrine Tandy and Gayle Goodman. Senator Orr.

PETITIONS

The following petitions favoring legislation to raise the legal

drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty residents of Clay County.

Sixty-four residents of Dickinson County.

Twenty-three residents of Floyd County.

Nine residents of Hancock County.

Eighteen residents of Jasper County.

Twenty-three residents of Linn County.

Fifty-eight residents of Lyon County.

Fifty-nine residents of Polk County.

Thirty-six residents of Scott County.

Thirteen residents of Winneshiek County.

Eighteen residents of Marshall County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Gallagher called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of **Kenneth O. McMaster, O.D.**, of Oelwein, Fayette County, Iowa, for appointment as a member of the State Board of Optometry Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
LUCAS J. DeKOSTER
GENE W. GLENN
HILARIUS HEYING
JOHN N. NYSTROM

The motion prevailed and the report was adopted.

Senator Gallagher moved the appointment of **Kenneth O. McMaster, O.D.**, as a member of the State Board of Optometry Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 39:

Andersen	Gluba	Miller of	Rodgers
Briles	Griffin	Marshall	Schwengels
Burroughs	Heying	Nolting	Scott
Carr	Hill of Jasper	Norpel	Shaff
Coleman	Hill of Polk	Nystrom	Sovern
Culver	Hultman	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Ramsey	Winkelman
Gallagher	Miller of	Redmond	
Glenn	Des Moines		

Nays, none.**Absent or not voting, 11:**

Bergman	Kelly	Palmer	Shaw
Hansen	Murray	Rabedaux	Willits
Junkins	Nolin	Robinson	

President Neu declared the appointment of Kenneth O. McMasters, O.D., as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1976.

Senator Nystrom called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy E. Welter, Cedar Rapids, Linn County, Iowa, for appointment as a member of State Board of Cosmetology Examiners under the provisions of Section 147.12, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JOHN N. NYSTROM, Chairperson
C. JOSEPH COLEMAN
LOWELL L. JUNKINS
JAMES M. REDMOND
FORREST V. SCHWENGELS

The motion prevailed and the report was adopted.

Senator Nystrom moved the appointment of Nancy E. Welter as a member of the State Board of Cosmetology Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 39:

Andersen	Coleman	Gallagher	Hill of Jasper
Bergman	Culver	Glenn	Hill of Polk
Briles	Curtis	Griffin	Kinley
Burroughs	DeKoster	Hansen	Lamborn
Carr	Doderer	Heying	Merritt

Miller of	Nystrom	Redmond	Shaff
Des Moines	Orr	Robinson	Taylor
Miller of	Palmer	Rodgers	Tieden
Marshall	Priebe	Schwengels	Van Gilst
Nolting	Ramsey	Scott	Winkelman
Norpel			

Nays, none.

Absent or not voting, 11:

Gluba	Kelly	Plymat	Sovern
Hultman	Murray	Rabedeaux	Willits
Jenkins	Nolin	Shaw	

President Neu declared the appointment of Nancy E. Welter as a member of the State Board of Cosmetology Examiners confirmed for a term ending June 30, 1978.

UNFINISHED BUSINESS

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE AMENDMENT CONSIDERED

Senate File 1067

Senator Scott called up for further consideration Senate File 1067, a bill for an act relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty, and the House amendment to the Senate amendment to the House amendment.

President pro tempore Doderer took the chair at 10:20 a.m.

The Senate resumed consideration of amendment S—5776 to House amendment S—5713 to Senate amendment H—6309 to House amendment S—5472 offered and pending on May 13, 1976:

S—5776

- 1 Amend the House amendment S—5713, to Senate
- 2 amendment H—6309 to the House amendment to Senate
- 3 File 1067 as amended and passed by the Senate, as
- 4 follows:
- 5 1. Line 6 of amendment S—5713, by striking the
- 6 word and figure "and 4" and inserting in lieu thereof
- 7 the word and figure "through 8".
- 8 2. Line 13 of amendment S—5713, by striking the
- 9 second set of quotation marks following the period
- 10 in that line.
- 11 3. By inserting after line 13 of amendment S—5713
- 12 the following:
- 13 "2. Page 1, by striking lines 26 through 29 and

14 inserting in lieu thereof the following: "issued
 15 under this section. The use of parking spaces which
 16 are so designated and are located on public property
 17 by a motor vehicle not displaying such a device,"

On motion of Senator Scott, amendment S—5776 to House amendment S—5713 to Senate amendment H—6309 to House amendment S—5472 was adopted.

On motion of Senator Scott, the Senate concurred in House amendment S—5713 as amended to Senate amendment H—6309 to House amendment S—5472.

Senator Scott moved that the bill as amended by the House, further amended by the Senate, still further amended by the House, and still further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1067) the vote was:

Ayes, 43:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Nolting	Scott
Burroughs	Heying	Norpel	Shaff
Carr	Hill of Jasper	Nystrom	Sovern
Coleman	Hultman	Orr	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Lamborn	Ramsey	Willits
Doderer	Merritt	Redmond	Winkelman
Gallagher	Miller of	Robinson	
Glenn	Des Moines		

Nays, none.

Absent or not voting, 7:

Hill of Polk	Murray	Palmer	Shaw
Junkins	Nolin	Rabedeaux	

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 628

Senator Van Gilst called up for consideration House File 628, a bill for an act relating to school bus transportation requirements, amended by the Senate, and further amended by the House, and moved that the Senate concur in the following House amendment to the Senate amendment:

S—5799

- 1 Amend the Senate amendment H—6601, to House
- 2 File 628, as follows:
- 3 1. Page 2, line 48, by striking everything
- 4 after the word "roadway" and inserting in lieu
- 5 thereof a period.
- 6 2. Page 2, by striking all of lines 49 and 50.
- 7 3. Page 3, by striking lines 1 through 3.
- 8 4. Page 3, line 23, by striking "Cedar Rapids"
- 9 and inserting in lieu thereof "Cedar Falls".

The motion prevailed and the Senate concurred in the House amendment S—5799.

Senator Van Gilst moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 628) the vote was:

Ayes, 36:

Andersen	Glenn	Miller of	Priebe
Bergman	Gluba	Des Moines	Robinson
Briles	Griffin	Miller of	Rodgers
Carr	Hansen	Marshall	Schwengels
Coleman	Heying	Nolting	Scott
Culver	Hill of Polk	Norpel	Sovern
Curtis	Kelly	Nystrom	Tieden
DeKoster	Kinley	Palmer	Van Gilst
Doderer	Lamborn	Plymat	Willits
Gallagher	Merritt		

Nays, 10:

Burroughs	Orr	Redmond	Taylor
Hill of Jasper	Rabedeaux	Shaff	Winkelman
Hultman	Ramsey		

Absent or not voting, 4:

Junkins	Murray	Nolin	Shaw
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that House File 628 be immediately messaged to the House, which request was complied with.

HOUSE AMENDMENT CONSIDERED

Senate File 1072

Senator Willits called up for consideration Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies, amended by the House, as follows:

S—5797

- 1 Amend Senate File 1072 as follows:

- 2 1. Page 1, line 10, by inserting after the
 3 word "court" the words "as determined by the Acts
 4 of the Sixty-sixth General Assembly, 1975 Session,
 5 chapter two (2), unless an Act setting such salaries
 6 is approved by the 1976 Session of the Sixty-sixth
 7 General Assembly,".
- 8 2. Page 1, line 18, by striking the figures
 9 "681,623" and inserting in lieu thereof the
 10 figures "685,973".
- 11 3. Page 1, line 22, by striking the figures
 12 "236,198" and inserting in lieu thereof the
 13 figures "240,298".
- 14 4. Page 1, line 30, by striking the figures
 15 "34,049" and inserting in lieu thereof the
 16 figure "34,909".
- 17 5. Page 2, line 6, after the word "magistrates,"
 18 insert the words "as determined by the Acts of
 19 the Sixty-sixth General Assembly, 1975 Session,
 20 chapter two (2), unless an Act setting such
 21 salaries is approved by the 1976 Session of the
 22 Sixty-sixth General Assembly,".
- 23 6. Page 2, line 14, by striking the figures
 24 "5,029,257" and inserting in lieu thereof the
 25 figures "5,204,257".
- 26 7. Page 2, line 23, by striking the figures
 27 "57,592" and inserting in lieu thereof the
 28 figures "59,492".
- 29 8. Page 2, by inserting after line 23 the
 30 following:
- 31 "9. APPELLATE COURT
 32 For salaries, support, maintenance
 33 and miscellaneous purposes\$350,000".
- 34 9. Page 2, by inserting after line 27 the
 35 following new section:
- 36 "Sec. Section six hundred six point
 37 fifteen (606.15), subsection one (1), Code 1975,
 38 is amended to read as follows:
- 39 1. For filing any petition, appeal, or writ of
 40 error and docketing the same, [four] *seven* dollars.
 41 [Three] *Four* dollars of such fee shall remain in
 42 the county treasury for the use of the county, and
 43 [one dollar] *three dollars* of such fee shall be paid
 44 into the state treasury and deposited in the general
 45 fund of the state. In counties having a population
 46 of one hundred thousand or over, an additional one
 47 dollar shall be charged and collected, to be known
 48 as the journal publication fee and to be used for
 49 the purposes provided for in section 618.13."
- 50 10. Amend the title, line 1, by inserting after

Page 2

- 1 the word "agencies" the words ", and providing for
 2 an increase in filing fees to aid in offsetting
 3 the costs of operating the courts and agencies".

DEFERRED

Senator Willits asked and received unanimous consent that further action on **Senate File 1072** be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER WITHDRAWN**House File 1332**

Senator Norpel withdrew the motion to reconsider the vote by which House File 1332, a bill for an act relating to vehicles and the operation of vehicles, passed the Senate, filed by him on May 13, 1976.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 14, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1577, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1577, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration **Senate File 1333**.

Senate File 1333

On motion of Senator Van Gilst, **Senate File 1333**, a bill for an act making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds, was taken up for consideration.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1333) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Nolting	Shaff
Coleman	Hill of Polk	Norpel	Shaw
Culver	Hultman	Nystrom	Sovera
Curtis	Junkins	Orr	Taylor
DeKoster	Kelly	Palmer	Tieden
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedeaux	Winkelman

Nays, none.

Absent or not voting, 4:

Murray	Nolin	Ramsey	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1333 passed the Senate on May 17, 1976.

JAMES W. GRIFFIN, SR.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1334.

Senate File 1334

On motion of Senator Willits, Senate File 1334, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee, was taken up for consideration.

Senator Willits asked and received unanimous consent that House File 1577 be substituted for Senate File 1334.

House File 1577

On motion of Senator Willits, House File 1577, a bill for an act appropriating funds to the legislative council and the legislative fiscal committee, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1577) the vote was:

Ayes, 46:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Des Moines	Rodgers
Briles	Hansen	Miller of	Schwengels
Burroughs	Heying	Marshall	Scott
Carr	Hill of Jasper	Nolting	Shaff
Coleman	Hill of Polk	Norpel	Shaw
Culver	Hultman	Nystrom	Sovern
Curtis	Junkins	Orr	Taylor
DeKoster	Kelly	Palmer	Tieden
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedaux	Winkelman

Nays, none.

Absent or not voting, 4:

Murray	Nolin	Ramsey	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Willits asked and received unanimous consent that Senate File 1334 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1335.

Senate File 1335

On motion of Senator Willits, Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1335) the vote was:

Ayes, 48:

Andersen	Carr	DeKoster	Gluba
Bergman	Coleman	Doderer	Griffin
Briles	Culver	Gallagher	Hansen
Burroughs	Curtis	Glenn	Heying

Hill of Jasper	Miller of	Plymat	Shaff
Hill of Polk	Des Moines	Priebe	Shaw
Hultman	Miller of	Rabedaux	Sovern
Junkins	Marshall	Ramsey	Taylor
Kelly	Nolting	Redmond	Tieden
Kinley	Norpel	Robinson	Van Gilst
Lamborn	Nystrom	Rodgers	Willits
Merritt	Orr	Schwengels	Winkelman
	Palmer	Scott	

Nays, none.

Absent or not voting, 2:

Murray Nolin

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1335 passed the Senate on May 17, 1976.

ELIZABETH SHAW

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1335 passed the Senate on May 17, 1976.

EARL M. WILLITS

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 1558.

House File 1558

On motion of Senator Junkins, House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits took the chair at 11:30 a.m.

Senator Junkins offered amendment S—5801 by the committee on appropriations:

S—5801

- 1 Amend House File 1558, as amended, passed
- 2 and reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 25 through

4 30.

5 2. By renumbering the remaining sections
6 accordingly.

President pro tempore Doderer took the chair at 11:35 a.m.

President Neu took the chair at 11:37 a.m.

Senator Junkins moved the adoption of amendment S—5801.

A non-record roll call was requested.

The ayes were 17, nays 30.

Amendment S—5801 lost.

Senator Kelly offered amendment S—5805 by Senators Kelly and Junkins:

S—5805

- 1 Amend House File 1558 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 15, by inserting after the
- 4 word "purposes" the figure " . . . \$4,000,000".
- 5 2. Page 1, by striking lines 16 through 26.

(House File 1558 pending on recess.)

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on **Senate File 1192**, on the part of the Senate: Senators Norpel, chairperson; Carr, Coleman, Hansen and Bergman.

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Glenn presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 14, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1323, a bill for an act to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.

Also: That the House has on May 14, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1330, a bill for an act to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1449, a bill for an act to regulate the use of monitoring devices by employers and employees.

Also: That the House has on May 10, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1491, a bill for an act relating to tax sheltered annuities for employees of school boards.

Also: That the House has on May 13, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1576, a bill for an act relating to homestead tax credit.

Also: That the House has on May 14, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 139 to approve modification of existing agreement to permit expenditure of funds originally allocated for emergency medical technician-ambulance training and Iowa Health Corps.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 139

By Human Resources Subcommittee
of Committee on Appropriations

- 1 *Whereas*, the Attorney General of Iowa has recovered
- 2 funds for the State of Iowa in an action in the United
- 3 States District Court for the Southern District of
- 4 New York for price fixing against several drug
- 5 manufacturers; and
- 6 *Whereas*, after payment of refunds to all consumers
- 7 who filed valid claims, there remained an excess
- 8 consumer fund of \$481,055; and
- 9 *Whereas*, the Attorney General of Iowa has filed
- 10 with the court a proposed second stage allocation
- 11 plan, which was approved by the court, wherein it
- 12 was proposed that said excess consumer fund be
- 13 distributed by agreement of the Attorney General with
- 14 the Iowa State Department of Health to the Iowa State
- 15 Department of Health for the purpose of combating
- 16 current public health problems within the State of
- 17 Iowa in the following manner:
- 18 (I) Public health nursing services 15%
- 19 (II) Rubella and other communicable
- 20 testing and immunization 20%
- 21 (III) Emergency medical technician-
- 22 ambulance training 10%
- 23 (IV) Establishing an Iowa health
- 24 corps providing physicians and
- 25 paramedics to rural areas 15%
- 26 (V) Statewide perinatal care program

27 including training for local
28 physicians and the purchase of
29 monitoring equipment 30%
30 (VI) Emergency or contingency health

Page 2

1 purposes 10%; and
2 *Whereas*, because of other program and funding
3 developments which have occurred since the signing
4 of the agreement on May 13, 1974, neither the emergency
5 medical technician-ambulance training (10%) nor the
6 Iowa health corps (15%) programs has required
7 additional funding and such funds are unexpended;
8 and
9 *Whereas*, the agreement requires the expenditure
10 of the funds by the end of the biennium 1975-1976;
11 and
12 *Whereas*, the Commissioner of Public Health proposes
13 that the unexpended funds which were originally
14 allocated for emergency medical technician-ambulance
15 training (10%) and Iowa health corps (15%) be
16 distributed in the following manner:
17 (I) Well elderly clinics \$50,000
18 (II) Venereal disease testing
19 and screening 63,080; and
20 *Whereas*, amendment of the agreement to alter the
21 allocation of principal and income of the excess
22 consumer fund requires approval of both the court
23 and the General Assembly of the State of Iowa; and
24 *Whereas*, the United States District Court for the
25 Southern District of New York has approved the request
26 to modify the existing agreement as proposed above;
27 *Now, Therefore*,
28 *Be It Resolved by the House of Representatives*,
29 *the Senate Concurring*, That the General Assembly of
30 the State of Iowa approve the modification of the

Page 3

1 existing agreement to permit expenditure of the funds
2 originally allocated for emergency medical technician-
3 ambulance training and Iowa health corps in the
4 following manner:
5 (I) Well elderly clinics \$50,000
6 (II) Venereal disease testing
7 and screening 63,080; and
8 *Be It Further Resolved*, That the agreement is amended to permit
9 expenditure of the excess consumer funds by June 30, 1977.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1449, a bill for an act to regulate the use of monitoring devices by employers and employees and providing a penalty.

Read first time and passed on file.

House File 1491, a bill for an act relating to tax sheltered annuities for employees of school boards, county school boards, area school boards, the state board of regents and the state board of public instruction.

Read first time and **passed on file**.

House File 1576, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976 and July 1, 1976, and approved in any special charter city which levies and collects its own taxes and making the Act retro-active.

Read first time and **passed on file**.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

House File 1558

The Senate resumed consideration of House File 1558 and amendment S—5805.

Senator Nolting took the chair at 1:35 p.m.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

President Neu took the chair at 3:16 p.m.

Senator Kelly moved the adoption of amendment S—5805.

A record roll call was requested.

On the question "Shall amendment S—5805 be adopted?" (H.F. 1558) the vote was:

Ayes, 28:

Carr	Hansen	Nystrom	Schwengels
Coleman	Hill of Jasper	Orr	Shaff
Curtis	Junkins	Palmer	Shaw
Gallagher	Kelly	Priebe	Taylor
Glenn	Kinley	Redmond	Tieden
Gluba	Lamborn	Robinson	Van Gilst
Griffin	Nolting	Rodgers	Willits

Nays, 19:

Andersen	Doderer	Miller of	Plymat
Bergman	Heying	Des Moines	Rabedaux
Briles	Hill of Polk	Miller of	Ramsey
Burroughs	Hultman	Marshall	Scott
Culver	Merritt	Murray	Winkelman
DeKoster			

Absent or not voting, 3:

Nolin	Norpel	Sovern
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Amendment S—5805 was adopted.

Amendment S—5806 by Senator Bergman was ruled out of order with the adoption of amendment S—5805:

S—5806

- 1 Amend House File 1558 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 1, lines 19 through 21, by striking
- 4 the words "at the Gull Point state park or any other
- 5 part, channel, inlet, or outlet located".

Senator Ramsey offered amendment S—5803 by Senators Ramsey, Briles and Hultman and moved its adoption:

S—5803

- 1 Amend House File 1558 as amended and passed by
- 2 the House, page 2 by striking everything after line
- 3 27 through page 3, line 17.

President pro tempore Doderer took the chair at 4:10 p.m.

A record roll call was requested.

On the question "Shall amendment S—5803 be adopted?" (H.F. 1558) the vote was:

Ayes, 27:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nystrom	Scott
Coleman	Hill of Polk	Priebe	Shaff
Culver	Hultman	Rabedaux	Tieden
Curtis	Merritt	Ramsey	Winkelman

Nays, 21:

Carr	Junkins	Norpel	Shaw
DeKoster	Kelly	Orr	Sovern
Doderer	Kinley	Palmer	Taylor
Gallagher	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Redmond	Willits
Hill of Jasper	Nolting		

Absent or not voting, 2:

Lamborn	Nolin
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Amendment S—5803 was adopted.

Senator Heying offered amendment S—5763 filed by him, moved its adoption and requested a record roll call:

S—5763

1 Amend House File 1558 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 3, by striking line 31 through page 4,
 4 line 1, and inserting in lieu thereof the following:
 5 "Sec. 5. Acts of the Sixty-fifth General Assembly,
 6 1974 Session, chapter one thousand twenty-six (1026),
 7 section one (1), subsection three (3), is amended by
 8 striking the subsection and inserting in lieu thereof
 9 the following:
 10 '3. VOLGA RIVER. For the general construction
 11 of one of the following projects at the Volga River to
 12 be selected by the state conservation commission by
 13 August 1, 1976, and related features\$1,500,000
 14 a. The immediate construction of a single lake
 15 as designed in the Frog Hollow area approximately five-
 16 hundred acres in size; or
 17 b. Construction to commence within the calendar
 18 year of multiple lakes approximately 145 acres, 55
 19 acres, 45 acres, 25 acres and 18 acres in size each to
 20 be managed differently for sailing, power boating, fish-
 21 ing, canoeing and swimming, and to be completed
 22 by the end of 1979; or
 23 c. Design and construction of only three of
 24 the five lakes approximately 145 acres, 55 acres,
 25 and 45 acres in size. Each lake shall be managed for
 26 either fishing, sailing, power boating, canoeing but
 27 not limited to these uses. Construction shall begin
 28 within the calendar year 1976. At least two of the lakes
 29 shall be completed by 1978. Funds allocated for the two
 30 small lakes in subparagraph "b" shall be used for build-
 31 ing a structure housing an indoor swimming pool, living
 32 quarters for a park attendant and offices for the state
 33 conservation commission.'"

On the question "Shall amendment S—5763 be adopted?"
 (H.F. 1558) the vote was:

Ayes, 38:

Andersen	Heying	Murray	Schwengels
Bergman	Hill of Polk	Nolting	Scott
Briles	Hultman	Norpel	Shaff
Burroughs	Kinley	Nystrom	Shaw
Coleman	Lamborn	Plymat	Sovern
Culver	Merritt	Priebe	Taylor
DeKoster	Miller of	Rabedeaux	Tieden
Doderer	Des Moines	Ramsey	Willits
Gluba	Miller of	Robinson	Winkelman
Griffin	Marshall	Rodgers	
Hansen			

Nays, 10:

Carr	Hill of Jasper	Orr	Redmond
Curtis	Junkins	Palmer	Van Gilst
Glenn	Kelly		

Absent or not voting, 2:

Gallagher	Nolin
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Amendment S—5763 was adopted.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1558) the vote was:

Ayes, 46:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Briles	Hill of Jasper	Murray	Scott
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Willits
Glenn	Miller of	Rabedeaux	Winkelman
Gluba	Des Moines	Robinson	
Griffin			

Nays, 2:

Gallagher	Redmond
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Absent or not voting, 2:

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

Senator Kinley asked and received unanimous consent that House File 1558 be immediately messaged to the House, which request was complied with.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 17, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1581, a bill for an act relating to educational leaves of absence for school employees.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1581, a bill for an act relating to educational leaves of absence for school employees.

Read first time and passed on file.

MOTION TO RECONSIDER WITHDRAWN**Senate File 1333**

Senator Griffin withdrew the motion to reconsider the vote by which Senate File 1333 passed the Senate filed by him on May 17, 1976.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that **Senate File 1333** be immediately messaged to the House, which request was complied with.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

- H. F. 1442 Judiciary
- H. F. 1519 Judiciary
- H. F. 1547 Judiciary
- H. F. 1550 Commerce
- H. F. 1564 Ways and means
- H. F. 1567 Judiciary
- H. F. 1568 Appropriations
- H. F. 1569 Appropriations
- H. F. 1570 Appropriations
- H. F. 1573 Appropriations
- H. F. 1574 Judiciary
- H. F. 1575 Judiciary

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Glen D. Madsen, D.C., of West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Chiro-

practic Examiners under the provisions of Sections 147.12 and 147.19, 1975 Code of Iowa, for the unexpired term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
WILLARD R. HANSEN
PHILIP B. HILL
RICHARD J. NORPEL, SR.
BASS VAN GILST

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 17th day of May, 1976: Senate Files 357, 487, 1050, 1124, 1258, 1279, 1283 and 1285.

STEVEN C. CROSS
Secretary of the Senate

AMENDMENTS FILED

S—5804

- 1 Amend the House amendment, S—5797, to Senate File
- 2 1072 as passed by the Senate as follows:
- 3 1. Page 1, strike line 34 through page 2.

RICHARD R. RAMSEY

S—5807

- 1 Amend the House amendment, S—5797, to Senate File
- 2 1072 as follows:
- 3 1. Page 1, line 37, by striking the words
- 4 "subsection one (1),".
- 5 2. Page 1, by striking lines 39 through 49 and
- 6 inserting in lieu thereof the following:
- 7 "606.15 FEES. Except in probate matters, the
- 8 clerk of the district court shall charge and collect
- 9 the following fees, all of which shall be paid into
- 10 the county treasury for the use of the county except
- 11 as indicated:
- 12 1. For filing any petition, appeal, or writ of
- 13 error and docketing the same, [four] *seven* dollars.
- 14 [Three] *Four* dollars of such fee shall remain in the
- 15 county treasury for the use of the county, and [one
- 16 dollar] *three dollars* of such fee shall be paid into
- 17 the state treasury and deposited in the general fund
- 18 of the state. In counties having a population of
- 19 one hundred thousand or over, an additional one dollar
- 20 shall be charged and collected, to be known as the
- 21 journal publication fee and to be used for the purposes
- 22 provided for in section 618.13.
- 23 2. For every attachment, [two] *five* dollars.
- 24 3. For every cause tried by jury, [five] *ten* dollars.
- 25 4. For every cause tried by the court, [two] *five*

- 26 dollars [and fifty cents].
27 5. For every equity case, [three] *five* dollars.
28 6. For each injunction or other extraordinary
29 process or order, [five] *seven* dollars *and fifty cents*.
30 7. For all causes continued on application of
31 a party by affidavit, [two] *five* dollars.
32 8. For all other continuances, [one dollar] *two dollars*
33 *and fifty cents*.
34 9. For entering any final judgment or decree,
35 [one dollar and fifty cents] *five* dollars.
36 10. For taxing costs, [one dollar] *five* dollars.
37 11. For issuing execution or other process after
38 judgment or decree, [two] *five* dollars.
39 12. For filing and properly entering and endorsing
40 each mechanic's lien, [three] *five* dollars, and in case
41 a suit is brought thereon, the same to be taxed as
42 other costs in the action.
43 13. For certificate and seal, two dollars *and*
44 *fifty cents*.
45 14. For filing and docketing transcript of judgment
46 from another county, [one dollar] *two dollars and fifty*
47 *cents*.
48 15. For entering any rule or order, [one dollar]
49 *two dollars and fifty cents*.
50 16. For issuing writ or order, not including

Page 2

- 1 subpoenas, [two] *five* dollars.
2 17. For issuing commission to take depositions,
3 two dollars *and fifty cents*.
4 18. For entering sheriff's sale of real estate,
5 [two] *five* dollars.
6 19. For entering judgment by confession, [two] *five*
7 dollars.
8 20. For entering satisfaction of any judgment,
9 [one dollar] *five* dollars.
10 21. For all copies of records, or papers filed
11 in his office, transcripts, and making complete record,
12 [fifty cents for each one hundred words] *one dollar*
13 *per page*.
14 22. For taking and approving a bond and sureties
15 thereon, [two] *five* dollars.
16 23. For receiving and filing a declaration of
17 intention and issuing a duplicate thereof, [two] *five*
18 dollars. For making, filing, and docketing the
19 petition of an alien for admission as a citizen of
20 the United States and for the final hearing thereon,
21 [four] *five* dollars; and for entering the final order
22 and the issuance of the certificate of citizenship
23 thereunder, if granted, [four] *five* dollars.
24 24. In addition to the fees required in the
25 preceding subsection, the petitioner shall, upon the
26 filing of his petition to become a citizen of the
27 United States, deposit with the clerk money sufficient
28 to cover the expense of subpoenaing and paying the

29 legal fees of witnesses for whom he may request a
30 subpoena, and upon the final discharge of such
31 witness they shall receive, if they demand the same
32 from the clerk, the customary and usual witness fees
33 from the moneys aforesaid, and the residue, if any,
34 except such as may be necessary to pay the cost of
35 serving subpoenas, shall be returned by the clerk
36 to the petitioner.

37 25. For certificates and seal to applications
38 to procure pensions, bounties, or back pay for soldiers
39 or other persons entitled thereto, [no charge] *five*
40 *dollars*.

41 26. For making out transcripts in criminal cases
42 appealed to the supreme court, [for each one hundred
43 words, fifty cents] *one dollar per page*.

44 27. In criminal cases, the same fees for same
45 services as in suits between private parties. When
46 judgment is rendered against the defendant, the fees
47 shall be collected from such defendant.

48 28. For issuing marriage licenses, five dollars
49 each, and for issuing an application for an order
50 of the district court authorizing the issuance of

Page 3

1 a license to marry prior to the expiration of three
2 days from the date of filing the application for the
3 license, [five] *seven dollars and fifty cents* each.

4 29. For certifying change in title of real estate,
5 [two] *five* dollars.

6 30. In addition to all other fees, for making
7 a complete record in cases where the same is required
8 by law or directed by an order of the court, for [every
9 one hundred words, twenty] *each page, fifty cents*."

CALVIN O. HULTMAN

S—5808

1 Amend the House amendment, S—5783, to the Senate
2 amendment, H—5733, to House File 584, as amended,
3 passed, and reprinted, as follows:

- 4 1. Page 1, by striking lines 19 through 26.
- 5 2. Page 1, by striking lines 31 through 50.
- 6 3. Page 2, by striking lines 1 through 5.
- 7 4. Page 2, by striking lines 16 through 20.

ELIZABETH SHAW
E. KEVIN KELLY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 4:55
p.m., until 9:00 a.m., Tuesday, May 18, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-EIGHTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MAY 18, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend John McCorkell, pastor of the Washington United Methodist Church, Washington, Iowa.

The Journal of Monday, May 17, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five students from Underwood Elementary School, Underwood, Iowa, accompanied by Mrs. Stamp, Mr. Callahan and Mr. Brown. Senator Culver.

Thirteen students from Ames Christian School, Ames, Iowa, accompanied by Georgia Rhoades. Senator Murray.

Ten students from Osage Community School District, Osage, Iowa, accompanied by Mrs. Phyllis Watson. Senator Merritt.

Eighty students from Griswold Middle School, Griswold, Iowa, accompanied by Fred Hildebrandt, Wilma Nelson, Dennis Dewall and Greg Russell. Senator Briles.

Eighty students from Central Catholic Elementary School, Mason City, Iowa, accompanied by Sister Corrine, Mr. Reinsmoers, Mr. Wheeler and Mr. Martinek. Senator Scott.

Eleven students from Waverly-Shell Rock High School, Waverly, Iowa, accompanied by Dan and Jean Heidt. Senator Burroughs.

Forty-five students from St. Pius X School, Des Moines, Iowa, accompanied by Ann Drop. Senator Plymat.

PETITIONS

The following petitions were presented and placed on file.

By Senator Priebe from seventeen residents of Johnson County opposing legislation which would establish a centralized state planning commission to determine land use.

By Senators Griffin and Junkins from seventy-six residents of Iowa favoring Senate File 1181, providing a statute of limitations for liabilities arising out of improvements to real property.

The following petitions favoring an appropriation to complete construction and renovation of facilities at the Iowa Veterans Home were presented and placed on file by Senator Kinley from:

Twenty-one residents of Cass County.

Twenty-nine residents of Poweshiek County.

Twenty residents of Greene County.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Fifty residents of Butler County.

Thirty-six residents of Cedar County.

Sixteen residents of Cerro Gordo County

Ten residents of Cherokee County.

Fourteen residents of Madison County.

Eighteen residents of Osceola County.

Fifty-two residents of Scott County.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 14, 1976, concurred in Senate amendment to House

amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 1278, a bill for an act relating to airports and aeronautics.

Also: That the House has on May 14, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1322, a bill for an act making an appropriation to the Iowa department of revenue.

DAVID L. WRAY, Chief Clerk

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Gallagher called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Glen D. Madsen, D.C., of West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners under the provisions of Sections 147.12 and 147.19, 1975 Code of Iowa, for the unexpired term ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES V. GALLAGHER, Chairperson
WILLARD R. HANSEN
PHILIP B. HILL
RICHARD J. NORPEL, SR.
BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Gallagher moved the appointment of Glen D. Madsen, D.C., as a member of the State Board of Chiropractic Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	
Gluba			

Nays, none.

Absent or not voting, 4:

Heying

Murray

Nolin

Willits

President Neu declared the appointment of Glen D. Madsen, D.C., as a member of the State Board of Chiropractic Examiners confirmed for the unexpired portion of the term ending June 30, 1978.

Senator Rodgers called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Larry E. Phipps, D.C., of Grinnell, Poweshiek County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term beginning July 1, 1975 and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

NORMAN RODGERS, Chairperson
JAMES E. BRILES
LUCAS J. DeKOSTER
MILO MERRITT
JOAN ORR

The motion prevailed and the report was adopted.

Senator Rodgers moved the appointment of Larry E. Phipps, D.C., as a member of the State Board of Chiropractic Examiners be confirmed by the Senate.

On question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Nolting	Scott
Burroughs	Hill of Polk	Norpel	Shaff
Carr	Hultman	Nystrom	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines	Robinson	
Gluba			

Nays, none.

Absent or not voting, 4:

Heying

Murray

Nolin

Orr

President Neu declared the appointment of Larry E. Phipps, D.C., as a member of the State Board of Chiropractic Examiners confirmed for an initial term ending June 30, 1977.

Senator Robinson called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Larry Z. Lindemann, D.C., of Jewell, Hamilton County, Iowa, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

KARL NOLIN, Chairperson
 FRED W. NOLTING
 JOHN N. NYSTROM
 WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Robinson moved the appointment of Larry Z. Lindemann, D.C., as a member of the State Board of Chiropractic Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Hill of Polk	Nystrom	Scott
Bergman	Hultman	Orr	Shaff
Burroughs	Junkins	Palmer	Shaw
Carr	Kelly	Plymat	Sovern
Curtis	Kinley	Priebe	Taylor
DeKoster	Lamborn	Rabedaux	Tieden
Glenn	Miller of	Ramsey	Van Gilst
Griffin	Marshall	Robinson	Willits
Hansen	Murray	Rodgers	Winkelman
Hill of Jasper	Norpel	Schwengels	

Nays, 9:

Coleman	Gallagher	Miller of	Nolting
Culver	Gluba	Des Moines	Redmond
Doderer	Merritt		

Absent or not voting, 3:

Briles	Heying	Nolin
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President Neu declared the appointment of Larry Z. Lindemann, D.C., as a member of the State Board of Chiropractic Examiners confirmed for an initial term ending June 30, 1978.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 584

Senator Redmond called up for consideration House File 584, a bill for an act relating to competition between business, com-

mercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, amended by the Senate, and further amended by the House, as follows:

S—5783

1 Amend the Senate amendment, H—5733, to House
2 File 584, as amended, passed, and reprinted by
3 the House, as follows:

4 1. Page 2, by striking lines 28 through 31 and
5 inserting in lieu thereof the following: "United
6 States. These associations may have marketing
7 and purchasing agencies in common and their
8 members may make the necessary contracts and
9 agreements to affect such".

10 2. Page 2, line 33, by striking the words
11 "these persons" and inserting in lieu thereof the
12 words "the members of these associations".

13 3. Page 3, line 50, by striking the words "
14 However, the" and inserting in lieu thereof the
15 words "for the purposes of interstate cooperation
16 in enforcing this Act and similar state and
17 federal laws."

18 4. Page 4, by striking lines 1 through 4.

19 5. Page 4, by inserting after line 7 the
20 following:

21 "5. Evidence obtained from a natural person
22 pursuant to the provisions of this section shall
23 not be introduced in a subsequent criminal
24 prosecution of this person. However, evidence
25 obtained from a natural person pursuant to a
26 grand jury proceeding may be so introduced."

27 6. Page 4, line 30, by striking the word
28 "Upon" and inserting in lieu thereof the words
29 "Before the attorney general files an application
30 under section ten (10) of this Act and upon".

31 7. Page 5, by inserting after line 48 the
32 following:

33 "Sec. **NEW SECTION. CRIMINAL PENALTIES.**

34 A person or a natural person having substantial
35 control over an enterprise who knowingly and
36 willfully engages in conduct prohibited by this
37 Act shall be, upon conviction, fined not to exceed
38 fifty thousand (50,000) dollars, imprisoned in
39 the county jail for not more than one year, or
40 both so fined and imprisoned.

41 Sec. **NEW SECTION. ELECTION OF REMEDIES.**

42 The bringing of suit to assess a civil penalty
43 against a person by filing a petition shall be
44 an election of remedies to not bring a criminal
45 prosecution against this person. The bringing
46 of a criminal prosecution against a person by
47 filing an information or returning an indictment
48 shall be an election of remedies to not bring suit

49 to assess a civil penalty against this person."

50 8. Page 5, line 50, by striking the words "under

Page 2

1 section thirteen (13)" and inserting in lieu
2 thereof the words "to assess a civil penalty or
3 to obtain a criminal conviction under".

4 9. Page 6, line 1, by striking the word
5 "of".

6 10. Page 6, line 6, by striking the words
7 "by any person".

8 11. Page 6, line 8, by inserting after the
9 word "accrues" the words "or, if there is a
10 fraudulent concealment of this cause of action,
11 within four years after the cause of action
12 becomes known, whichever period is later".

13 12. Page 6, line 11, by striking the word
14 "extended" and inserting in lieu thereof the
15 word "suspended".

16 13. Page 6, line 17, by striking the words
17 "under sections twelve".

18 14. Page 6, line 18, by striking the words
19 "(12) and thirteen (13) of this Act,".

20 15. Page 6, by striking lines 28 and 29.

President pro tempore Doderer took the chair at 9:40 a.m.

Senator Shaw offered amendment S—5808 filed by Senators Shaw and Kelly:

S—5808

1 Amend the House amendment, S—5783, to the Senate
2 amendment, H—5733, to House File 584, as amended,
3 passed, and reprinted, as follows:

4 1. Page 1, by striking lines 19 through 26.

5 2. Page 1, by striking lines 31 through 50.

6 3. Page 2, by striking lines 1 through 5.

7 4. Page 2, by striking lines 16 through 20.

Senator Willits offered amendment S—5815 to amendment S—5808 to House amendment S—5783 to Senate amendment H—5733 by Senators Willits and Shaw, and moved its adoption:

S—5815

1 Amend the Shaw and Kelly amendment, S—5808, to
2 the House amendment, S—5783, to the Senate amendment,
3 H—5733, to House File 584 as amended, passed and re-
4 printed as follows:

5 1. Page 1, line 7, by striking the figure "20"

6 and inserting in lieu thereof the figure "19".

Amendment S—5815 to amendment S—5808 to House amendment S—5783 to Senate amendment H—5733 was adopted.

Senator Shaw moved the adoption of amendment S—5808 as amended to House amendment S—5783 to Senate amendment H—5733, and requested a record roll call.

On the question "Shall amendment S—5808 as amended to House amendment S—5783 to Senate amendment H—5733 be adopted?" (H.F. 584) the vote was:

Rule 25 was invoked.

Ayes, 27:

Andersen	Hill of Polk	Murray	Schwengels
Bergman	Hultman	Norpel	Shaff
Burroughs	Junkins	Nystrom	Shaw
Curtis	Kelly	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Hansen	Miller of	Ramsey	Winkelman
Heying	Marshall	Rodgers	
Hill of Jasper			

Nays, 21:

Briles	Gluba	Nolting	Robinson
Carr	Griffin	Orr	Scott
Coleman	Kinley	Palmer	Sovern
Culver	Merritt	Plymat	Taylor
Doderer	Miller of	Redmond	Willits
Glenn	Des Moines		

Absent or not voting, 2:

Gallagher	Nolin
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Amendment S—5808 as amended to House amendment S—5783 to Senate amendment H—5733 was adopted.

Senator Shaw offered amendment S—5816 to House amendment S—5783 to Senate amendment H—5733 by Senators Shaw and Kelly, moved its adoption and requested a record roll call:

S—5816

- 1 Amend the House amendment, S—5783, to the Senate
- 2 amendment, H—5733, to House File 584, as amended, pass-
- 3 ed, and reprinted, as follows:
- 4 1. Page 2, by striking line 20.

Senator Palmer took the chair at 11:00 a.m.

On the question "Shall amendment S—5816 to House amendment S—5783 to Senate amendment H—5733 be adopted?" (H.F. 584) the vote was:

Ayes, 32:

Andersen	Hill of Jasper	Murray	Scott
Bergman	Hill of Polk	Nystrom	Shaff
Briles	Hultman	Orr	Shaw
Burroughs	Junkins	Plymat	Sovern
Curtis	Kelly	Rabedeaux	Taylor
DeKoster	Lamborn	Ramsey	Tieden
Griffin	Miller of	Rodgers	Van Gilst
Hansen	Marshall	Schwengels	Winkelman
Heying			

Nays, 16:

Carr	Gluba	Nolting	Redmond
Coleman	Kinley	Norpel	Robinson
Culver	Merritt	Palmer	Willits
Doderer	Miller of	Priebe	
Glenn	Des Moines		

Absent or not voting, 2:

Gallagher	Nolin
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Amendment S—5816 to House amendment S—5783 to Senate amendment H—5733 was adopted.

Senator Redmond moved that the Senate concur in House amendment S—5783 to Senate amendment H—5733 as amended.

A non-record roll call was requested.

The ayes were 30, nays 18.

The motion prevailed and the Senate concurred in House amendment S—5783 to Senate amendment H—5733 as amended.

Senator Redmond moved that the bill as amended by the Senate, further amended by the House and still further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 584) the vote was:

Ayes, 35:

Andersen	Gluba	Merritt	Plymat
Bergman	Griffin	Miller of	Priebe
Briles	Hansen	Des Moines	Redmond
Carr	Heying	Miller of	Robinson
Coleman	Hill of Jasper	Marshall	Scott
Culver	Junkins	Murray	Sovern
Curtis	Kelly	Nolting	Taylor
DeKoster	Kinley	Orr	Van Gilst
Doderer	Lamborn	Palmer	Willits
Glenn			

Nays, 12:

Burroughs	Nystrom	Rodgers	Shaw
Hill of Polk	Rabedeaux	Schwengels	Tieden
Hultman	Ramsey	Shaff	Winkelman

Absent or not voting, 3:

Gallagher	Nolin	Norpel
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENTS CONSIDERED

Senate File 449

Senator Burroughs called up for consideration Senate File 449, a bill for an act relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn, to establish an Iowa corn promotion board, to provide for a referendum among corn producers, and to provide penalties, amended by the House, and moved that the Senate concur in the following amendment:

S—5784

- 1 Amend Senate File 449 as passed by the Senate
- 2 as follows:
- 3 1. Page 2, line 3, by inserting after the
- 4 word "producer" the words "but shall not include
- 5 sweet corn, popcorn or seed corn".
- 6 2. Page 7, line 18, by striking the word "last"
- 7 and inserting in lieu thereof the word "least".
- 8 3. Page 7, line 30, by striking the word "one"
- 9 and inserting in lieu thereof the word "five".
- 10 4. Page 9, lines 26 and 27, by striking the
- 11 words ", sale, storage, processing, handling,".

The motion prevailed and the Senate concurred in House amendment S—5784.

Senator Burroughs moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 449) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Burroughs	Heying	Nolting	Schwengels
Carr	Hultman	Nystrom	Scott
Coleman	Junkins	Orr	Shaff
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedaux	Willits
Glenn	Des Moines	Ramsey	Winkelman

Nays, 4:

Hill of Jasper	Hill of Polk	Kelly	Shaw
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Absent or not voting, 4:

Gallagher	Nolin	Norpel	Sovern
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 1072

Senator Willits called up for further consideration Senate File 1072, a bill for an act making an appropriation to judicial courts and agencies, and House amendment S—5797.

Senator Ramsey withdrew amendment S—5804 to House amendment S—5797 filed by him on May 17, 1976, and found on page 2017 of the Senate Journal.

Senator Ramsey offered amendment S—5819 to House amendment S—5797, moved its adoption and requested a record roll call:

S—5819

- 1 Amend the House amendment, S—5797, to Senate
- 2 File 1072 as passed by the Senate as follows:
- 3 1. Page 1, line 40, by striking the word
- 4 “seven” and inserting in lieu thereof the word “five”.
- 5 2. Page 1, line 41, by striking the words
- 6 “[Three] Four” and inserting in lieu thereof the word
- 7 “Three”.
- 8 3. Page 1, line 43, by striking the word “three”
- 9 and inserting in lieu thereof the word “two”.

President Neu took the chair at 11:45 a.m.

On the question “Shall amendment S—5819 to House amendment S—5797 be adopted?” (S.F. 1072) the vote was:

Ayes, 12:

Bergman	Miller of	Murray	Schwengels
Briles	Des Moines	Ramsey	Shaw
Hill of Polk	Miller of	Rodgers	Winkelman
Kelly	Marshall		

Nays, 34:

Andersen	Griffin	Nolting	Robinson
Carr	Hansen	Norpel	Scott
Coleman	Heying	Nystrom	Shaff
Culver	Hill of Jasper	Orr	Sovern
Curtis	Hultman	Palmer	Taylor
DeKoster	Junkins	Plymat	Tieden
Doderer	Kinley	Priebe	Van Gilst
Glenn	Lamborn	Redmond	Willits
Gluba	Merritt		

Absent or not voting, 4:

Burroughs	Gallagher	Nolin	Rabedeaux
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Amendment S—5819 to House amendment S—5797 lost.

Senator Hultman offered amendment S—5807 to House amendment S—5797 filed by him on May 17, 1976, and found on pages 2017–2019, inclusive, of the Senate Journal.

Senator Kelly raised the point of order that amendment S—5807 to House amendment S—5797 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5807 to House amendment S—5797 in order.

Senator Hultman moved the adoption of amendment S—5807 to House amendment S—5797.

A record roll call was requested.

On the question "Shall amendment S—5807 to House amendment S—5797 be adopted?" (S.F. 1072) the vote was:

Ayes, 19:

Andersen	Lamborn	Murray	Scott
Bergman	Merritt	Nystrom	Shaff
Briles	Miller of	Plymat	Taylor
Curtis	Des Moines	Ramsey	Tieden
Heying	Miller of	Schwengels	
Hultman	Marshall		

Nays, 25:

Carr	Hill of Jasper	Norpel	Rodgers
Coleman	Hill of Polk	Orr	Shaw
Culver	Junkins	Palmer	Sovern
DeKoster	Kelly	Priebe	Van Gilst
Glenn	Kinley	Redmond	Willits
Gluba	Nolting	Robinson	Winkelman
Hansen			

Absent or not voting, 6:

Burroughs	Gallagher	Nolin	Rabedaux
Doderer	Griffin		

Amendment S—5807 to House amendment S—5797 lost.

On motion of Senator Willits, the Senate concurred in House amendment S—5797.

Senator Willits moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1072) the vote was:

Ayes, 43:

Andersen	Glenn	Kelly	Murray
Bergman	Gluba	Kinley	Nolting
Briles	Hansen	Lamborn	Norpel
Carr	Heying	Merritt	Nystrom
Coleman	Hill of Jasper	Miller of	Orr
Culver	Hill of Polk	Des Moines	Palmer
Curtis	Hultman	Miller of	Plymat
DeKoster	Junkins	Marshall	Ramsey

Redmond
Robinson
Rodgers
Schwengels

Scott
Shaff
Shaw

Sovern
Taylor
Tieden

Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 7:

Burroughs
Doderer

Gallagher
Griffin

Nolin
Priebe

Rabedeaux

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1072 passed the Senate on May 18, 1976.

RICHARD R. RAMSEY

HOUSE AMENDMENT CONSIDERED

Senate File 1276

Senator Junkins called up for consideration Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, amended by the House, as follows:

S—5796

- 1 Amend Senate File 1276 as follows:
- 2 1. Page 1, line 21, by striking the words "five
- 3 million (5,000,000)" and inserting in lieu thereof
- 4 the words "four million (4,000,000)".
- 5 2. Page 1, line 29, by striking the words
- 6 "fifteen million (15,000,000)" and inserting in lieu
- 7 thereof the words "twelve million (12,000,000)".
- 8 3. Page 1, by inserting after line 32 the follow-
- 9 ing:
- 10 "Sec. 5. There is appropriated from the general
- 11 fund of the state for the fiscal period beginning
- 12 July 1, 1976 to the department of transportation the
- 13 following amounts to be used in the manner designated.
- 14 1. For public transit purpose to
- 15 implement a state assistance plan\$2,000,000
- 16 2. For railroad assistance in-
- 17 cluding but not limited to branch-
- 18 line improvement, terminal car
- 19 control analysis, rail inspections,
- 20 and special hearings\$3,000,000
- 21 Sec. 6. There is appropriated from the general
- 22 fund of the state for the fiscal period beginning
- 23 July 1, 1976 the sum of twelve million (12,000,000)

24. dollars, or so much thereof as is necessary, to be
 25. deposited in the road use tax fund.”
 26. 4. Title page, line 4, by inserting after the word
 27. “Act” the words “and making additional funds available
 28. to the department of transportation”.

Senator Junkins offered amendment S—5809 to House amendment S—5796 and moved its adoption:

S—5809

- 1 Amend the House amendment, S—5796, to Senate
- 2 File 1276 as follows:
- 3 1. Page 1, by striking lines 8 through 28.

Amendment S—5809 to House amendment S—5796 was adopted.

On motion of Senator Junkins, the Senate concurred in House amendment S—5796 as amended.

Senator Junkins moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 1276) the vote was:

Ayes, 40:

Andersen	Heying	Norpel	Schwengels
Bergman	Hill of Jasper	Nystrom	Scott
Briles	Hill of Polk	Orr	Shaff
Carr	Junkins	Palmer	Shaw
Coleman	Kelly	Plymat	Sovern
Culver	Kinley	Priebe	Taylor
Curtis	Lamborn	Ramsey	Tieden
DeKoster	Merritt	Redmond	Van Gilst
Glenn	Murray	Robinson	Willits
Gluba	Nolting	Rodgers	Winkelman

Nays, 5:

Doderer	Hultman	Miller of	Miller of
Hansen		Des Moines	Marshall

Absent or not voting, 5:

Burroughs	Griffin	Nolin	Rabedeaux
Gallagher			

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1276 passed the Senate on May 18, 1976.

WILLIAM D. PALMER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1276 passed the Senate on May 18, 1976.

PHILIP B. HILL

On motion of Senator Kinley, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 204, a bill for an act relating to registration of motor vehicles.

Also: That the House has on May 17, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1111, a bill for an act relating to who may form a professional corporation.

Also: That the House has on May 17, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the state department of transportation.

Also: That the House has on May 17, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts.

Also: That the House has on May 13, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1269, a bill for an act to legalize and validate an election of the Saydel Consolidated School District.

Also: That the House has on May 14, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code.

Also: That the House has on May 17, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees.

Also: That the House has on May 14, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1432, a bill for an act relating to vehicle transportation.

Also: That the House has on May 14, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 204

S—5811

1 Amend Senate File 204, as amended, passed and re-
2 printed by the Senate, by striking everything after
3 the enacting clause and inserting in lieu thereof
4 the following:

5 "Section 1. Section three hundred twenty-one point
6 forty (321.40), Code 1975, as amended by Acts of the
7 Sixty-sixth General Assembly, 1975 Session, chapter
8 one hundred seventy-one (171), sections five (5) and
9 six (6), is amended to read as follows:

10 321.40 APPLICATION FOR RENEWAL—*RENEWAL REFUSED.*

11 1. Application for renewal of a vehicle registra-
12 tion shall be made on or after December 1 of the year
13 for which it is registered by the owner upon proper
14 application and by payment of the registration fee
15 for such vehicle, as provided by law.

16 2. Registration receipts issued for renewals shall
17 have the word 'renewal' imprinted thereon and, if
18 the owner making a renewal application has been issued
19 a certificate of title, the title number shall appear
20 on the registration receipt. All registration receipts
21 for renewals shall be typewritten or printed by other
22 mechanical means. The applicant shall receive a
23 registration receipt.

24 3. Not more than thirty days nor less than twenty
25 days prior to December first the county treasurer
26 shall cause to be published in a newspaper of general
27 circulation in the county, a notice to vehicle owners.
28 The notice shall contain a list of pertinent
29 information which is required to register a vehicle.
30 The notice shall also include a statement that
31 application for renewal of a vehicle registration
32 shall be made on or after December first of the year
33 for which it is registered and that such renewal may
34 be made by mail on or after November first. The
35 county treasurer may deliver registration plates and
36 other registration documents on which application
37 for renewal has been made in November, to the owner
38 thereof, after the last day of November.

39 4. *The county treasurer shall refuse to renew*
40 *a motor vehicle registration if all of the following*
41 *circumstances exist:*

42 a. *The board of supervisors of the county in which*
43 *application for renewal of registration is being made*
44 *has adopted a resolution stating that in such county*

45 a lack of response of the citizens of the county to
46 citations for violations of motor vehicle laws and
47 ordinances has become a significant problem and di-
48 recting the implementation of the provisions of sub-
49 sections four (4) through nine (9) of this section;
50 and

Page 2

1 b. A warrant is outstanding for the arrest of
2 the owner of such motor vehicle or a delinquent
3 citation or notice of violation is outstanding against
4 such owner for an alleged violation of an ordinance
5 enacted pursuant to section three hundred twenty-one
6 point two hundred thirty-six (321.236) of the Code,
7 which violation allegedly occurred within the county
8 in which the application for renewal is being made.

9 The resolution adopted under paragraph a of this
10 subsection may be rescinded by another resolution
11 of the board of supervisors finding that the problem
12 has significantly abated and directing termination
13 of the provisions of subsections four (4) through
14 nine (9) of this section. Upon adoption of a resolu-
15 tion to implement or rescind the implementation of
16 the provisions of subsections four (4) through nine
17 (9) of this section, the county auditor shall notify
18 the clerk of the district court of such action and
19 the effective date of such implementation or
20 rescission.

21 5. After the effective date of a resolution adopted
22 under paragraph a of subsection four (4) of this sec-
23 tion, the clerk of the district court shall give
24 written notice by mail to each person against whom
25 a warrant or delinquent citation or notice of violation
26 is outstanding for the alleged violation of an
27 ordinance adopted pursuant to section three hundred
28 twenty-one point two hundred thirty-six (321.236)
29 of the Code. The notice shall state that the
30 registration of any motor vehicle owned by such person
31 in that county will not be renewed until all
32 outstanding warrants have been recalled and there
33 are no delinquent citations or notices of violation
34 outstanding against such person. The clerk of the
35 district court shall also submit, on or before the
36 fifth day of each month, to the county treasurer an
37 alphabetized list of the names of all persons,
38 including their respective addresses, against whom
39 a warrant has been issued or a delinquent citation
40 or notice of violation is outstanding. The clerk
41 of the district court shall not include on such list
42 the name of any person unless notice as required by
43 this subsection is mailed to such person before the
44 fifteenth day of the preceding month.

45 6. Upon application by a person or agent of a
46 person whose name is on the list prepared under
47 subsection five (5) of this section, the clerk of

48 the district court shall issue a receipt to the person
49 or agent of such person if all warrants or delinquent
50 citations or notices of violations specified under

Page 3

1 paragraph b of subsection four (4) of this section
2 have been recalled or are no longer outstanding.
3 The receipt shall state that all outstanding warrants
4 have been recalled and that there are no outstanding
5 delinquent citations or notices of violation against
6 the named person. Upon presentation of such receipt,
7 the county treasurer need no longer refuse renewal
8 of a registration because of an outstanding warrant
9 or delinquent citation or notice of violation as
10 specified in subsection four (4) of this section.

11 7. For each person whose name is listed as provided
12 in subsection five (5) of this section, the local
13 authority alleging violation of an ordinance enacted
14 pursuant to section three hundred twenty-one point
15 two hundred thirty-six (321.236) of the Code, shall
16 pay to the county treasurer the sum of two dollars,
17 which sum shall be credited to the general fund of
18 the county. In addition to any other court cost
19 provided by law, the district court shall assess,
20 at the request of the local authority, the sum of
21 two dollars against any person whose name has been
22 placed on the list prepared as provided in subsection
23 five (5) of this section and who is convicted of a
24 violation of an ordinance enacted pursuant to section
25 three hundred twenty-one point two hundred thirty-
26 six (321.236) of the Code if such violation was the
27 basis for placing such person's name on the list.
28 The clerk of the district court shall collect the
29 two dollar assessment and remit it to the local
30 authority.

31 8. For the purposes of this section, a citation
32 or notice of violation of an ordinance adopted pursuant
33 to section three hundred twenty-one point two hundred
34 thirty-six (321.236) of the Code shall be deemed
35 delinquent if it is not paid or adjudicated by the
36 district court within fourteen days after the date
37 of court appearance.

38 9. The implementation and enforcement of the pro-
39 visions of subsections four (4) through nine (9) of
40 this section shall not be a defense to the imposition
41 of any penalties provided for in this chapter."

HOUSE AMENDMENT TO SENATE FILE 1111

S-5822

1 Amend Senate File 1111 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "dentistry," the words "physical therapy,".

HOUSE AMENDMENT TO SENATE FILE 1145

S—5823

1 Amend Senate File 1145, as passed by the
2 Senate and reprinted, as follows:

3 1. Page 3, line 13, by inserting after the
4 period the following:

5 *"The number of places where licenses are*
6 *available shall not be reduced because of*
7 *procedures or equipment required in placing*
8 *colored photographs on licenses or permits."*

9 2. Page 3, line 16, by inserting after the
10 word "Act" the words *"and a space shall be*
11 *provided where the licensee may affix a symbol*
12 *indicating the presence of a medical condition"*.

13 3. Page 3, by striking lines 31 through 35.

14 4. Page 4, by striking lines 1 through 5.

15 5. Page 4, lines 25 and 26, by striking
16 the word and numeral "eight (8)" and inserting
17 in lieu thereof the word and numeral "seven (7)".

18 6. Page 4, lines 30 and 31, by striking the
19 following: "increased fee prescribed in section
20 six (6) of this Act" and inserting in lieu
21 thereof the following: "fee prescribed in section
22 three hundred twenty-one point one hundred
23 ninety-one (321.191) of the Code".

24 7. Page 4, line 33, by striking "1976.1" and
25 inserting in lieu thereof "1976."

HOUSE AMENDMENT TO SENATE FILE 1244

S—5821

1 Amend Senate File 1244 as follows:

2 1. By striking line 1, on page 1 and inserting
3 in lieu thereof the following:

4 "Section 1. Section three hundred thirty-two
5 point three".

HOUSE AMENDMENT TO SENATE FILE 1269

S—5812

1 Amend Senate File 1269 as follows:

2 1. Page 2, by striking lines 5 through 10 and
3 inserting in lieu thereof the words "part of the
4 proposition, such lot being 40 feet off the South
5 side of Lots 11 and 47 of the Official Plat of the
6 North $\frac{3}{4}$ of Section 22, Township 79, Range 24, also
7 commencing at the Northeast corner of said Lot 11
8 and running thence South 98.8 feet, thence West 440.89
9 feet, thence North 98.8 ft. to the North line of said
10 Lot 11, thence East 440.89 ft. to Place of beginning;
11 and".

12 2. Page 2, line 16, by striking the words "for
13 said Lot Eleven (11)".

14 3. Page 2, by striking lines 18 through 21 and
15 inserting in lieu thereof the words "but it appears
16 that the 40 feet off the South side of Lots 11 and
17 47 of the Official Plat of the North $\frac{1}{4}$ of Section
18 22, Township 79, Range 24, also commencing at the
19 Northeast corner of said Lot 11 and running thence
20 South 98.8 ft., thence West 440.89 feet, thence North
21 98.8 ft. to the North line of said Lot 11, thence
22 East 440.89 ft. to Place of beginning, is part of
23 the property owned by the Saydel Consolidated".
24 4. Page 3, by striking lines 4 through 8 and
25 inserting in lieu thereof the following: "40 feet
26 off the South side of Lots 11 and 47 of the Official
27 Plat of the North $\frac{1}{4}$ of Section 22, Township 79,
28 Range 24, also commencing at the Northeast corner
29 of said Lot 11 and running thence South 98.8 ft.,
30 thence West 440.89 feet, thence North 98.8 ft. to
31 the North line of said Lot 11, thence East 440.89
32 ft. to Place of beginning".

HOUSE AMENDMENT TO SENATE FILE 1280

S—5813

1 Amend Senate File 1280 as amended and passed
2 by the Senate as follows:
3 1. Page 1, by striking lines 9A through 9W.
4 2. Page 2, by striking lines 12 through 31.
5 3. Page 4, line 13, by striking the words "*the*
6 *department of*".
7 4. Page 5, by striking lines 12A through 18.
8 5. Page 6, line 17, by striking the words "*of*
9 *the department*".
10 6. Page 6, by inserting after line 31E the
11 following section:
12 "Sec. Section three hundred twenty-one
13 point two hundred eighty-one (321.281), Code
14 1975, is amended by striking unnumbered paragraph
15 four (4)."
16 7. Page 7, by striking line 29 through page 8,
17 line 11.
18 8. Page 11, by striking lines 11 through 14.
19 9. Strike page 11, line 15 through page 13,
20 line 28.
21 10. Page 15, by striking lines 15 through 32 and
22 inserting in lieu thereof the following:
23 "Sec. Section forty-seven point three
24 (47.3), Code 1975, as amended by Acts of the Sixty-
25 sixth General Assembly, 1976 Session, House File
26 one thousand eleven (1011), section eighteen (18),
27 is amended by striking unnumbered paragraph one (1)
28 and inserting in lieu thereof the following:
29 The costs of conducting a special election called
30 by the governor, general election, and the primary
31 election held prior to the general election shall

32 be paid by the county.

33 Sec. Section forty-nine point seventy-
34 three (49.73), subsection two (2), Code 1975, as
35 amended by Acts of the Sixty-sixth General Assembly,
36 1976 Session, House File one thousand eleven
37 (1011), section forty (40), is amended to read as
38 follows:

39 2. The commissioner shall not shorten voting
40 hours for any election if there is filed in the
41 commissioner's office, at least twenty-five days
42 before the election, a petition signed by at
43 at least fifty eligible electors of the school district
44 or city, as the case may be, requesting that the
45 polls be opened not later than seven o'clock a.m.
46 All polling places where the candidates of or any
47 public question submitted by any one political sub-
48 division are being voted upon shall be opened at
49 the same hour, except that this requirement shall
50 not apply to merged areas established under chapter
51 two hundred eighty A (280A) of the Code. The hours

Page 2

1 at which the respective precinct polling places
2 are to open shall not be changed after publication
3 of the notice required by section 49.53. The
4 polling places shall be closed at nine o'clock p.m.
5 for state primary and general elections and other
6 partisan elections, *and for any other election held*
7 *concurrently therewith*, and at eight o'clock p.m.
8 for all other elections.
9 11. Page 15, by striking line 33 through page 16,
10 line 22 and inserting in lieu thereof the following:
11 "Sec. Section five hundred eighteen A
12 point thirty-eight (518A.38), Code 1975, is repealed."
13 12. Amend the title line 2, by striking the words
14 "and the duties of the Code editor".
15 13. Renumber the sections and correct internal
16 references in conformance with this amendment.

HOUSE AMENDMENT TO SENATE FILE 1304

S—5814

1 Amend Senate File 1304, page 1, by striking
2 lines 17 through 24.

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1478

S—5810

1 Amend the Senate amendment, H—6657, to House
2 File 1478 as amended, passed and reprinted by
3 the House as follows:
4 1. Page 1, by striking lines 3 through 12.
5 2. Page 2, by striking lines 37 and 38.

- 6 3. Page 2, by striking lines 44 through 50,
7 and page 3, by striking lines 1 through 13.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

UNFINISHED BUSINESS

House File 1539

The Senate resumed consideration of House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, and the Carr, et al., amendment S—5612 to amendment S—5536, offered and pending on April 28, 1976.

Further action on amendment S—5612 to amendment S—5536 was temporarily deferred.

Senator Lamborn offered amendment S—5820 to amendment S—5536 by Senators Lamborn, Kelly and Nystrom and moved its adoption:

S—5820

- 1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539 as follows:
3 1. Page 1, by striking lines 4 through 41 and
4 inserting in lieu thereof the following:
5 "Section 1. There is appropriated from the
6 general fund of the state to the department of social
7 services, division of adult corrections, the fol-
8 lowing amounts, or so much thereof as is necessary, to
9 be used in the manner designated:
10 1. For replacement of federal funds for com-
11 munity-based correction programs, the establishment of
12 residential half-way houses and pre-institutional
13 residential facilities and for operating costs of such
14 half-way houses and pre-institutional residential
15 facilities \$2,750,000.
16 2. For additional staff and remodeling of the
17 Riverview Release Center in order to develop it to
18 full capacity \$ 158,000.
19 3. To convert and improve the dormitory at
20 farm 3 at the State Penitentiary, Fort Madison
21 \$ 50,000.
22 4. For construction of a medium security faci-
23 lity on state-owned land at Oakdale on and immediately
24 adjacent to the grounds of the Iowa Security Medical

25	Facility	\$5,536,000.
26	5. For the maintenance and operation of the	
27	medium security facility at Oakdale	\$1,100,000.
28	6. For additional probation, parole and clerical	
29	staff	\$ 400,000.
30	7. For additional personnel for the State	
31	Penitentiary at Fort Madison	\$ 537,000.
32	8. For additional personnel for the State Re-	
33	formatory at Anamosa	\$ 205,200."

Senator Taylor took the chair at 3:05 p.m.

President Neu took the chair at 3:10 p.m.

A record roll call was requested.

On the question "Shall amendment S—5820 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 27:

Andersen	Griffin	Lamborn	Ramsey
Bergman	Hansen	Miller of	Redmond
Briles	Heying	Marshall	Rodgers
Burroughs	Hultman	Nystrom	Schwengels
Curtis	Junkins	Palmer	Shaff
DeKoster	Kelly	Plymat	Shaw
Glenn	Kinley	Rabedaux	Van Gilst

Nays, 21:

Carr	Hill of Jasper	Norpel	Sovern
Coleman	Merritt	Orr	Taylor
Culver	Miller of	Priebe	Tieden
Doderer	Des Moines	Robinson	Willits
Gallagher	Murray	Scott	Winkelman
Gluba	Nolting		

Absent or not voting, 2:

Hill of Polk	Nolin
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Amendment S—5820 to amendment S—5536 was adopted.

With the adoption of amendment S—5820 to amendment S—5536, the following amendments were ruled out of order:

Amendment S—5566 to amendment S—5536 filed by Senator Murray on April 22, 1976.

Amendment S—5614 to amendment S—5536 filed by Senators Priebe and Gluba on April 28, 1976.

Amendment S—5554 to amendment S—5536 filed by Senator Gluba on April 21, 1976.

Amendment S—5601 to amendment S—5536 filed by Senator Doderer on April 28, 1976.

Amendment S—5609 to amendment S—5536 filed by Senators Gluba and Culver on April 28, 1976.

Amendment S—5604 to amendment S—5536 by Senator Kelly, offered and deferred on April 28, 1976.

Amendment S—5612 to amendment S—5536 by Senator Carr, previously deferred.

Senator Culver withdrew amendment S—5824 to amendment S—5536 by Senators Culver and Hill of Jasper:

S—5824

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by striking lines 4 through 41 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. There is appropriated from the
- 6 general fund of the state to the department of social
- 7 services, division of adult corrections, the fol-
- 8 lowing amounts, or so much thereof as is necessary, to
- 9 be used in the manner designated:
- 10 1. For replacement of federal funds for com-
- 11 munity-based correction programs, the establishment of
- 12 residential half-way houses and pre-institutional
- 13 residential facilities and for operating costs of such
- 14 half-way houses and pre-institutional residential
- 15 facilities\$2,750,000.
- 16 2. For additional staff and remodeling of the
- 17 Riverview Release Center in order to develop it to
- 18 full capacity\$ 158,000.
- 19 3. To convert and improve the dormitory at
- 20 farm 3 at the State Penitentiary, Fort Madison
- 21\$ 50,000.
- 22 4. For construction and operation of a medium
- 23 security facility or acquisition of a facility to be
- 24 used or converted into a medium security facility,
- 25 located in Denison, Iowa\$2,900,000.
- 26 The department of social services shall have
- 27 authority to convert any institution now under its
- 28 control to a minimum security institution.
- 29 5. For additional probation, parole and clerical
- 30 staff\$ 400,000.
- 31 6. For additional personnel for the State
- 32 Penitentiary at Fort Madison\$ 537,000.
- 33 7. For additional personnel for the State
- 34 Reformatory at Anamosa\$ 205,200."

Senator Culver withdrew amendment S—5825 to amendment S—5536 by Senators Culver and Hill of Jasper:

S—5825

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by striking lines 4 through 41 and

4 inserting in lieu thereof the following:

- 5 "Section 1. There is appropriated from the
6 general fund of the state to the department of social
7 services, division of adult corrections, the fol-
8 lowing amounts, or so much thereof as is necessary, to
9 be used in the manner designated:
- 10 1. For replacement of federal funds for com-
11 munity-based correction programs, the establishment of
12 residential half-way houses and pre-institutional
13 residential facilities and for operating costs of such
14 half-way houses and pre-institutional residential
15 facilities \$2,750,000.
- 16 2. For additional staff and remodeling of the
17 Riverview Release Center in order to develop it to
18 full capacity \$ 158,000.
- 19 3. To convert and improve the dormitory at
20 farm 3 at the State Penitentiary, Fort Madison
21 \$ 50,000.
- 22 4. For construction and operation of a medium
23 security facility or acquisition of a facility to be
24 used or converted into a medium security facility,
25 located in Denison, Iowa \$2,900,000.
- 26 5. For additional probation, parole and clerical
27 staff \$ 400,000.
- 28 6. For additional personnel for the State
29 Penitentiary at Fort Madison \$ 537,000.
- 30 7. For additional personnel for the State
31 Reformatory at Anamosa\$ 205,200."

Senator Kelly offered amendment S—5620 to amendment S—5536 filed by Senators Kelly, Kinley and Lamborn, and called for a division of the amendment as follows:

S—5620

- 1 Amend the committee on appropriations amend-
2 ment, S—5536, to House File 1539 as follows:

Division S—5620A

- 3 1. Page 1, by striking lines 31 through 33.

Division S—5620B

- 4 2. Page 2, by inserting after line 38 the following:
5 "To further carry out the intent expressed in
6 subsection one (1) of this section, the advisory com-
7 mission shall hire professional corrections consultants
8 to evaluate the state's correctional needs. For that
9 purpose there is appropriated from the general fund of
10 the state to the advisory commission on corrections
11 relief the sum of, or so much thereof as is necessary,
12 one hundred thousand (100,000) dollars. Unobligated
13 or unencumbered funds remaining on January 1, 1977
14 from this appropriation shall revert to the general
15 fund of the state forthwith. The evaluation establish-
16 ed by this subsection shall include, but need not be
17 limited to, the information sought by subsection three
18 (3) of this section. This evaluation shall be completed

19 and submitted to the legislative council by January 1,
 20 1977, and it shall be submitted along with the final
 21 report required by subsection three (3) of this section."

The Chair ruled division S—5620A of the amendment to amendment S—5536 out of order.

On motion of Senator Kelly, division S—5620B of the amendment to amendment S—5536 was adopted.

Senator Schwengels withdrew amendment S—5602 to amendment S—5536 filed by Senators Schwengels, Junkins and Miller of Des Moines on April 28, 1976, and found on page 1630 of the Senate Journal.

Senator Schwengels withdrew amendment S—5611 to amendment S—5536 filed by Senators Schwengels, Junkins, and Miller of Des Moines on April 28, 1976, and found on page 1629 of the Senate Journal.

Senator Schwengels offered amendment S—5826 to amendment S—5536 by Senators Schwengels, Junkins and Miller of Des Moines and moved its adoption:

S—5826

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 41 the
- 4 following:
- 5 "Sec. None of the state's regional mental
- 6 health facilities shall be converted to a medium
- 7 security correctional facility within two years after
- 8 the date on which this Act becomes effective."
- 9 2. Renumber the sections as necessary.

A record roll call was requested.

On the question "Shall amendment S—5826 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 19:

Bergman	Glenn	Miller of	Plymat
Briles	Hansen	Des Moines	Rabedaux
Burroughs	Heying	Murray	Ramsey
Coleman	Junkins	Norpel	Schwengels
Curtis	Lamborn	Nystrom	Shaw

Nays, 27:

Andersen	Griffin	Nolting	Shaff
Carr	Hill of Jasper	Orr	Sovern
Culver	Kelly	Priebe	Taylor
DeKoster	Kinley	Redmond	Tjeden
Doderer	Merritt	Robinson	Van Gilst
Gallagher	Miller of	Rodgers	Willits
Gluba	Marshall	Scott	Winkelman

Absent or not voting, 4:

Hill of Polk Hultman Nolin Palmer

Amendment S—5826 to amendment S—5536 lost.

Senator Doderer offered amendment S—5608 to amendment S—5536 by Senators Doderer and Gluba and moved its adoption:

S—5608

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539, as follows:
- 3 1. Page 1, by inserting after line 41 the
- 4 following:
- 5 "..... For the construction of an additional
- 6 wing at the Iowa security medical facility in order
- 7 to establish a correction program for male and female
- 8 offenders and for administrative support and staffing
- 9 thereof 1,011,839.88"
- 10 2. Renumber the subsections as necessary.

A record roll call was requested.

On the question "Shall amendment S—5608 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 20:

Bergman	Heying	Murray	Redmond
Carr	Merritt	Nolting	Robinson
Culver	Miller of	Nystrom	Schwengels
Doderer	Des Moines	Orr	Shaw
Gluba	Miller of	Ramsey	Willits
Hansen	Marshall		

Nays, 25:

Andersen	Griffin	Norpel	Scott
Briles	Hill of Jasper	Palmer	Shaff
Burroughs	Junkins	Plymat	Sovern
Coleman	Kelly	Priebe	Tieden
DeKoster	Kinley	Rabedaux	Van Gilst
Gallagher	Lamborn	Rodgers	Winkelman
Glenn			

Absent or not voting, 5:

Curtis Hultman Nolin Taylor
Hill of Polk

Amendment S—5608 to amendment S—5536 lost.

Senator Priebe offered amendment S—5828 to amendment S—5536 and moved its adoption:

S—5828

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as follows:

3 1. Page 1, by inserting after line 41 the fol-
 4 lowing subsection:
 5 "..... For the purchase, main-
 6 tenance and operation of one self-
 7 contained mobile unit designed for
 8 human habitation to be used to house
 9 six or more minimum security inmates
 10 and three security officers at state
 11 or county parks for the purpose of
 12 carrying out an experimental pro-
 13 gram to assist in the establishment,
 14 maintenance or beautification of such
 15 parks \$60,000."

A record roll call was requested.

On the question "Shall amendment S—5828 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 19:

Bergman	Heying	Priebe	Schwengels
Coleman	Merritt	Rabedaux	Scott
Culver	Miller of	Ramsey	Taylor
Doderer	Des Moines	Redmond	Winkelman
Gluba	Miller of	Rodgers	
Hansen	Marshall		

Nays, 27:

Andersen	Glenn	Murray	Shaff
Briles	Griffin	Nolting	Shaw
Burroughs	Hill of Jasper	Norpel	Sovern
Carr	Junkins	Nystrom	Tieden
Curtis	Kelly	Orr	Van Gilst
DeKoster	Kinley	Palmer	Willits
Gallagher	Lamborn	Robinson	

Absent or not voting, 4:

Hill of Polk	Hultman	Nolin	Plymat
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Amendment S—5828 to amendment S—5536 lost.

Senator Gluba offered amendment S—5831 to amendment S—5536 and moved its adoption:

S—5831

1 Amend the committee on appropriations amendment,
 2 S—5536, to House File 1539 as follows:
 3 1. Page 1, by adding after line 41 the fol-
 4 lowing:
 5 "Sec. Any medium security correctional
 6 facility to be constructed with funds appropriated by
 7 this Act shall not exceed a residential capacity
 8 of two hundred fifty inmates."

A record roll call was requested.

On the question "Shall amendment S—5831 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 15:

Andersen	Gluba	Nolting	Redmond
Carr	Merritt	Orr	Schwengels
Coleman	Miller of	Palmer	Willits
Culver	Des Moines	Priebe	
Doderer			

Nays, 29:

Bergman	Hansen	Miller of	Scott
Briles	Hill of Jasper	Marshall	Shaff
Burroughs	Hultman	Norpel	Shaw
Curtis	Junkins	Nystrom	Sovern
DeKoster	Kelly	Plymat	Taylor
Gallagher	Kinley	Rabedeaux	Van Gilst
Glenn	Lamborn	Ramsey	Winkelman
Griffin		Rodgers	

Absent or not voting, 6:

Heying	Murray	Robinson	Tieden
Hill of Polk	Nolin		

Amendment S—5831 to amendment S—5536 lost.

Senator Priebe withdrew amendment S—5596 to amendment S—5536 filed by him on April 28, 1976, and found on page 1630 of the Senate Journal.

Senator Priebe withdrew amendment S—5795 to amendment S—5536 filed by him on May 13, 1976, and found on page 1981 of the Senate Journal.

Senator Redmond offered amendment S—5607 to amendment S—5536 filed by him and moved its adoption:

S—5607

- 1 Amend the committee on appropriations amendment,
- 2 **S—5536, to House File 1539, as follows:**
- 3 1. Page 2, by striking lines 13 through 38
- 4 and inserting in lieu thereof the following:
- 5 "Sec. 5.
- 6 1. It is the intent of the general assembly
- 7 to seek analysis of the state's total adult corrections
- 8 system from qualified persons and to consider this
- 9 analysis before deciding upon a long-term program to
- 10 update the state's adult penal corrections system to
- 11 meet the actual needs of the state with special emphasis
- 12 placed upon the future capacity of the state's prisons.
- 13 2. To carry out the intent expressed in sub-
- 14 section one (1) of this section, there is created
- 15 as a temporary body an advisory commission on correc-
- 16 tions relief composed of five members, none of whom

17 shall be members of, or candidates for election to
 18 the general assembly during their tenure in the
 19 commission. No more than half of the members plus
 20 one shall be of the same political party. The
 21 members of the commission shall be appointed by the
 22 governor from the qualified electors of this state
 23 who are knowledgeable by either experience or occupa-
 24 tion in the field of adult penal corrections. The
 25 members of the commission who are not state employees
 26 shall be entitled to receive forty dollars per diem
 27 for each day devoted to their duties as commission
 28 members. All members shall receive reimbursement for
 29 expenses actually and necessarily incurred in dis-
 30 charge of these duties. Staff assistance shall be
 31 provided to the commission by the legislative service
 32 bureau."

A record roll call was requested.

On the question "Shall amendment S—5607 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 11:

DeKoster	Miller of	Orr	Redmond
Hill of Jasper	Marshall	Palmer	Tieden
Junkins	Nolting	Ramsey	Van Gilst

Nays, 30:

Bergman	Glenn	Merritt	Scott
Briles	Gluba	Norpel	Shaff
Burroughs	Griffin	Plymat	Shaw
Carr	Hansen	Rabedeaux	Sovern
Culver	Hultman	Robinson	Taylor
Curtis	Kelly	Rodgers	Willits
Doderer	Kinley	Schwengels	Winkelman
Gallagher	Lamborn		

Absent or not voting, 9:

Andersen	Hill of Polk	Murray	Nystrom
Coleman	Miller of	Nolin	Priebe
Heying	Des Moines		

Amendment S—5607 to amendment S—5536 lost.

Senator Ramsey offered amendment S—5615 to amendment S—5536 filed by Senators Ramsey, et al.:

S—5615

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as follows:

Division S—5615A

- 3 1. Page 2, line 28, by striking the word "two"
- 4 and inserting in lieu thereof the word "one".
- 5 2. Page 2, line 30, by inserting after the word
- 6 "court," the words "one by the attorney general,"

Division S—5615B

- 7 3. Page 2, line 49, by inserting after the word
 8 "for" the words "male or".

Senator Gluba called for a division of the amendment, sections 1 and 2 to be considered as division S—5615A; section 3 to be considered as division S—5615B.

On motion of Senator Ramsey, division S—5615B of the amendment to amendment S—5536 was adopted.

Senator Sovern took the chair at 5:15 p.m.

Senator Ramsey moved the adoption of division S—5615A of the amendment to amendment S—5536 and requested a record roll call.

President Neu took the chair at 5:25 p.m.

On the question "Shall division S—5615A of the amendment to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 20:

Bergman	Kelly	Plymat	Shaff
Briles	Lamborn	Rabedeaux	Shaw
Burroughs	Miller of	Ramsey	Taylor
Curtis	Marshall	Redmond	Tieden
Hill of Jasper	Nolting	Schwengels	Winkelman
Hultman			

Nays, 20:

Carr	Gluba	Miller of	Rodgers
Culver	Hansen	Des Moines	Scott
DeKoster	Junkins	Norpel	Sovern
Doderer	Kinley	Orr	Van Gilst
Gallagher	Merritt	Palmer	Willits
Glenn			

Absent or not voting, 10:

Andersen	Heying	Nolin	Priebe
Coleman	Hill of Polk	Nystrom	Robinson
Griffin	Murray		

Division S—5615A of the amendment to amendment S—5536 lost.

Senator Gluba offered amendment S—5556 to amendment S—5536 filed by him and moved its adoption:

S—5556

- 1 Amend the committee on appropriations amendment
- 2 S—5536, to House File 1539 as amended and passed by
- 3 the House as follows:
- 4 1. Page 2, line 31, by inserting after the

- 5 word "council." the words "These appointments shall
6 be made within thirty days after the effective date
7 of this Act."

Amendment S—5556 to amendment S—5536 was adopted.

Senator Gluba offered amendment S—5830 to amendment S—5536 and moved its adoption:

S—5830

- 1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539 as follows:
3 1. Page 2, line 50, by striking the words
4 "one or".
5 2. Page 2, line 50, by striking the word "new".

Amendment S—5830 to amendment S—5536 was adopted.

Senator Lamborn offered amendment S—5827 to amendment S—5536 and moved its adoption:

S—5827

- 1 Amend the committee on appropriations amendment,
2 S—5536, to House File 1539, as follows:
3 1. Page 3, by adding after line 23 the fol-
4 lowing:
5 "Sec. The department of social services,
6 division of community services, shall fully terminate
7 the program at the state juvenile home at Toledo not
8 later than January 1, 1978. Program alternatives shall
9 be developed at the community level and at private
10 treatment centers. The department is instructed to
11 submit to the general assembly not later than February
12 15, 1977 a plan to accomplish this change which shall
13 identify alternative programs to be utilized, a dis-
14 position plan for the Toledo campus and funding re-
15 quirements to implement the plan."

A record roll call was requested.

On the question "Shall amendment S—5827 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 22:

Bergman	Gluba	Plymat	Shaff
Briles	Griffin	Rabedaux	Shaw
Burroughs	Hansen	Ramsey	Tieden
Carr	Kelly	Robinson	Van Gilst
Curtis	Kinley	Schwengels	Winkelman
DeKoster	Lamborn		

Nays, 19:

Culver	Gallagher	Hill of Jasper	Junkins
Doderer	Glenn	Hultman	Merritt

Miller of
Des Moines
Miller of
Marshall

Nolting
Norpel
Orr

Palmer
Rodgers
Scott

Sovern
Taylor
Willits

Absent or not voting, 9:

Andersen
Coleman
Heying

Hill of Polk
Murray

Nolin
Nystrom

Priebe
Redmond

Amendment S—5827 to amendment S—5536 was adopted.

Senator Gluba offered amendment S—5829 to amendment S—5536 by Senators Gluba and Carr and moved its adoption:

S—5829

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as follows:
- 3 1. Page 3, by adding after line 23 the fol-
- 4 lowing:
- 5 "Sec. The department of social services,
- 6 division of adult corrections, shall submit to the
- 7 General Assembly no later than January 1, 1978 a plan
- 8 for phasing out and eliminating the use of the state
- 9 penitentiary at Fort Madison and substituting there-
- 10 for a number of medium security correctional facili-
- 11 ties not to exceed a residential capacity of two hun-
- 12 dred fifty inmates to be located in various locations
- 13 throughout the state."

A record roll call was requested.

On the question "Shall amendment S—5829 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Ayes, 6:

Carr
Culver

Doderer
Gluba

Merritt

Miller of
Des Moines

Nays, 35:

Bergman
Briles
Burroughs
Curtis
DeKoster
Glenn
Griffin
Hansen
Hill of Jasper

Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Miller of
Marshall
Nolting

Norpel
Orr
Palmer
Plymat
Rabedeaux
Ramsey
Robinson
Rodgers
Schwengels

Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Absent or not voting, 9:

Andersen
Coleman
Gallagher

Heying
Murray

Nolin
Nystrom

Priebe
Redmond

Amendment S—5829 to amendment S—5536 lost.

Senator Gluba offered amendment S—5555 to amendment

S—5536 filed by Senators Gluba and Priebe and moved its adoption:

S—5555

- 1 Amend the committee on appropriations amendment
- 2 S—5536 to House File 1539 as amended and passed by
- 3 the House, page 3, by striking lines 24 through 29
- 4 and inserting in lieu thereof the following:
- 5 "Sec. 5. This Act, being deemed of immediate im-
- 6 portance, shall take effect and be in force from and
- 7 after its publication in The Bancroft Register, a
- 8 newspaper published in Bancroft, Iowa, and in the
- 9 Quad-City Times, a newspaper published in Davenport
- 10 Iowa."

The Chair requested a non-record roll call.

The ayes were 11, nays 30.

Amendment S—5555 to amendment S—5536 lost.

Senator Gluba offered amendment S—5842 to amendment S—5536 by Senators Gluba and Lamborn, moved its adoption and requested a record roll call:

S—5842

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as amended and passed by
- 3 the House as follows:
- 4 1. Page 1, by inserting after line 48 the
- 5 following new section:
- 6 "Sec. Within six months of the establishment
- 7 of any residential half-way house or pre-institutional
- 8 residential facility pursuant to subsection 1 of section
- 9 1 of this Act, the division of adult corrections shall,
- 10 if at all practicable, contract with the community-
- 11 based correctional program as defined in section two
- 12 hundred seventeen point twenty-four (217.24) of the
- 13 Code, in the judicial district where established, for
- 14 the control and operation of that house or facility."
- 15 2. By renumbering the sections as necessary.

On the question "Shall amendment S—5842 to amendment S—5536 be adopted?" (H.F. 1539) the vote was:

Ayes, 35:

Bergman	Hansen	Miller of	Schwengels
Briles	Hill of Polk	Marshall	Scott
Burroughs	Hultman	Nolting	Shaff
Carr	Junkins	Orr	Shaw
Curtis	Kelly	Palmer	Sovern
DeKoster	Kinley	Plymat	Taylor
Doderer	Lamborn	Rabedaux	Tieden
Glenn	Miller of	Robinson	Willits
Gluba	Des Moines	Rodgers	Winkelman
Griffin			

Nays, 6:

Culver	Merritt	Ramsey	Van Gilst
Hill of Jasper	Norpel		

Absent or not voting, 9:

Andersen	Heying	Nolin	Priebe
Coleman	Murray	Nystrom	Redmond
Gallagher			

Amendment S—5842 to amendment S—5536 was adopted.

Senator Lamborn asked and received unanimous consent to withdraw amendment S—5832 to amendment S—5536 by Senator Murray:

S—5832

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as amended and passed by
- 3 the House as follows:
- 4 1. Page 1, by inserting after line 48 the
- 5 following new section:
- 6 "Sec. Within six months of the establishment
- 7 of any residential halfway house or pre-institutional
- 8 residential facility pursuant to subsection 1 of Section
- 9 1 of this Act, the division of adult corrections shall
- 10 contract with the community-based correctional program
- 11 as defined in section two hundred seventeen point
- 12 twenty-four (217.24) of the Code, in the judicial
- 13 district where established, for the control and
- 14 operation of that house or facility."
- 15 2. By renumbering the sections as necessary.

Senator Hill of Polk offered amendment S—5845 to amendment S—5536 and moved its adoption:

S—5845

- 1 Amend the committee on appropriations amendment,
- 2 S—5536, to House File 1539 as follows:
- 3 1. Page 3, by striking lines 24 through 29.

Amendment S—5845 to amendment S—5536 was adopted.

On motion of Senator Palmer, amendment S—5536 as amended was adopted.

Senator Palmer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1539) the vote was:

Ayes, 30:

Bergman	Culver	Gluba	Junkins
Briles	Curtis	Griffin	Kelly
Burroughs	DeKoster	Hansen	Kinley
Carr	Glenn	Hultman	Lamborn

Miller of
Marshall
Orr
Palmer

Plymat
Rabedaux
Ramsey
Robinson

Rodgers
Schwengels
Shaff
Shaw

Sovern
Van Gilst
Winkelman

Nays, 11:

Doderer
Hill of Jasper
Hill of Polk

Merritt
Miller of
Des Moines

Nolting
Norpel
Scott

Taylor
Tieden
Willits

Absent or not voting, 9:

Andersen
Coleman
Gallagher

Heying
Murray

Nolin
Nystrom

Priebe
Redmond

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1539 passed the Senate on May 18, 1976.

JOAN ORR

MR. PRESIDENT: I move to reconsider the vote by which House File 1539 passed the Senate on May 18, 1976.

WILLIAM D. PALMER

MR. PRESIDENT: I move to reconsider the vote by which House File 1539 passed the Senate on May 18, 1976.

LOUIS P. CULVER

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1449 Judiciary

H. F. 1491 Commerce

H. F. 1576 Ways and means

H. F. 1581 Education

H.C.R. 139 Appropriations

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1192

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1192, a bill for an Act relating to and making an appro-

priation for the administration of the Iowa law enforcement academy, respectfully make the following report:

1. That the House amendment, S—5498, to Senate File 1192 be amended as follows:

1. Line 9, by inserting after the word "institutions" the words "offering a two-year program in law enforcement".

On the Part of the Senate:
RICHARD J. NORPEL, SR.,
Chairperson
IRVIN L. BERGMAN
ROBERT M. CARR
C. JOSEPH COLEMAN
WILLARD R. HANSEN

On the Part of the House:
B. JOSEPH RINAS,
Chairperson
GLEN E. BORTELL
DIANE BRANDT
ROBERT A. KRAUSE
LESTER D. MENKE

COMMUNICATION FROM THE SECRETARY OF STATE

May 18, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1011, was published in The Hawk Eye, Burlington, Iowa, on May 14, 1976, and in the Muscatine Journal, Muscatine, Iowa, on May 14, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of May, 1976: Senate Files 194, 205 and 1190.

STEVEN C. CROSS
Secretary of the Senate

REPORTS OF COMMITTEES

Senator Gallagher submitted the following report:

MR. PRESIDENT: Your committee on energy to which was referred House File 1371, a bill for an act relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979, begs leave to report it has had the same under consideration and recommends the same do pass.

JAMES V. GALLAGHER, Chairperson

Ordered passed on file.

Senator Coleman submitted the following reports:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1480**, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1502**, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1508**, a bill for an act relating to the registration of mobile homes, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 909**, a bill for an act relating to the platting of land, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1200**, a bill for an act relating to the assessment date, collection period, and delinquency dates of property taxes, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5846

1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:

3 1. Page 1, by striking line 4 through page 33,
4 line 18 and inserting in lieu thereof the follow-
5 ing:

6 **"Section 1. NEW SECTION. STATEMENT OF LEGISLATIVE**
7 **INTENT.** It is the intent of the general assembly
8 of the state of Iowa to encourage rational land use
9 development that will result in the preservation of
10 agricultural land and its development for production
11 of food and other agricultural products and in the
12 orderly and well-planned growth of urban areas. It
13 is the purpose of this Act to make available through
14 dissemination of information and educational programs
15 a means by which agricultural land may be enhanced
16 as a viable segment of the state's economy and as
17 an economic and environmental resource of major
18 importance. It is further the intent of the general
19 assembly that the importance of the environment
20 of this state for the public health, safety, and
21 **general welfare be emphasized and encouraged for the**
22 **benefit of present and future generations.**

23 **Sec. 2. NEW SECTION. STATEMENT OF LEGISLATIVE**
24 **POLICY.** The control of land use should rest primarily
25 with the private owner of land resources. In order
26 to assure this control, the general assembly intends
27 **to place emphasis on local citizen participation**
28 **in the development of land use goals and objectives,**
29 **and local educational programs to disseminate its**
30 **benefits.**

31 **Sec. 3. NEW SECTION. DEFINITIONS.** As used in
32 this Act unless the context otherwise requires:

33 1. 'Commission' means the state land use
34 commission.

35 2. 'Director' means the director of the state
36 land use commission.

37 3. 'Land use' means the spatial distribution of
38 activity patterns, including residential, agricul-
39 tural, industrial, commercial and recreational uses.

40 4. 'Critical area' means a geographic area where
41 substantial evidence indicates that uncontrolled or
42 incompatible development would result in damage to
43 the environment and would conflict with land use
44 policy. A critical area shall be an area of
45 significant historical, natural, environmental or
46 recreational resources.

47 **Sec. 4. NEW SECTION. COMMISSION CREATED.** There
48 **is created a state land use commission consisting**
49 **of the chairman of the state soil conservation**
50 **committee and twelve other voting members appointed**

Page 2

1 by the governor and confirmed by the senate. Of the

2 appointive members, two shall be appointed from each
3 congressional district and no more than six of the
4 twelve members shall be members of the same political
5 party.

6 The commission shall organize annually by the
7 election of a chairperson and a vice chairperson from
8 its membership. Meetings may be called by the chair-
9 person at any time and shall be called as soon as
10 possible upon the request of a majority of the members.
11 The presence of seven members shall constitute a
12 quorum and the concurrence of a quorum shall be
13 required to determine any matter relating to its
14 official duties.

15 Each member of the commission, not otherwise in
16 the full-time employment of a public agency, is
17 entitled to receive the sum of forty dollars for each
18 day while engaged in the discharge of official duties.
19 Each member shall also receive reimbursement for
20 travel and other necessary expenses incurred in the
21 performance of official duties.

22 Of the members initially appointed, three shall
23 be appointed to terms of one year, three shall be
24 appointed to terms of two years, three shall be ap-
25 pointed to terms of three years, and three shall be
26 appointed to term of four years. Thereafter all
27 members shall be appointed to terms of four years.

28 Sec. 5. *NEW SECTIONS. DUTIES OF THE COMMISSION.*
29 The commission shall:

30 1. Develop and recommend to the general assembly
31 for adoption by January 15, 1978, a comprehensive
32 land use policy and policy guidelines.

33 2. Issue siting permits for the acquisition or
34 change of use of land by state agencies and political
35 subdivisions.

36 3. Institute educational programs on land use
37 through the extension services of Iowa state univer-
38 sity of science and technology and other public and
39 private educational institutions or organizations.

40 4. Provide for the preparation and revision of
41 an inventory of the state's land and natural resources.
42 The inventory shall designate the critical areas in
43 the state.

44 5. Make a study of state and federal laws as they
45 apply to land use decision-making and development
46 in this state.

47 6. Authorize the application for, receipt, and
48 expenditure of any private or public funds for the
49 purpose of carrying out the provisions of this Act.

50 7. Make a concise annual report to the governor

Page 3

1 and the general assembly conforming to the provisions
2 of chapter seventeen (17) of the Code.

3 8. Approve a budget for the commission relating
4 to its powers and duties under this Act.

5 9. Approve all contracts and agreements between
6 the commission and other public or private persons
7 or agencies relating to its powers and duties under
8 this Act. In the event that outside consultation
9 is deemed necessary, the commission may approve a
10 contract for the services of and consultation with
11 professional persons, not otherwise available through
12 federal, state, and local government, as may be
13 necessary to carry out the provisions of this Act.

14 10. Appoint a director who shall have extensive
15 experience in land use planning as well as administra-
16 tive ability.

17 11. Obtain an adequate public employees fidelity
18 bond to cover those employees of the commission ac-
19 countable for property or funds of this state under
20 this Act.

21 12. Adopt, amend, or repeal internal rules for
22 the effective administration of this Act.

23 13. Provide that, prior to the recommendation
24 to the general assembly of the state land use policy
25 and policy guidelines, the commission has:

26 a. Provided citizens with adequate information
27 regarding the extent of land use planning and regula-
28 tion by this state, other states and the federal
29 government and other information important to stimulate
30 public interest in land use policy determination.

31 b. Held public hearings inviting citizen participa-
32 tion.

33 **Sec. 6. NEW SECTION. PROCEEDINGS AND APPEALS.**

34 Appeals of any decisions or actions taken and the
35 rules promulgated by the commission shall be under-
36 taken pursuant to chapter seventeen A (17A) of the
37 Code.

38 **Sec. 7. NEW SECTION. POWERS AND DUTIES OF THE**
39 **DIRECTOR.** In addition to other powers and duties
40 provided by law, the director shall:

41 1. Recommend to the commission the adoption of
42 internal rules that are necessary for the effective
43 administration of the commission under this Act.

44 2. Establish or reorganize, with approval of the
45 commission, the administrative structure of the
46 commission's staff.

47 3. Prepare, pursuant to chapter eight (8) of the
48 Code, a budget for the commission relating to its
49 duties under this Act.

50 4. Perform other duties assigned by the commis-

Page 4

1 sion.

2 5. Appoint, with the approval of the commission,
3 the technical, professional, secretarial, and clerical
4 staff deemed necessary to accomplish the purposes
5 of this Act, subject to the provisions of chapter
6 nineteen A (19A) of the Code.

7 The director may appoint a member of his staff

8 to be acting director in his absence. Such acting
9 director shall have the powers delegated to him by
10 the director.

11 The director and other employees of the commis-
12 sion shall receive, in addition to a salary, their
13 necessary traveling and related expenses when en-
14 gaged in the performance of their official duties.

15 Sec. 8. *NEW SECTION. SITING PERMITS. A state*
16 *agency or political subdivision of the state shall*
17 *not acquire land or change the use of land owned by*
18 *it without obtaining a siting permit from the*
19 *commission. The commission may reject, approve or*
20 *approve subject to conditions the application for*
21 *the permit based upon the compliance of the proposed*
22 *activity with the state land use policy and policy*
23 *guidelines."*

24 2. Page 33, by striking lines 21 through 25 and
25 inserting in lieu thereof the following:

26 "An Act to provide for a state land use policy,
27 creating a state land use commission, and to provide
28 for the powers and duties of the state land use com-
29 mission."

RAY TAYLOR

S—5817

1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:

3 1. Page 2, by striking lines 36 and 37 and
4 inserting in lieu thereof the following:

5 "9. 'County commission' means any county land
6 use policy commission and for the purposes of section
7 sixteen (16), subsection twelve (12), and section
8 twenty-four (24) of this Act means a county board
9 of supervisors in those counties which have not
10 established a county land use policy commission."

11 2. Page 15, by striking lines 6 and 7 and
12 inserting in lieu thereof the following:

13 "COMMISSION. The board of supervisors of each
14 county of the state may establish a county land use
15 policy commission. The".

16 3. Page 19, line 10, by inserting after the words
17 "use policy guidelines" the words "in those counties
18 where a county commission has been established,".

19 4. Page 19, line 21, by inserting after the word
20 "commission" the words "in those counties where a
21 county commission has been established".

22 5. Page 19, line 30, by inserting after the word
23 "guidelines" the words "in those counties where a
24 county commission has been established,".

25 6. Page 19, lines 33 and 34, by inserting after
26 the words "county commission" the words "in those
27 counties where a county commission has been
28 established".

WILLIAM P. WINKELMAN
RAY TAYLOR
C. JOSEPH COLEMAN

S—5844

- 1 Amend Senate amendment S—5588 to Senate File 1313
- 2 as follows:
- 3 1. Page 3, by inserting after line 33 the fol-
- 4 lowing:
- 5 **"Sec. NEW SECTION. CITIZEN PARTICIPATION.**
- 6 Prior to any public hearing required by this Act held
- 7 by the county commission or state commission for the
- 8 development of the state land use policy and policy
- 9 guidelines or county land use policy guidelines, the
- 10 commission conducting the hearing shall encourage
- 11 broad based citizen participation in the hearing
- 12 and during the public hearing the commission con-
- 13 ducting the hearing shall provide citizens with
- 14 adequate information regarding the extent of land
- 15 use planning and regulation exercised by this state,
- 16 other states, and the federal government and any
- 17 other information important to stimulate public
- 18 awareness of land use planning and policy determina-
- 19 tion. The commission conducting the hearing shall
- 20 keep an accurate record of citizen comments and
- 21 suggestions as they relate to land use policy
- 22 determinations."
- 23 2. By renumbering the sections and correcting
- 24 the cross references to conform with this amendment.

STEVE SOVERN

S—5843

- 1 Amend Senate amendment S—5588, to Senate File
- 2 1313 as follows:
- 3 1. Page 17, line 34, by inserting after the word
- 4 "necessary." the words "The county commission shall
- 5 use the services of the personnel of the soil con-
- 6 servation district to the extent the number of per-
- 7 sonnel, their time, and the district's resources
- 8 permit."

STEVE SOVERN

S—5818

- 1 Amend Senate File 1335 as follows:
- 2 1. Page 2, by adding after line 20 the following:
- 3 "d. Labor relations division
- 4 For salary, support, maintenance and
- 5 miscellaneous purposes \$65,583".

ELIZABETH SHAW

S—5837

- 1 Amend House File 1550 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 28 through 33 and
- 4 inserting in lieu thereof the words "and patterns."

WARREN E. CURTIS

S—5841

- 1 Amend House File 1550 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2 by striking lines 10 and 11 and in-
- 4 serting in lieu thereof the following: "power in
- 5 Iowa. Those criteria shall be designated".

JAMES W. GRIFFIN, SR.

S—5838

- 1 Amend House File 1550 as amended, passed and re-
- 2 printed by the House, page 2, line 11, by striking
- 3 the word "shall" and inserting in lieu thereof the
- 4 word "may".

BERL E. PRIEBE

S—5834

- 1 Amend House File 1550 as amended, passed and re-
- 2 printed by the House, page 2, line 11, by striking
- 3 the word "designated" and inserting in lieu thereof
- 4 the word "designed".

BERL E. PRIEBE

S—5838

- 1 Amend House File 1550 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 13, by inserting after the
- 4 word "any" the word "major".

W. R. RABEDEAUX

S—5840

- 1 Amend House File 1550 as amended and passed
- 2 by the House and reprinted, as follows:
- 3 1. Page 2 by striking line 19 and inserting
- 4 in lieu thereof the following:
- 5 "c. When deemed appropriate by the Commission,
- 6 discourage the use of electric power during periods".

W. R. RABEDEAUX

S—5835

- 1 Amend House File 1550 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, by striking lines 19 through 23.
- 4 2. Page 2, by relettering the remaining subsec-
- 5 tions.

BERL E. PRIEBE

S—5839

- 1 Amend House File 1550 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 22 and 23 and
- 4 inserting in lieu thereof the word "facilities".

W. R. RABEDEAUX

S—5836

- 1 Amend House File 1550 as amended, passed, and

2 reprinted by the House as follows:

3 1. Page 2, by striking lines 27 and 28.

WARREN E. CURTIS

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:45 p.m., until 8:30 a.m., Wednesday, May 19, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-NINTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MAY 19, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Roy Zerbe, pastor of the Holy Cross Lutheran Church, Davenport, Iowa.

The Journal of Tuesday, May 18, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William A. Castles, Dallas Center, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rodgers for the day on request of Senator Kinley; Senator Murray for the day on request of Senator Briles.

PRESENTATION OF VISITORS

President Neu welcomed the Honorable Vera Shivvers, former member of the Senate from Marion County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty students from C and M Junior-Senior High School, Masena, Iowa, accompanied by Mike Ashton and Jean Martin. Senator Briles.

Twenty-one students from Diagonal Elementary School, Diagonal, Iowa, accompanied by Louise Kessler. Senator Ramsey.

Seventy-eight students from Holy Family School, Davenport, Iowa, accompanied by Father Spiekenmeir, Father Welch, Steve Keen and Susan Hasap. Senator Gluba.

Thirty students from Mingo Junior-Senior High School, Mingo, Iowa, accompanied by Bob Best. Senator Miller of Marshall.

Twenty-eight students from Defiance-Westphalia School, Defiance, Iowa, accompanied by Sister Amelia and the Reverend Don Bruck. Senator Nolin.

Twenty-five students from Prescott Elementary School, Prescott, Iowa, accompanied by Mrs. McKee. Senator Briles.

Thirty-four students from St. Bernard High School, Breda, Iowa, accompanied by Sister Marian and Sister Rita. Senator Winkelman.

Thirty students from Ventura Elementary School, Ventura, Iowa, accompanied by John Bowker. Senator Scott.

PETITIONS

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Twenty-one residents of Boone, Polk, and Story Counties.

Sixty-five residents of Decatur County.

Forty-nine residents of Johnson County.

Sixteen residents of O'Brien County.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Carr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mildred I. Freel of Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Nursing under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
JAMES E. BRILES
LUCAS J. DeKOSTER
MINNETTE DODERER
BERL E. PRIEBE

The motion prevailed and the report was adopted.

Senator Carr moved the appointment of Mildred I. Freel as a

member of the State Board of Nursing be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 39:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Briles	Hill of Polk	Norpel	Shaff
Burroughs	Hultman	Nystrom	Shaw
Carr	Junkins	Palmer	Sovern
Coleman	Kelly	Plymat	Taylor
Culver	Kinley	Priebe	Tieden
Curtis	Merritt	Rabedaux	Van Gilst
DeKoster	Miller of	Redmond	Willits
Doderer	Des Moines	Robinson	Winkelman
Glenn			

Nays, none.

Absent or not voting, 11:

Gallagher	Hill of Jasper	Nolin	Ramsey
Gluba	Lamborn	Nolting	Rodgers
Heying	Murray	Orr	

President Neu declared the appointment of Mildred I. Freel as a member of the State Board of Nursing confirmed for an initial term ending June 30, 1976.

Senator Rabedaux called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Nancy Seiberling, of North Liberty, Johnson County, Iowa, for appointment as a public member of the State Board of Landscape Architectural Examiners, pursuant to Section 118A.3, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

W. R. RABEDAUX, Chairperson
 GENE W. GLENN
 E. KEVIN KELLY
 BERL E. PRIEBE
 JAMES M. REDMOND

The motion prevailed and the report was adopted.

Senator Rabedaux moved the appointment of Nancy Seiberling as a member of the State Board of Landscape Architectural Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Glenn	Miller of	Redmond
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Nolting	Scott
Burroughs	Hill of Polk	Norpel	Shaff
Carr	Junkins	Nystrom	Shaw
Coleman	Kelly	Orr	Taylor
Culver	Kinley	Palmer	Tieden
Curtis	Lamborn	Plymat	Van Gilst
DeKoster	Merritt	Priebe	Willits
Doderer	Miller of	Rabedeaux	Winkelman
Gallagher	Des Moines		

Nays, none.

Absent or not voting, 10:

Gluba	Hultman	Ramsey	Rodgers
Heying	Murray	Robinson	Sovern
Hill of Jasper	Nolin		

President Neu declared the appointment of Nancy Seiberling as a member of the State Board of Landscape Architectural Examiners confirmed for an initial term ending June 30, 1978.

Senator Carr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ira M. Deal of Mount Pleasant, Henry County, Iowa, for appointment as a member of State Board of Optometry Examiners under the provisions of Section 147.12, Code 1975, for an initial term beginning July 1, 1975, and ending June 30, 1978, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
LEONARD C. ANDERSEN
JAMES E. BRILES
LOUIS P. CULVER
CHARLES P. MILLER

The motion prevailed and the report was adopted.

Senator Carr moved the appointment of Ira M. Deal, as a member of the State Board of Optometry Examiners **be confirmed by the Senate.**

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Coleman	Glenn	Junkins
Bergman	Culver	Griffin	Kelly
Briles	Curtis	Hansen	Kinley
Burroughs	DeKoster	Hill of Polk	Lamborn
Carr	Doderer	Hultman	Merritt

Miller of	Palmer	Redmond	Taylor
Marshall	Plymat	Schwengels	Van Gilst
Nolting	Priebe	Scott	Willits
Norpel	Rabedeaux	Shaff	Winkelman
Nystrom	Ramsey	Shaw	

Nays, none.

Absent or not voting, 12:

Gallagher	Miller of	Nolin	Rodgers
Gluba	Des Moines	Orr	Sovern
Heying	Murray	Robinson	Tieden
Hill of Jasper			

President Neu declared the appointment of Ira M. Deal as a member of the State Board of Optometry Examiners confirmed for an initial term ending June 30, 1978.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

HOUSE AMENDMENTS CONSIDERED

Senate File 1111

Senator Hultman called up for consideration Senate File 1111, a bill for an act relating to who may form a professional corporation, amended by the House, and moved that the Senate concur in the following amendment:

S—5822

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "dentistry," the words "*physical therapy*,".

The motion prevailed and the Senate concurred in House amendment S—5822.

Senator Hultman moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1111) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Polk	Nolting	Scott
Burroughs	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, none.

Absent or not voting, 7:

Carr
Heying

Hill of Jasper
Murray

Nolin
Norpel

Rodgers

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

Senate File 1145

Senator Norpel called up for consideration Senate File 1145, a bill for an act relating to the issuance of cards and licenses by the state department of transportation and providing penalties, amended by the House, and moved that the Senate concur in the following amendment:

S—5823

- 1 Amend Senate File 1145, as passed by the
- 2 Senate and reprinted, as follows:
- 3 1. Page 3, line 13, by inserting after the
- 4 period the following:
- 5 *"The number of places where licenses are*
- 6 *available shall not be reduced because of*
- 7 *procedures or equipment required in placing*
- 8 *colored photographs on licenses or permits."*
- 9 2. Page 3, line 16, by inserting after the
- 10 word "Act" the words *"and a space shall be*
- 11 *provided where the licensee may affix a symbol*
- 12 *indicating the presence of a medical condition"*.
- 13 3. Page 3, by striking lines 31 through 35.
- 14 4. Page 4, by striking lines 1 through 5.
- 15 5. Page 4, lines 25 and 26, by striking
- 16 the word and numeral "eight (8)" and inserting
- 17 in lieu thereof the word and numeral "seven (7)".
- 18 6. Page 4, lines 30 and 31, by striking the
- 19 following: "increased fee prescribed in section
- 20 six (6) of this Act" and inserting in lieu
- 21 thereof the following: "fee prescribed in section
- 22 three hundred twenty-one point one hundred
- 23 ninety-one (321.191) of the Code".
- 24 7. Page 4, line 33, by striking "1976.1" and
- 25 inserting in lieu thereof "1976."

The motion prevailed and the Senate concurred in House amendment S—5823.

President pro tempore Doderer took the chair at 10:32 a.m.

Senator Norpel moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1145) the vote was:

Ayes, 37:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hansen	Marshall	Scott
Briles	Hill of Jasper	Norpel	Shaw
Burroughs	Hill of Polk	Nystrom	Sovern
Coleman	Junkins	Orr	Taylor
Culver	Kelly	Palmer	Tieden
Curtis	Kinley	Plymat	Van Gilst
Doderer	Lamborn	Priebe	Willits
Glenn	Merritt	Rabedeaux	Winkelman
Gluba		Redmond	

Nays, 7:

Carr	Miller of	Nolting	Shaff
DeKoster	Des Moines	Robinson	
Gallagher			

Absent or not voting, 6:

Heying	Murray	Ramsey	Rodgers
Hultman	Nolin		

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

Senate File 1244

Senator Briles called up for consideration Senate File 1244, a bill for an act authorizing the board of supervisors to establish and govern certain service districts, amended by the House, and moved that the Senate concur in the following amendment:

S—5821

- 1 Amend Senate File 1244 as follows:
- 2 1. By striking line 1, on page 1 and inserting
- 3 in lieu thereof the following:
- 4 "Section 1. Section three hundred thirty-two
- 5 point three".

The motion prevailed and the Senate concurred in the House amendment S—5821.

Senator Briles moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1244) the vote was:

Ayes, 44:

Andersen	DeKoster	Junkins	Miller of
Bergman	Doderer	Kelly	Marshall
Briles	Gallagher	Kinley	Nolting
Burroughs	Glenn	Lamborn	Norpel
Carr	Gluba	Merritt	Nystrom
Coleman	Griffin	Miller of	Orr
Culver	Hansen	Des Moines	Palmer
Curtis	Hultman		Plymat

Priebe
Rabedeaux
Ramsey
Redmond

Robinson
Schwengels
Scott
Shaff

Shaw
Sovern
Taylor
Tieden

Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Heying
Hill of Jasper

Hill of Polk
Murray

Nolin

Rodgers

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

Senate File 1269

Senator Ramsey called up for consideration Senate File 1269, a bill for an act to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel Consolidated School District to sell and convey, or lease, or otherwise dispose of certain real estate, amended by the House, and moved that the Senate concur in the following amendment:

S—5812

1 Amend Senate File 1269 as follows:

2 1. Page 2, by striking lines 5 through 10 and
3 inserting in lieu thereof the words "part of the
4 proposition, such lot being 40 feet off the South
5 side of Lots 11 and 47 of the Official Plat of the
6 North $\frac{3}{4}$ of Section 22, Township 79, Range 24, also
7 commencing at the Northeast corner of said Lot 11
8 and running thence South 98.8 feet, thence West 440.89
9 feet, thence North 98.8 ft. to the North line of said
10 Lot 11, thence East 440.89 ft. to Place of beginning;
11 and".

12 2. Page 2, line 16, by striking the words "for
13 said Lot Eleven (11)".

14 3. Page 2, by striking lines 18 through 21 and
15 inserting in lieu thereof the words "but it appears
16 that the 40 feet off the South side of Lots 11 and
17 47 of the Official Plat of the North $\frac{3}{4}$ of Section
18 22, Township 79, Range 24, also commencing at the
19 Northeast corner of said Lot 11 and running thence
20 South 98.8 ft., thence West 440.89 feet, thence North
21 98.8 ft. to the North line of said Lot 11, thence
22 East 440.89 ft. to Place of beginning, is part of
23 the property owned by the Saydel Consolidated".

24 4. Page 3, by striking lines 4 through 8 and
25 inserting in lieu thereof the following: "40 feet
26 off the South side of Lots 11 and 47 of the Official
27 Plat of the North $\frac{3}{4}$ of Section 22, Township 79,
28 Range 24, also commencing at the Northeast corner
29 of said Lot 11 and running thence South 98.8 ft.,
30 thence West 440.89 feet, thence North 98.8 ft. to

31 the North line of said Lot 11, thence East 440.89
32 ft. to Place of beginning".

The motion prevailed and the Senate concurred in House amendment S—5812.

Senator Ramsey moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1269) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Palmer	Sovern
Curtis	Kelly	Plymat	Taylor
DeKoster	Kinley	Priebe	Tieden
Doderer	Lamborn	Rabedeaux	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 6:

Briles	Murray	Orr	Rodgers
Heying	Nolin		

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

Senate File 1304

Senator Robinson called up for consideration Senate File 1304, a bill for an act relating to the administration of workmen's compensation claims of state employees, amended by the House, and moved that the Senate concur in the following amendment:

S—5814

- 1 Amend Senate File 1304, page 1, by striking
- 2 lines 17 through 24.

The motion prevailed and the Senate concurred in House amendment S—5814.

Senator Robinson moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1304) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Des Moines	Redmond	Winkelman

Nays, 1:

Rabedeaux

Absent or not voting, 7:

Briles	Heying	Murray	Rodgers
Coleman	Hultman	Nolin	

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED**House File 1478**

Senator Curtis called up for consideration House File 1478, a bill for an act regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals, amended by the Senate, and further amended by the House, and moved that the Senate concur in the following House amendment to the Senate amendment:

S—5810

- 1 Amend the Senate amendment, H—6657, to House
- 2 File 1478 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, by striking lines 3 through 12.
- 5 2. Page 2, by striking lines 37 and 38.
- 6 3. Page 2, by striking lines 44 through 50,
- 7 and page 3, by striking lines 1 through 13.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment S—5810.

Senator Curtis moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1478) the vote was:

Ayes, 43:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Miller of	Rabedaux	Van Gilst
Glenn	Des Moines	Ramsey	Willits
Gluba			

Nays, 3:

Gallagher	Merritt	Winkelman
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Absent or not voting, 4:

Heying	Murray	Nolin	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 1192

Senator Norpel called up the following report of the conference committee on Senate File 1192 and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1192

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1192, a bill for an Act relating to and making an appropriation for the administration of the Iowa law enforcement academy, respectfully make the following report:

1. That the House amendment, S—5498, to Senate File 1192 be amended as follows:

1. Line 9, by inserting after the word "institutions" the words "offering a two-year program in law enforcement".

On the Part of the Senate:

RICHARD J. NORPEL, SR.,
Chairperson
IRVIN L. BERGMAN
ROBERT M. CARR
C. JOSEPH COLEMAN
WILLARD R. HANSEN

On the Part of the House:

B. JOSEPH RINAS,
Chairperson
GLEN E. BORTELL
DIANE BRANDT
ROBERT A. KRAUSE
LESTER D. MENKE

The motion prevailed and the conference committee report and the amendment contained therein were adopted.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1192) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Nolting	Scott
Burroughs	Hill of Polk	Norpel	Shaff
Carr	Hultman	Nystrom	Shaw
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines		

Nays, none.

Absent or not voting, 6:

Heying	Murray	Robinson	Rodgers
Hill of Jasper	Nolin		

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

Senator Kinley asked and received unanimous consent that **Senate File 1192** be **immediately messaged** to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1503.

House File 1503

On motion of Senator Sovern, House File 1503, a bill for an act relating to the practice of nursing and providing for disciplinary procedures, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk offered amendment S—5802 by the committee on human resources and moved its adoption:

S—5802

- 1 Amend House File 1503, as amended and passed by
- 2 the House, page 4, by striking lines 3 through 5 and
- 3 inserting in lieu thereof the following: "to
- 4 chapter nineteen (19) of the Code."

Amendment S—5802 was adopted.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1503) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Nolting	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines		

Nays, none.

Absent or not voting, 6:

Heying	Murray	Norpel	Rodgers
Hill of Jasper	Nolin		

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

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1325.

Senate File 1325

On motion of Senator Willits, Senate File 1325, a bill for an act relating to bonds and pledge orders issued by cities, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1325) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Nolting	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Priebe	Tieden
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Des Moines		

Nays, none.

Absent or not voting, 6:

Heying
Hill of Jasper

Murray
Nolin

Norpel

Rodgers

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

Senator Kinley asked and received unanimous consent that **Senate File 1325** be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order House File 1472.

House File 1472

On motion of Senator Sovern, House File 1472, a bill for an act to change the requirements for awarding a permanent professional teachers' certificate, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1472) the vote was:

Ayes, 44:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn

Gluba
Griffin
Hansen
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Rabedeaux
Ramsey

Redmond
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Heying
Hill of Jasper

Murray
Nolin

Robinson

Rodgers

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1490.

House File 1490

On motion of Senator Priebe, House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1490) the vote was:

Ayes, 40:

Andersen	Glenn	Nolting	Schwengels
Bergman	Gluba	Norpel	Scott
Briles	Griffin	Nystrom	Shaff
Burroughs	Hansen	Orr	Shaw
Carr	Hultman	Palmer	Sovern
Coleman	Junkins	Plymat	Taylor
Culver	Kinley	Priebe	Tieden
Curtis	Merritt	Ramsey	Van Gilst
DeKoster	Miller of	Redmond	Willits
Doderer	Marshall	Robinson	Winkelman
Gallagher			

Nays, 2:

Kelly	Miller of
	Des Moines

Absent or not voting, 8:

Heying	Hill of Polk	Murray	Rabedeaux
Hill of Jasper	Lamborn	Nolin	Rodgers

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1490 passed the Senate.

JAMES V. GALLAGHER

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1313.

Senate File 1313

On motion of Senator Priebe, Senate File 1313, a bill for an act to provide for a state land preservation policy, creating state and county land preservation commissions and specifying the

powers and duties of such commissions, was taken up for consideration.

Senator Andersen offered amendment S—5585 filed by him:

S—5585

1 Amend Senate File 1313, as follows:

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

4 "Section 1. Section three hundred fifty-eight
5 A point one (358A.1), Code 1975, is amended to read
6 as follows:

7 358A.1 WHERE APPLICABLE. The provisions of this
8 chapter shall be applicable to [any] *every* county of
9 the state [at the option of the board of supervisors
10 of any such county].

11 Sec. 2. Section three hundred fifty-eight A point
12 three (358A.3), Code 1975, is amended to read as
13 follows:

14 358A.3 POWERS. Subject to the provisions of
15 [sections 358A.1 and] *section* 358A.2, the board of
16 supervisors of [any] *every* county [is hereby empowered
17 to] *shall* regulate and restrict the height, number
18 of structures, and size of buildings and other
19 structures, the percentage of lot that may be occupied,
20 the size of wards, courts and other open spaces, the
21 density of population, and the location and use of
22 buildings, structures, and land for trade, industry,
23 residence or other purposes, and to regulate, restrict
24 and prohibit the use for residential purposes of
25 tents, trailers and portable or potentially portable
26 structures; provided that such powers shall be
27 exercised only with reference to land and structures
28 located within the county but lying outside of the
29 corporate limits of any city. The board of supervisors
30 of any county may prescribe and charge a reasonable
31 building permit fee, and upon receipt of an application
32 containing all required information, in due form and
33 properly executed, showing that the proposed structure
34 will comply with all applicable regulations of the
35 political subdivision in which it is to be located
36 and upon payment of the required permit fee, the board
37 of supervisors shall, within seven days, issue a
38 permit to the applicant."

39 2. Amend the title, line 1, by striking everything
40 after the word "Act" and all of lines 2 and 3, and
41 inserting in lieu thereof the words "to require county
42 zoning."

Senator Nolting took the chair at 11:35 a.m.

President Neu took the chair at 11:45 a.m.

(Senate File 1313 pending on recess.)

On motion of Senator Kinley, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 244, a bill for an act relating to the copying of public records.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 253, a bill for an act relating to exchange of inmates with federal bureau of prisons.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 273, a bill for an act relating to the issuance and service of a summons and notice by the juvenile court.

Also: That the House has on May 18, 1976, concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

Senate File 345, a bill for an act relating to the method used by judges of election to select and certify potential jurors.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1105, a bill for an act relating to the distribution of monthly aid to dependent children payments.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1119, a bill for an act relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

Also: That the House has on May 18, 1976, refused to concur in Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File 1191, a bill for an act providing for the financing of library services and making an appropriation to the Iowa library department.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1203, a bill for an act relating to bids for maintenance or construction of county buildings.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1233, a bill for an act making a correction to Senate File 1102.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1300, a bill for an act relating to the availability of mine maps.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1303, a bill for an act relating to the definition of a non-resident employer.

Also: That the House has on May 19, 1976, refused to concur in the Senate amendment to the House amendment to the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 584, a bill for an act relating to competition between business, commercial, or professional entities.

Also: That the House has on May 18, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1165, a bill for an act amending certain programs for elderly, handicapped and low income persons.

Also: That the House has on May 5, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1314, a bill for an act relating to the powers, duties, organization and financing of the department of transportation.

Also: That the House has on May 17, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1582, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators.

DAVID L. WRAY, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1314, a bill for an act relating to the powers, duties, organization and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation and state transportation commission, and funding the state department of transportation's share for administration of the state merit system.

Read first time and passed on file.

House File 1582, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 1336, by committee on appropriations, a bill for an

act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Read first time and placed on calendar.

Senate File 1337, by committee on appropriations, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission.

Read first time and placed on calendar.

BUSINESS PENDING

Senate File 1313

The Senate resumed consideration of Senate File 1313, and amendment S—5585.

Senator Andersen moved the adoption of amendment S—5585 and requested a record roll call.

On the question "Shall amendment S—5585 be adopted?" (S.F. 1313) the vote was:

Ayes, 15:

Andersen	Coleman	Heying	Priebe
Bergman	Culver	Hultman	Scott
Briles	Griffin	Miller of	Shaw
Burroughs	Hansen	Marshall	Tieden

Nays, 32:

Carr	Junkins	Norpel	Robinson
Curtis	Kelly	Nystrom	Schwengels
DeKoster	Kinley	Orr	Shaff
Doderer	Lamborn	Palmer	Sovern
Gallagher	Merritt	Plymat	Taylor
Glenn	Miller of	Rabedeaux	Van Gilst
Gluba	Des Moines	Ramsey	Willits
Hill of Jasper	Nolting	Redmond	Winkelman
Hill of Polk			

Absent or not voting, 3:

Murray	Nolin	Rodgers
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Amendment S—5585 lost.

Senator Heying asked unanimous consent that action on amendment S—5588 be deferred for the purpose of taking up for consideration amendment S—5675.

Objection was raised.

Senator Heying moved that action on amendment S—5588 be deferred for the purpose of taking up for consideration amendment S—5675, and requested a record roll call.

On the question "Shall the motion to defer action on amendment S—5588 and take up amendment S—5675 be adopted?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 23:

Andersen	DeKoster	Kelly	Nystrom
Bergman	Griffin	Miller of	Priebe
Briles	Hansen	Des Moines	Ramsey
Burroughs	Heying	Miller of	Schwengels
Coleman	Hill of Jasper	Marshall	Scott
Culver	Hultman	Norpel	Tieden
Curtis			

Nays, 24:

Carr	Junkins	Palmer	Shaw
Doderer	Kinley	Plymat	Sovern
Gallagher	Lamborn	Rabedeaux	Taylor
Glenn	Merritt	Redmond	Van Gilst
Gluba	Nolting	Robinson	Willits
Hill of Polk	Orr	Shaff	Winkelman

Absent or not voting, 3:

Murray	Nolin	Rodgers
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The motion lost.

Senator Sovern offered amendment S—5588 filed by Senators Sovern, et al., on April 26, 1976, and found on pages 1444-1475, inclusive, of the Senate Journal.

Senator Taylor offered amendment S—5846 to amendment S—5588 filed by him on May 13, 1976, and found on pages 2058-2061, inclusive, of the Senate Journal.

Senator Bergman took the chair at 4:11 p.m.

Senator Taylor moved the adoption of amendment S—5846 to amendment S—5588.

A record roll call was requested.

On the question "Shall amendment S—5846 to amendment S—5588 be adopted?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 20:

Andersen	Hansen	Norpel	Schwengels
Bergman	Heying	Nystrom	Scott
Burroughs	Hultman	Priebe	Taylor
Coleman	Miller of	Rabedeaux	Tieden
Culver	Marshall	Ramsey	Van Gilst
Griffin			

Nays, 23:

Carr	Jenkins	Nolting	Shaff
Curtis	Kelly	Orr	Shaw
DeKoster	Kinley	Palmer	Sovern
Gallagher	Merritt	Plymat	Willits
Glenn	Miller of	Redmond	Winkelman
Hill of Jasper	Des Moines	Robinson	
Hill of Polk			

Absent or not voting, 7:

Briles	Gluba	Murray	Rodgers
Doderer	Lamborn	Nolin	

Amendment S—5846 to amendment S—5588 lost.

Senator Shaff offered amendment S—5854 to amendment S—5588 and moved its adoption:

S—5854

- 1 Amend the amendment, S—5588, to Senate File 1313
- 2 as follows:
- 3 1. Page 1, lines 25 and 26, by striking the words
- 4 "land use policy" and inserting in lieu thereof the
- 5 words "soil conservation and land use".
- 6 2. Page 3, line 36, by striking the words
- 7 "land use policy" and inserting in lieu thereof the
- 8 words "soil conservation and land use".
- 9 3. Page 4, line 1, by inserting after the words
- 10 "of the" the word "state".
- 11 4. Page 17, line 44, by striking the words "land
- 12 use policy".
- 13 5. Page 25, line 37, by striking the words "land
- 14 use policy" and inserting in lieu thereof the words
- 15 "soil conservation and land use".
- 16 6. Page 25, line 46, by striking the words "land
- 17 use policy" and inserting in lieu thereof the words
- 18 "soil conservation and land use".
- 19 7. Page 26, line 6, by striking the words "land
- 20 use policy" and inserting in lieu thereof the words
- 21 "soil conservation and land use".
- 22 8. Page 26, line 15, by striking the words "land
- 23 use policy" and inserting in lieu thereof the words
- 24 "soil conservation and land use".
- 25 9. Page 26, line 26, by striking the words "land
- 26 use policy" and inserting in lieu thereof the words
- 27 "soil conservation and land use".
- 28 10. Page 26, line 36, by striking the words "land
- 29 use policy" and inserting in lieu thereof the words
- 30 "soil conservation and land use".
- 31 11. Page 26, line 46, by striking the words "land
- 32 use policy" and inserting in lieu thereof the words
- 33 "soil conservation and land use".
- 34 12. Page 28, line 11, by striking the words "land
- 35 use policy" and inserting in lieu thereof the words
- 36 "soil conservation and land use".
- 37 13. Page 28, line 45, by striking the words "land

38 *use policy*" and inserting in lieu thereof the words
39 *"soil conservation and land use"*.

40 14. Page 30, line 5, by striking the words "land
41 use policy" and inserting in lieu thereof the words
42 "soil conservation and land use".

43 15. Page 30, line 18, by striking the words "land
44 use policy" and inserting in lieu thereof the words
45 "soil conservation and land use".

46 16. Page 30, line 33, by striking the words "*LAND*
47 *USE POLICY*" and inserting in lieu thereof the words
48 "*SOIL CONSERVATION AND LAND USE*".

49 17. Page 30, lines 49 and 50, by striking the words
50 "land use policy" and inserting in lieu thereof the

Page 2

1 words "soil conservation and land use".

2 18. Page 32, line 21, by striking the words
3 "land use policy" and inserting in lieu thereof the
4 words "soil conservation and land use".

5 19. Page 32, lines 31 and 32, by striking the
6 words "land use policy" and inserting in lieu thereof
7 the words "soil conservation and land use".

8 20. Page 33, line 2, by striking the words "land
9 use policy" and inserting in lieu thereof the words
10 "soil conservation and land use".

11 21. Page 33, line 12, by striking the words "land
12 use policy" and inserting in lieu thereof the words
13 "soil conservation and land use".

14 22. Page 33, line 23, by striking the words "land
15 use policy" and inserting in lieu thereof the words
16 "soil conservation and land use".

Amendment S—5854 to amendment S—5588 was adopted.

Senator Hultman asked and received unanimous consent to
withdraw amendment S—5850:

S—5850

1 Amend the Sovern, et al., amendment, S—5588, to
2 Senate File 1313 as follows:

3 1. Page 2, line 17, by inserting after the word
4 "highways," the word "and".

5 2. Page 2, lines 18 and 19 by striking the words
6 "and major facilities for the development, generation
7 or transmission of energy".

Senator Winkelman offered amendment S—5817 to amendment
S—5588 filed by Senators Winkelman, Taylor and Coleman,
moved its adoption and requested a record roll call:

S—5817

1 Amend Senate amendment S—5588 to Senate File 1313
2 as follows:

3 1. Page 2, by striking lines 36 and 37 and
4 inserting in lieu thereof the following:

5 "9. 'County commission' means any county land
6 use policy commission and for the purposes of section
7 sixteen (16), subsection twelve (12), and section
8 twenty-four (24) of this Act means a county board
9 of supervisors in those counties which have not
10 established a county land use policy commission."

11 2. Page 15, by striking lines 6 and 7 and
12 inserting in lieu thereof the following:

13 "COMMISSION. The board of supervisors of each
14 county of the state may establish a county land use
15 policy commission. The".

16 3. Page 19, line 10, by inserting after the words
17 "use policy guidelines" the words "in those counties
18 where a county commission has been established,".

19 4. Page 19, line 21, by inserting after the word
20 "commission" the words "in those counties where a
21 county commission has been established".

22 5. Page 19, line 30, by inserting after the word
23 "guidelines" the words "in those counties where a
24 county commission has been established,".

25 6. Page 19, lines 33 and 34, by inserting after
26 the words "county commission" the words "in those
27 counties where a county commission has been
28 established".

On the question "Shall amendment S—5817 to amendment
S—5588 be adopted?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 19:

Andersen	Hill of Jasper	Norpel	Scott
Burroughs	Hultman	Nystrom	Taylor
Coleman	Junkins	Priebe	Tieden
Culver	Miller of	Ramsey	Winkelman
Hansen	Marshall	Schwengels	
Heying			

Nays, 24:

Bergman	Gluba	Miller of	Robinson
Carr	Hill of Polk	Des Moines	Shaff
Curtis	Kelly	Nolting	Shaw
DeKoster	Kinley	Orr	Sovern
Doderer	Lamborn	Palmer	Van Gilst
Gallagher	Merritt	Redmond	Willits
Glenn			

Absent or not voting, 7:

Briles	Murray	Plymat	Rodgers
Griffin	Nolin	Rabedeaux	

Amendment S—5817 to amendment S—5588 lost.

Senator Miller of Des Moines offered amendment S—5851 to
amendment S—5588 by Senators Miller of Des Moines and Briles,
moved its adoption and requested a record roll call:

S—5851

1 Amend Senate amendment S—5588 to Senate File 1818
2 as follows:

3 1. Page 2, by striking lines 36 and 37.

4 2. Page 5, lines 5 and 6, by striking the words
5 "of a county commission".

6 3. Page 5, line 7, by striking the words "of a
7 county commission".

8 4. Page 5, line 44, by striking the words "county
9 land use policy commission",.

10 5. Page 7, by striking lines 27 through 30.

11 6. Page 8, by striking lines 16 through 35 and
12 inserting in lieu thereof the following:

13 "20. Establish, by rule, procedures for the review
14 and approval of comprehensive plans of cities,
15 counties, and special districts based on compliance
16 with the state land use policy and state land use
17 policy guidelines. If the state commission determines
18 that a comprehensive plan does not comply, the state
19 commission shall recommend modifications which will
20 bring the comprehensive plan provision into compliance.
21 If the state commission identifies an unresolved
22 conflict in the comprehensive plans of two political
23 subdivisions and the political subdivisions are unable
24 to reconcile their plans, the conflict shall be
25 resolved by the state commission. Upon recommendation
26 for modification, the comprehensive plan shall be
27 returned to such city, county, or special district."

28 7. Page 9, by striking line 22 and inserting in
29 lieu thereof the words "county and city governments
30 for the purposes of land use planning."

31 8. Page 11, by striking lines 31 through 35.

32 9. Page 12, lines 24 and 25, by striking the words
33 "land use policy commissions" and inserting in lieu
34 thereof the words "and city governments".

35 10. Page 12, lines 27 and 28, by striking the
36 words "land use policy commissions" and inserting in
37 lieu thereof the words "and city governments".

38 11. Page 12, lines 32 and 33, by striking the
39 words "county land use policy commission",.

40 12. Page 15, by striking line 5 through page 20,
41 line 26, and inserting in lieu thereof the following:

42 "Sec. **NEW SECTION. COMPREHENSIVE PLANS**
43 **FOR LAND USE.**

44 1. Each county and city shall inventory and
45 evaluate on a continuing basis, but not more than
46 annually, the physical, social, and economic resources
47 of the county and city.

48 2. In compliance with the state land use policy
49 and state land use policy guidelines and to provide
50 integrated comprehensive plans, the county and city

Page 2

1 shall adopt comprehensive land use plans for:

2 a. Coordinated systems for solid waste disposal,

3 sewage collection and treatment, and water supply
4 and distribution.

5 b. The siting and development of industrial,
6 commercial, educational, cultural, residential and
7 recreational facilities and areas.

8 c. The designation, development, or use of local
9 critical areas.

10 d. A coordinated countywide transportation system
11 shall include elements of a statewide transportation
12 plan.

13 e. The designation, siting and development of
14 confined feedlot operations which are not designated
15 as state permit areas.

16 3. Prior to adopting the county and city land
17 use plan, the county and city shall hold at least
18 one public hearing and receive testimony from any
19 interested person relating to the plan. The county
20 and city shall give public notice of the date, time,
21 and location of each public hearing by publication
22 in a newspaper of general circulation in the county
23 not later than two weeks prior to the date of the
24 hearing. The county and city land use plans shall
25 not be adopted or become effective until they are
26 approved by the state commission.

27 4. In lieu of adopting its own land use plan and
28 conducting inventories and evaluations, a city may
29 enter into an agreement pursuant to chapter twenty-
30 eight E (28E) of the Code with the county to be
31 included in the county's plan, inventories and
32 evaluations.

33 5. Each state agency having jurisdiction or
34 control of land shall prepare a comprehensive plan
35 for land use and exercise its powers and
36 responsibilities that are authorized by law with
37 respect to programs affecting land use in accordance
38 with the adopted state land use policy, state land
39 use policy guidelines. However, a comprehensive plan
40 shall not be adopted or become effective until it
41 has been approved by the state commission.

42 Sec. **NEW SECTION. NONCOMPLIANCE BY PUBLIC**
43 **AGENCIES.**

44 1. If a state agency fails to prepare and adopt
45 a comprehensive plan for land use approved by the
46 state commission and exercise its powers and duties
47 as provided by law to enforce the provisions of such
48 comprehensive plan as provided in this Act within
49 eighteen months after the adoption of state land use
50 policy and policy guidelines, the state commission

Page 3

1 shall provide for the preparation and adoption of
2 a comprehensive plan for land use and the enforcement
3 of necessary rules in behalf of such state agency
4 through the department or by contract with another
5 agency of this state. However, the state commission

6 may grant an extension of time for compliance if it
7 finds that satisfactory progress is being made toward
8 compliance.

9 2. If a city or county fails to prepare and adopt
10 a comprehensive plan for land use and exercise its
11 powers and duties as provided by law to enforce the
12 provisions of such comprehensive plan as provided
13 in this Act within eighteen months after the adoption
14 of state land use policy and policy guidelines, the
15 state commission may provide for the preparation of
16 a comprehensive plan for land use for such city or
17 county, which plan shall be adopted and enforced by
18 such city or county. However, the state commission
19 may grant an extension of time for compliance if it
20 finds that satisfactory progress is being made toward
21 compliance. The costs incurred by the state commission
22 in preparing a comprehensive plan for land use for
23 a city or county shall be paid by the city or county
24 upon submission of an itemized statement of these
25 costs by the state commission."

26 13. Page 20, lines 34 and 35, by striking the
27 words "county commission,".

28 14. Page 20, by striking line 41 through page
29 22, line 36, and inserting in lieu thereof the
30 following:

31 "Sec. **NEW SECTION. APPEAL TO THE STATE**
32 **COMMISSION.**

33 1. As provided in sections twenty-five (25) and
34 twenty-six (26) of this Act, the state commission
35 shall review upon a petition by an aggrieved person,
36 a land use action or activity or a comprehensive land
37 use plan provision of a state agency or local political
38 subdivision alleged to be in violation of the state
39 land use policy or a state land use policy guideline
40 adopted by the general assembly.

41 2. A petition filed with the state commission
42 under this section shall be filed not later than sixty
43 days after the date of final adoption or approval
44 of the action or comprehensive land use plan provision
45 for land use upon which the petition is based."

46 15. Page 27, line 28, by inserting after the word
47 "policy," the word "and".

48 16. Page 27, by striking line 29 and inserting
49 in lieu thereof the words "use policy".

50 17. Page 33, line 23, by striking the word

Page 4

1 "county".

2 18. Page 33, by striking lines 24 and 25, and
3 inserting in lieu thereof the words "and to specify
4 the powers and duties of that commission."

5 19. By renumbering the sections and correcting
6 cross references to conform with this amendment.

President Neu took the chair at 5:20 p.m.

On the question "Shall amendment S—5851 to amendment S—5588 be adopted?" (S.F. 1313) the vote was:

Ayes, 14:

Andersen	Doderer	Miller of	Schwengels
Bergman	Heying	Des Moines	Scott
Coleman	Hill of Jasper	Priebe	Tieden
Culver	Hultman	Ramsey	

Nays, 28:

Burroughs	Griffin	Merritt	Robinson
Carr	Hansen	Nolting	Shaff
Curtis	Hill of Polk	Norpel	Shaw
DeKoster	Junkins	Nystrom	Sovern
Gallagher	Kelly	Orr	Taylor
Glenn	Kinley	Palmer	Willits
Gluba	Lamborn	Redmond	Winkelman

Absent or not voting, 8:

Briles	Murray	Plymat	Rodgers
Miller of	Nolin	Rabedaux	Van Gilst
Marshall			

Amendment S—5851 to amendment S—5588 lost.

Senator Hultman offered amendment S—5853 to amendment S—5588:

S—5853

- 1 Amend Senate amendment S—5588 to Senate File 1313
- 2 as follows:
- 3 1. Page 3, lines 22 through 24 by striking the
- 4 words "or who establishes that a substantial public
- 5 interest is adversely affected".

QUORUM CALL

Senator Hultman requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

Senator Hultman moved the adoption of amendment S—5853 to amendment S—5588 and requested a record roll call.

On the question "Shall amendment S—5853 to amendment S—5588 be adopted?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 25:

Andersen	Heying	Norpel	Scott
Bergman	Hultman	Nystrom	Shaff
Burroughs	Junkins	Orr	Shaw
Coleman	Kelly	Priebe	Taylor
Culver	Lamborn	Ramsey	Tieden
Curtis	Miller of	Schwengels	Winkelman
Hansen	Des Moines		

Nays, 15:

Carr	Gluba	Merritt	Robinson
DeKoster	Hill of Jasper	Nolting	Sovern
Gallagher	Hill of Polk	Palmer	Willits
Glenn	Kinley	Redmond	

Absent or not voting, 10:

Briles	Miller of	Nolin	Rodgers
Doderer	Marshall	Plymat	Van Gilst
Griffin	Murray	Rabedaux	

Amendment S—5853 to amendment S—5588 was adopted.

(Senate File 1313 pending on adjournment.)

MOTION TO RECONSIDER LOST**House File 1539**

Senator Orr called up the following motion to reconsider, filed by her on May 18, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1539 passed the Senate on May 18, 1976.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1539) the vote was:

Rule 25 was invoked.

Ayes, 21:

Andersen	Hansen	Norpel	Scott
Coleman	Hill of Jasper	Orr	Shaw
Culver	Merritt	Priebe	Sovern
DeKoster	Miller of	Redmond	Tieden
Gallagher	Des Moines	Robinson	Willits
Gluba	Nolting		

Nays, 17:

Bergman	Hultman	Lamborn	Schwengels
Burroughs	Junkins	Nystrom	Shaff
Curtis	Kelly	Palmer	Taylor
Glenn	Kinley	Ramsey	Winkelman
Hill of Polk			

Absent or not voting, 12:

Briles	Heying	Murray	Rabedaux
Carr	Miller of	Nolin	Rodgers
Doderer	Marshall	Plymat	Van Gilst
Griffin			

The motion having failed to receive a constitutional majority was declared to have lost.

The following amendment S—5857 by Senator Orr was ruled out of order when the motion to reconsider House File 1539 filed by Senator Orr failed to be adopted by the Senate:

S—5857

- 1 Amend the Lamborn amendment, S—5827, to the
- 2 committee on appropriations amendment, S—5536, to
- 3 House File 1539 as follows:
- 4 1. Page 1, line 8, by inserting after the
- 5 figure "1978" the words "or until the department can,
- 6 using reasonable diligence, place all residents of
- 7 that home in suitable programs which may include, but
- 8 need not be limited to, other state facilities, group
- 9 homes, or foster homes. The department shall be pro-
- 10 hibited from allowing a private agency to take over
- 11 and service the state juvenile home at Toledo".
- 12 2. Page 1, lines 9 and 10 by striking the words
- 13 "and at private treatment centers".

MOTIONS TO RECONSIDER RULED OUT OF ORDER

The motions to reconsider House File 1539 filed by Senators Palmer and Culver on May 18, 1976, were ruled out of order.

WITHDRAWN

Senator Priebe asked and received unanimous consent that Senate File 1255 be withdrawn from further consideration of the Senate.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 1335

Senator Shaw withdrew the motion to reconsider the vote by which Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, passed the Senate, filed by her on May 17, 1976.

Senator Willits withdrew the motion to reconsider the vote by which Senate File 1335 passed the Senate filed by him on May 17, 1976.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

May 19, 1976

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
State Capitol
Local

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of Linda A. Tigges, Ankeny, Polk County, Iowa, for appointment as a member of the Natural Resources Council for the State of Iowa pursuant to Sections 455A.4 and 455A.5, 1975 Code of Iowa, for an unexpired term commencing July 1, 1975, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

Also:

Dear Governor Neu:

It is my pleasure to submit to the Senate for their consideration the name of John P. Whitesell, Iowa Falls, Hardin County, Iowa, for appointment as a member of the Natural Resources Council for the State of Iowa pursuant to Sections 455A.4 and 455A.5, 1975 Code of Iowa, for an unexpired term commencing July 1, 1975, and ending June 30, 1981.

Sincerely,
ROBERT D. RAY
Governor

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Neu, in accordance with Section 2.32, 1975 Code of Iowa, announced the appointment of the following Senators to investigating committees:

As members of the Natural Resources Council for the State of Iowa:

Linda A. Tigges of Ankeny, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1981.

Senator Junkins, Chairperson
Senator Burroughs
Senator Orr
Senator Tieden
Senator Willits

John P. Whitesell of Iowa Falls, Hardin County, Iowa, for the unexpired portion of a term ending June 30, 1981.

Senator Shaff, Chairperson
Senator Carr
Senator Heying
Senator Norpel
Senator Taylor

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 14, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1059, a bill for an act relating to property tax levies and budget limitations for the county agricultural extension education fund.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1338, by committee on commerce, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof.

Read first time and placed on calendar.

Senate File 1339, by Senator Hansen, a bill for an act providing for the orderly and timely functioning of the general assembly by providing a procedure for adjournment, interim studies and an expense and pay plan for members of the general assembly commensurate with a shortened legislative session.

Read first time and passed on file.

REPORTS OF COMMITTEES

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1216**, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1568**, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1569**, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5849

- 1 Amend House File 1569, page 1, line 4, by
- 2 striking the word "purchase" and inserting in
- 3 lieu thereof the word "lease".

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1570**, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House Concurrent Resolution 139**, a resolution to approve modification of existing agreement to permit expenditure of funds originally allocated for emergency medical technician-ambulance training and Iowa Health Corps, begs leave to report it has had the same under consideration and recommends the same **be adopted**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Junkins submitted the following reports:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 829**, a bill for an act relating to the administration of the Uniform Consumer Credit Code, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 1512**, a bill for an act relating to the Iowa Consumer Credit Code, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5848

- 1 Amend the House amendment, S—5811 to Senate

2 File 204, as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, line 42, by inserting after the
5 word "*supervisors*" the words "*with approval of the*
6 *county treasurer*".

JAMES E. BRILES

S—5858

1 Amend the Sovern, et al., amendment, S—5858, to
2 Senate File 1313 as follows;
3 1. Page 1, by striking line 4 through page 33,
4 line 25, and inserting in lieu thereof the following:
5 "Section 1. **NEW SECTION. DEFINITIONS. As used**
6 in this Act:
7 1. 'Commission' means the state land use policy
8 commission.
9 2. 'Director' means the chief administrative
10 officer of the commission.
11 3. 'Land use' means any activity or practice
12 relating to the utilization of space, including ground,
13 water, subsurface and air space.
14 Sec. 2. **NEW SECTION. LAND USE POLICY COMMISSION**
15 **CREATED.** There is created a state land use policy
16 commission consisting of fifteen members appointed
17 by the governor with the consent of two-thirds of
18 the members of the senate. The members shall be
19 selected from the state at large to be representative
20 of the general public but not more than eight members
21 shall be members of the same political party. The
22 members shall be appointed to four-year terms except
23 that of the initial appointees to the commission,
24 seven members shall be appointed for two-year terms.
25 The terms of each member shall be effective on the
26 first day of July of the year of appointment except
27 in the case of a vacancy which shall be filled by
28 appointment of the governor with the consent of two-
29 thirds of the members of the senate for the unexpired
30 term.
31 Sec. 3. **NEW SECTION. ORGANIZATION OF COMMISSION.**
32 The commission shall organize annually by the election
33 of a chairperson and vice chairperson from among its
34 membership. Meetings may be called by the chairperson
35 at any time and shall be called as soon as possible
36 by the chairperson on the written request of a majority
37 of the members. A majority of the members shall
38 constitute a quorum and the concurrence of a quorum
39 of the commission shall be required to determine any
40 matter relating to its official duties.
41 Sec. 4. **NEW SECTION. COMPENSATION OF COMMISSION.**
42 Each member of the commission, not otherwise in the
43 full-time employment of a public agency, is entitled
44 to receive a per diem of forty dollars for each day
45 that such member is engaged in the discharge of
46 official duties. Each member is also entitled to
47 receive reimbursement for travel and other necessary

48 expenses incurred in the performance of official
49 duties.

50 Sec. 5. **NEW SECTION. POWERS AND DUTIES OF**

Page 2

1 COMMISSION. The commission shall:

2 1. Identify and evaluate issues relating to land
3 use in this state.

4 2. Prepare and recommend, for adoption by the
5 general assembly, a state land use policy and state
6 land use policy guidelines based on the state land
7 use policy objectives specified in section six (6)
8 of this Act, for the guidance of state agencies,
9 cities and counties on matters relating to land use.
10 The initial recommendations of the commission shall
11 be submitted to the general assembly not later than
12 February 1, 1978.

13 3. Cooperate in the exchange of information
14 relating to land use with any public or private person.

15 4. Authorize, the application for, receipt, and
16 expenditure of any public or private funds for the
17 purpose of carrying out the provisions of this Act.

18 5. Advise, consult and cooperate with state
19 agencies and other public or private agencies in the
20 preparation of recommendations for a state land use
21 policy or state land use policy guidelines.

22 6. Monitor the actions and decisions of state
23 agencies, counties and cities on matters relating
24 to land use and report its findings and any recom-
25 mendations to the general assembly.

26 7. Approve a budget for the commission.

27 8. Approve all contracts and agreements between
28 the commission and other public or private persons
29 relating to its powers and duties under this Act.

30 9. Obtain an adequate public employees fidelity
31 bond to cover those employees of the commission
32 accountable for the property or funds of the state
33 under this Act.

34 10. Adopt, amend or repeal internal rules to
35 provide for the efficient operation of the commission.

36 11. Recommend to the general assembly a method
37 for resolving conflicts which may arise between state
38 agencies on matters relating to land use.

39 Sec. 6. **NEW SECTION. STATE LAND USE POLICY**

40 **OBJECTIVES.** In developing a state land use policy
41 and guidelines for adoption by the general assembly
42 the state commission shall give consideration to the
43 following:

44 1. Identification of the best agricultural areas
45 for farming, commercial feedlots, and farm related
46 activities.

47 2. Identification of space for orderly urban and
48 industrial development.

49 3. Inventorying and utilization of natural
50 resources including minerals, timber and water.

Page 3

1 4. Identification of areas for parks and recreations.

2 5. Location of highways, rail lines, and airports.

3 In all of its deliberations and recommendations the
4 state commission shall give due consideration to the
5 preservation of the environment and the avoidance
6 of pollution.

7 **Sec. 7. NEW SECTION. APPOINTMENT OF DIRECTOR.**

8 The commission shall appoint a director who shall
9 be the chief administrative officer of the commission
10 and shall serve at its pleasure. The director shall
11 be qualified by education, experience and adminis-
12 trative ability to perform the powers and duties
13 assigned to him or her. The salary of the director
14 shall be initially determined by the commission, but
15 it shall not exceed twenty-five thousand dollars per
16 annum and, thereafter, it shall be set by the general
17 assembly.

18 **Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE**
19 **DIRECTOR.** The director shall:

20 1. Direct and supervise the preparation of
21 recommendations for a state land use policy and state
22 land use policy guidelines and perform such other
23 duties as authorized by the commission under this
24 Act.

25 2. Prepare, pursuant to chapter eight (8) of the
26 Code, a budget for the commission.

27 3. Appoint, with the approval of the commission,
28 the technical, professional, secretarial, and clerical
29 staff deemed necessary to accomplish the purposes
30 of this Act subject to the provisions of chapter
31 nineteen A (19A) of the Code. The director may appoint
32 a member of the staff to be acting director in the
33 director's absence. The acting director shall have
34 the powers delegated by the director.

35 **Sec. 9. NEW SECTION. EXPENSES.** The director
36 and other employees of the commission shall receive,
37 in addition to salary, their travel and other necessary
38 expenses incurred while engaged in the performance
39 of their official duties.

40 **Sec. 10. NEW SECTION. OFFICE FACILITIES.** The
41 department of general services shall provide the
42 commission with appropriate office facilities and
43 equipment.

44 **Sec. 11. NEW SECTION. COMPLIANCE BY STATE**
45 **AGENCIES.** Effective July 1, 1978, a state agency
46 shall not take any action or issue any order or permit
47 relating to land use except in compliance with the
48 state land use policy and state land use policy
49 guidelines adopted by the general assembly as provided
50 in this Act. Any person aggrieved by any order or

Page 4

1 action of a state agency on a matter relating to land
2 use, which is alleged to be in violation of the state

3 land use policy or state land use policy guidelines
4 adopted by the general assembly, may seek judicial
5 review of such order or action as provided in chapter
6 seventeen A (17A) of the Code.

7 Sec. 12. Section three hundred fifty-eight A point
8 one (358A.1), Code 1975, is amended to read as follows:

9 358A.1 WHERE APPLICABLE. The provisions of this
10 chapter shall be applicable to any county of the state
11 at the option of the board of supervisors of any such
12 county, *however, effective July 1, 1978, it shall*
13 *be mandatory that each county adopt a comprehensive*
14 *plan and adopt and enforce regulations in compliance*
15 *with the provisions of this chapter.*

16 Sec. 13. Section three hundred fifty-eight A point
17 five (358A.5), unnumbered paragraph one (1), Code
18 1975, is amended to read as follows:

19 Such regulations shall be made in accordance with
20 a comprehensive plan *which shall conform to the state*
21 *land use policy and state land use policy guidelines*
22 *adopted by the general assembly*, and designed to
23 lessen congestion in the street or highway; to secure
24 safety from fire, flood, panic, and other dangers;
25 to protect health and the general welfare; to provide
26 adequate light and air; to prevent the overcrowding
27 of land; to avoid undue concentration of population;
28 to facilitate the adequate provision of transportation,
29 water, sewerage, schools, parks and other public
30 requirements.

31 Sec. 14. Section four hundred fourteen point one
32 (414.1), Code 1975, is amended to read as follows:

33 414.1 BUILDING RESTRICTIONS—POWERS GRANTED.

34 For the purpose of promoting the health, safety,
35 morals, or the general welfare of the community, [any]
36 *each city [is hereby empowered to] may and effective*
37 *July 1, 1978, shall regulate and restrict the height,*
38 *number of stories, and size of buildings and other*
39 *structures, the percentage of lot that may be occupied,*
40 *the size of yards, courts, and other open spaces,*
41 *the density of population, and the location and use*
42 *of buildings, structures, and land for trade, industry,*
43 *residence, or other purposes. However, a city may,*
44 *in lieu of adopting its own comprehensive plan and*
45 *regulations, agree to be included in the comprehensive*
46 *plan of the county and to have the county adopt and*
47 *enforce regulations.*

48 Sec. 15. Section four hundred fourteen point three
49 (414.3), unnumbered paragraph one (1), Code 1975,
50 is amended to read as follows:

Page 5

1 Such regulations shall be made in accordance with
2 a comprehensive plan *which shall conform to the state*
3 *land use policy and state land use policy guidelines*
4 *adopted by the general assembly*, and designed to
5 lessen congestion in the street; to secure safety

6 from fire, flood, panic, and other dangers; to promote
7 health and the general welfare; to provide adequate
8 light and air; to prevent the overcrowding of land;
9 to avoid undue concentration of population; to
10 facilitate the adequate provision of transportation,
11 water, sewerage, schools, parks, and other public
12 requirements.

13 Sec. 16. There is appropriated from the general
14 fund of the state to the state land use policy
15 commission for the fiscal year beginning July 1, 1976
16 and ending June 30, 1977, the sum of one hundred
17 thousand (100,000) dollars, or so much thereof as
18 may be necessary, for the purpose of carrying out
19 the provisions of this Act. Notwithstanding the
20 provisions of section eight point thirty-three (8.33)
21 of the Code, all unencumbered or unobligated balances
22 of the appropriation made by this Act shall, on August
23 31, 1977, revert to the state treasury and to the
24 credit of the fund from which appropriated."

25 2. Amend the title, by striking lines 1 through
26 3, and inserting in lieu thereof the following:

27 "An Act to provide for a state land use policy
28 commission and to specify its powers and duties, to
29 provide for the regulation of the use of land, and
30 to make an appropriation."

EUGENE M. HILL

S—5859

1 Amend the amendment, S—5588, to Senate File 1313
2 as follows:

3 1. Page 1, after line 20, by adding the following
4 new section:

5 "Sec. *NEW SECTION.* Sections fifteen (15)
6 through nineteen (19) of this Act shall not apply in
7 any county with a population of less than fifty
8 thousand people unless the board of supervisors of
9 that county by resolution elects that the provisions
10 of those sections shall apply."

CLIFF BURROUGHS

S—5855

1 Amend the Sovrn, et al., amendment S—5588 to
2 Senate File 1313 as follows:

3 1. Page 9, by striking lines 40 through 50.
4 2. Page 10, by striking lines 1 through 23.
5 3. Renumber the remaining sections
6 accordingly.

HILARIUS L. HEYING

S—5852

1 Amend the Sovrn, et al., amendment, S—5588, to
2 Senate File 1313 as follows:

3 1. Page 12, by adding after line 50 the fol-
4 lowing unnumbered paragraph:

5 "Upon receipt of an application for a planning and

6 siting permit, the state commission shall inform
7 the applicant of all permits and licenses which are
8 required by state agencies or local governments to do
9 business or carry out the activity in the critical
10 area as specified in the application. The state
11 commission shall act as agent for the applicant in
12 making application for and obtaining any permit or
13 license needed by the applicant to carry out the acti-
14 vity or business for which the planning and siting per-
15 mit is required."

HILARIUS L. HEYING

S—5860

1 Amend the Sovern, et al., amendment, S—5588, to
2 Senate File 1313 as follows:
3 1. Page 15, line 7, by inserting after the
4 word "commission" the words "; however, if a voluntary
5 association of county governments adopts a resolution
6 calling for the performance by the association of
7 the duties delegated to the commission by this section,
8 the resolution is ratified within sixty days of its
9 adoption by the board of supervisors of each county
10 which is a member of the association, and a majority
11 of the cities in each member county authorizes its
12 county to participate in the association, the associa-
13 tion may perform such duties."

LOWELL L. JUNKINS

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 6:25
p.m., until 8:30 a.m., Thursday, May 20, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTIETH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MAY 20, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Paul Williamson, pastor of the Asbury United Methodist Church, Webster City, Iowa.

The Journal of Wednesday, May 19, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murray for the morning session on request of Senator Briles.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-three students from Louise Crawford Elementary School, Ames, Iowa, accompanied by Mrs. Allen. Senator Murray.

Forty-two students from Elkhart Elementary School, Elkhart, Iowa, accompanied by Ellen Crow and Mrs. Connelly. Senator Willits.

Forty-eight students from Logan-Magnolia Elementary School, Logan, Iowa, accompanied by Lowell Arps, James Rider and Mrs. Audrey Cohrs. Senator Culver.

Eighty students from Garner Elementary School, Garner, Iowa, accompanied by Jan Erickson, Sandra Stille, Nancy Nelson and Becky Sweers. Senator Taylor.

PETITIONS

The following petitions favoring legislation to raise the legal

drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Fifteen residents of Lee County.

Thirty-one residents of Grundy County.

Fourteen residents of Story County.

UNFINISHED BUSINESS

Senate File 1313

The Senate resumed consideration of Senate File 1313, a bill for an act to provide for a state land preservation policy, creating state and county land preservation commissions and specifying the powers and duties of such commissions, and the Sovern, et al., amendment S—5588.

Senator Hill of Jasper offered amendment S—5858 to amendment S—5588, filed by him on May 19, 1976, and found on pages 2097-2101, inclusive, of the Senate Journal.

President pro tempore Doderer took the chair at 9:25 a.m.

Senator Miller of Des Moines took the chair at 9:40 a.m.

President pro tempore Doderer took the chair at 9:45 a.m.

Senator Nolting took the chair at 10:45 a.m.

(Senate File 1313 pending.)

The Senate stood at ease until 1:00 p.m.

AFTERNOON SESSION

The Senate resumed session, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 19, 1976, concurred in Senate amendment to House amendment to Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File 1067, a bill for an act relating to the issuance of special identification devices which may be used to identify vehicles operated by the physically handicapped.

Also: That the House has on May 19, 1976, adopted the report of the conference committee on and passed the following bill in which the concurrence of the House was asked:

Senate File 1192, a bill for an act relating to and making an appropriation for the administration of the Iowa law enforcement academy.

Also: That the House has on May 18, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1267, a bill for an act to establish a census liaison commission.

Also: That the House has on May 19, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1325, a bill for an act relating to bonds and pledge orders issued by cities.

Also: That the House has on May 19, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1331, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Also: That the House has on May 19, 1976, adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 113, providing for the rejection of claims duly processed by the state appeal board.

Also: That the House has on May 19, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 795, a bill for an act relating to tuition paid by school districts.

Also: That the House has on May 14, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1477, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

Also: That the House has on May 18, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 1514, a bill for an act making an appropriation to certain agencies administering service programs.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1514

S—5861

- 1 Amend the Senate amendment H—6685, to House
- 2 File 1514, as follows:
- 3 1. Page 1, by striking lines 6 through 13
- 4 and inserting in lieu thereof the following:

5 "2. Page 3, line 31, by inserting after the
6 word 'criteria.' the following: 'Uniform
7 auditing procedures for local and state
8 alcoholism programs shall be established subject
9 to the approval of the auditor of state.'"

10 2. Page 1, by inserting after line 13 the
11 following:

12 "3. Page 4, by inserting after line 30 the follow-
13 ing new sections:

14 'Sec. 3. Effective July 1, 1977 the division
15 of alcoholism, now a part of the department of health,
16 and the Iowa drug abuse authority shall be merged
17 into a single state agency having responsibility for
18 education about, prevention efforts directed against,
19 and treatment programs to aid victims of the abuse
20 of chemical substances. The official title of the
21 merged agency and the provisions for its
22 administration, powers, duties and limitations shall
23 be as may be prescribed by the general assembly.
24 Initial proposals relative to these matters shall
25 be delivered to the general assembly by the governor
26 on or before January 17, 1977.

27 If the governor determines that merger effective
28 July 1, 1977 would not be in the best interest of
29 the state of Iowa, the governor may by executive order
30 delay the merger to a date not later than January
31 1, 1978.

32 Sec. 4. The general assembly declares that the
33 priorities of the merger to be effected pursuant to
34 section three (3) of this Act are:

35 1. Improved assistance to residents of Iowa who
36 are abusing or seeking to recover from the effects
37 of abuse of chemical substances; and

38 2. Reduced administrative costs and greater program
39 efficiency, relative to the quantity and quality of
40 services being offered.

41 Sec. 5. In preparing proposals to be submitted
42 to the general assembly as required by section three
43 (3) of this Act, the governor shall be guided by the
44 priorities established in section four (4) of this
45 Act. The proposals submitted by the governor shall
46 include, but need not be limited to, the following:

47 1. Administrative structure of the merged agency,
48 including its relationship to the governor and to
49 the general assembly and whether or not a governing
50 board or commission, and advisory council, or both

Page 2

1 should be established, and if so their composition,
2 manner of selection and responsibilities.

3 2. Continuation of strong local community and
4 local treatment program input into a state plan.

5 3. Annual development of a state plan, with comment
6 and review by local agencies and groups.

7 4. Specific recommendations for funding mechanisms

8 and criteria, with additional recommendations for
9 the related roles of counties and local communities.

10 5. Specific designation of education, treatment
11 and prevention programs, outlining the state's role
12 and the related responsibilities of counties and
13 communities.

14 6. Proposed relationship to other state agencies.

15 7. Common (so far as feasible) licensing and
16 certification standards and procedures.

17 8. Monitoring and evaluation mechanisms.

18 9. A goal of statewide availability of acute care
19 for chemical substance abusers.

20 Sec. 6. It is the intent of the general assembly
21 in adopting this Act that the proposals developed
22 in response to section five (5) of this Act be based
23 on the needs of clients, and of the community in
24 general, as determined from public hearings held
25 widely throughout the state.

26 Sec. 7. Chapters one hundred twenty-five (125)
27 and two hundred twenty-four B (224B), Code 1975, are
28 repealed effective July 1, 1977. However, if the
29 merger of the division of alcoholism and the Iowa
30 drug abuse authority is delayed pursuant to section
31 three (3) of this Act, the two agencies shall con-
32 tinue to be governed by the provisions of those
33 chapters as if they were in full force and effect
34 until the merger takes effect."

HOUSE MESSAGE CONSIDERED

House File 1477, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

Read first time and passed on file.

CONSIDERATION OF BILLS

House File 1200

On motion of Senator Curtis, House File 1200, a bill for an act relating to the assessment date, tax year, collection period, and delinquency dates of property taxes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1200) the vote was:

Ayes, 37:

Andersen	Gluba	Miller of	Scott
Bergman	Griffin	Marshall	Shaff
Briles	Hansen	Nolting	Shaw
Burroughs	Hill of Polk	Norpel	Sovern
Coleman	Hultman	Orr	Taylor
Culver	Junkins	Palmer	Tieden
Curtis	Kinley	Priebe	Van Gilst
DeKoster	Lamborn	Ramsey	Willits
Gallagher	Merritt	Robinson	Winkelman
Glenn		Rodgers	

Nays, none.

Absent or not voting, 13:

Carr	Kelly	Nolin	Rabedeaux
Doderer	Miller of	Nystrom	Redmond
Heying	Des Moines	Plymat	Schwengels
Hill of Jasper	Murray		

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

Senator Kinley asked and received unanimous consent that **House File 1200** be immediately messaged to the House, which request was complied with.

WITHDRAWN

Senator Rodgers asked and received unanimous consent that **Senate File 1136** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senate File 1336

On motion of Senator Willits, Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1336) the vote was:

Ayes, 39:

Andersen	Gluba	Merritt	Robinson
Bergman	Griffin	Miller of	Rodgers
Briles	Hansen	Marshall	Schwengels
Burroughs	Heying	Nolting	Shaw
Coleman	Hill of Jasper	Norpel	Shaff
Culver	Hill of Polk	Nystrom	Sovern
Curtis	Hultman	Orr	Taylor
DeKoster	Junkins	Palmer	Tieden
Gallagher	Kinley	Priebe	Willits
Glenn	Lamborn	Ramsey	Winkelman

Nays, 2:

Miller of Scott
Des Moines

Absent or not voting, 9:

Carr	Murray	Plymat	Redmond
Doderer	Nolin	Rabedeaux	Van Gilst
Kelly			

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

Senator Kinley asked and received unanimous consent that Senate File 1336 be immediately messaged to the House, which request was complied with.

WITHDRAWN

Senator Andersen asked and received unanimous consent that Senate File 1100 be withdrawn from further consideration of the Senate.

ADOPTION OF RESOLUTION

House Concurrent Resolution 139

On motion of Senator Priebe, House Concurrent Resolution 139, a resolution relating to expenditure of excess consumer funds, found on pages 2010 and 2011 of the Senate Journal, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved the adoption of House Concurrent Resolution 139.

The motion prevailed and the resolution was adopted.

Senator Kinley asked and received unanimous consent that House Concurrent Resolution 139, be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS

House File 1216

On motion of Senator Willits, House File 1216, a bill for an act appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1216) the vote was:

Ayes, 42:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Jasper	Nolin	Schwengels
Burroughs	Hill of Polk	Nolting	Shaff
Carr	Hultman	Norpel	Shaw
Coleman	Junkins	Nystrom	Sovern
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Gallagher	Merritt	Plymat	Willits
Glenn	Miller of	Priebe	Winkelman
Gluba	Des Moines	Ramsey	
Griffin			

Nays, 1:

Scott

Absent or not voting, 7:

Culver	Kelly	Rabedaux	Van Gilst
Doderer	Murray	Redmond	

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

Senator Kinley asked and received unanimous consent that **House File 1216 be immediately messaged** to the House, which request was complied with.

House File 1568

On motion of Senator Willits, House File 1568, a bill for an act appropriating funds to the Iowa beer and liquor control department for capital improvements, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk took the chair at 1:45 p.m.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1568) the vote was:

Ayes, 41:

Andersen	Carr	DeKoster	Griffin
Bergman	Coleman	Gallagher	Hansen
Briles	Culver	Glenn	Heying
Burroughs	Curtis	Gluba	Hill of Jasper

Hill of Polk	Miller of	Palmer	Shaw
Hultman	Marshall	Plymat	Sovern
Junkins	Nolin	Priebe	Taylor
Kinley	Nolting	Ramsey	Tieden
Merritt	Norpel	Robinson	Willits
Miller of	Nystrom	Rodgers	Winkelman
Des Moines	Orr	Shaff	

Nays, 2:

Schwengels	Scott
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Absent or not voting, 7:

Doderer	Lamborn	Rabedeaux	Van Gilst
Kelly	Murray	Redmond	

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

Senator Kinley asked and received unanimous consent that **House File 1568** be **immediately messaged** to the House, which request was complied with.

House File 1569

On motion of Senator Willits, House File 1569, a bill for an act making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5849 by the committee on appropriations and moved its adoption:

S—5849

- 1 Amend House File 1569, page 1, line 4, by
- 2 striking the word "purchase" and inserting in
- 3 lieu thereof the word "lease".

Amendment S—5849 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1569) the vote was:

Ayes, 40:

Andersen	Gallagher	Junkins	Miller of
Bergman	Glenn	Kelly	Marshall
Briles	Gluba	Kinley	Nolin
Burroughs	Griffin	Merritt	Nolting
Carr	Hansen	Miller of	Norpel
Coleman	Heying	Des Moines	Nystrom
Culver	Hill of Polk		Orr

Palmer
Plymat
Priebe
Ramsey

Robinson
Rodgers
Schwengels
Scott

Shaff
Shaw
Sovern
Taylor

Tieden
Willits
Winkelman

Nays, none.

Absent or not voting, 10:

Curtis
DeKoster
Doderer

Hill of Jasper
Hultman
Lamborn

Murray
Rabedeaux

Redmond
Van Gilst

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

Senator Kinley asked and received unanimous consent that **House File 1569** be **immediately messaged** to the House, which request was complied with.

House File 1570

On motion of Senator Willits, House File 1570, a bill for an act transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1570) the vote was:

Ayes, 38:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Gallagher
Glenn
Gluba

Hansen
Heying
Hill of Jasper
Hill of Polk
Junkins
Kelly
Kinley
Merritt
Miller of
Des Moines

Miller of
Marshall
Nolin
Nolting
Nystrom
Orr
Palmer
Priebe
Ramsey
Robinson

Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Willits
Winkelman

Nays, none.

Absent or not voting, 12:

Curtis
DeKoster
Doderer

Griffin
Hultman
Lamborn

Murray
Norpe
Plymat

Rabedeaux
Redmond
Van Gilst

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

Senator Kinley asked and received unanimous consent that

House File 1570 be immediately messaged to the House, which request was complied with.

SENATE INSISTS

Senate File 1191

Senator Willits called up for consideration Senate File 1191, a bill for an act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, amended by the House, and further amended by the Senate, and moved that the Senate insist on its amendment to House amendment S—5737.

The motion prevailed and the Senate insisted on its amendment to House amendment S—5737 to Senate File 1191.

House File 584

Senator Glenn called up for consideration House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, amended by the Senate, further amended by the House, and still further amended by the Senate, and moved that the Senate insist on its amendment to House amendment S—5783 to Senate amendment H—5733.

The motion prevailed and the Senate insisted on its amendment to House amendment S—5783 to Senate amendment H—5733 to House File 584.

CONSIDERATION OF BILLS

Senate File 1337

On motion of Senator Norpel, Senate File 1337, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission, was taken up for consideration.

Senator Gallagher offered amendment S—5865 and moved its adoption:

S—5865

- 1 Amend Senate File 1337 as follows:
- 2 1. Page 1, lines 4 and 5 by striking the words
- 3 "one hundred fifty thousand (150,000)" and inserting
- 4 in lieu thereof the words "two hundred thousand
- 5 (200,000)".

A record roll call was requested.

On the question "Shall amendment S—5865 be adopted?" (S.F. 1337) the vote was:

Ayes, 19:

Bergman	Griffin	Nolin	Schwengels
Briles	Hansen	Nystrom	Shaff
Burroughs	Lamborn	Orr	Shaw
Gallagher	Miller of	Plymat	Sovern
Gluba	Marshall	Redmond	Taylor

Nays, 26:

Andersen	Hill of Jasper	Miller of	Robinson
Carr	Hill of Polk	Des Moines	Rodgers
Coleman	Hultman	Nolting	Scott
Culver	Junkins	Norpel	Tieden
Curtis	Kelly	Palmer	Willits
Glenn	Kinley	Priebe	Winkelman
Heying	Merritt	Ramsey	

Absent or not voting, 5:

DeKoster	Murray	Rabedaux	Van Gilst
Doderer			

Amendment S—5865 lost.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1337) the vote was:

Ayes, 44:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hill of Polk	Nolin	Schwengels
Burroughs	Hultman	Nolting	Scott
Carr	Junkins	Norpel	Shaff
Coleman	Kelly	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
DeKoster	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 6:

Doderer	Hill of Jasper	Rabedaux	Van Gilst
Griffin	Murray		

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

Senator Kinley asked and received unanimous consent that Senate File 1337 be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order House File 1480.

House File 1480

On motion of Senator Gallagher, House File 1480, a bill for an act relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gallagher offered amendment S—5863:

S—5863

- 1 Amend House File 1480 as amended and passed by
- 2 the House and reprinted as follows:
- 3 1. Page 40, by striking line 13 through page
- 4 46, line 21.
- 5 2. Page 46, by striking lines 32 through 85,
- 6 and inserting in lieu thereof the words "*railroad*
- 7 *branch lines. Any unencumbered funds*".

Senator Redmond raised the point of order that amendment S—5863 was out of order.

The Chair ruled the point not well taken and amendment S—5863 in order.

Senator Gallagher moved the adoption of amendment S—5863.

A record roll call was requested.

On the question "Shall amendment S—5863 be adopted?" (H.F. 1480) the vote was:

Ayes, 42:

Andersen	Gluba	Merritt	Rodgers
Bergman	Griffin	Miller of	Schwengels
Briles	Hansen	Des Moines	Scott
Burroughs	Heying	Nolin	Shaff
Carr	Hill of Jasper	Norpel	Shaw
Culver	Hill of Polk	Nystrom	Sovern
Curtis	Hultman	Orr	Taylor
DeKoster	Junkins	Plymat	Tieden
Doderer	Kelly	Priebe	Willits
Gallagher	Kinley	Ramsey	Winkelman
Glenn	Lamborn	Robinson	

Nays, 4:

Coleman	Miller of	Nolting	Redmond
	Marshall		

Absent or not voting, 4:

Murray

Palmer

Rabedeaux

Van Gilst

Amendment S—5863 was adopted.

Senator Gallagher moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1480) the vote was:

Ayes, 47:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Nolin
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Priebe
Ramsey
Redmond

Robinson
Rodgers
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Willits
Winkelman

Nays, none.

Absent or not voting, 3:

Murray

Rabedeaux

Van Gilst

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

Senator Coleman asked and received unanimous consent that House File 1480 be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order Senate File 1321.

Senate File 1321

On motion of Senator Griffin, Senate File 1321, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities, was taken up for consideration.

Senator Burroughs took the chair at 3:05 p.m.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1321) the vote was:

Ayes, 45:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Nolin	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Des Moines	Redmond	

Nays, none.

Absent or not voting, 5:

Gluba	Murray	Rabedeaux	Van Gilst
Kelly			

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

Senator Kinley asked and received unanimous consent that **Senate File 1321** be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS**House File 1329**

On motion of Senator Shaw, House File 1329, a bill for an act relating to corporate status for the area education agencies, was taken up for further consideration.

The Senate resumed consideration of the Hill of Polk motion to reconsider the vote by which amendment S—5488 was adopted by the Senate, pending on April 8, 1976.

Senator Hill of Polk renewed his motion to reconsider the vote by which amendment S—5488 was adopted by the Senate.

The motion prevailed and amendment S—5488 was taken up for reconsideration.

Senator Tieden withdrew amendment S—5488.

Senator Hill of Polk offered amendment S—5656 filed by Senators Hill of Polk and Tieden and moved its adoption:

S—5656

- 1 Amend House File 1329, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the words "be sued. An
- 5 area education agency may hold property and execute

- 6 lease-purchase agreements pursuant to the provisions
 7 of section two hundred seventy-three point three
 8 (273.3), subsection seven (7) of the Code."

Amendment S—5656 was adopted.

Senator Shaw moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1329) the vote was:

Ayes, 39:

Andersen	Gluba	Merritt	Plymat
Bergman	Griffin	Miller of	Priebe
Briles	Hansen	Des Moines	Redmond
Burroughs	Heying	Miller of	Robinson
Carr	Hill of Polk	Marshall	Rodgers
Coleman	Hultman	Nolin	Schwengels
Culver	Junkins	Nolting	Sovern
Curtis	Kelly	Nystrom	Taylor
DeKoster	Kinley	Orr	Tieden
Doderer	Lamborn	Palmer	Willits
Glenn			

Nays, 3:

Hill of Jasper	Shaw	Winkelman
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Absent or not voting, 8:

Gallagher	Norpel	Ramsey	Shaff
Murray	Rabedeaux	Scott	Van Gilst

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

Senator Kinley asked and received unanimous consent that House File 1329 be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1502.

House File 1502

On motion of Senator Orr, House File 1502, a bill for an act relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Orr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1502) the vote was:

Ayes, 38:

Andersen	Gluba	Miller of	Palmer
Bergman	Griffin	Des Moines	Plymat
Burroughs	Hansen	Miller of	Priebe
Carr	Heying	Marshall	Rabedeaux
Coleman	Hill of Polk	Murray	Redmond
Culver	Hultman	Nolin	Robinson
Curtis	Junkins	Nolting	Schwengels
Doderer	Kelly	Norpel	Scott
Gallagher	Kinley	Nystrom	Sovern
Glenn	Merritt	Orr	Winkelman

Nays, 5:

DeKoster	Lamborn	Taylor	Tieden
Hill of Jasper			

Absent or not voting, 7:

Briles	Rodgers	Shaw	Willits
Ramsey	Shaff	Van Gilst	

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

Senator Kinley asked and received unanimous consent that **House File 1502** be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order House File 1508.

House File 1508

On motion of Senator Doderer, House File 1508, a bill for an act relating to the registration of mobile homes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1508) the vote was:

Ayes, 41:

Andersen	Curtis	Hansen	Kelly
Bergman	DeKoster	Heying	Kinley
Burroughs	Doderer	Hill of Jasper	Lamborn
Carr	Gallagher	Hill of Polk	Merritt
Coleman	Glenn	Hultman	Miller of
Culver	Gluba	Junkins	Des Moines

Miller of
Marshall
Murray
Nolin
Nolting

Norpel
Nystrom
Orr
Palmer
Plymat

Priebe
Rabedaux
Robinson
Schwengels
Scott

Sovern
Taylor
Tieden
Winkelman

Nays, none.

Absent or not voting, 9:

Briles
Griffin
Ramsey

Redmond
Rodgers

Shaff
Shaw

Van Gilst
Willits

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

Senator Kinley asked and received unanimous consent that **House File 1508** be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order House File 1371.

House File 1371

On motion of Senator Gallagher, House File 1371, a bill for an act relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gallagher offered amendment S—5870 by Senators Gallagher and Palmer:

S—5870

- 1 Amend House File 1371 as amended and passed as
- 2 follows:
- 3 1. Page 1, before line 1, add the following:
- 4 "Section 1. Chapter ninety-three (93), Code
- 5 1975 is amended by adding the following new section:
- 6 **NEW SECTION.** 1. The council shall develop
- 7 rules establishing energy efficiency standards for
- 8 covered appliances and for the disclosure of the
- 9 energy efficiency rating of all brands, makes, and
- 10 models of covered appliances. The rules shall be
- 11 developed in accordance with chapter seventeen A (17A)
- 12 of the Code, except that the council shall give at
- 13 least sixty days notice of the public hearing on any
- 14 such rules and such notice shall list the time and
- 15 place of the hearing.
- 16 Sec. 2. Section ninety-three point one (93.1),

17 Code 1975 is amended by adding the following new sub-
18 section:

19 **NEW SUBSECTION.** 'Covered appliance' means air
20 conditioners, refrigerators, freezers and refrigerator
21 freezers.

22 **NEW SUBSECTION.** 'Energy efficiency rating' means
23 the ratio of the useful output of services from a
24 covered appliance to the energy consumption of the
25 covered appliance. The ratio shall be calculated at a
26 uniform set of rating conditions and in accordance with
27 such testing procedures as the council may develop
28 or select. The ratios shall be expressed in a uni-
29 form manner and in both English and metric units.

30 **NEW SUBSECTION.** 'Energy efficiency standard'
31 means a performance standard which prescribes a min-
32 imum energy efficiency rating for covered appliances
33 in order to ensure reasonable conservation of the
34 state's energy resources."

35 2. Renumber the remaining sections accordingly.

Senator Rabedaux raised the point of order that amendment S—5870 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5870 in order.

Senator Rabedaux asked unanimous consent that further action on House File 1371 be deferred and that the bill be placed on the calendar under unfinished business.

Objection was raised.

(House File 1371 pending.)

On motion of Senator Kinley, the Senate recessed until 4:30 p.m.

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1976, passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1006 proposing an amendment to the Iowa Constitution to provide home rule for counties and joint county-municipal governments.

Also: That the House has on May 20, 1976, passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1008 to establish an interim study committee on establishing a separate retirement system for peace officers.

Also: That the House has on May 14, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 367, a bill for an act relating to the location and operation of livestock feedlots.

Also: That the House has on May 20, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Also: That the House has on April 12, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 324, a bill for an act relating to abandoned vehicles.

Also: That the House has on May 20, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1123, a bill for an act relating to noxious weeds.

Also: That the House has on May 20, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1503, a bill for an act relating to the practice of nursing.

Also: That the House has on May 20, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission.

Also: That the House has on May 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1572, a bill for an act discontinuing the use of certain architectural personnel and their support funds by the department of social services.

Also: That the House has on May 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1579, a bill for an act making an appropriation to the department of social services for capital improvement projects.

Also: That the House has on May 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1584, a bill for an act creating a state aircraft pool.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 367

S—5872

- 1 Amend Senate File 367, as amended and passed by
- 2 the Senate, by striking everything after the enact-
- 3 ing clause and inserting in lieu thereof the fol-
- 4 lowing:
- 5 Section 1. *NEW SECTION. DEFINITIONS.* As used
- 6 in this Act, unless the context otherwise requires:
- 7 1. "City" means a municipal corporation including

8 a town, but not including a county, township, school
9 district, or any special-purpose district or authority.

10 2. "Department" means the department of
11 environmental quality and includes any officer or
12 agency within that department.

13 3. "Established date of operation" means the date
14 on which a feedlot commenced operating with not more
15 livestock than reasonably could be maintained by the
16 physical facilities existing as of that date. If
17 the physical facilities of the feedlot are subsequently
18 expanded, the established date of operation for each
19 expansion is deemed to be a separate and independent
20 "established date of operation" established as of
21 this date of commencement of the expanded operations,
22 and the commencement of expanded operations shall
23 not divest the feedlot of a previously established
24 date of operation.

25 4. "Established date of ownership" means the date
26 of the recording of an appropriate muniment of title
27 establishing the ownership of realty.

28 5. "Rule of the department" means a rule as defined
29 in section seventeen A point two (17A.2) of the Code
30 which materially affects the operation of a feedlot
31 and which has been adopted by the department. The
32 term includes a rule which was in effect prior to
33 the effective date of chapter one thousand ninety
34 (1090), Acts of the Sixty-fifth General Assembly,
35 1974 Session. Except as specifically provided in
36 subparagraph five (5) of paragraph b and subparagraph
37 five (5) of paragraph c of subsection two (2) of
38 section three (3) of this Act, nothing in this Act
39 shall be deemed to empower the department to make
40 any rule.

41 6. "Feedlot" means a lot, yard, corral, or other
42 area in which livestock are confined, primarily for
43 the purposes of feeding and growth prior to slaughter.
44 The term does not include areas which are used for
45 the raising of crops or other vegetation and upon
46 which livestock are allowed to graze or feed.

47 7. "Livestock" means cattle, sheep, swine, poultry,
48 and other animals or fowl, which are being produced
49 primarily for use as food or food products for human
50 consumption.

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1 8. "Materially affects" means prohibits or
2 regulates with respect to the location, or the emission
3 of noise, effluent, odors, sewage, waste, or similar
4 products resulting from the operation or the location
5 or use of buildings, machinery, vehicles, equipment,
6 or other real or personal property used in the
7 operation, of a livestock feedlot.

8 9. "Nuisance" means and includes public or private
9 nuisance as defined either by statute or by the common
10 law.

11 10. "Nuisance action or proceeding" means and
12 includes every action, claim or proceeding, whether
13 brought at law, in equity, or as an administrative
14 proceeding, which is based on nuisance.

15 11. "Owner" shall mean the person holding record
16 title to real estate to include both legal and
17 equitable interests under recorded real estate
18 contracts.

19 12. "Zoning requirement" means a regulation or
20 ordinance, which has been adopted by a city, county,
21 township, school district, or any special-purpose
22 district or authority, and which materially affects
23 the operation of a feedlot. Nothing in this Act shall
24 be deemed to empower any agency described in this
25 subsection to make any regulation or ordinance.

26 13. A rule pertaining to "feedlot management
27 standards" means a rule, the implementation of which,
28 or the compliance with which, requires the expendi-
29 ture of funds not in excess of two percent of the
30 establishment cost of the feedlot.

31 14. A rule pertaining to "feedlot design stan-
32 dards" means a rule, the implementation of which,
33 or the compliance with which, requires the expenditure
34 of funds in excess of two percent of the establish-
35 ment cost of the feedlot.

36 15. "Establishment cost of a feedlot" means the
37 cost or value of the feedlot on its established date
38 of operation and includes the cost or value of the
39 building, machinery, vehicles, equipment or other
40 real or personal property used in the operation of
41 the feedlot.

42 **Sec. 2. NEW SECTION. COMPLIANCE—A DEFENSE**
43 **TO NUISANCE ACTIONS.** In any nuisance action or
44 proceeding against a feedlot brought by or on behalf
45 of a person whose date of ownership of realty is
46 subsequent to the established date of operation of
47 that feedlot, proof of compliance with sections three
48 (3) and four (4) of this Act shall be an absolute
49 defense, provided that the conditions or circumstances
50 alleged to constitute a nuisance are subject to

Page 3

1 regulatory jurisdiction in accordance with either
2 section three (3) or four (4) of this Act.

3 **Sec. 3. NEW SECTION. COMPLIANCE WITH RULES OF**
4 **THE DEPARTMENT.**

5 1. **REQUIREMENT.** A person who operates a feedlot
6 shall comply with applicable rules of the department.
7 The applicability of a rule of the department shall
8 be as provided in subsection two (2) of this section.
9 A person complies with this section as a matter of
10 law where no rule of the department exists.

11 2. **APPLICABILITY OF RULES.**

12 a. **Exclusion for federally mandated requirements.**

13 This section shall apply to the department's rules

14 except for rules required for delegation of the
15 national pollutant discharge elimination system permit
16 program pursuant to the Federal Water Pollution Control
17 Act, Title thirty-three (33), United States Code,
18 chapter one hundred twenty-six (126), as amended,
19 and forty (40) Code of Federal Regulations, Part one
20 hundred twenty-four (124).

21 b. Applicability of rules of the department other
22 than those issued by the air quality commission.

23 (1) A rule of the department in effect on the
24 effective date of this Act shall apply to a feedlot
25 with an established date of operation prior to the
26 effective date of this Act.

27 (2) A rule of the department shall apply to a
28 feedlot with an established date of operation sub-
29 sequent to the effective date of the rule.

30 (3) A rule of the department adopted after the
31 effective date of this Act shall not apply to a feed-
32 lot holding any DEQ permit and having an established
33 date of operation prior to the effective date of the
34 rule until either the expiration of the term of the
35 permit in effect on the effective date of the rule,
36 or ten years from the established date of operation
37 of the feedlot, whichever time period is greater.

38 (4) A rule of the department adopted after the
39 effective date of this Act shall not apply to a feed-
40 lot not previously required to hold a DEQ permit and
41 having an established date of operation prior to the
42 effective date of the rule for either a period of
43 ten years from the established date of operation of
44 the feedlot or five years from the effective date
45 of the rule, whichever time period is greater.

46 (5) To achieve compliance with applicable rules
47 the department shall issue an appropriate compliance
48 schedule.

49 c. Applicability of rules of the air quality com-
50 mission.

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1 (1) A rule of the air quality commission in ef-
2 fect on the effective date of this Act shall apply
3 to a feedlot with an established date of operation
4 prior to the effective date of this Act.

5 (2) A rule of the air quality commission shall
6 apply to a feedlot with an established date of opera-
7 tion subsequent to the effective date of the rule.

8 (3) A rule of the air quality commission pertain-
9 ing to feedlot management standards adopted after
10 the effective date of this Act shall not apply to
11 any feedlot having an established date of operation
12 prior to the effective date of the rule until one
13 year after the effective date of the rule.

14 (4) A rule of the air quality commission per-
15 taining to feedlot design standards adopted after
16 the effective date of this Act shall not apply to

17 any feedlot having an established date of operation
18 prior to the effective date of the rule for either
19 a period of ten years from the established date of
20 operation of the feedlot or two years from the ef-
21 fective date of the rule, whichever time period is
22 greater. However, any design standard rule pertain-
23 ing to the siting of any feedlot shall apply only
24 to a feedlot with an established date of operation
25 subsequent to the effective date of the rule.

26 (5) To achieve compliance with applicable rules
27 the department shall issue an appropriate compliance
28 schedule.

29 **Sec. 4. NEW SECTION. COMPLIANCE WITH ZONING**
30 **REQUIREMENTS.**

31 1. **REQUIREMENT.** A person who operates a feedlot
32 shall comply with applicable zoning requirements.
33 The applicability of a zoning requirement shall be
34 as provided in subsection two (2) of this section.
35 A person complies with this section as a matter of
36 law where no zoning requirement exists.

37 2. **APPLICABILITY.**

38 a. A zoning requirement shall apply to a feedlot
39 with an established date of operation subsequent to
40 the effective date of the zoning requirement.

41 b. A zoning requirement, other than one adopted
42 by a city, shall not apply to a feedlot with an
43 established date of operation prior to the effective
44 date of the zoning requirement for a period of ten
45 years from the effective date of that zoning
46 requirement.

47 c. A zoning requirement which is in effect on
48 the effective date of this Act, shall apply to a
49 feedlot with an established date of operation prior
50 to the effective date of this Act.

Page 5

1 d. A zoning requirement adopted by a city shall
2 apply to a feedlot located within an incorporated
3 or unincorporated area which is subject to regulation
4 by that city as of the effective date of this Act,
5 regardless of the established date of operation of
6 the feedlot.

7 e. A zoning requirement adopted by a city shall
8 not apply to a feedlot which becomes located within
9 an incorporated or unincorporated area subject to
10 regulation by that city by virtue of an incorpora-
11 tion or annexation which takes effect after the
12 effective date of this Act for a period of ten years
13 from the effective date of the incorporation or
14 annexation.

15 **Sec. 6. Chapter six hundred fifty-seven (657),**
16 **Code 1975, is amended by adding the following new**
17 **section:**

18 **NEW SECTION. FEEDLOTS.** This chapter shall apply
19 to the operation of a livestock feedlot, only as

20 provided in sections one (1) through five (5) of this
21 Act.

22 Sec. 7. The code editor is directed to codify
23 sections one (1) through five (5) of this Act as a
24 new chapter of the Code.

25 Sec. 8. This Act shall take effect on November
26 1, 1976.

HOUSE AMENDMENT TO SENATE FILE 1251

S—5871

1 Amend Senate File 1251 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "systems.", the following: "Included in this total
4 shall be \$2,500 for actuarial services provided in
5 House File 914."

HOUSE MESSAGES CONSIDERED

House File 1572, a bill for an act discontinuing the use of certain architectural personnel and their support funds by the department of social services.

Read first time and passed on file.

House File 1579, a bill for an act making an appropriation to the department of social services for capital improvement projects.

Read first time and passed on file.

House File 1584, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations.

Read first time and passed on file.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the appointment of the following conference committee on Senate File 1191 on the part of the Senate: Senators Willits, chairperson; Sovern, Doderer, Andersen and Burroughs.

The Chair announced the appointment of the following conference committee on House File 584 on the part of the Senate: Senators Redmond, chairperson; Carr, Coleman, Shaw and Hill of Polk.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1277

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, an Act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:

CHARLES P. MILLER,
Chairperson
CLOYD E. ROBINSON
KENNETH D. SCOTT
RICHARD R. RAMSEY
RAY TAYLOR

On the Part of the House:

C. W. HUTCHINS, Chairperson
KEITH BAKER
GREGORY D. CUSACK
INGWER L. HANSEN
JAMES C. WEST

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following second conference committee on House File 1277 on the part of the Senate: Senators Miller of Des Moines, chairperson; Robinson, Scott, Ramsey and Taylor.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

BUSINESS PENDING

House File 1371

The Senate resumed consideration of House File 1371, and amendment S—5870.

Senator Gallagher asked and received unanimous consent to withdraw amendment S—5870.

Senator Gallagher moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1371) the vote was:

Ayes, 41:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver

DeKoster
Doderer
Gallagher
Glenn
Gluba
Griffin
Hansen

Heying
Hill of Jasper
Hultman
Kelly
Kinley
Lamborn
Merritt

Miller of
Des Moines
Miller of
Marshall
Murray
Nystrom
Orr

Palmer
Plymat
Priebe
Rabedaux

Ramsey
Redmond
Robinson
Rodgers

Schwengels
Scott
Sovern
Taylor

Tieden
Willits
Winkelman

Nays, 4:

Hill of Polk

Junkins

Nolin

Nolting

Absent or not voting, 5:

Curtis
Norpel

Shaff

Shaw

Van Gilst

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

MOTION TO RECONSIDER

I move to reconsider the vote by which House File 1371 passed the Senate on May 20, 1976.

CALVIN O. HULTMAN

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that **House File 1472** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent that **House File 1478** be **immediately messaged** to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 829.

House File 829

On motion of Senator Curtis, House File 829, a bill for an act relating to the administration of the Uniform Consumer Credit Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 829) the vote was:

Ayes, 46:

Andersen
Bergman
Briles
Burroughs
Carr

Coleman
Culver
Curtis
DeKoster
Doderer

Gallagher
Glenn
Griffin
Hansen
Heying

Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly

Lamborn	Nolin	Priebe	Scott
Merritt	Nolting	Rabedeaux	Shaff
Miller of	Norpel	Ramsey	Sovern
Des Moines	Nyström	Redmond	Taylor
Miller of	Orr	Robinson	Tieden
Marshall	Palmer	Rodgers	Willits
Murray	Plymat	Schwengels	Winkelman

Nays, none.

Absent or not voting, 4:

Gluba	Kinley	Shaw	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent to take up for consideration House File 1512.

House File 1512

On motion of Senator Curtis, House File 1512, a bill for an act relating to the Iowa Consumer Credit Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curtis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1512) the vote was:

Ayes, 44:

Andersen	Hansen	Murray	Redmond
Bergman	Heying	Nolin	Robinson
Briles	Hill of Jasper	Nolting	Rodgers
Burroughs	Hill of Polk	Norpel	Schwengels
Carr	Hultman	Nystrom	Scott
Coleman	Junkins	Orr	Shaff
Culver	Kelly	Palmer	Sovern
Curtis	Merritt	Plymat	Taylor
DeKoster	Miller of	Priebe	Tieden
Doderer	Des Moines	Rabedeaux	Willits
Gallagher	Miller of	Ramsey	Winkelman
Glenn	Marshall		

Nays, 1:

Gluba

Absent or not voting, 5:

Griffin	Lamborn	Shaw	Van Gilst
Kinley			

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1512 passed the Senate on May 20, 1976.

ROBERT M. CARR

MR. PRESIDENT: I move to reconsider the vote by which House File 1512 passed the Senate on May 20, 1976.

W. R. RABEDEAUX

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

HOUSE AMENDMENT CONSIDERED

SENATE REFUSED TO CONCUR

Senate File 1280

Senator DeKoster called up for consideration Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, amended by the House, as follows:

S—5813

- 1 Amend Senate File 1280 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, by striking lines 9A through 9W.
- 4 2. Page 2, by striking lines 12 through 31.
- 5 3. Page 4, line 13, by striking the words "*the*
- 6 *department of*".
- 7 4. Page 5, by striking lines 12A through 18.
- 8 5. Page 6, line 17, by striking the words "*of*
- 9 *the department*".
- 10 6. Page 6, by inserting after line 31E the
- 11 following section:
- 12 "Sec. Section three hundred twenty-one
- 13 point two hundred eighty-one (321.281), Code
- 14 1975, is amended by striking unnumbered paragraph
- 15 four (4)."
- 16 7. Page 7, by striking line 29 through page 8,
- 17 line 11.
- 18 8. Page 11, by striking lines 11 through 14.
- 19 9. Strike page 11, line 15 through page 13,
- 20 line 28.
- 21 10. Page 15, by striking lines 15 through 32 and
- 22 inserting in lieu thereof the following:
- 23 "Sec. Section forty-seven point three
- 24 (47.3), Code 1975, as amended by Acts of the Sixty-
- 25 sixth General Assembly, 1976 Session, House File
- 26 one thousand eleven (1011), section eighteen (18),
- 27 is amended by striking unnumbered paragraph one (1)
- 28 and inserting in lieu thereof the following:

29 The costs of conducting a special election called
30 by the governor, general election, and the primary
31 election held prior to the general election shall
32 be paid by the county.

33 Sec. Section forty-nine point seventy-
34 three (49.73), subsection two (2), Code 1975, as
35 amended by Acts of the Sixty-sixth General Assembly,
36 1976 Session, House File one thousand eleven
37 (1011), section forty (40), is amended to read as
38 follows:

39 2. The commissioner shall not shorten voting
40 hours for any election if there is filed in the
41 commissioner's office, at least twenty-five days
42 before the election, a petition signed by at
43 least fifty eligible electors of the school district
44 or city, as the case may be, requesting that the
45 polls be opened not later than seven o'clock a.m.
46 All polling places where the candidates of or any
47 public question submitted by any one political sub-
48 division are being voted upon shall be opened at
49 the same hour, except that this requirement shall
50 not apply to merged areas established under chapter
51 two hundred eighty A (280A) of the Code. The hours

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1 at which the respective precinct polling places
2 are to open shall not be changed after publication
3 of the notice required by section 49.53. The
4 polling places shall be closed at nine o'clock p.m.
5 for state primary and general elections and other
6 partisan elections, *and for any other election held*
7 *concurrently therewith*, and at eight o'clock p.m.
8 for all other elections.

9 11. Page 15, by striking line 33 through page 16,
10 line 22 and inserting in lieu thereof the following:

11 "Sec. Section five hundred eighteen A
12 point thirty-eight (518A.38), Code 1975, is repealed."

13 12. Amend the title line 2, by striking the words
14 " , and the duties of the Code editor".

15 13. Renumber the sections and correct internal
16 references in conformance with this amendment.

Senator DeKoster offered amendment S—5873 to House amend-
ment S—5813 and moved its adoption:

S—5873

1 Amend the House amendment, S—5813, to Senate
2 File 1280 as follows:

3 1. Page 1, by striking lines 5 and 6.

4 2. Page 1, by striking line 7.

5 3. Page 1, by striking lines 8 and 9.

6 4. Page 1, by striking lines 19 and 20.

7 5. Page 2, by striking lines 9 through 12 and
8 inserting in lieu thereof the following:

9 11. Page 16, lines 3 and 4 by striking the words

- 10 and figures "four hundred fifty point sixteen (450.16),
11 four hundred fifty point thirty-five (450.35),"
- 12 12. Page 16, lines 10 and 11 by striking the
13 words and figures "and section six hundred seven point
14 two (607.2), subsections three (3), four (4), five (5)
15 and six (6), Code 1975,"
- 16 13. Page 16, line 14, by striking the words
17 and figure "one hundred two (102),"
- 18 14. Page 16, line 15, by striking the words and
19 figure "one hundred eighty-two (182),"
- 20 6. Renumber the remaining sections accordingly.

Amendment S—5873 to House amendment S—5813 lost.

Senator DeKoster moved that the Senate concur in House amendment S—5813.

The motion lost and the Senate refused to concur in House amendment S—5813 to Senate File 1280.

MOTIONS TO RECONSIDER WITHDRAWN

House File 207

Senator Gallagher withdrew the motion to reconsider the vote by which House File 207, a bill for an act to amend the eminent domain procedures relating to the appointment of compensation commissioners, dispossession of landowners, replacement of wells, furnishing appraisals, and interests in land arising after service of notice of assessment, failed to pass the Senate, filed by him on April 12, 1976.

House File 1490

Senator Gallagher withdrew the motion to reconsider the vote by which House File 1490, a bill for an act relating to the licensing and regulating of the sale of eggs and providing a penalty, passed the Senate, filed by him on May 19, 1976.

CONSIDERATION OF BILLS

Senator Priebe asked and received unanimous consent to take up out of order House File 1390.

House File 1390

On motion of Senator Sovern, House File 1390, a bill for an act relating to civil damages for the taking of game or fur-bearing animals, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sovern moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1390) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Schwengels
Burroughs	Heying	Nolin	Scott
Carr	Hill of Polk	Nolting	Shaff
Coleman	Hultman	Norpel	Shaw
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Priebe	Wallits
Gallagher	Merritt	Rabedeaux	Winkelman
Glenn		Ramsey	

Nays, 2:

Hill of Jasper	Miller of Des Moines
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Absent or not voting, 3:

Plymat	Robinson	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1277, a bill for an Act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, are as follows: The Representative from Guthrie, Mr. Hutchins, chair; the Representative from Buena Vista, Mr. Baker; the Representative from Scott, Mr. Cusack; the Representative from O'Brien, Mr. Hansen; and the Representative from Marshall, Mr. West.

Also: That the House has on May 20, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1252, a bill for an act making appropriations to the bureau of labor and the Iowa merit employment department.

Also: That the House has on May 14, 1976, concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

Senate File 1265, a bill for an act to establish a uniform removal procedure for advertising devices.

Also: That the House has on May 20, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1480, a bill for an act relating to rail regulation.

DAVID L. WRAY, Chief Clerk

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S. F. 1339 Rules and administration

H. F. 1314 Appropriations

H. F. 1582 Education

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Linda A. Tigges, of Ankeny, Polk County, Iowa, for appointment as a member of the Natural Resources Council for the State of Iowa, pursuant to Sections 455A.4 and 455A.5, 1975 Code of Iowa, for an unexpired term commencing July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL JUNKINS, Chairperson
CLIFF BURROUGHS
JOAN ORR
DALE L. TIEDEN
EARL M. WILLITS

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of May, 1976: Senate Files 1092, 1141, 1210, 1291, 1323 and 1330.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 20, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 357—Relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects.

S. F. 487—Relating to the regulation of savings and loan associations organized under the laws of the State of Iowa.

- S. F. 1050—Relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.
- S. F. 1124—Making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States social security act.
- S. F. 1258—Relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the State commerce commission.
- S. F. 1279—To legalize and validate the proceedings of the Polk County commissioner of elections in connection with an election in and for the city of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.
- S. F. 1283—Relating to making an appropriation to the Iowa beer and liquor control department.
- S. F. 1285—Relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period, temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the act.
- H. F. 352—Relating to dissolution of marriage.
- H. F. 863—Relating to workmen's compensation laws and providing a civil penalty.
- H. F. 1320—To correct an internal Code reference under the individual income tax law.
- H. F. 1321—Relating to accumulated distributions of trusts under the individual income tax and making the act retroactive.
- H. F. 1408—Relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.
- H. F. 1436—Relating to the State psychopathic hospital.
- H. F. 1470—Relating to the location and construction of electric power generating facilities and providing penalties.
- H. F. 1483—Relating to the uniform guarantee association Act.

REPORTS OF COMMITTEES

Senator Orr submitted the following reports:

MR. PRESIDENT: Your committee on education to which was referred **House File 1581**, a bill for an act relating to educational leaves of absence for school employees, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on education to which was referred **House File 1582**, a bill for an act relating to the issuance, continuance, and

termination of contracts of school administrators, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOAN ORR, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1576**, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976 and July 1, 1976 and approved in any special charter city which levies and collects its own taxes and making the Act retroactive, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5862

- 1 Amend the Sovern, et al., amendment, S—5588, to
- 2 Senate File 1313 as follows:
- 3 1. Page 13, by striking lines 8 through 28, and
- 4 inserting in lieu thereof the following:
- 5 "However, before the permit is issued to the applicant
- 6 the state agency shall consult with the state commission
- 7 and review the application and determine its land use
- 8 impact. The commission shall have no authority to dis-
- 9 approve any application approved by any other state
- 10 agency."

WILLARD R. HANSEN
CALVIN O. HULTMAN

S—5864

- 1 Amend the Sovern, et al., amendment S—5588 to Senate
- 2 File 1313 by inserting on page 33, after line 18,
- 3 the following new section:
- 4 "Sec. This Act shall take effect January
- 5 1, 1977, provided it is first approved by the voters
- 6 of the state in the manner required by this section.
- 7 The state commissioner of elections shall cause
- 8 this Act to be published for three consecutive months
- 9 prior to the general election held in November of
- 10 the year nineteen hundred seventy-six, in the same
- 11 manner as is required for proposed constitutional
- 12 amendments which have been passed by one general
- 13 assembly. The state commissioner of elections shall
- 14 submit to the voters of the state at that general
- 15 election, in the same manner as proposed constitutional
- 16 amendments which have been passed by two successive
- 17 general assemblies are submitted, the question 'Shall
- 18 the Act of the Sixty-sixth General Assembly, 1976
- 19 Session, designated Senate File 1313 and entitled
- 20 "An Act to provide for a state land use policy, and

21 to create a department of soil conservation and land
 22 use, a state land use policy commission, county land
 23 use policy commissions, and to specify the powers
 24 and duties of such agencies", take effect and be in
 25 force on January 1, 1977? This Act shall be of no
 26 force and effect, and all amendments to existing
 27 statutes embodied in it shall be deemed inoperative,
 28 unless the foregoing question receives the affirmative
 29 votes of a majority of those voting for and against
 30 the question in at least fifty counties in the state."

HILARIUS L. HEYING

S—5866

1 Amend House File 909, page 1, line 13, by
 2 inserting after the word "plat" the words "*and*
 3 *legal description*".

CHARLES P. MILLER

S—5869

1 Amend House File 1550 as amended, passed,
 2 and reprinted by the House as follows:
 3 1. Page 1 by striking lines 3 through 6.
 4 2. Renumber the remaining subsections.

CALVIN O. HULTMAN

S—5868

1 Amend House File 1550 as amended, passed,
 2 and reprinted by the House as follows:
 3 1. Page 2, line 29 by striking the word
 4 "shall" and inserting in lieu thereof the word "may".
 5 2. Page 2, line 35 by striking the word
 6 "shall" and inserting in lieu thereof the word "may".

CALVIN O. HULTMAN

S—5867

1 Amend House File 1550 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 30 through 33 and
 4 and inserting in lieu thereof the following:
 5 "(2) Time of day demand fluctuations; and
 6 (3) Evidence or estimates of changes in
 7 consumption patterns due to changes in price."

CALVIN O. HULTMAN

S—5874

1 Amend House File 1582, as amended and passed by
 2 the House, as follows:
 3 1. By striking everything after the enacting clause
 4 and inserting in lieu thereof the following:
 5 "Section 1. Chapter twenty (20), Code 1975, is
 6 amended by adding the following new section:
 7 *NEW SECTION.* Notwithstanding the provisions of
 8 section twenty point four (20.4), subsection two (2)

9 of the Code, school administrators employed by a
10 school district, area education agency, or area school
11 and the respective boards of directors shall negotiate
12 in good faith under the provisions of this chapter
13 with respect to the issuance, continuation, and
14 termination of contracts of administrators and
15 discharge of administrators.

16 For the purpose of this section, the term 'school
17 administrator' includes assistant superintendents,
18 educational directors, principals, assistant
19 principals, and other certificated school supervisors
20 as defined under the provisions of section twenty
21 point four (20.4) of the Code.

22 Sec. 2. Chapter two hundred seventy-nine (279),
23 Code 1975, is amended by adding the following new
24 section:

25 *NEW SECTION.* The provisions of sections two hundred
26 seventy-nine point thirteen (279.13) and two hundred
27 seventy-nine point twenty-four (279.24) of the Code
28 shall not apply to school administrators as defined
29 in section one (1) of this Act."

W. R. RABEDEAUX

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 7:13
p.m., until 8:30 a.m., Friday, May 21, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FIRST DAY

**SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MAY 21, 1976**

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend Richard W. Kuhn, pastor of the St. Francis Catholic Church, Fayette, Iowa.

The Journal of Thursday, May 20, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolin for the day on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-four students from CAL Community School, Latimer, Iowa, accompanied by Mick West. Senator Taylor.

Seventy students from Denmark Elementary School, Fort Madison, Iowa, accompanied by Mrs. Carlson, Mr. Putnam and Mr. Scruggs. Senator Junkins.

Fifteen students from Meredith Junior High School, Des Moines, Iowa, accompanied by Nancy Mueller. Senator Plymat.

Twenty-five students from St. Benedict School, Wesley, Iowa, accompanied by Mary Bellinghausen. Senator Priebe.

One hundred twenty students from Indianola Middle School,

Indianola, Iowa, accompanied by Mrs. O'Hair, Miss Degner, Mrs. Birac and Miss Nyswonger. Senator Van Gilst.

PETITION

The following petition was presented and placed on file:

By Senator Nolting from twenty residents of Hardin County favoring an appropriation to complete renovation and construction at the Iowa Veterans Home.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Culver called up the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Jon H. Kneen, of Ottumwa, Wapello County, Iowa, for appointment as a member of the State Judicial Nominating Commission under the provisions of Sections 46.1 and 46.5, Code 1975, for an unexpired term beginning July 1, 1975, and ending June 30, 1979, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOUIS P. CULVER, Chairperson
GENE W. GLENN
WILLARD R. HANSEN
CHARLES P. MILLER
DALE L. TIEDEN

The motion prevailed and the report was adopted.

Senator Culver moved the appointment of Jon H. Kneen as a member of the State Judicial Nominating Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 34:

Andersen	Glenn	Merritt	Palmer
Bergman	Gluba	Miller of	Priebe
Briles	Griffin	Des Moines	Rodgers
Burroughs	Heying	Miller of	Schwengels
Coleman	Hill of Jasper	Marshall	Scott
Culver	Hultman	Nolting	Sovern
Curtis	Kelly	Norpel	Taylor
Doderer	Kinley	Nystrom	Tieden
Gallagher	Lamborn	Orr	Winkelman

Nays, none.

Absent or not voting, 16:

Carr	Junkins	Rabedeaux	Shaff
DeKoster	Murray	Ramsey	Shaw
Hansen	Nolin	Redmond	Van Gilst
Hill of Polk	Plymat	Robinson	Willits

President Neu declared the appointment of Jon H. Kneen as a member of the State Judicial Nominating Commission confirmed for the unexpired portion of the term ending June 30, 1979.

HOUSE AMENDMENT CONSIDERED

SENATE REFUSED TO CONCUR

Senate File 1251

Senator Hill of Jasper called up for consideration Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, amended by the House, and moved that the Senate concur in the following amendment:

S—5871

- 1 Amend Senate File 1251 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "systems.", the following: "Included in this total
- 4 shall be \$2,500 for actuarial services provided in
- 5 House File 914."

The motion lost and the Senate refused to concur in House amendment S—5871 to Senate File 1251.

CONSIDERATION OF BILLS

House File 909

On motion of Senator Rodgers, House File 909, a bill for an act relating to the platting of land, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Des Moines offered amendment S—5866 filed by him and moved its adoption:

S—5866

- 1 Amend House File 909, page 1, line 13, by
- 2 inserting after the word "plat" the words "and
- 3 legal description".

Amendment S—5866 lost.

President pro tempore Doderer took the chair at 9:15 a.m.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 909) the vote was:

Ayes, 27:

Andersen	Gluba	Merritt	Robinson
Bergman	Hansen	Murray	Rodgers
Briles	Heying	Nolting	Schwengels
Carr	Hill of Jasper	Nystrom	Shaw
Curtis	Hill of Polk	Orr	Sovern
DeKoster	Junkins	Palmer	Willits
Doderer	Kinley	Redmond	

Nays, 19:

Burroughs	Hultman	Miller of	Ramsey
Coleman	Keily	Marshall	Scott
Culver	Lamborn	Norpel	Taylor
Gallagher	Miller of	Plymat	Tieden
Glenn	Des Moines	Priebe	Winkelman
Griffin			

Absent or not voting, 4:

Nolin	Rabedeaux	Shaff	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Carr called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. T. J. Heronimus of Grundy Center, Grundy County, Iowa, for reappointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, Code 1975, for the regular six-year term beginning January 3, 1976, and ending January 2, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROBERT M. CARR, Chairperson
CLIFF BURROUGHS
LOUIS P. CULVER
JOHN N. NYSTROM
WILLIAM D. PALMER

The motion prevailed and the report was adopted.

Senator Carr moved the appointment of T. J. Heronimus as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Priebe
Bergman	Griffin	Des Moines	Ramsey
Briles	Hansen	Miller of	Redmond
Burroughs	Heying	Marshall	Rodgers
Carr	Hill of Jasper	Murray	Scott
Coleman	Hill of Polk	Nolting	Shaw
Culver	Hultman	Norpel	Sovern
Curtis	Junkins	Nystrom	Taylor
DeKoster	Kelly	Orr	Tieden
Doderer	Kinley	Palmer	Willits
Gallagher	Lamborn	Plymat	Winkelman
Glenn	Merritt		

Nays, none.

Absent or not voting, 6:

Nolin	Robinson	Shaff	Van Gilst
Rabedaux	Schwengels		

President pro tempore Doderer declared the appointment of T. J. Heronimus as a member of the State Board of Public Construction confirmed for the regular six-year term ending January 2, 1982.

SENATE INSISTS**House File 1558**

Senator Junkins called up for consideration House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment to House File 1558.

The Senate stood at ease until 10:30 a.m.

The Senate resumed session, Senator Sovrn presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 13, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts.

Also: That the House has on May 19, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials.

Also: That the House has on May 20, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1585, a bill for an act to make an appropriation for deposit in the energy research and development fund.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 356

S—5875

1 Amend Senate File 356 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 20 through 26 and
4 inserting in lieu thereof the following subsection:

5 "3. 'Self-liquidating improvement' means any
6 facility or property proposed to be leased in whole
7 or in part to any person or governmental body to
8 further the corporate purposes of the city and:

9 a. To aid in the commercial development of the
10 district.

11 b. To further the purposes of the district; or

12 c. Not substantially reduce the city's property
13 tax base."

14 2. Page 3, by inserting after line 35 the following
15 lettered paragraph:

16 "..... A statement that taxes levied for the self-
17 supported improvement district operation fund shall
18 be used for the purpose of paying maintenance expenses
19 of improvements or self-liquidating improvements
20 financed pursuant to this Act for a specified length
21 of time, along with any options to renew, if such
22 taxes are to be used for this maintenance purpose."

23 3. Page 4, lines 30 and 31, by striking the words
24 "on or before the date of publication of the notice,"
25 and inserting in lieu thereof the words "not less
26 than fifteen days before the meeting".

27 4. Page 5, by striking lines 15 through 18 and
28 inserting in lieu thereof the words "The council must
29 wait at least thirty days after the public hearing
30 has been held before it may adopt".

31 5. Page 5, line 27, by inserting after the word
32 "required" the words "in subsections four (4) and
33 five (5) of this section".

34 6. Page 6, by striking lines 16 through 18 and
35 inserting in lieu thereof the words "of at least forty
36 percent of all owners of property within the proposed
37 district or signatures which together represent
38 ownership of property with an assessed value of forty
39 percent or more of the assessed value of all property
40 within the proposed district."

41 7. Page 7, by striking lines 29 through 35.

42 8. Page 8, lines 1 and 2, by striking the words
43 "Except as limited in subsection one (1) of this

44 section, the" and inserting in lieu thereof the word
45 "The".

46 9. Page 8, line 14, by striking the word
47 "threefourths" and inserting in lieu thereof
48 the word "three-fourths".

49 10. Page 8, line 16, by striking the words ", and
50 where a".

Page 2

1 11. Page 8, by striking lines 17 through 22 and
2 inserting in lieu thereof the words ". However, if
3 a remonstrance has been filed with the clerk signed
4 by at least twenty-five percent of all owners of
5 property within the district and all property proposed
6 to be included representing ownership of property
7 with an assessed value of twenty-five percent or more
8 of the assessed value of all the property in the
9 district and all property proposed to be included,
10 the amending ordinance must be adopted by unanimous
11 vote of the council."

12 12. Page 8, by inserting after line 26 the
13 following subsection:

14 "..... At any time prior to council amendment
15 of the ordinance creating the district, the entire
16 matter of amending such ordinance shall be withdrawn
17 from council consideration if a petition is filed
18 with its clerk containing either the signatures of at least
19 forty percent of all owners of property within the
20 district and all property proposed to be included
21 or signatures which together represent ownership of
22 property with an assessed value of forty percent or
23 more of the assessed value of all property within
24 the district and all property proposed to be included."

25 13. Page 8, line 31, by inserting after the word
26 "ordinance" the words "amending the ordinance".

27 14. Page 9, by striking lines 19 through 25 and
28 inserting in lieu thereof the words "of two members.
29 However, if a remonstrance has been filed with the
30 clerk signed by at least twenty-five percent of all
31 owners of property within the district representing
32 ownership of property with an assessed value of twenty-
33 five percent or more of the assessed value of all
34 the property in the district, the rescission of the
35 ordinance creating the district, and any subsequent
36 ordinances amending the district, requires a unani-
37 mous vote of the council.

38 At any time prior to action of the council rescind-
39 ing the ordinance creating the district, and any
40 subsequent ordinances amending the district, the
41 entire matter of dissolving a district shall be with-
42 drawn from council consideration if a petition is
43 filed with its clerk containing the signatures of
44 at least forty percent of all owners of property
45 within the district or signatures which together
46 represent ownership of property with an assessed value

47 of forty percent or more of the assessed value of
48 all property within the district."
49 15. Page 9, line 32, by striking the words "owners
50 of".

Page 3

1 16. Page 9, by striking lines 33 through 35 and
2 inserting in lieu thereof the words "at least twenty-
3 five percent of all owners of property within the
4 district representing ownership of property with an
5 assessed value of twenty-five percent or more of the
6 assessed value of all the property in the district".

7 17. Page 10, line 10, by inserting after the word
8 "Act." the words "If no planning or zoning commission
9 exists, the council shall call a hearing on a proposed
10 improvement upon receipt of a petition."

11 18. Page 10, line 14, by inserting after the word
12 "in" the words "subsections four (4) and five (5)
13 of".

14 19. Page 10, line 22, by striking the words "At
15 the meeting".

16 20. Page 10, by striking lines 23 through 29 and
17 inserting in lieu thereof the words "The council must
18 wait at least thirty days after the public hearing
19 has been held before it may take action to order
20 construction of the improvement. The provisions of
21 section three (3), subsections seven (7) and nine
22 (9), of this Act relating to the adoption of the
23 ordinance establishing a district, the requisite vote
24 therefor, the remonstrance thereto and the withdrawal
25 of the entire matter from council consideration apply
26 to the adoption of the resolution ordering the
27 construction of the improvement."

28 21. Page 10, line 33, by striking the words "Code,
29 provided that 'improvement' as used in" and inserting
30 in lieu thereof the word "Code."

31 22. Page 10, by striking lines 34 and 35.

32 23. Page 11, by striking lines 1 and 2.

33 24. Page 12, by striking lines 10 through 15 and
34 inserting in lieu thereof the following subsection:

35 "2. Before the council may order the construction
36 of a self-liquidating improvement, and after hearing
37 thereon, it must find that the self-liquidating
38 improvement and the leasing of a part or the whole
39 of it to any person or governmental body will further
40 the corporate purposes of the city and will:

41 a. Aid in the commercial development of the
42 district.

43 b. Further the interests of the district; or

44 c. Not substantially reduce the city's property
45 tax base."

46 25. Page 12, line 19, by striking the words "Code,
47 provided that 'improvement' " and inserting in lieu
48 thereof the word "Code."

49 26. Page 12, by striking lines 20 through 30 and
50 inserting in lieu thereof the following subsection:

Page 4

- 1 "..... The adoption of a resolution ordering the
2 construction of a self-liquidating improvement is
3 a legislative determination that the proposed self-
4 liquidating improvement and the leasing of a part
5 or the whole of it to any person or governmental body
6 will further the corporate purposes of the city and
7 will:
8 a. Aid in the commercial development of the
9 district.
10 b. Further the interests of the district; or
11 c. Not substantially reduce the city's property
12 tax base."
13 27. Page 13, line 9, by striking the word "city"
14 and inserting in lieu thereof the word "district".
15 28. Page 14, line 11, by inserting after the word
16 "district." the words "The taxes levied for this fund
17 may also be used for the purpose of paying maintenance
18 expenses of improvements or self-liquidating
19 improvements financed pursuant to this Act for a
20 specified length of time with one or more options
21 to renew if such is clearly stated in the petition
22 which requests the council to authorize construction
23 of the improvement or self-liquidating improvement
24 whether or not such petition is combined with the
25 petition requesting creation of a district. Parcels
26 of property which are assessed as residential property
27 for property tax purposes are exempt from the tax
28 levied under this section."
29 29. Page 14, line 13, by striking the words
30 "However, a property".
31 30. Page 14, by striking lines 14 through 24.
32 31. Page 14, line 28, by striking the word "dis-
33 trict" and inserting in lieu thereof the word "dis-
34 trict".
35 32. Page 14, line 32, by inserting after the words
36 "self-liquidating improvement." the words "However,
37 parcels of property which are assessed as residential
38 property for property tax purposes are exempt from
39 the tax levied under this section."
40 33. Page 15, line 1, by striking the words
41 "However, a property owner whose income during the".
42 34. Page 15, by striking lines 2 through 11.
43 35. Page 15, by striking lines 23 through 35.
44 36. Page 16, by striking lines 1 through 4 and
45 inserting in lieu thereof the words "However, parcels
46 of property which are assessed as residential property
47 for property tax purposes are exempt from the tax
48 levied under this section."
49 37. Page 16, line 13, by inserting after the word
50 "Act." the words "When self-supported municipal

Page 5

- 1 improvement district bonds are issued and taxes are
2 levied in accordance with chapter seventy-six (76)
3 of the Code, the taxes shall continue to be levied,

4 until the bonds and interest thereon are paid in full,
5 against all of the taxable property that was included
6 in the district at the time of the issuance of the
7 bonds, regardless of any subsequent removal of any
8 property from the district or the dissolution of the
9 district."

HOUSE MESSAGES CONSIDERED

House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated non-elected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

Read first time and passed on file.

House File 1585, a bill for an act to make an appropriation for deposit in the energy research and development fund.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was **present**.

Roll call revealed a quorum was present.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 21, 1976, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions in state correctional facilities.

INTRODUCTION OF BILLS

Senate File 1340, by committee on judiciary, a bill for an act to amend the rules of civil procedure proposed by the supreme court.

Read first time and placed on calendar.

Senate File 1341, by committee on judiciary, a bill for an act to define certain additional substances as controlled substances.

Read first time and placed on calendar.

Senate File 1342, by committee on appropriations, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 114

By Committee on Judiciary

- 1 *Whereas*, advancements in medical science and
2 technology have a dramatic effect on the utilization
3 of life support services; and
4 *Whereas*, the use and possible termination of
5 life support technology in the situation of the coma-
6 tose patient confronts society with broad social,
7 medical and legal questions; and
8 *Whereas*, there is a need for the rational reso-
9 lution of problems relating to the use and termination
10 of life support technology for the comatose patient
11 enjoying no reasonable possibility of ever emerging
12 to a cognitive, sapient state; *Now Therefore*,
13 *Be It Resolved by the House of Representatives*,
14 *the Senate Concurring*, That a study committee be
15 established by the legislative council to consider
16 the social, medical and legal problems presented by
17 the use and termination of life support technology
18 for the comatose patient and to offer necessary
19 legislation to resolve such problems; and
20 *Be It Further Resolved*, That clergy and members
21 of the legal and medical professions be invited to
22 attend meetings of the study committee; and
23 *Be It Further Resolved*, That the study committee
24 shall prepare a report of its findings and recommenda-
25 tions and submit it to the legislative council and
26 the members of the Sixty-seventh General Assembly,
27 1977 Session, accompanied by legislative bill drafts
28 designed to carry out the recommendations of the
29 study committee.

Read first time and placed on calendar.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 1514

Senator Priebe called up for consideration House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority, amended by the Senate, and further amended by the House, as follows:

S—5861

1 Amend the Senate amendment H—6685, to House
2 File 1514, as follows:

3 1. Page 1, by striking lines 6 through 13
4 and inserting in lieu thereof the following:

5 “2. Page 3, line 31, by inserting after the
6 word ‘criteria.’ the following: ‘Uniform
7 auditing procedures for local and state
8 alcoholism programs shall be established subject
9 to the approval of the auditor of state.’”

10 2. Page 1, by inserting after line 13 the
11 following:

12 “3. Page 4, by inserting after line 30 the follow-
13 ing new sections:

14 ‘Sec. 3. Effective July 1, 1977 the division
15 of alcoholism, now a part of the department of health,
16 and the Iowa drug abuse authority shall be merged
17 into a single state agency having responsibility for
18 education about, prevention efforts directed against,
19 and treatment programs to aid victims of the abuse
20 of chemical substances. The official title of the
21 merged agency and the provisions for its
22 administration, powers, duties and limitations shall
23 be as may be prescribed by the general assembly.
24 Initial proposals relative to these matters shall
25 be delivered to the general assembly by the governor
26 on or before January 17, 1977.

27 If the governor determines that merger effective
28 July 1, 1977 would not be in the best interest of
29 the state of Iowa, the governor may by executive order
30 delay the merger to a date not later than January
31 1, 1978.

32 Sec. 4. The general assembly declares that the
33 priorities of the merger to be effected pursuant to
34 section three (3) of this Act are:

35 1. Improved assistance to residents of Iowa who
36 are abusing or seeking to recover from the effects
37 of abuse of chemical substances; and

38 2. Reduced administrative costs and greater program
39 efficiency, relative to the quantity and quality of
40 services being offered.

41 Sec. 5. In preparing proposals to be submitted
42 to the general assembly as required by section three
43 (3) of this Act, the governor shall be guided by the
44 priorities established in section four (4) of this
45 Act. The proposals submitted by the governor shall
46 include, but need not be limited to, the following:
47 1. Administrative structure of the merged agency,
48 including its relationship to the governor and to
49 the general assembly and whether or not a governing
50 board or commission, and advisory council, or both

Page 2

1 should be established, and if so their composition,
2 manner of selection and responsibilities.
3 2. Continuation of strong local community and
4 local treatment program input into a state plan.
5 3. Annual development of a state plan, with comment
6 and review by local agencies and groups.
7 4. Specific recommendations for funding mechanisms
8 and criteria, with additional recommendations for
9 the related roles of counties and local communities.
10 5. Specific designation of education, treatment
11 and prevention programs, outlining the state's role
12 and the related responsibilities of counties and
13 communities.
14 6. Proposed relationship to other state agencies.
15 7. Common (so far as feasible) licensing and
16 certification standards and procedures.
17 8. Monitoring and evaluation mechanisms.
18 9. A goal of statewide availability of acute care
19 for chemical substance abusers.
20 Sec. 6. It is the intent of the general assembly
21 in adopting this Act that the proposals developed
22 in response to section five (5) of this Act be based
23 on the needs of clients, and of the community in
24 general, as determined from public hearings held
25 widely throughout the state.
26 Sec. 7. Chapters one hundred twenty-five (125)
27 and two hundred twenty-four B (224B), Code 1975, are
28 **repealed effective July 1, 1977. However, if the**
29 **merger of the division of alcoholism and the Iowa**
30 **drug abuse authority is delayed pursuant to section**
31 **three (3) of this Act, the two agencies shall con-**
32 **tinue to be governed by the provisions of those**
33 **chapters as if they were in full force and effect**
34 **until the merger takes effect.'"**

Senator Redmond took the chair at 11:58 a.m.

Senator Gluba offered amendment S—5877 to House amend-
ment S—5861 to Senate amendment H—6685:

S—5877

1 Amend the House amendment, S—5861, to the Senate
2 amendment, H—6685, to House File 1514 as amended and

3 passed by the House and reprinted as follows:

4 1. Page 1, by inserting after line 11 the fol-
5 lowing:

6 "..... Page 4, by inserting after line 27 the
7 following new sections:

8 'Sec.

9 1. The governor shall deliver to the general
10 assembly, on or before March 1, 1977, detailed
11 alternative proposals for merger of the Iowa mental
12 health authority and those components of the division
13 of mental health of the department of social services
14 which are responsible for providing services to
15 mentally ill persons, including but not limited to
16 the state mental health institutes at Cherokee,
17 Clarinda, Independence and Mount Pleasant, in
18 accordance with each of the three following general
19 organizational patterns.

20 a. Merger as an independent agency of state
21 government.

22 b. Merger as a new division of the department
23 of health.

24 c. Merger as a division of the department of
25 social services.

26 2. The proposals prepared by the governor with
27 respect to each of the alternatives identified by
28 subsection one (1) of this Act shall give attention
29 to, but need not be confined exclusively to, the
30 following matters:

31 a. The scope and objectives of the program to
32 be administered by the merged mental health agency.

33 b. The internal administrative structure of the
34 merged mental health agency, and its relationship
35 to local governing bodies and mental health facilities.

36 c. The fiscal impact of the merged mental health
37 agency upon the state and upon other sources of funds
38 which support mental health services in this state.

39 Sec. The governor shall deliver to the general
40 assembly, on or before March 1, 1977, recommendations
41 for administrative reorganization of the department
42 of social services with the objective of providing
43 more effective administration of the department and
44 more effective implementation of the programs and
45 services it is responsible to provide. These
46 recommendations shall give attention to, but need
47 not be confined exclusively to, the following matters:

48 1. Whether the division of administrative services
49 is so organized as to most effectively support the
50 other units of the department?

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1 2. Whether the division of community services
2 should be further divided into two or more major
3 units, so as to permit more direct administrative
4 control of various program areas presently under the

5 jurisdiction of this division?

6 3. Whether the department generally, and in
7 particular the division of community services as
8 presently constituted, is adequately staffed to
9 discharge its responsibilities?

10 The recommendations delivered to the general
11 assembly pursuant to this section shall be accompanied
12 by specific proposals for any legislation that is
13 necessary to support or permit the adoption of the
14 recommendations.

15 Sec. The governor shall deliver to the general
16 assembly on or before March 1, 1977, detailed
17 alternative proposals for the establishment of a new
18 department of state government, to assume from the
19 department of social services the responsibility for
20 administration of the state's penal facilities and
21 for implementation of other correctional programs
22 and services, including but not necessarily limited
23 to those now under the jurisdiction of the department
24 of social services. The alternative proposals shall
25 be formulated so as to offer the general assembly,
26 at a minimum, the two following alternative general
27 organizational patterns for the new correctional
28 agency:

29 1. The structure proposed by Senate File five
30 hundred seventy-eight (578) of the Sixty-sixth General
31 Assembly.

32 2. The structure under consideration by the
33 Corrections Subcommittee of the Social Services and
34 Mental Health Study Committee during the 1975
35 legislative interim.

36 Sec. It is the intent of the general assembly
37 in adopting this Act that the proposals developed
38 in response to sections four (4), five (5) and seven
39 (7) of this Act be based on the needs of persons being
40 directly served by the programs and facilities
41 involved, and the needs of the community in general,
42 as determined from public hearings held widely
43 throughout the state."

44 2. Page 2, by inserting after line 34 the
45 following:

46 "..... Title, line 3, by inserting after the word
47 'agency' the words 'within the department of health'.

48 Title, line 6, by inserting after the word
49 'function' the words 'and to certain other alternative
50 merger or reorganization proposals affecting the

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1 department of social services'."

2 3. Renumber the remaining sections and subsections
3 as necessary.

Senator Hill of Polk raised the point of order that amendment S—5877 to House amendment S—5861 to Senate amendment H—6685 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5877 to House amendment S—5861 to Senate amendment H—6685 out of order.

DEFERRED

Senator Murray asked and received unanimous consent that further action on House File 1514 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Conference Committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1191, a bill for an act providing for the financing of library services, are as follows: The Representative from Chickasaw, Mr. Griffee, chair; the Representative from Clayton, Mr. Dyrland; the Representative from Jasper, Mr. Anderson; the Representative from Black Hawk, Mr. Wulff; and the Representative from Crawford, Mr. Crabb.

Also: That the House has on April 12, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1198, a bill for an act relating to jurisdiction over septic tanks.

DAVID L. WRAY, Chief Clerk

INTRODUCTION OF BILL

Senate File 1343, by committee on appropriations, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1198, a bill for an act relating to jurisdiction over septic tanks.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

H. F. 1477 Natural resources
H. F. 1572 Appropriations
H. F. 1579 Appropriations
H. F. 1583 Appropriations
H. F. 1584 Appropriations
H. F. 1585 Appropriations

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 21st day of May, 1976: Senate Files 244, 547, 1105, 1119, 1203, 1233, 1300, 1322 and 1303.

STEVEN C. CROSS
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

House File 1451
Judiciary
Ramsey, Chairperson
Redmond
Willits

House File 1581
Education
Carr, Chairperson
Orr
Plymat

House File 1582
Education
Carr, Chairperson
Orr
Plymat

House File 1466
Judiciary
Willits, Chairperson
Redmond
Hill of Polk

REPORTS OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1583**, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of

medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, begs leave to report it has had the same under consideration and recommends the same be amended as follows: and when so amended the bill do pass:

S—5881

1 Amend House File 1583, as amended and passed by
2 the House as follows:

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

5 **"Section 1. There is created a 'salary adjustment**
6 **fund' to be used to segregate funds appropriated by**
7 the general assembly to be distributed to various
8 state departments to fund certain salary increases
9 for designated state employees. The distribution
10 of funds from the salary adjustment fund shall be
11 subject to the approval of the governor and the state
12 comptroller.

13 Sec. 2. There is appropriated from the general
14 fund of the state to supplement other funds
15 **appropriated for salaries, support, maintenance,**
16 **equipment and miscellaneous purposes by the general**
17 **assembly to the state board of regents and the**
18 institutions enumerated in subsection three (3) of
19 this section for the fiscal year beginning July 1,
20 1976, and ending June 30, 1977:

21 1. Funds as necessary to finance an average base
22 salary increase of five percent of the base salaries
23 of the faculty members paid during the fiscal year
24 beginning July 1, 1975, and ending June 30, 1976,
25 rounded to the nearest dollar amount divisible by
26 the number of payrolls paid annually to such persons
27 to be allocated to faculty members at the discretion
28 of the state board of regents.

29 2. Funds as necessary to finance a mandatory cost-
30 of-living increase of five percent rounded to the
31 nearest dollar divisible by the number of payrolls
32 paid annually for professional and scientific personnel
33 and for all employees under the state board of regents
34 merit system except board office employees. However
35 the mandatory cost-of-living increase given an employee
36 shall equal one-half of that provided under the pro-
37 visions of this subsection if the salary of the
38 employee is in excess of the pay grade for the
39 classification to which the employee is assigned.

40 3. The institutions for which supplemental funds
41 are appropriated and the amounts necessary are:

42 INSTITUTION	APPROPRIATION
43 State university of Iowa	\$2,945,400
44 State sanatorium	97,800
45 Hospital school	96,000
46 Psychopathic hospital	167,900
47 Hygienic laboratory	61,200
48 University hospitals	444,700

49 Iowa state university of
50 science and technology 2,482,600

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1 Experimental station 318,200
2 Cooperative extension service 378,100
3 University of northern Iowa 931,400
4 School for the deaf 100,900
5 Iowa braille and sight-
6 saving school 54,700

7 Sec. 3. The salary schedule of the merit system
8 and the executive council exempt pay plan, provided
9 for in section nineteen A point nine (19A.9),
10 subsection two (2), of the Code, as they exist on
11 June 30, 1976, shall be increased by five percent
12 rounded to the nearest dollar amount divisible by
13 twenty-six to provide for a cost-of-living adjustment.
14 All salaries of persons who are exempt from chapter
15 nineteen A (19A) of the Code and who are included
16 in the state comptroller's central payroll system
17 and state board of regents office employees shall
18 receive a like increase under this section consistent
19 with appropriations provided by the general assembly
20 except members of the general assembly, board members
21 and commission members, persons whose salaries are
22 set by the general assembly, persons whose salaries
23 are set by the governor pursuant to sections nine
24 (9) through eleven (11) of this Act, persons whose
25 salaries are set by the governor or by an appointing
26 authority for which funds have been appropriated for
27 a like cost-of-living increase, employees designated
28 under section nineteen A point three (19A.3),
29 subsection six (6), of the Code and employees under
30 the state board of regents merit system.

31 Sec. 4. There is appropriated from the general
32 fund of the state to the salary adjustment fund,
33 created by this Act, the following amount for the
34 fiscal year beginning July 1, 1976, and ending June
35 30, 1977, or so much thereof as may be necessary,
36 to be distributed to each department to supplement
37 funds appropriated to the department in order to
38 implement the cost-of-living increase provided in
39 section three (3) of this Act: \$6,900,000.

40 Sec. 5. There is appropriated from the road use
41 tax fund to the state department of transportation,
42 for the fiscal year beginning July 1, 1976, and ending
43 June 30, 1977, the following amount or so much thereof
44 as necessary to pay to employees of the state
45 department of transportation who are eligible to be
46 paid from the road use tax fund and who are eligible
47 to receive the cost-of-living increase provided for
48 in section three (3) of this Act: \$222,000.

49 Sec. 6. There is appropriated from the primary
50 road fund to the state department of transportation,

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1 for the fiscal year beginning July 1, 1976, and ending
2 June 30, 1977, the following amount or so much thereof
3 as necessary to pay to the employees of the state
4 department of transportation who are eligible to be
5 paid from prorated primary road funds as provided
6 in section three hundred seven point twenty-eight
7 (307.28) of the Code and who are eligible to receive
8 the cost-of-living increase provided for in section
9 three (3) of this Act: \$2,246,000.

10 Sec. 7. Funds appropriated by section four (4)
11 of this Act shall relate to salaries supported from
12 general fund appropriations and shall not be construed
13 to replace revolving, federal, trust or special funds
14 where applicable.

15 Sec. 8. To departmental revolving, trust or special
16 funds, except the primary road fund or the road use
17 tax fund, for which the general assembly has
18 established an operating budget, a supplemental
19 authorization is provided unless otherwise provided,
20 in an amount necessary to fund the salary adjustments
21 provided in section three (3) of this Act.

22 Sec. 9. The governor may establish a salary for
23 appointed nonelected persons in the executive branch
24 of government holding a position enumerated in section
25 ten (10) of this Act within the range provided for
26 the position by section ten (10) of this Act by
27 considering among other things, whether the person
28 receiving the salary is temporary or permanent, or
29 acting full or part-time, the experience of the
30 individual in the position, changes in the duties
31 of the position, the incumbent's performance of
32 assigned duties, the availability of qualified
33 candidates for the position, and subordinates'
34 salaries.

35 The governor in establishing salaries as provided
36 in sections nine (9) and ten (10) of this Act shall
37 take into consideration other employee benefits which
38 may be provided for an individual including but not
39 limited to housing.

40 The director of the commission for the blind and
41 the secretary of the state fair board may be furnished
42 housing in addition to their salaries.

43 Sec. 10. The following annual salary ranges shall
44 be in effect for the fiscal year beginning July 1,
45 1976 and ending June 30, 1977 for the positions
46 specified and for each fiscal year after the fiscal
47 year ending June 30, 1977 the salary range shall be
48 the same as the range specified for the fiscal year
49 beginning July 1, 1976 unless otherwise specified
50 by the general assembly. The governor shall specify

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1 the salary to be paid to the person indicated at a
2 rate within the salary ranges indicated from funds

3	appropriated by the general assembly for such purposes:	
4		Range for
5		1976-77
6	1. COMMISSION ON AGING.	
7	Salary of executive director	\$14,000 to \$19,000
8	2. IOWA STATE ARTS COUNCIL.	
9	Salary of the director	\$17,000 to \$21,950
10	3. DEPARTMENT OF BANKING.	
11	Salary of the superintendent of banking	\$20,000 to \$28,750
12	4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT.	
13	Salary of the director	\$18,000 to \$27,600
14	5. COMMISSION FOR THE BLIND.	
15	Salary of the director	\$18,000 to \$27,600
16	6. IOWA CIVIL RIGHTS COMMISSION.	
17	Salary of the executive secretary	\$18,000 to \$21,650
18	7. IOWA STATE COMMERCE COMMISSION.	
19	a. Salary of the chairman of the Iowa	
20	state commerce commission	\$22,500 to \$29,500
21	b. Salary of the members of the Iowa	
22	state commerce commission	\$22,500 to \$27,600
23	c. Salary of the executive secretary	\$14,000 to \$18,650
24	8. OFFICE OF STATE COMPTROLLER.	
25	Salary of the state comptroller	\$25,000 to \$34,700
26	9. STATE CONSERVATION COMMISSION.	
27	Salary of the director	\$23,400 to \$27,600
28	10. IOWA CRIME COMMISSION.	
29	Salary of the executive director	\$17,800 to \$21,950
30	11. IOWA DEVELOPMENT COMMISSION.	
31	Salary of the director	\$23,400 to \$28,750
32	12. DRUG ABUSE AUTHORITY.	
33	Salary of the director	\$16,000 to \$21,350
34	13. EDUCATIONAL RADIO AND TELEVISION	
35	FACILITY BOARD.	
36	Salary of the director	\$20,000 to \$27,600
37	14. COMMITTEE ON EMPLOYMENT OF THE	
38	HANDICAPPED.	
39	Salary of the executive secretary	\$14,000 to \$19,000
40	15. EMPLOYMENT SECURITY COMMISSION.	
41	Salary of each commissioner	\$18,000 to \$23,000
42	16. ENERGY POLICY COUNCIL.	
43	Salary of the director	\$18,000 to \$25,300
44	17. DEPARTMENT OF ENVIRONMENTAL QUALITY.	
45	Salary of the executive director	\$20,000 to \$27,600
46	18. STATE FAIR BOARD.	
47	Salary of the secretary	\$16,200 to \$19,650
48	19. DEPARTMENT OF GENERAL SERVICES.	
49	Salary of the director	\$23,400 to \$27,600
50	20. OFFICE OF STATE GEOLOGIST.	

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1	Salary of the state geologist	\$22,000 to \$30,400
2	21. STATE DEPARTMENT OF HEALTH.	
3	Salary of the commissioner of health	\$23,400 to \$28,750
4	22. HIGHER EDUCATION FACILITIES COMMISSION.	
5	Salary of the executive director	\$18,500 to \$20,200

6	23. STATE HISTORICAL DEPARTMENT.	
7	a. Salary of the director of historical	
8	society	\$16,000 to \$25,750
9	b. Salary of the director of museum and	
10	archives	\$16,000 to \$19,000
11	c. Salary of the director of historical	
12	preservation	\$14,400 to \$18,050
13	24. OFFICE OF THE INDUSTRIAL COMMISSIONER.	
14	Salary of the industrial commissioner	\$18,000 to \$25,300
15	25. INSURANCE DEPARTMENT OF IOWA.	
16	Salary of the commissioner of insurance	\$23,400 to \$28,350
17	26. BUREAU OF LABOR.	
18	Salary of the labor commissioner	\$18,900 to \$25,300
19	27. IOWA LAW ENFORCEMENT ACADEMY.	
20	Salary of the director	\$18,000 to \$24,800
21	28. STATE LIBRARY COMMISSION.	
22	Salary of the state librarian	\$17,000 to \$21,350
23	29. IOWA MERIT EMPLOYMENT COMMISSION.	
24	Salary of the director	\$23,400 to \$27,100
25	30. IOWA NATURAL RESOURCES COUNCIL.	
26	Salary of the director	\$17,000 to \$21,850
27	31. PAROLE BOARD.	
28	Salary of each member	\$ 9,000 to \$10,700
29	32. OFFICE FOR PLANNING AND PROGRAMMING.	
30	Salary of the director	\$23,400 to \$26,500
31	33. DEPARTMENT OF PUBLIC DEFENSE.	
32	Salary of the director of civil defense	\$15,500 to \$19,950
33	34. DEPARTMENT OF PUBLIC INSTRUCTION.	
34	Salary of the superintendent of public	
35	instruction	\$28,000 to \$34,200
36	35. DEPARTMENT OF PUBLIC SAFETY.	
37	Salary of the commissioner of public	
38	safety	\$23,400 to \$28,900
39	36. REAL ESTATE COMMISSION.	
40	Salary of the director	\$15,000 to \$17,800
41	37. BOARD OF REGENTS.	
42	Salary of executive secretary	\$23,400 to \$34,700
43	38. DEPARTMENT OF REVENUE.	
44	Salary of the director of revenue	\$22,000 to \$31,100
45	39. DEPARTMENT OF SOCIAL SERVICES.	
46	Salary of the commissioner of social	
47	services	\$24,000 to \$35,650
48	40. DEPARTMENT OF SOIL CONSERVATION.	
49	Salary of the director	\$18,200 to \$23,000
50	41. DEPARTMENT OF TRANSPORTATION.	

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1	a. Salary of the director of trans-	
2	portation	\$28,750 to \$40,250
3	b. Salary of each member of the trans-	
4	portation regulation board	\$17,800 to \$25,300
5	c. Salary of each member of the trans-	
6	portation commission	\$ 9,000 to \$10,500
7	Sec. 11. Notwithstanding any laws of this state,	
8	the provisions of sections nine (9) and ten (10) of	

9 this Act shall govern for the fiscal year 1976-1977
10 and for each fiscal year after the fiscal year ending
11 June 30, 1977 unless otherwise specified by the general
12 assembly. The salary rates established by the governor
13 under sections nine (9) and ten (10) of this Act for
14 the person indicated shall be the total salary paid
15 to the persons for whom established. Any salary rates
16 or adjustments to salaries provided for by sections
17 one (1) through eight (8) of this Act shall not apply
18 to the positions specified in sections nine (9) and
19 ten (10) of this Act, however funds appropriated for
20 salaries, salary increases or adjustments to salaries
21 by this or any other Act of the general assembly may
22 be expended to fund salaries established pursuant
23 to sections nine (9) and ten (10) of this Act if funds
24 appropriated to the agencies represented by or
25 employing the persons holding the positions specified
26 in sections nine (9) and ten (10) of this Act are
27 insufficient to pay salaries provided for in sections
28 nine (9) and ten (10) of this Act.

29 Sec. 12. The governor shall report to the
30 legislative council the salary rates established
31 pursuant to the provisions of sections nine (9) through
32 eleven (11) of this Act.

33 Sec. 13. The salary rates established in this
34 section shall be in effect for the fiscal year
35 beginning July 1, 1976 and ending June 30, 1977 and
36 for each fiscal year after the fiscal year ending
37 June 30, 1977 the rate shall be the same as the rate
38 established by this section for the fiscal year
39 beginning July 1, 1976 unless otherwise specified
40 by the general assembly. Persons receiving the salary
41 rates established by this section shall not receive
42 any salary adjustments pursuant to sections one (1)
43 through eight (8) of this Act and if this Act conflicts
44 with any other provisions of law, this Act shall
45 govern for the fiscal year beginning July 1, 1976
46 and ending June 30, 1977 and for each fiscal year
47 after the fiscal year ending June 30, 1977 unless
48 otherwise specified by the general assembly. Salaries
49 provided for in this section shall be paid from funds
50 appropriated to the agency which the person represents

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1 or for which the person is employed, however if the
2 funds of the agency which have been appropriated for
3 salaries are insufficient to pay the salaries fixed
4 by this section because of increases in such salaries,
5 funds may be allocated from funds appropriated by
6 the general assembly for salary adjustment purposes.
7 In addition, if federal funds are available for any
8 position provided for in this section, such federal
9 funds may be expended if the combined federal and
10 state funds do not exceed the rates provided for in
11 this section.

12 The following annual salary rates shall be paid
13 to the persons holding the positions indicated in
14 the manner provided by this section:

15 1. Chief justice of the supreme court.....	\$38,844
16 2. Each justice of the supreme court.....	\$37,804
17 3. Each chief judge of a judicial district.....	\$33,592
18 4. Each district court judge except the chief	
19 judge of a judicial district.....	\$33,072
20 5. Each district associate judge.....	\$24,804
21 6. Each full-time judicial magistrate.....	\$24,804
22 7. Each part-time judicial magistrate.....	\$ 6,750
23 8. Code editor.....	\$19,110
24 9. Court administrator.....	\$24,700
25 10. Clerk of the supreme court.....	\$21,008
26 11. Each legal assistant to the supreme court.....	\$13,130
27 12. Chairman of the public employment relations	
28 board.....	\$28,340
29 13. Two members of the public employment rela-	
30 tions board, each.....	\$26,260

31 Sec. 14. All federal grants to and the federal
32 receipts of the agencies affected by the provisions
33 of this Act which are received and may be expended
34 for purposes of this Act, are appropriated for such
35 purposes and as set forth in such federal grants or
36 receipts.

37 Sec. 15. Section seventy-nine point one (79.1),
38 Code 1975, as amended by Acts of the Sixty-sixth
39 General Assembly, 1975 Session, chapter ninety (90),
40 section fourteen (14), is amended by adding the
41 following new unnumbered paragraph:

42 **NEW UNNUMBERED PARAGRAPH.** The head of any
43 department, agency, or commission may grant an
44 educational leave to employees for whom the head of
45 the department, agency, or commission is responsible
46 and funds appropriated by the general assembly may
47 be used for such purposes. The head of such
48 department, agency, or commission shall notify the
49 legislative council of all educational leaves granted
50 with fifteen days of the granting of the educational

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1 leave. If the head of a department, agency or
2 commission fails to notify the legislative council
3 of an educational leave the expenditure of funds
4 appropriated by the general assembly for the
5 educational leave shall not be allowed.

6 Sec. 16. Section seventy-nine point one (79.1),
7 unnumbered paragraph one (1), Code 1975, as amended
8 by Acts of the Sixty-sixth General Assembly, 1975
9 Session, chapter ninety (90), section fourteen (14),
10 is amended to read as follows:

11 Salaries specifically provided for in an
12 appropriation Act of the general assembly shall be
13 in lieu of existing statutory salaries, for the
14 positions provided for in any such Act, and all

15 salaries, *including longevity where applicable by*
16 *express provision in the Code*, shall be paid according
17 to the provisions [of this Act] *Acts of the Sixty-sixth*
18 *General Assembly, 1975 Session, chapter ninety (90)*,
19 and shall be in full compensation of all services,
20 [except as otherwise expressly provided] *including*
21 *any service on committees, boards, commissions or*
22 *similar duty for Iowa government, except for members*
23 *of the general assembly*. All employees of the state
24 including highway maintenance employees of the state
25 department of transportation shall earn two weeks'
26 vacation per year during the first year of employment
27 and through the fourth year of employment, and three
28 weeks' vacation per year during the fifth and through
29 the eleventh year of employment, and four weeks'
30 vacation per year during the twelfth year and all
31 subsequent years of employment, with pay. One week
32 vacation shall be equal to the number of hours in
33 the employee's normal work week. Vacation allowances
34 shall be accrued according to the provisions of [this
35 Act] *Acts of the Sixty-sixth General Assembly, 1975*
36 *Session, chapter ninety (90)*, as provided by the rules
37 of the Iowa merit employment department. Said
38 vacations shall be granted at the discretion and
39 convenience of the head of the department, agency
40 or commission, except that in no case may an employee
41 be granted vacation in excess of the amount earned
42 by [him] *the employee*. In the event that the employment
43 of an employee of the state is terminated the
44 provisions of [this Act] *Acts of the Sixty-sixth General*
45 *Assembly, 1975 Session, chapter ninety (90)*, relating
46 to such termination shall apply.
47 Sec. 17. Section ninety-seven B point eleven
48 (97B.11), Code 1975, as amended by Acts of the Sixty-
49 sixth General Assembly, 1975 Session, chapter fifty
50 (50), section three (3), is amended to read as follows:

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1 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.
2 Each employer shall deduct from the wages of each
3 member of the system a contribution in the amount
4 of three and [one-half] *six-tenths* percent of the covered
5 wages paid by the employer until the first of the
6 month after the member's seventieth birthday or [his]
7 *the member's termination or retirement from employment*,
8 whichever is earlier. The contributions of the
9 employer shall be in the amount of three and one-half
10 percent of the covered wages of the member for service
11 through December 31, 1975, and in the amount of [four
12 and seventy-five] *five and twenty-five hundredths*
13 percent of the covered wages of the member for service
14 commencing January 1, [1976] 1977.
15 Sec. 18. The provisions of section seventeen (17)
16 of this Act shall become effective January 1, 1977.
17 Sec. 19. There is appropriated from the general

18 fund of the state to the office of the state
19 comptroller for the fiscal year beginning July 1,
20 1976 and ending June 30, 1977, the sum of five hundred
21 thousand (500,000) dollars, or so much thereof as
22 may be necessary, to be used to make the increased
23 employer contributions to the Iowa public employees'
24 retirement fund provided for in section seventeen
25 (17) of this Act."
26 2. Amend the title, lines 11, 12 and 13, by
27 striking the words "by providing for an increase in
28 the state's share of the cost of medical and health
29 group insurance for state employees,".

WILLIAM PALMER, Chairperson

Ordered passed on file.

Senator Glenn submitted the following reports:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1026**, a bill for an act relating to the appointment of conservators for veterans, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1442**, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1451**, a bill for an act relating to court reporters, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1465**, a bill for an act to establish district court administrators

and to provide the funds therefor, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5882

- 1 Amend House File 1465 as amended and passed
- 2 by the House as follows:
- 3 1. Page 1, lines 7 through 11 by striking
- 4 the words "A person appointed as a district court
- 5 administrator shall have such qualifications as the
- 6 chief judge may prescribe, but a person who is
- 7 licensed to practice law in this state shall not
- 8 be appointed as a district court administrator."

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1497**, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5883

- 1 Amend House File 1497 as follows:
- 2 1. Page 3, by striking line 20 through page 4,
- 3 line 2.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1519**, a bill for an act to legalize the proceedings of the board of Supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House, begs leave to report it has had the same under consideration and recommends the same **do pass.**

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred **House File 1547**, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware,

Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of taxes levied pursuant thereto, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred House File 1567, a bill for an act legalizing the proceedings for the sale of land by the North Scott Community School district, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary to which was referred House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, State of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district, begs leave to report it has had the same under consideration and recommends the same **do pass**.

GENE W. GLENN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5886

- 1 Amend Senate File 1046 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:

4 Section **NEW SECTION. DEFINITIONS.**

5 As used in Section through:

6 1. "Racketeering activity" means any act
7 or threat involving an indictable misdemeanor or
8 a felony under the laws of this state.

9 2. "Pattern of racketeering activity" means
10 at least two separate acts of racketeering
11 activity, at least one of which occurred after the
12 effective date of this Act, that have the same or
13 similar purposes, results, participants, victims,
14 or methods of commission, or that are otherwise
15 interrelated by distinguishing characteristics
16 and not isolated events.

17 3. "Unlawful debt" means a debt for a thing
18 of value which is incurred or contracted in viola-
19 tion of chapters ninety-nine A (99A), ninety-nine B
20 (99B), five hundred thirty-five (535), or five
21 hundred thirty-seven (537) of the Code and which
22 is incurred or contracted at an interest rate at
23 least twice the lawful rate.

24 4. "Attorney General" means the attorney
25 general or a designee, including a state agency

26 5. "Enterprise" means a natural person,
27 partnership, corporation, association, or other
28 legal entity, and any union or group of individuals
29 associated in fact although not a legal entity.

30 6. "Person" means any natural person or
31 entity capable of holding a legal or beneficial
32 interest in property.

33 7. "Commerce" is any kind of activity which
34 can, in any manner, affect the buying, selling, trading,
35 or flow of goods and services in this state.

36 Sec. **NEW SECTION. PROHIBITED ACTIVITIES.**

37 1. A person shall not directly or indirectly
38 receive income from a pattern of racketeering
39 activity or through the collection of an unlawful
40 debt in which this person has participated as
41 a principal, to directly or indirectly use or invest
42 this income or its proceeds in the acquisition of
43 an enterprise which is engaged in or the activities
44 of which affect commerce in this State. This
45 subsection does not prohibit the purchase of
46 securities on the open market for purposes of
47 investment and without the intention of
48 controlling or participating in the control of
49 the issuer or of assisting another to do so if the
50 securities of the issuer held by the purchaser,
51 the members of the purchaser's family within the
52 fifth degree of consanguinity or affinity, or the

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1 purchaser's accomplices in any pattern of racketeering
2 activity or the collection of an unlawful debt after
3 this purchase do not amount in the aggregate to one

4 percent of the outstanding securities of any one
5 class and do not confer the power, either in law
6 or in fact, to elect one or more directors of the
7 issuer.

8 2. A person shall not directly or indirectly
9 acquire or maintain through a pattern of racketeering
10 activity or through a collection of an unlawful debt
11 any interest in or control of any enterprise which
12 is engaged in or the activities of which affect
13 commerce in this state.

14 3. A person employed by or associated with
15 an enterprise engaged in or the activities of which
16 affect commerce in this state shall not directly
17 or indirectly conduct or participate in this
18 enterprise's affairs through a pattern of racketeering
19 activities or through a collection of an unlawful
20 debt.

21 4. A person shall not conspire to violate the
22 provisions of subsection one (1), two (2), or three
23 (3) of this section.

24 **Sec. NEW SECTION. CRIMINAL PENALTIES.**

25 1. A person who violates the provisions of
26 this enactment shall be, upon conviction, fined not
27 to exceed twenty-five thousand dollars, imprisoned
28 in the state penitentiary not to exceed twenty
29 years, or both so fined and imprisoned.

30 2. In addition to the penalty prescribed
31 under subsection one (1) of this section, a person
32 who violates the provisions of this enactment shall,
33 upon conviction, forfeit to the state:

34 a. Any interest acquired or maintained in
35 violation of this enactment and

36 b. Any interest in, security of, claim
37 against, or property or contractual right of any
38 kind of affording a source of influence over any
39 enterprise which this person has established,
40 operated, conducted, or participated in the conduct
41 of in violation of this division.

42 3. In any prosecution brought under this section,
43 a district court may enter restraining orders or
44 injunctions and take other appropriate action such
45 as requiring a satisfactory performance bond with
46 regard to any property or interest subject to
47 forfeiture.

48 4. Upon conviction of a person under this
49 section, a district court shall authorize the
50 attorney general to seize all property or interests
51 declared forfeited under this section under designated
52 terms and conditions. If a forfeited property right

Page 3

1 or other interest is not exercisable in favor of the
2 state, it shall expire and not revert to the con-
3 victed person. The state shall dispose of forfeited

4 property and interests as soon as commercially
5 feasible, making due provision for the rights of
6 innocent persons.

7 Sec. *NEW SECTION. CIVIL REMEDIES.*

8 1. Upon petition of the attorney general, a
9 district court may prevent or restrain violations
10 under this enactment by issuing appropriate orders.
11 These orders may include:

12 a. Ordering a person to divest of any direct
13 or indirect interest in an enterprise.

14 b. Imposing reasonable restrictions on the
15 future activities or investments of any person,
16 including prohibiting any person from engaging in the
17 same type of endeavor as the enterprise is engaged
18 in if this endeavor affects commerce in this state.

19 c. Ordering dissolution or reorganization
20 of any enterprise, making due provision for the rights
21 of innocent persons.

22 2. Any action brought by the attorney general
23 under this section shall proceed as soon as
24 practicable to hearing and final determination. Prior
25 to final determination, a district court may enter
26 restraining orders or injunctions and take other
27 appropriate action such as requiring a satisfactory
28 performance bond.

29 3. In addition to any action brought by the
30 attorney general under this section, a person injured
31 by a violation of this enactment may recover up to
32 threefold the damages sustained and court costs,
33 including a reasonable attorney fee.

34 4. A criminal conviction under this division
35 shall estop a civil defendant under this section
36 from denying the essential elements of this
37 defendant's criminal offense.

38 5. Any civil action or proceeding brought
39 under this section shall be brought in the district
40 court in whose jurisdiction the defendant resides,
41 is found, has an agent, or transacts the defendant's
42 affairs.

43 6. In any proceeding ancillary to or any civil
44 action brought by the attorney general, the district
45 court may close the proceedings after considering
46 the rights of affected persons.

47 2. Amend the title, lines 1 and 2 by striking
48 everything after the word "Act" and inserting in
49 lieu thereof the following: "relating to criminal
50 and civil proceedings against enterprises connected
51 with organized crime."

WILLIAM P. WINKELMAN

S—5884

- 1 Amend House File 1449, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by adding after line 3 the following:

4 *"3. If the monitoring device is used by an*
5 *operator of a switchboard, or by an officer, employee,*
6 *or agent of a communications company subject to*
7 *regulation under Chapter 490A, Code of Iowa, in the*
8 *normal course of his or her employment, while engaged*
9 *in any activity which is a necessary incident to the*
10 *rendition of such company's service or to the protec-*
11 *tion of the rights or property of such company; pro-*
12 *vided, however, that such a company shall not use a*
13 *monitoring device except for mechanical or service*
14 *quality control checks."*

ELIZABETH SHAW

S—5885

1 Amend the House amendment, S—5861, to the Senate
2 amendment, H—6685, to House File 1514 as amended, passed
3 and reprinted by the House as follows:
4 1. Page 1, line 17, by striking the word "agency"
5 and inserting in lieu thereof the words "division of the
6 department of health".
7 2. Page 1, line 21, by striking the word "agency"
8 and inserting in lieu thereof the word "division".
9 3. Page 1, by striking lines 47 through page 2,
10 line 2, and inserting in lieu thereof the following:
11 "1. Administrative structure of the new division
12 of the department of health, including any limitations
13 on the authority of the commissioner of public health
14 over the head of the new division, and whether or
15 not an advisory council should be established for
16 the new division and if so its composition, manner
17 of selection and responsibilities."

JOHN S. MURRAY

S—5878

1 Amend House File 1550 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 3, by striking the word "structure"
4 and inserting in lieu thereof the word "structures".
5 2. Page 1, line 4, by inserting after the word
6 "power" the words "natural gas".
7 3. Page 1, line 16, by inserting after the word
8 "electric" the words "and natural gas".
9 4. Page 1, by striking line 24 and inserting in
10 lieu thereof the words "of existing and proposed rate
11 filings of electric and natural gas utilities, and
12 of electricity and natural gas consumption levels
13 and patterns, and of".
14 5. Page 1, line 27, by inserting after the word
15 "electric" the words "and natural gas".
16 6. Page 1, line 34, by inserting after the word
17 "Electric" the words "and natural gas".
18 7. Page 2, line 9, by inserting after the word
19 "electric" the words "and natural gas".
20 8. Page 2, line 15, by inserting after the word

21 "electric" the words "and natural gas".

22 9. Page 2, line 19, by inserting after the word

23 "electric" the words "and natural gas".

24 10. Page 2, by striking lines 29 through 35, and

25 page 3 by striking line 1, and inserting in lieu

26 thereof the following:

27 "3. The commission shall commence the review

28 specified in subsection one (1) of this section

29 immediately on the effective date of this Act. The

30 commission shall implement the results of its findings

31 in such review in any rate case which is pending

32 before the commission on the effective date of this

33 Act. The commission shall likewise at the earliest

34 opportunity institute formal proceedings as necessary

35 to give effect to those findings in the rates and

36 rate structures of utilities supplying electricity

37 and gas which are subject to rate regulation by the

38 commission. After July 1, 1978, any rate schedules

39 of utilities supplying electricity or gas which are

40 subject to rate regulation by the commission which,

41 fail to satisfy the criteria prescribed by the

42 commission as a result of such review and pursuant

43 to this section shall be unlawful.

44 4. The commission shall submit a report to the

45 general assembly not later than January 15, 1977,

46 detailing the findings and conclusions of the study

47 conducted pursuant to subsection one (1) of this

48 section."

PHILIP B. HILL

S—5880

1 Amend House File 1550 as amended and passed by

2 the House as follows:

3 1. Page 1, line 23 by striking the word "shall"

4 and inserting in lieu thereof the word "may".

5 2. Page 1, line 25 by striking the word "shall"

6 and inserting in lieu thereof the word "may".

7 3. Page 1 by striking line 26.

FORREST V. SCHWENGELS

S—5879

1 Amend House File 1550 as amended and passed by

2 the House, page 2, by striking lines 16 through 18

3 and inserting in lieu thereof the following: "con-

4 serving nonrenewable natural resources."

FORREST V. SCHWENGELS

S—5876

1 Amend House File 1583 as amended and passed

2 by the House, page 9, line 18, by striking the

3 figure "\$19,110" and inserting in lieu thereof

4 "\$21,008".

PHILIP B. HILL

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:12
p.m., until 10:00 a.m., Monday, May 24, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FOURTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, MONDAY, MAY 24, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Larry Wheatoraft, pastor of the Calvary Baptist Church, St. Charles, Iowa.

The Journal of Friday, May 21, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Olin Elliott, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day, Senator Heying for the day and Senator Junkins for the morning session on request of Senator Kinley; Senator Curtis for the morning session on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty students from Coon Rapids Junior-Senior High School, Coon Rapids, Iowa, accompanied by Mrs. Halley. Senator Culver.

Sixty students from Berg Elementary School, Newton, Iowa, accompanied by Marsha Haycock, Marilyn Roth and Pam Fisher. Senator Hill of Jasper.

Fourteen students from St. Paul's Immanuel Lutheran School, Whittemore, Iowa, accompanied by Paul Buelon. Senator Priebe.

Eighty-six students from St. Michael's Grade School, Whittemore, Iowa, accompanied by Father McCartney. Senator Priebe.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 20, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1126, a bill for an act relating to and appropriating funds to the Iowa state historical department.

Also: That the House has on May 19, 1976, amended Senate amendment to, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 914, a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1126

S—5889

- 1 Amend Senate File 1126 as amended and
- 2 passed by the Senate as follows:
- 3 1. Page 1, after line 19 by inserting the
- 4 words:
- 5 "For gathering and controlling
- 6 bibliographical data on newspapers.....\$17,170".
- 7 2. Page 2, by inserting after line 11 the fol-
- 8 lowing:
- 9 "Sec. 6. There is appropriated from the general
- 10 fund of the state for the fiscal year commencing July
- 11 1, 1976 and ending June 30, 1977 to the state board
- 12 of regents, the sum of fifteen thousand (15,000)
- 13 dollars, or so much thereof as may be necessary, to
- 14 be used by the state archaeologist in investigating,
- 15 reporting upon and interring ancient human remains
- 16 pursuant to section seven (7) of this Act.
- 17 Sec. 7. Chapter three hundred five A (305A), Code
- 18 1975, is amended by adding the following new sections:
- 19 NEW SECTION. The state archaeologist shall have
- 20 the primary responsibility for investigating,
- 21 preserving and reinterring discoveries of ancient
- 22 human remains. For the purposes of section six (6)
- 23 of this Act ancient human remains shall be those
- 24 remains found within the state which are more than
- 25 one hundred fifty years old. The state archaeologist
- 26 shall make arrangements for the services of a forensic
- 27 osteologist in studying and interpreting ancient
- 28 burials and may designate other qualified
- 29 archaeologists to assist the state archaeologist in
- 30 recovering physical and cultural information about
- 31 the ancient burials. The state archaeologist shall
- 32 file with the department of health a written report
- 33 containing both physical and cultural information
- 34 regarding the remains at the conclusion of each
- 35 investigation.

36 **NEW SECTION.** The state archaeologist shall
37 establish, with the approval of the executive council,
38 a cemetery on existing state lands for the reburial
39 of ancient human remains found in the state. The
40 cemetery shall not be open to the public. The state
41 archaeologist in cooperation with the Iowa state
42 conservation commission shall be responsible for
43 coordinating interment in the cemetery.

44 Sec. 8. Section three hundred thirty-nine point
45 five (339.5), Code 1975, is amended to read as follows:

46 339.5 **REPORTS BY OTHERS.** Every person who knows
47 of the existence of a body where death occurred in
48 the manner specified in section 339.6, shall notify
49 the county or state medical examiner or the city or
50 state law enforcement agency or county sheriff thereof

Page 2

1 as soon as possible, unless such person shall have
2 good reason to believe that such notice has already
3 been given. *If the remains are believed to be over*
4 *one hundred fifty years old, the state archaeologist*
5 *shall be notified.* Any person who shall fail to give
6 such notice [to a medical examiner] shall be guilty
7 of a public offense, and upon conviction thereof shall
8 be punished by a fine of not more than five hundred
9 dollars or a sentence in the county jail of not more
10 than six months, or by both such fine and imprisonment.

11 Sec. 9. Section seven hundred fourteen point
12 twenty-one (714.21), Code 1975, is amended to read
13 as follows:

14 714.21 **VIOLATING SEPULCHER.** If any person, without
15 lawful authority, willfully dig up, disinter, remove,
16 or carry away any human body, or the remains thereof,
17 *including ancient human remains as defined in section*
18 *six (6) of this Act, from its place of interment,*
19 or aid, assist, encourage, incite, or procure the
20 same to be done or attempted; or willfully receive,
21 conceal, or dispose of any such human body or the
22 remains thereof; or if any person, with the intent
23 to commit any of the aforesaid acts, partially perform
24 the same, [he] *the person shall be imprisoned in the*
25 penitentiary not more than two years, or be fined
26 not exceeding twenty-five hundred dollars, or both.

27 Sec. 10.

28 1. It is the intent of the general assembly that,
29 as used in chapter three hundred three (303) of the
30 Code, 'state historical society' means only the di-
31 vision of the Iowa state historical department, an
32 agency solely of the state, which is denominated the
33 division of the state historical society. It does
34 not mean or include any private entity.

35 2. A corporation organized under the laws of this
36 state shall not exercise any powers or duties exer-
37 cisable by law by the Iowa state historical depart-
38 ment and its divisions. If a corporation exercises

39 or attempts to exercise these powers or duties, it
40 shall be subject to an equitable suit for involuntary
41 dissolution by any interested person.

42 3. Unless specifically designated otherwise, any
43 gift, bequest, devise, endowment, or grant to or
44 application for membership in the state historical
45 **society shall be presumed to be to or in the division**
46 of the state historical society of the Iowa state
47 historical department.

48 Sec. 11.

49 1. Without personal liability, the director of
50 the division of the state historical society shall

Page 3

1 immediately take possession of all real or personal
2 property of the state historical society and treat
3 it as property of the state. If any of this prop-
4 erty is money, the director shall deposit it as
5 provided in chapter three hundred three (303) of the
6 Code.

7 2. To implement any of the provisions of this
8 Act and notwithstanding anything to the contrary in
9 chapter thirteen (13) of the Code, the executive
10 council may appoint competent legal counsel to re-
11 **present the Iowa state historical department and its**
12 divisions. There is appropriated from unappropriated
13 funds in the general fund of the state an amount
14 necessary to pay the reasonable expense incurred under
15 this subsection."

16 3. Amend the title, line 1, by striking the words
17 "funds to" and inserting in lieu thereof the words
18 "funds for programs of historical significance under
19 the jurisdiction of the state archaeologist and".

20 4. By renumbering and correcting internal
21 references in accordance with this amendment.

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 914

S—5888

1 Amend the Senate amendment (H—4350) to House File
2 914 as amended and passed by the House, by striking
3 lines 2 through 8 and inserting in lieu thereof the
4 following:

5 1. Page 1, line 2, by striking the word and
6 figure "eight (8)" and inserting in lieu thereof
7 the word and figure "eleven (11), twelve (12),".

8 2. Page 1, by striking lines 4 through 8 and
9 inserting in lieu thereof the following:

10 "11. 'Accumulated contributions' shall mean the
11 sum of all amounts deducted from the compensation
12 of a member and credited to [his] *the member's individual*
13 **account in the annuity savings fund together with**
14 regular interest thereon as provided in section 97A.8.
15 *Accumulated contributions do not include any amount*

16 *deducted from the compensation of a member and credited*
17 *to the pension accumulation fund.*

18 12. 'Earnable compensation' or 'compensation
19 *earnable'* shall mean the regular compensation which
20 a member would earn during one year on the basis of
21 the stated compensation for his rank or position *ex-*
22 *cluding any amount received for overtime compensa-*
23 *tion, meal and travel expenses, and uniform allowances*
24 *and excluding any amount received upon termination*
25 *or retirement in payment for accumulated sick leave."*

26 3. Page 1, line 10, by striking the word "his"
27 and inserting in lieu thereof the words "[his] *the*
28 *member's*".

29 4. Page 1, line 12, by striking the word "he"
30 and inserting in lieu thereof the word "[he] *the mem-*
31 *ber*".

32 5. Page 1, line 13, by striking the word "his"
33 and inserting in lieu thereof the words "[his] *the*
34 *member's*".

35 6. Page 2, line 2, by striking the word "his"
36 and inserting in lieu thereof the words "*the member's*".

37 7. Page 2, line 5, by striking the word "he" and
38 inserting in lieu thereof the words "*the member*".

39 8. Page 2, line 6, by striking the word "his"
40 and inserting in lieu thereof the words "*the mem-*
41 *ber's*".

42 9. Page 2, line 12, by striking the word "his"
43 and inserting in lieu thereof the words "*the mem-*
44 *ber's*".

45 10. Page 2, line 20, by striking the word "his"
46 and inserting in lieu thereof the words "[his] *the*
47 *member's*".

48 11. Page 3, line 4, by striking the word "his"
49 and inserting in lieu thereof the words "[his] *the*
50 *member's*".

Page 2

1 12. Page 3, line 6, by striking the word "his"
2 and inserting in lieu thereof the words "[his] *the*
3 *member's*".

4 13. Page 3, line 8, by striking the word "his"
5 and inserting in lieu thereof the words "[his] *the*
6 *member's*".

7 14. Page 3, line 9, by striking the word "his"
8 and inserting in lieu thereof the words "[his] *the*
9 *member's*".

10 15. Page 3, line 11, by striking the word "his"
11 and inserting in lieu thereof the words "[his] *the*
12 *member's*".

13 16. Page 3, line 13, by striking the word "his"
14 and inserting in lieu thereof the words "*the mem-*
15 *ber's*".

16 17. Page 3, line 14, by striking the word "his"
17 and inserting in lieu thereof the words "*the member's*".

18 18. Page 3, by inserting after line 15 the fol-

lowing section:

"Sec. Section ninety-seven A point six (97A.6), subsection seven (7), paragraph a, Code 1975, is amended to read as follows:

a. Should any beneficiary for *either ordinary or accidental* disability [not incurred in line of duty,] be engaged in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, then the amount of his pension shall be reduced to an amount which together with his annuity and the amount earned by him shall equal the amount of his average final compensation. Should his earnings capacity be later changed, the amount of his pension may be further modified, provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earned by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his retirement allowance suspended while in active service."

19. Page 3, line 24, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

20. Page 3, line 24, by striking the word "he" and inserting in lieu thereof the words "[he] *the member*".

21. Page 3, line 27, by striking the word "His"

Page 3

and inserting in lieu thereof the word "[His] *The member's*".

22. Page 3, line 32, by striking the word "him" and inserting in lieu thereof the words "[him] *the member*".

23. Page 3, line 32, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

24. Page 3, line 34, by striking the word "him" and inserting in lieu thereof the words "*the member*".

25. Page 3, line 34, by striking the word "his" and inserting in lieu thereof the words "*the member's*".

26. Page 4, line 3, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

27. Page 4, line 7, by striking the word "his" and inserting in lieu thereof the words "[his] *the member's*".

28. Page 4, line 17, by striking the figure "1974" and inserting in lieu thereof the figure "1976".

29. Page 5, line 1, by inserting after the word

22 "death" the words "*and except that the pensions*
23 *payable to retired members and beneficiaries, except*
24 *children, for members who retired or died before July*
25 *1, 1976 shall be recomputed to provide only an adjusted*
26 *monthly pension because of salary increases to active*
27 *members at the same rank or position on the salary*
28 *scale as the retired or deceased member held at the*
29 *time of the member's retirement or death*".

30 30. Page 5, by striking lines 9 through 35 and
31 inserting in lieu thereof the following: "subsection
32 three (3), Code 1975, is amended by adding the
33 following new paragraph:

34 *NEW PARAGRAPH. An amount equal to one and twenty-one*
35 *hundredths percent of each member's compensation from*
36 *the compensation of the member shall be paid to the*
37 *pension accumulation fund.*

38 31. Page 6, by striking lines 1 through 4 and
39 inserting in lieu thereof the following section:
40 "Sec. Section ninety-seven A point eight
41 (97A.8), subsection three (3), paragraph b, Code 1975,
42 is amended to read as follows:

43 b. On the basis of [regular interest and of] such
44 mortality, *interest*, and other tables as shall be
45 adopted by the board of trustees, the state
46 commissioner of insurance shall make each valuation
47 required by this chapter and shall immediately after
48 making such valuation, determine the uniform and
49 constant percentage of the earnable compensation of
50 the average new entrant, which, if contributed

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1 throughout his entire period of active service, would
2 be sufficient to provide for the payment of any death
3 benefit or pension payable on this account. The rate
4 percent so determined shall be known as the 'normal
5 contribution rate'. The normal contribution rate
6 shall be the rate percent of the earnable compensation
7 of all members obtained by deducting from the total
8 liabilities of the fund the amount of the funds in
9 hand to the credit of the fund and dividing the
10 remainder by one percent of the present value of the
11 prospective future compensation of all members as
12 computed on the basis of mortality and service tables
13 adopted by the board of trustees and regular interest.
14 The normal rate of contribution shall be determined
15 by the state commissioner of insurance after each
16 valuation."

17 32. Page 6, by striking lines 4c and 4d and in-
18 serting in lieu thereof the words and figures "fis-
19 cal year beginning July 1, 1976 and ending June 30,
20 1977 the sum of two hundred seventy-seven thousand (277,000).

21 33. Page 6, by striking lines 5 through 11.

22 34. Page 6, line 13, by striking the words and
23 figures "subsection twelve (12), Code 1975, is"
24 and inserting in lieu thereof the words and figures

25 "subsections twelve (12), thirteen (13), and fourteen
26 (14), Code 1975, are".

27 35. Page 6, by inserting after line 18 the
28 following:

29 "13. 'Accumulated contributions' shall mean the
30 sum of all amounts deducted from the compensation
31 of a member and credited to [his] *the member's*
32 individual account in the annuity savings fund
33 together with regular interest thereon as provided
34 in section 411.8. *Accumulated contributions do not*
35 *include any amount deducted from the compensation*
36 *of a member and credited to the pension accumulation*
37 *fund.*

38 14. 'Earnable compensation' or 'compensation
39 earnable' shall mean the regular compensation which
40 a member would earn during one year on the basis of
41 the stated compensation for his rank or position
42 *excluding any amount received for overtime*
43 *compensation, meal and travel expenses, and uniform*
44 *allowances and excluding any amount received upon*
45 *termination or retirement in payment for accumulated*
46 *sick leave."*

47 36. Page 7, by inserting after line 12 the fol-
48 lowing section:

49 "Sec. Section four hundred eleven point five
50 (411.5), Code 1975, is amended by adding the following

Page 5

1 new subsection:

2 **NEW SUBSECTION. COMMISSIONER OF INSURANCE.** Within
3 five days following its submission to the city council,
4 each board of trustees shall transmit to the
5 commissioner of insurance a copy of the report
6 submitted to the city council and the amount of
7 contributions deposited in the pension accumulation
8 fund by the city. The commissioner of insurance shall
9 review the report and the adequacy of the contribution
10 of the city. The commissioner of insurance shall
11 inform the city council of each city in which the
12 contribution of a city is deemed to be inadequate."

13 37. Page 7, by inserting after line 12 the
14 following section:

15 "Sec. Section four hundred eleven point
16 five (411.5), subsection nine (9), Code 1975, is amended
17 to read as follows:

18 9. **MEDICAL BOARD.** The board of fire trustees
19 and the board of police trustees jointly shall
20 designate a medical board to be composed of three
21 physicians who shall arrange for and pass upon all
22 medical examinations required under the provisions
23 of this chapter, *except that for examinations re-*
24 *quired because of disability the board of fire*
25 *trustees and the board of police trustees jointly*
26 *shall designate three physicians from the university*
27 *of Iowa hospitals and clinics who shall pass upon*

28 *the medical examinations required for disability*
29 *retirements, and shall report in writing to each*
30 *board of trustees, respectively, its conclusions and*
31 *recommendations upon all matters duly referred to*
32 *it."*

33 38. Page 7, line 18, by striking the word "his"
34 and inserting in lieu thereof the words "[his] *the*
35 *member's*".

36 39. Page 8, line 2, by striking the word "his"
37 and inserting in lieu thereof the words "[his] *the*
38 *member's*".

39 40. Page 8, line 4, by striking the word "his"
40 and inserting in lieu thereof the words "[his] *the*
41 *member's*".

42 41. Page 8, line 6, by striking the word "his"
43 and inserting in lieu thereof the words "[his] *the*
44 *member's*".

45 42. Page 8, line 7, by striking the word "his"
46 and inserting in lieu thereof the words "[his] *the*
47 *member's*".

48 43. Page 8, line 8, by striking the word "his"
49 and inserting in lieu thereof the words "[his] *the*
50 *member's*".

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1 44. Page 8, line 11, by striking the word "*his*"
2 and inserting in lieu thereof the words "*the member's*".

3 45. Page 8, line 12, by striking the word "*his*"
4 and inserting in lieu thereof the words "*the member's*".

5 46. Page 8, by inserting after line 13 the
6 following section:

7 "Sec. Section four hundred eleven point six
8 (411.6), subsection six (6), unnumbered paragraph
9 one (1), Code 1975, is amended to read as follows:

10 Upon retirement for accidental disability a member
11 shall receive a *service retirement allowance if the*
12 *member has attained the age of fifty-five, otherwise*
13 *the member shall receive an accidental disability*
14 *retirement allowance which shall consist of:"*

15 47. Page 8, by inserting after line 13 the
16 following section:

17 "Sec. Section four hundred eleven point six
18 (411.6), subsection seven (7), paragraph a, Code 1975,
19 is amended to read as follows:

20 a. Should any beneficiary for *either ordinary*
21 *or accidental disability [not incurred in line of duty,]*
22 *be engaged in a gainful occupation paying more than*
23 *the difference between his retirement allowance and*
24 *his average final compensation, then the amount of*
25 *his pension shall be reduced to an amount which*
26 *together with his annuity and the amount earned by*
27 *him shall equal the amount of his average final*
28 *compensation. Should his earning capacity be later*
29 *changed, the amount of his pension may be further*
30 *modified, provided that the new pension shall not*

31 exceed the amount of the pension originally granted
32 nor an amount which, when added to the amount earned
33 by the beneficiary together with his annuity, equals
34 the amount of his average final compensation. A
35 beneficiary restored to active service at a salary
36 less than the average final compensation upon the
37 basis of which he was retired at age fifty-five or
38 greater, shall not again become a member of the
39 retirement system and shall have his retirement
40 allowance suspended while in active service."

41 48. Page 8, line 22, by striking the word "his"
42 and inserting in lieu thereof the words "[his] *the*
43 *member's*".

44 49. Page 8, line 23, by striking the word "he"
45 and inserting in lieu thereof the words "[he] *the*
46 *member*".

47 50. Page 8, line 25, by striking the word "His"
48 and inserting in lieu thereof the words "[His] *The*
49 *member's*".

50 51. Page 8, line 30, by striking the word "him"

Page 7

1 and inserting in lieu thereof the words "[him] *the*
2 *member*".

3 52. Page 8, line 30, by striking the word "his"
4 and inserting in lieu thereof the words "[his] *the*
5 *member's*".

6 53. Page 8, line 32, by striking the word "*him*"
7 and inserting in lieu thereof the words "*the member*".

8 54. Page 8, line 32, by striking the word "*his*"
9 and inserting in lieu thereof the words "*the member's*".

10 55. Page 8, line 35, by striking the word "his"
11 and inserting in lieu thereof the words "[his] *the*
12 *member's*".

13 56. Page 9, line 4, by striking the word "his"
14 and inserting in lieu thereof the words "[his] *the*
15 *member's*".

16 57. Page 9, line 18, by striking the figure "1974"
17 and inserting in lieu thereof the figure "1976".

18 58. Page 9, by inserting after line 22 the
19 following section:

20 "Sec. Section four hundred eleven point six
21 (411.6), subsection fourteen (14), paragraph a, Code
22 1975, is amended to read as follows:

23 a. As of the first of July of each year, the
24 monthly pensions authorized in this section payable
25 to each retired member and to each beneficiary, except
26 children, of a deceased member shall be recomputed.
27 The formula authorized in this section which was used
28 to compute the retired member's or beneficiary's
29 pension at the time of retirement or death, including
30 all amendments to the formula which may be adopted
31 subsequent to the member's retirement or death, shall
32 be used in the recomputation except the pension
33 compensation shall be used in lieu of the average

34 final compensation which the retired or deceased
35 member was receiving at the time of retirement or
36 death, and except that the pensions payable to re-
37 tired members and beneficiaries, except children,
38 for members who retired or died before July 1, 1976
39 shall be recomputed to provide only an adjusted monthly
40 pension because of salary increases to active members
41 at the same rank or position on the salary scale as
42 the retired or deceased member held at the time of
43 the member's retirement or death. The adjusted monthly
44 pension shall be the amount payable at the member's
45 retirement or death adjusted by one-half of the differ-
46 ence between the recomputed pension and the amount
47 payable at the member's retirement or death. At no
48 time shall the monthly pension or payment to the bene-
49 ficiary be less than the amount which was paid at
50 the time of the member's retirement or death."

Page 8

1 59. Page 9, by striking lines 24 through 35 and
2 inserting in lieu thereof the following: "subsection
3 three (3), Code 1975, is amended by adding the
4 following new paragraph:
4 **NEW PARAGRAPH.** An amount equal to one and twenty-
6 one hundredths percent of each member's compensation
7 from the compensation of the member shall be paid
8 to the pension accumulation fund.
9 60. Page 10, by striking lines 1 through 19, and
10 inserting in lieu thereof the following section:
11 "Sec. Section ninety-seven A point eight
12 (97A.8), subsection three (3), paragraph b, Code 1975,
13 is amended to read as follows:
14 b. On the basis of [regular interest and of] such
15 mortality, *interest*, and other tables as shall be
16 adopted by the board of trustees, the actuary engaged
17 by the said boards to make each valuation required
18 by this chapter, shall immediately after making such
19 valuation, determine the uniform and constant
20 percentage of the earnable compensation of the average
21 new entrant, which, if contributed throughout his
22 entire period of active service, would be sufficient
23 to provide for the payment of any death benefit or
24 pension payable on this account. The rate percent
25 so determined shall be known as the 'normal
26 contribution rate'. The normal contribution rate
27 shall be the rate percent of the earnable compensation
28 of all members obtained by deducting from the total
29 liabilities of the fund the amount of the funds in
30 hand to the credit of the fund and dividing the
31 remainder by one percent of the present value of the
32 prospective future compensation of all members as
33 computed on the basis of mortality and service tables
34 adopted by the board of trustees and regular interest.
35 The normal rate of contribution shall be determined
36 by the actuary after each valuation."

37 61. Page 10, line 19a, by striking the words
38 "allocated from" and inserting in lieu thereof the
39 words "appropriated from the general fund of the state
40 to".

41 62. Page 10, by striking lines 19d and 19e and
42 inserting in lieu thereof the words and figures "July 1,
43 1976 and ending June 30, 1977 the sum of five hundred
44 seven thousand (507,000) dollars,".

45 63. Page 10, line 19m, by inserting after the
46 word "city" the words "in the manner provided in
47 chapter four hundred five (405) of the Code".

48 64. Page 10, line 19q, by inserting after the
49 word "system." the following:

50 "The claim shall specify for each fiscal year the

Page 9

1 normal contribution rate which would be required
2 to pay the city's share in the retirement systems
3 and the total amount payable to the pension
4 accumulation funds by the city under the formula by
5 which benefits were computed prior to July 1, 1976
6 and the normal contribution rate which would be
7 required to pay the city's share in the retirement
8 systems and the total amount payable to the pension
9 accumulation funds by the city under chapter four
10 hundred eleven (411) of the Code. The state comp-
11 troller shall pay the difference between the two
12 amounts."

13 65. Amend the title, line 2, by inserting after
14 the word "occupations" the words "and to make an
15 appropriation".

16 66. By renumbering sections and correcting internal
17 references as necessary.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Robinson called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight E. Fry, R.Ph., of Greenfield, Adair County, Iowa, for appointment as a member of the State Board of Examiners for Nursing Home Administrators under the provisions of Section 147.119, Code 1975, for an initial two-year term beginning July 1, 1975, and ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

**CLOYD E. ROBINSON, Chairperson
GENE W. GLENN
JAMES W. GRIFFIN, SR.
NORMAN RODGERS
FORREST V. SCHWENGELS**

The motion prevailed and the report was adopted.

Senator Robinson moved the appointment of Dwight E. Fry, R.Ph., as a member of the State Board of Examiners for Nursing Home Administrators be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Burroughs	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Merritt	Priebe	Willits
Glenn	Miller of	Rabedaux	Winkelman
Gluba	Des Moines	Redmond	

Nays, none.

Absent or not voting, 9:

Briles	Junkins	Nolin	Scott
Curtis	Murray	Ramsey	Shaw
Heying			

President pro tempore Doderer declared the appointment of Dwight E. Fry, R.Ph., as a member of the State Board of Examiners for Nursing Home Administrators confirmed for an initial two-year term ending June 30, 1977.

Senator Robinson called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Donna P. Gabriel, of Clinton, Clinton County, Iowa, for appointment as a member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, Code 1975, for an initial one-year term beginning July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

CLOYD E. ROBINSON, Chairperson
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
FRED W. NOLTING
ROGER J. SHAFF

The motion prevailed and the report was adopted.

Senator Robinson moved the appointment of Donna P. Gabriel as a member of the State Board of Funeral Director and Embalmer Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Andersen	Hansen	Miller of	Redmond
Bergman	Hill of Jasper	Marshall	Robinson
Burroughs	Hill of Polk	Nolting	Rodgers
Carr	Hultman	Norpel	Schwengels
Coleman	Kelly	Nystrom	Shaff
Culver	Kinley	Orr	Sovern
DeKoster	Lamborn	Palmer	Taylor
Doderer	Merritt	Plymat	Tieden
Glenn	Miller of	Priebe	Van Gilst
Gluba	Des Moines	Rabedeaux	Willits
Griffin		Ramsey	Winkelman

Nays, none.

Absent or not voting, 9:

Briles	Heying	Murray	Scott
Curtis	Junkins	Nolin	Shaw
Gallagher			

President pro tempore Doderer declared the appointment of Donna P. Gabriel as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for an initial one-year term ending June 30, 1976.

SENATE INSISTS

House File 1539

Senator Priebe called up for consideration House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate **insisted** on its amendment to House 1539.

UNFINISHED BUSINESS

**HOUSE AMENDMENT TO SENATE
AMENDMENT CONSIDERED**

House File 1514

Senator Priebe called up for further consideration House File 1514, a bill for an act making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department

of health, and the Iowa mental health authority, amended by the Senate, and further amended by the House.

Senator Priebe offered amendment S—5885 to House amendment S—5861 to Senate amendment H—6685 filed by Senator Murray and moved its adoption:

S—5885

- 1 Amend the House amendment, S—5861, to the Senate
- 2 amendment, H—6685, to House File 1514 as amended, passed
- 3 and reprinted by the House as follows:
- 4 1. Page 1, line 17, by striking the word "agency"
- 5 and inserting in lieu thereof the words "division of the
- 6 department of health".
- 7 2. Page 1, line 21, by striking the word "agency"
- 8 and inserting in lieu thereof the word "division".
- 9 3. Page 1, by striking lines 47 through page 2,
- 10 line 2, and inserting in lieu thereof the following:
- 11 "1. Administrative structure of the new division
- 12 of the department of health, including any limitations
- 13 on the authority of the commissioner of public health
- 14 over the head of the new division, and whether or
- 15 not an advisory council should be established for
- 16 the new division and if so its composition, manner
- 17 of selection and responsibilities."

Amendment S—5885 to House amendment S—5861 to Senate amendment H—6685 was adopted.

On motion of Senator Priebe, the Senate concurred in House amendment S—5861 to Senate amendment H—6685 as amended.

President Neu took the chair at 10:30 a.m.

Senator Priebe moved that the bill as amended by the Senate, further amended by the House, still further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1514) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Burroughs	Hill of Jasper	Nolting	Rodgers
Carr	Hill of Polk	Norpel	Schwengels
Coleman	Hultman	Nystrom	Shaff
Culver	Kelly	Orr	Sovern
DeKoster	Kinley	Palmer	Taylor
Doderer	Lamborn	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 8:

Briles	Heying	Murray	Scott
Curtis	Junkins	Nolin	Shaw

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1342.

Senate File 1342

On motion of Senator Norpel, Senate File 1342, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1342) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Nolting	Rodgers
Burroughs	Hill of Polk	Norpel	Schwengels
Carr	Hultman	Nystrom	Sovern
Coleman	Kelly	Orr	Taylor
Culver	Kinley	Palmer	Tieden
DeKoster	Lamborn	Plymat	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	

Nays, none.

Absent or not voting, 9:

Curtis	Junkins	Nolin	Shaff
Heying	Murray	Scott	Shaw
Hill of Jasper			

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1342 passed the Senate on May 24, 1976.

RICHARD J. NORPEL, SR.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1343.

Senate File 1343

On motion of Senator Norpel, Senate File 1343, a bill for an act relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1343) the vote was:

Ayes, 43:

Andersen	Hansen	Nolting	Rodgers
Bergman	Hill of Jasper	Norpel	Schwengels
Briles	Hill of Polk	Nystrom	Scott
Burroughs	Hultman	Orr	Shaff
Carr	Kelly	Palmer	Sovern
Coleman	Kinley	Plymat	Taylor
Culver	Lamborn	Priebe	Tieden
Doderer	Merritt	Rabedeaux	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba	Miller of	Robinson	
Griffin	Marshall		

Nays, none.

Absent or not voting, 7:

Curtis	Heying	Murray	Shaw
DeKoster	Junkins	Nolin	

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

Senator Kinley asked and received unanimous consent that Senate File 1343 be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration House File 1583.

House File 1583

On motion of Senator Hill of Jasper, House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper offered amendment S—5881 by the committee on appropriations, found on pages 2157–2165, inclusive, of the Senate Journal.

Senator Hill of Polk offered amendment S—5897 to amendment S—5881, moved its adoption and requested a non-record roll call:

S—5897

- 1 Amend the committee on appropriations
- 2 amendment S—5881 to House File 1583 as amended
- 3 and passed by the House, page 7, line 23, by
- 4 striking the figure "\$19,110" and inserting in
- 5 lieu thereof "\$21,008".

The ayes were 27, nays 9.

Amendment S—5897 to amendment S—5881 was adopted.

Senator Lamborn offered amendment S—5898 to amendment S—5881 by Senators Lamborn, et al., and moved its adoption:

S—5898

- 1 Amend the committee on appropriations amend-
- 2 ment S—5881 to House File 1583 as amended and
- 3 passed by the House as follows:
- 4 1. Page 7, by inserting after line 30 the
- 5 following:
- 6 "14. Attorney General\$35,000".

A record roll call was requested.

On the question "Shall amendment S—5898 to amendment S—5881, be adopted?" (H.F. 1583) the vote was:

Ayes, 26:

Bergman	Gallagher	Miller of	Ramsey
Briles	Glenn	Marshall	Redmond
Burroughs	Gluba	Norpel	Robinson
Carr	Griffin	Nystrom	Schwengels
Coleman	Hultman	Plymat	Shaff
Culver	Kelly	Priebe	Taylor
Doderer	Lamborn	Rabedeaux	

Nays, 17:

Andersen	Merritt	Palmer	Tieden
Hansen	Miller of	Rodgers	Van Gilst
Hill of Jasper	Des Moines	Scott	Willits
Hill of Polk	Nolting	Sovern	Winkelman
Kinley	Orr		

Absent or not voting, 7:

Curtis	Heying	Murray	Shaw
DeKoster	Junkins	Nolin	

Amendment S—5898 to amendment S—5881 was adopted.

Amendment S—5899 to amendment S—5881 by Senator Hill of Polk was ruled out of order with the adoption of amendment S—5898 to amendment S—5881:

S—5899

- 1 Amend the committee on appropriations
- 2 amendment S—5881 to House File 1583 as amended
- 3 and passed by the House, page 7, by inserting
- 4 after line 30, the following:
- 5 "14. Attorney General\$33,000".

Action on House File 1583 was temporarily deferred.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on House File 1558 on the part of the Senate: Senators Junkins, chairperson; Culver, Robinson, Kelly and Hultman.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 1442.

House File 1442

On the motion of Senator Hill of Polk, House File 1442, a bill for an act to legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged

Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

Senator Andersen took the chair at 11:30 a.m.

On the question "Shall the bill pass?" (H.F. 1442) the vote was:

Ayes, 40:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Hill of Jasper	Nolting	Rodgers
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
DeKoster	Kinley	Palmer	Tieden
Doderer	Lamborn	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedeaux	Winkelman
Gluba		Ramsey	

Nays, 1:

Merritt

Absent or not voting, 9:

Coleman	Junkins	Nolin	Shaff
Curtis	Murray	Schwengels	Shaw
Heying			

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1497.

House File 1497

On motion of Senator Redmond, House File 1497, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration

is not pending, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Redmond offered amendment S—5883 by the committee on judiciary and moved its adoption:

S—5883

- 1 Amend House File 1497 as follows:
- 2 1. Page 3, by striking line 20 through page 4,
- 3 line 2.

Amendment S—5883 was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1497) the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Robinson
Bergman	Hill of Jasper	Marshall	Rodgers
Burroughs	Hill of Polk	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 10:

Briles	Heying	Nolin	Schwengels
Curtis	Junkins	Rabedeaux	Shaw
Griffin	Murray		

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

MOTION TO RECONSIDER

MR. PRESIDENT: We move to reconsider the vote by which House File 1497 passed the Senate on May 24, 1976.

JAMES M. REDMOND
LUCAS J. DeKOSTER

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration House File 1547.

House File 1547

On motion of Senator Hill of Polk, House File 1547, a bill for an act to legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winnebago, State of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Polk moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1547) the vote was:

Ayes, 40:

Andersen	Griffin	Nolting	Rodgers
Bergman	Hansen	Norpel	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Shaw
Coleman	Kelly	Palmer	Sovern
Culver	Kinley	Plymat	Taylor
DeKoster	Lamborn	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Redmond	Willits
Glenn	Miller of	Robinson	Winkelman
Gluba	Marshall		

Nays, none.

Absent or not voting, 10:

Briles	Hill of Jasper	Murray	Ramsey
Curtis	Junkins	Nolin	Schwengels
Heying	Merritt		

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1567.

House File 1567

On motion of Senator Kelly, House File 1567, a bill for an act legalizing the proceedings for the sale of land by the North Scott Community School district, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1567) the vote was:

Ayes, 41:

Andersen	Griffin	Nolting	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Hill of Polk	Nystrom	Scott
Burroughs	Hultman	Orr	Shaff
Carr	Kelly	Palmer	Shaw
Coleman	Kinley	Plymat	Sovern
Culver	Merritt	Priebe	Taylor
DeKoster	Miller of	Rabedeaux	Tieden
Gallagher	Des Moines	Ramsey	Van Gilst
Glenn	Miller of	Redmond	Winkelman
Gluba	Marshall	Robinson	

Nays, none.

Absent or not voting, 9:

Curtis	Hill of Jasper	Lamborn	Nolin
Doderer	Junkins	Murray	Willits
Heying			

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1574.

House File 1574

On motion of Senator DeKoster, House File 1574, a bill for an act to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1574) the vote was:

Ayes, 37:

Andersen	Culver	Griffin	Kinley
Bergman	DeKoster	Hansen	Merritt
Briles	Gallagher	Hill of Polk	Miller of
Burroughs	Glenn	Hultman	Des Moines
Carr	Gluba	Kelly	

Miller of Marshall	Orr Palmer	Redmond Robinson	Sovern Taylor
Nolting	Plymat	Rodgers	Tieden
Norpel	Priebe	Schwengels	Van Gilst
Nystrom	Rabedeaux	Scott	Winkelman

Nays, none.

Absent or not voting, 13:

Coleman	Hill of Jasper	Murray	Shaff
Curtis	Junkins	Nolin	Shaw
Doderer	Lamborn	Ramsey	Willits
Heying			

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

Senator Kinley asked and received unanimous consent to take up for consideration House File 1575.

House File 1575

On motion of Senator DeKoster, House File 1575, a bill for an act to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1575) the vote was:

Ayes, 36:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Polk	Nolting	Scott
Burroughs	Hultman	Norpel	Shaff
Carr	Kelly	Orr	Sovern
Culver	Kinley	Palmer	Taylor
DeKoster	Merritt	Plymat	Tieden
Gallagher	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Rabedeaux	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 14:

Coleman	Hill of Jasper	Nolin	Robinson
Curtis	Junkins	Nystrom	Shaw
Doderer	Lamborn	Ramsey	Willits
Heying	Murray		

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

On motion of Senator Kinley, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 21, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1314, a bill for an act making appropriations to the department of social services.

Also: That the House has on May 24, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1588, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1314

S—5902

- 1 Amend Senate File 1314 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 17, by striking the figure
- 4 "II" and inserting in lieu thereof the figure
- 5 "I".
- 6 2. Page 6, by inserting after line 19 the
- 7 following:
- 8 "It is the intent of the general assembly in
- 9 appropriating funds in this subsection that,
- 10 notwithstanding the provisions of section two
- 11 hundred thirty-nine point eighteen (239.18), of
- 12 the Code, the department of social services
- 13 shall not reduce the standard of payment for
- 14 recipients in the aid to dependent children
- 15 program or establish eligibility criteria for
- 16 recipients in the aid to dependent children
- 17 program which are more restrictive than federal
- 18 regulations."
- 19 3. Page 6, line 28, by striking the word
- 20 "current".
- 21 4. Page 8, by inserting after line 5 the
- 22 following new sections:
- 23 "Sec. Section two hundred seventeen
- 24 point three (217.3), subsection two (2), Code
- 25 1975, is amended to read as follows:

26 2. Adopt and establish policy for the operation
27 and conduct of the department of social services,
28 *subject to any guidelines which may be adopted by*
29 *the general assembly*, and the implementation of
30 all services and programs thereunder.

31 Sec. Section two hundred seventeen point
32 four (217.4), Code 1975, is amended to read as
33 follows:

34 217.4 MEETINGS OF COUNCIL. The council shall
35 meet at least [four times a year] *monthly*. [Special]
36 *Additional* meetings shall be called by the [chairman]
37 *chairperson* or upon written request of any three
38 members thereof *as necessary to carry out the duties*
39 *of the council*. The [chairman] *chairperson* shall preside
40 at all meetings or in [his] *the* absence of the
41 *chairperson* the vice [chairman] *chairperson* shall
42 preside. The members of the council shall be paid
43 a per diem of forty dollars per day [while in session,]
44 and their reasonable and necessary expenses [while
45 attending such meetings. The amount of per diem
46 any one member may receive in any fiscal year
47 beginning with the date of employment shall not exceed
48 eight hundred dollars.]

49 Sec. Section two hundred nineteen point
50 fourteen (219.14), Code 1975, is amended by striking

Page 2

1 the section and inserting in lieu thereof the
2 following:
3 219.14 CONTRIBUTING TO OWN SUPPORT. Every
4 member of the home who receives a pension, compen-
5 sation or gratuity from the United States
6 government, or income from any source of more
7 than twenty dollars per month, shall contribute
8 to his or her own maintenance or support while
9 a member of the home. The amount of the
10 contribution and the method of collection shall
11 be determined by the director, but the amount
12 shall in no case exceed the actual cost of
13 keeping and maintaining such a person in the
14 home. The director may require any member of
15 the home to render such assistance in the care
16 of the home and its grounds as his or her
17 psychosocial and physical condition will permit,
18 as a phase of that member's rehabilitation
19 program. The director shall compensate each
20 member who furnishes such assistance at rates
21 established by the director in accordance with
22 the provisions of section fourteen (14) of the
23 United States fair labor standards Act (52
24 Stat 1068, 29 USC 214), as amended to
25 January 1, 1976."

26 5. Page 11, line 25, by striking the word
27 "January" and inserting in lieu thereof the
28 word "July".

- 29 6. Amend the title by inserting after the
 30 word "Act" the words "relating to and".
 31 7. By renumbering and correcting internal
 32 references as necessary.

HOUSE MESSAGE CONSIDERED

House File 1588, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds.

Read first time and passed on file.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONSIDERATION OF BILLS

House File 1576

On motion of Senator Gluba, House File 1576, a bill for an act relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976, and July 1, 1976, and approved in any special charter city which levies and collects its own taxes and making the Act retroactive, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gluba moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1576) the vote was:

Ayes, 34:

Bergman
 Burroughs
 Carr
 Coleman
 Culver
 DeKoster
 Doderer
 Glenn
 Gluba
 Hansen

Hill of Jasper
 Hill of Polk
 Hultman
 Kelly
 Kinley
 Lamborn
 Merritt
 Miller of
 Des Moines

Miller of
 Marshall
 Nolting
 Norpel
 Orr
 Palmer
 Priebe
 Ramsey
 Robinson

Schwengels
 Scott
 Shaff
 Sovern
 Taylor
 Tieden
 Van Gilst
 Winkelman

Nays, none.

Absent or not voting, 16:

Andersen	Griffin	Nolin	Redmond
Briles	Heying	Nystrom	Rodgers
Curtis	Junkins	Plymat	Shaw
Gallagher	Murray	Rabedaux	Willits

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

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1340.

Senate File 1340

On motion of Senator Coleman, Senate File 1340, a bill for an act to amend the rules of civil procedure proposed by the supreme court, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1340) the vote was:

Ayes, 34:

Bergman	Hill of Jasper	Miller of	Ramsey
Burroughs	Hill of Polk	Marshall	Robinson
Carr	Hultman	Nolting	Schwengels
Coleman	Kelly	Norpel	Scott
Culver	Kinley	Nystrom	Sovern
DeKoster	Lamborn	Orr	Taylor
Glenn	Merritt	Palmer	Tieden
Gluba	Miller of	Priebe	Van Gilst
Hansen	Des Moines	Rabedaux	Winkelman

Nays, none.

Absent or not voting, 16:

Andersen	Gallagher	Murray	Rodgers
Briles	Griffin	Nolin	Shaff
Curtis	Heying	Plymat	Shaw
Doderer	Junkins	Redmond	Willits

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

Senator Coleman asked and received unanimous consent that **Senate File 1340 be immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1341.

Senate File 1341

On motion of Senator Kelly, Senate File 1341, a bill for an act to define certain additional substances as controlled substances, was taken up for consideration.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1341) the vote was:

Ayes, 34:

Bergman	Hill of Polk	Nolting	Rodgers
Burroughs	Hultman	Norpel	Schwengels
Carr	Kelly	Nystrom	Scott
Coleman	Kinley	Orr	Sovern
Culver	Merritt	Palmer	Taylor
DeKoster	Miller of	Priebe	Tieden
Glenn	Des Moines	Rabedaux	Van Gilst
Gluba	Miller of	Ramsey	Winkelman
Hansen	Marshall	Robinson	
Hill of Jasper			

Nays, none.

Absent or not voting, 16:

Andersen	Gallagher	Lamborn	Redmond
Briles	Griffin	Murray	Shaff
Curtis	Heying	Nolin	Shaw
Doderer	Junkins	Plymat	Willits

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

Senator Kelly asked and received unanimous consent that **Senate File 1341** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration House File 1026.

House File 1026

On motion of Senator Rodgers, House File 1026, a bill for an act relating to the appointment of conservators for veterans, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1026) the vote was:

Ayes, 38:

Bergman	Hansen	Miller of	Robinson
Burroughs	Hill of Jasper	Marshall	Rodgers
Carr	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Kelly	Nystrom	Shaff
Doderer	Kinley	Orr	Sovern
Gallagher	Lamborn	Palmer	Taylor
Glenn	Merritt	Priebe	Tieden
Gluba	Miller of	Rabedeaux	Van Gilst
Griffin	Des Moines	Ramsey	Winkelman

Nays, 1:

DeKoster

Absent or not voting, 11:

Andersen	Heying	Nolin	Shaw
Briles	Junkins	Plymat	Willits
Curtis	Murray	Redmond	

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

House File 1583

The Senate resumed consideration of House File 1583 and amendment S—5881 as amended previously deferred.

On motion of Senator Hill of Jasper, amendment S—5881 as amended was adopted.

The following amendments were ruled out of order with the adoption of amendment S—5881 as amended:

Amendment S—5876 filed May 21, 1976 by Senator Hill of Polk.

Amendment S—5887 by Senators Lamborn, et al.:

S—5887

- 1 Amend House File 1583 as amended and passed
- 2 by the House as follows:
- 3 1. Page 9, by inserting after line 25 the
- 4 following:
- 5 "16. Attorney General\$35,000".

Amendment S—5894 to amendment S—5887 by Senator Hill of Polk:

S—5894

- 1 Amend the Lamborn, et al., amendment, S—5887, to
- 2 House File 1583 as amended and passed by the House
- 3 as follows:
- 4 1. Page 1, line 5, by striking the figure "35,000"
- 5 and inserting in lieu thereof the figure "33,000".

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1583) the vote was:

Ayes, 36:

Andersen	Glenn	Miller of	Rabedaux
Bergman	Gluba	Des Moines	Ramsey
Briles	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Rodgers
Carr	Hill of Jasper	Norpel	Schwengels
Coleman	Hill of Polk	Nystrom	Shaff
Culver	Hultman	Orr	Sovern
DeKoster	Kelly	Palmer	Taylor
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Lamborn		

Nays, 5:

Merritt	Scott	Tieden	Winkelman
Nolting			

Absent or not voting, 9:

Curtis	Murray	Plymat	Shaw
Heying	Nolin	Redmond	Willits
Junkins			

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

Senator Kinley asked and received unanimous consent that **House File 1583** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1338.

Senate File 1338

On motion of Senator Rabedaux, Senate File 1338, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof, was taken up for consideration.

President pro tempore Doderer took the chair at 1:50 p.m.

Senator Rabedaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1338) the vote was:

Ayes, 40:

Andersen	Coleman	Glenn	Hultman
Bergman	Culver	Griffin	Kelly
Briles	DeKoster	Hansen	Kinley
Burroughs	Doderer	Heying	Lamborn
Carr	Gallagher	Hill of Jasper	Merritt

Miller of	Norpel	Ramsey	Sovern
Des Moines	Nystrom	Rodgers	Taylor
Miller of	Orr	Schwengels	Tieden
Marshall	Palmer	Scott	Van Gilst
Murray	Priebe	Shaff	Winkelman
Nolting	Rabedeaux		

Nays, 1:

Hill of Polk

Absent or not voting, 9:

Curtis	Nolin	Redmond	Shaw
Gluba	Plymat	Robinson	Willits
Junkins			

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

Senator Rabedeaux asked and received unanimous consent that **Senate File 1338** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up out of order House File 1581.

House File 1581

On motion of Senator Carr, House File 1581, a bill for an act relating to educational leaves of absence for school employees, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel asked unanimous consent that House File 1581 be rereferred to the committee on education.

Objection was raised.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1581) the vote was:

Ayes, 40:

Andersen	Griffin	Miller of	Robinson
Briles	Hansen	Marshall	Rodgers
Carr	Hill of Polk	Murray	Schwengels
Coleman	Junkins	Nolting	Scott
Culver	Kelly	Norpel	Shaff
Curtis	Kinley	Nystrom	Shaw
DeKoster	Lamborn	Orr	Sovern
Doderer	Merritt	Palmer	Tieden
Gallagher	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba		Redmond	

Nays, 6:

Bergman
Burroughs

Hill of Jasper
Rabedeaux

Taylor

Winkelman

Absent or not voting, 4:

Heying

Hultman

Nolin

Ramsey

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1582.

House File 1582

On motion of Senator Carr, House File 1582, a bill for an act relating to the issuance, continuance, and termination of contracts of school administrators, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rabedeaux offered amendment S—5874 filed by him and moved its adoption:

S—5874

- 1 Amend House File 1582, as amended and passed by
- 2 the House, as follows:
- 3 1. By striking everything after the enacting clause
- 4 and inserting in lieu thereof the following:
- 5 "Section 1. Chapter twenty (20), Code 1975, is
- 6 amended by adding the following new section:
- 7 *NEW SECTION.* Notwithstanding the provisions of
- 8 section twenty point four (20.4), subsection two (2)
- 9 of the Code, school administrators employed by a
- 10 school district, area education agency, or area school
- 11 and the respective boards of directors shall negotiate
- 12 in good faith under the provisions of this chapter
- 13 with respect to the issuance, continuation, and
- 14 termination of contracts of administrators and
- 15 discharge of administrators.
- 16 For the purpose of this section, the term 'school
- 17 administrator' includes assistant superintendents,
- 18 educational directors, principals, assistant
- 19 principals, and other certified school supervisors
- 20 as defined under the provisions of section twenty
- 21 point four (20.4) of the Code.
- 22 Sec. 2. Chapter two hundred seventy-nine (279),
- 23 Code 1975, is amended by adding the following new
- 24 section:
- 25 *NEW SECTION.* The provisions of sections two hundred
- 26 seventy-nine point thirteen (279.13) and two hundred
- 27 seventy-nine point twenty-four (279.24) of the Code
- 28 shall not apply to school administrators as defined
- 29 in section one (1) of this Act."

A record roll call was requested.

On the question "Shall amendment S—5874 be adopted?" (H.F. 1582) the vote was:

Rule 25 was invoked.

Ayes, 19:

Bergman	DeKoster	Norpel	Ramsey
Briles	Griffin	Nystrom	Shaff
Burroughs	Lamborn	Palmer	Shaw
Coleman	Miller of	Priebe	Taylor
Culver	Marshall	Rabedaux	Tieden

Nays, 28:

Andersen	Hill of Jasper	Murray	Schwengels
Carr	Hill of Polk	Nolting	Scott
Curtis	Junkins	Orr	Sovern
Doderer	Kelly	Plymat	Van Gilst
Gallagher	Kinley	Redmond	Willits
Glenn	Merritt	Robinson	Winkelman
Gluba	Miller of	Rodgers	
Hansen	Des Moines		

Absent or not voting, 3:

Heying	Hultman	Nolin
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Amendment S—5874 lost.

Senator Carr moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1582) the vote was:

Ayes, 38:

Andersen	Gallagher	Merritt	Ramsey
Bergman	Glenn	Miller of	Redmond
Briles	Gluba	Des Moines	Robinson
Burroughs	Griffin	Murray	Schwengels
Carr	Hansen	Nolting	Shaw
Coleman	Hill of Polk	Norpel	Sovern
Culver	Junkins	Nystrom	Tieden
Curtis	Kelly	Orr	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer	Lamborn	Priebe	

Nays, 7:

Hill of Jasper	Rabedaux	Scott	Winkelman
Palmer	Rodgers	Taylor	

Absent or not voting, 5:

Heying	Miller of	Nolin	Shaff
Hultman	Marshall		

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

HOUSE AMENDMENT CONSIDERED

Senate File 367

Senator Van Gilst called up for consideration Senate File 367, a bill for an act relating to the location and operation of live-stock feedlots, and defining nuisance as the term relates thereto, amended by House amendment S—5872 found on pages 2122-2127, inclusive, of the Senate Journal.

Senator Lamborn took the chair at 3:35 p.m.

Senator Gallagher moved that further action on Senate File 367 be deferred and that the bill retain its place on the calendar.

Senator Shaff asked unanimous consent that a representative from the Department of Environmental Quality be permitted to enter and remain in the Senate chamber as a consultant during consideration of House amendment S—5872.

Objection was raised.

Senator Orr asked unanimous consent that the Senate resolve itself into a committee of the whole.

Objection was raised.

DEFERRED

Senator Kinley asked and received unanimous consent that further action on Senate File 367 be deferred and that the bill retain its place on the calendar.

HOUSE AMENDMENT CONSIDERED

Senate File 356

Senator Shaw called up for consideration Senate File 356, a bill for an act authorizing the establishment and funding of self-supported municipal improvement districts, amended by House amendment S—5875 found on pages 2145-2149, inclusive, of the Senate Journal.

President pro tempore Doderer took the chair at 3:55 p.m.

Senator Priebe took the chair at 4:07 p.m.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Priebe presiding.

Senator Redmond offered amendment S—5907 to House amendment S—5875 and moved its adoption:

S—5907

- 1 Amend the House amendment, S—5875, to Senate File
- 2 356 as amended, passed and reprinted as follows:
- 3 1. Page 3, line 49, by striking the word "and"
- 4 and inserting in lieu thereof the figure ".".
- 5 2. Page 3, by striking line 50, through page
- 6 4, line 12.

A record roll call was requested.

On the question "Shall amendment S—5907 to House amendment S—5875 be adopted?" (S.F. 356) the vote was:

Ayes, 10:

Doderer	Kinley	Palmer	Van Gilst
Hill of Jasper	Merritt	Redmond	Willits
Hill of Polk	Orr		

Nays, 34:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Hultman	Norpel	Scott
Burroughs	Junkins	Nystrom	Shaff
Carr	Lamborn	Plymat	Shaw
Culver	Miller of	Priebe	Sovern
Curtis	Des Moines	Rabedaux	Taylor
DeKoster	Miller of	Ramsey	Tieden
Gluba	Marshall	Robinson	Winkelman

Absent or not voting, 6:

Coleman	Glenn	Kelly	Nolin
Gallagher	Heying		

Amendment S—5907 to House amendment S—5875 lost.

On motion of Senator Shaw, the Senate concurred in House amendment S—5875.

Senator Shaw moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 356) the vote was:

Ayes, 40:

Andersen	Hansen	Nolting	Rodgers
Bergman	Hultman	Norpel	Schwengels
Briles	Junkins	Nystrom	Scott
Burroughs	Kelly	Orr	Shaff
Carr	Kinley	Plymat	Shaw
Culver	Lamborn	Priebe	Sovern
Curtis	Miller of	Rabedaux	Taylor
DeKoster	Des Moines	Ramsey	Tieden
Doderer	Miller of	Redmond	Willits
Gluba	Marshall	Robinson	Winkelman
Griffin	Murray		

Nays, 4:

Hill of Jasper	Hill of Polk	Merritt	Van Gilst
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Absent or not voting, 6:

Coleman	Glenn	Nolin	Palmer
Gallagher	Heying		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Glenn for the afternoon session on request of Senator Kinley.

UNFINISHED BUSINESS

Senate File 1313

The Senate resumed consideration of Senate File 1313, a bill for an act to provide for a state land preservation policy, creating state and county land preservation commissions and specifying the powers and duties of such commissions, and amendment S—5858 to amendment S—5588.

Senator Palmer took the chair at 5:00 p.m.

Senator Hill of Jasper moved the adoption of amendment S—5858 to amendment S—5588 and requested a record roll call.

On the question "Shall amendment S—5858 to amendment S—5588 be adopted?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 26:

Briles	Griffin	Miller of	Robinson
Burroughs	Hansen	Marshall	Rodgers
Coleman	Hill of Jasper	Norpel	Schwengels
Culver	Hultman	Nystrom	Scott
Curtis	Kelly	Plymat	Shaw
DeKoster	Miller of	Priebe	Taylor
Gallagher	Des Moines	Rabedeaux	Tieden

Nays, 19:

Andersen	Junkins	Nolting	Sovern
Bergman	Kinley	Orr	Van Gilst
Carr	Lamborn	Palmer	Willits
Gluba	Merritt	Redmond	Winkelman
Hill of Polk	Murray	Shaff	

Absent or not voting, 5:

Doderer	Heying	Nolin	Ramsey
Glenn			

Amendment S—5858 to amendment S—5588 was adopted.

With the adoption of amendment S—5858 to amendment S—5588, the following amendments were ruled out of order:

Amendment S—5859 to amendment S—5588 filed by Senator Burroughs on May 19, 1976.

Amendment S—5844 to amendment S—5588 filed by Senator Sovern on May 18, 1976.

Amendment S—5680 to amendment S—5588 filed by Senators Shaff, et al., on May 5, 1976.

Amendment S—5591 to amendment S—5588 filed by Senators Sovern, et al., on April 27, 1976.

Amendment S—5768 to amendment S—5588 filed by Senators Winkelman, et al., on May 12, 1976.

Amendment S—5767 to amendment S—5588 filed by Senators Winkelman, et al., on May 12, 1976.

Amendment S—5770 to amendment S—5588 filed by Senators Winkelman, et al., on May 12, 1976.

Amendment S—5681 to amendment S—5588 filed by Senators Shaff, et al., on May 5, 1976.

Amendment S—5855 to amendment S—5588 filed by Senator Heying on May 19, 1976.

Amendment S—5852 to amendment S—5588 filed by Senator Heying on May 19, 1976.

Amendment S—5862 to amendment S—5588 filed by Senators Hansen and Hultman on May 20, 1976.

Amendment S—5860 to amendment S—5588 filed by Senator Junkins on May 19, 1976.

Amendment S—5682 to amendment S—5588 filed by Senators Shaff, et al., on May 5, 1976.

Amendment S—5728 to amendment S—5588 filed by Senators Shaff and Van Gilst on May 10, 1976.

Amendment S—5684 to amendment S—5588 filed by Senators Shaff, et al., on May 5, 1976.

Amendment S—5727 to amendment S—5588 filed by Senators Shaff and Van Gilst on May 10, 1976.

Amendment S—5769 to amendment S—5588 filed by Senators Winkelman, et al., on May 12, 1976.

Amendment S—5755 to amendment S—5588 filed by Senator Sovern on May 11, 1976.

Amendment S—5843 to amendment S—5588 filed by Senator Sovern on May 18, 1976.

Amendment S—5683 to amendment S—5588 filed by Senators Shaff, et al., on May 5, 1976.

Amendment S—5864 to amendment S—5588 filed by Senator Heying on May 20, 1976.

Senator Sovern moved the adoption of amendment S—5588 as amended.

The Chair called for a non-record roll call.

The ayes were 33, nays 11.

Amendment S—5588 as amended was adopted.

The following amendments were ruled out of order with the adoption of amendment S—5588 as amended:

Amendment S—5675 filed by Senators Hill of Jasper, et al. on May 5, 1976.

Amendment S—5725 filed by Senator Hultman on May 10, 1976.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1313) the vote was:

Rule 25 was invoked.

Ayes, 14:

Carr	Hansen	Miller of	Redmond
Doderer	Hill of Jasper	Marshall	Robinson
Gallagher	Kelly	Nolting	Willits
Gluba	Lamborn	Orr	

Nays, 33:

Andersen	Heying	Norpel	Scott
Bergman	Hill of Polk	Nystrom	Shaff
Briles	Hultman	Palmer	Shaw
Burroughs	Junkins	Plymat	Sovern
Coleman	Kinley	Priebe	Taylor
Culver	Merritt	Rabedaux	Tieden
Curtis	Miller of	Rodgers	Van Gilst
DeKoster	Des Moines	Schwengels	Winkelman
Griffin	Murray		

Absent or not voting, 3:

Glenn	Nolin	Ramsey
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The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1313 failed to pass the Senate on May 24, 1976.

ROGER SHAFF

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1313 failed to pass the Senate on May 24, 1976.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1313 failed to pass the Senate on May 24, 1976.

WILLIAM D. PALMER

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 24, 1976, amended and passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1009, to provide for an interim study of the feasibility of creating a state insurance pool.

Also: That the House has on May 24, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1309, a bill for an act relating to the exchange of property by the Dubuque community school district.

Also: That the House has on May 21, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects.

Also: That the House has on May 24, 1976, adopted the Second Conference Committee Report and passed the following bill in which the concurrence of the Senate is asked:

House File 614, a bill for an act relating to termination of parental rights and adoption.

Also: That the House has on May 24, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1569, a bill for an act making appropriations to the Iowa state comptroller's office, providing funds for leasing data processing systems.

Also: That the House has on May 24, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1589, a bill for an act appropriating funds for programs for low income and elderly persons.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION 1009

S—5905

- 1 Amend Senate Joint Resolution 1009, as passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "malpractice" and inserting in lieu thereof the words
- 5 "professional liability insurance".
- 6 2. Page 2, line 1, by striking the word "may"
- 7 and inserting in lieu thereof the word "shall".
- 8 3. Page 2, line 3, by inserting after the word
- 9 "pool" the words "and shall study the underlying
- 10 reasons for the restricted insurance markets as
- 11 outlined above and shall recommend solutions to ease
- 12 the market difficulties if possible".
- 13 4. Page 2, by inserting after line 3 the following:
- 14 "The study committee shall study alternatives
- 15 including but not limited to reinsurance pools,
- 16 revision of the Iowa tort claims act, changes in
- 17 liability law and tort reform."

HOUSE AMENDMENT TO SENATE FILE 1332

S—5908

- 1 Amend Senate File 1332 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. There is appropriated from the general
- 6 fund of the state for the fiscal period beginning
- 7 July 1, 1976 to the department of transportation the
- 8 following amounts to be used in the manner designated.
- 9 1. For public transit purposes to
- 10 implement a state assistance plan\$2,000,000
- 11 2. For railroad assistance in-
- 12 cluding but not limited to branch-
- 13 line improvement, terminal car
- 14 control analysis, rail inspections,
- 15 and special hearings\$3,000,000
- 16 Sec. 2. There is appropriated from the general
- 17 fund of the state for the fiscal period beginning July 1,
- 18 1976 the sum of twelve million (12,000,000) dollars,
- 19 or so much thereof as is necessary, to be deposited
- 20 in the road use tax fund.
- 21 Sec. 3. Unencumbered or unobligated funds appro-
- 22 priated by this Act, except funds appropriated for
- 23 railroad assistance and for deposit in the road use
- 24 tax fund remaining on June 30, 1980 shall revert to
- 25 the general fund of the state on September 30, 1980.
- 26 Sec. 4. Chapter four hundred eighty-three (483),
- 27 Code 1975, is amended by striking the chapter.
- 28 Sec. 5. *NEW SECTION.* As used in this chapter,
- 29 unless the context otherwise requires:
- 30 1. "District" means a railroad district established
- 31 under the provisions of this chapter.

32 2. "Department" means the state department of
33 transportation.

34 3. "Board" means the transportation regulation
35 board.

36 4. "Railroad corporation" means any corporation
37 organized under the laws of this state or any other
38 state for the purpose of operating a railroad within
39 this state.

40 5. "Control county" means the county designated
41 by the department to administer the election procedures
42 and hold hearings within a railroad district or a
43 proposed railroad district.

44 6. "Railroad" means roadbeds, track, track
45 structure, and other appurtenances of railroad right-
46 of-way of railroad branch lines.

47 Sec. 6. *NEW SECTION.* It is declared to be the
48 policy of the state of Iowa and the objective of this
49 chapter to allow citizens to act in the public interest
50 to form a railroad district for the restoration,

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1 conservation, purchase or improvement of a railroad.
2 The establishment of such a district is in all respects
3 for the benefit of the people of the state of Iowa
4 for the improvement and promotion of the economy,
5 which is a public purpose. The funds for the
6 restoration, conservation, purchase, or improvement
7 shall be derived from a vote of the qualified electors
8 of the district for a tax not to exceed eighty-one
9 cents per thousand dollars of assessed value. The
10 number of years in which it shall be levied and paid
11 shall not exceed twenty years. All of the purposes
12 stated in this chapter are public purposes and uses
13 for which public moneys may be borrowed, expended,
14 advanced, loaned or granted.

15 Sec. 7. *NEW SECTION.* The department may develop
16 a proposed railroad district and a preliminary
17 recommendation concerning the desirability and
18 necessity of the creation of such a district within
19 thirty days of the receipt of a petition signed by
20 at least ten eligible electors of the area to be
21 included in the district. The petition shall describe
22 the territory proposed to be organized as a district
23 which description shall not be required to be given
24 by metes and bounds or by legal subdivisions, but
25 shall be deemed sufficient if generally accurate.
26 The department shall determine the control county
27 for the district.

28 Sec. 8. *NEW SECTION.* The board of supervisors
29 of the control county shall publish notice of the
30 proposed hearing upon the question of desirability
31 and necessity of the creation of a railroad district
32 within thirty days of receipt of the proposed plan
33 from the department. The notice shall be published
34 once in an official newspaper of each county with

territory in the proposed district at least five days prior to the date of hearing. All eligible electors of the proposed district and all other interested parties shall have the right to attend such hearing and to be heard. In addition to the presentation of proposed boundaries of the district the department shall discuss the desirability and necessity of the proposed district. If it appears at the hearing that it is desirable to include within the proposed district territory outside the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given through the entire area considered for inclusion in the district and such further hearing held.

Sec. 9. *NEW SECTION.* Following the hearing, the

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department shall file a recommendation with the control county concerning the creation of the railroad district. If the recommendation is for the creation of the district, a referendum shall be held in the proposed railroad district within sixty days of the recommendation. If the recommendation is to revise the plan, a revised plan shall be submitted to the control county board of supervisors by the department within sixty days of the recommendation and a referendum shall be held within sixty days of the receipt of this revised plan. A recommendation to not create the district may be overturned by a petition of fifty or more eligible electors of the proposed railroad district. In such case the proposal to create the district shall be submitted to the voters at a referendum to be held within sixty days of the date the petition was received.

Sec. 10. *NEW SECTION.* The board of supervisors of the control county shall hold a referendum within the proposed railroad district upon the question of the creation of the district and at the same time, hold an election to elect the first trustees of the district. Notice of the referendum and election shall be given in the manner provided under section forty-nine point fifty-three (49.53) of the Code.

Sec. 11. *NEW SECTION.* Petitions nominating candidates for trustees shall be filed with the control county commissioner of elections at least thirty days prior to the election and shall be made according to section forty-five point three (45.3) of the Code. An eligible elector of the district may not sign more than three such petitions.

Sec. 12. *NEW SECTION.* Trustees shall be elected for six-year terms. However, at the first election, the trustee receiving the highest number of votes shall serve a term of six years, the trustee receiving the second highest number of votes shall serve

38 a term of four years and the trustee receiving the
39 third highest number of votes shall serve a term of
40 two years. The term of office for trustees shall
41 commence upon receipt of the certificate of election.
42 A bond shall not be required of railroad district
43 trustees. Vacancies shall be filled by appointment
44 by the trustees until the vacancy can be filled pur-
45 suant to section sixty-nine point twelve (69.12) of
46 the Code.

47 Sec. 13. *NEW SECTION.* Two ballots, one contain-
48 ing the public question "Shall a railroad district
49 described as follows be created" and the other, the
50 candidates for trustees, shall be submitted upon re-

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1 quest to each qualified elector of the district.
2 The control county commissioner of election shall
3 cause the ballots to be printed.

4 Sec. 14. *NEW SECTION.* The polling places for
5 all elections for railroad districts shall be desig-
6 nated by county commissioner of elections and may
7 be the office of the county commissioner of elections
8 in each county in which any territory of the district
9 lies. Subsequent elections for railroad district
10 trustees shall be held biennially as close to the
11 anniversary of the original election as possible and
12 pursuant to the provisions of section thirty-nine
13 point two (39.2) of the Code.

14 Sec. 15. *NEW SECTION.* The vote of any elections
15 held for a railroad district shall be canvassed on
16 Monday following the election if the district lies
17 wholly within one county. If the district lies with-
18 in more than one county the noncontrol counties shall
19 canvass the vote on the second day following the elec-
20 tion and certify the result to the control county
21 by noon on the Monday following the election. If
22 a majority of the votes cast on the question "Shall
23 a railroad district be created?" do not favor creation
24 of the district, the vote to elect trustees shall
25 be void.

26 Sec. 16. *NEW SECTION.* The trustees of a rail-
27 road district shall have all powers listed in sections
28 seventeen (17) through nineteen (19) of this Act and
29 may receive and accept gifts, grants, loans, or other
30 aid from any public or private entities.

31 Sec. 17. *NEW SECTION.* The trustees may on their
32 own initiative or upon receipt of a petition from
33 ten eligible electors of the district request the
34 control county commissioner of elections to call a
35 referendum on either of the following public questions:

36 1. Shall a tax of not to exceed _____
37 be levied against the value of the real property with-
38 in the district?

39 2. Shall the trustees of the district be authorized
40 to issue bonds in the amount of _____

41 and levy a tax for the retirement of the bonds and
42 interest thereon?

43 If a majority of the votes cast are in favor of
44 question one or sixty percent of the votes cast are
45 in favor of question two, the tax shall be levied
46 by the board of supervisors and collected at the same
47 time and in the same manner as other property taxes.
48 This tax shall not be levied more than once, unless
49 a written agreement pursuant to section eighteen (18)
50 of this Act has been made. The referendum shall state

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1 the purposes for which it is proposed to vote the
2 taxes, the maximum rate of tax proposed, the number
3 of years not exceeding twenty in which it shall be
4 levied and paid in equal installments, and the location
5 of the railroad for which it is proposed to improve,
6 restore, purchase, or conserve.

7 Sec. 18. *NEW SECTION.* Prior to expenditure of
8 any funds derived from section six (6) of this Act,
9 the trustees shall enter into a written agreement
10 with the department and railroad corporation for the
11 purpose specified in the referendum according to the
12 provisions of section seventeen (17) of this Act.

13 Sec. 19. *NEW SECTION.* All moneys collected un-
14 der this chapter shall be placed in the Iowa railroad
15 assistance fund. Not later than December 15 or June
16 15 of each year in which the tax is collected, the
17 county auditor shall transmit the amount of tax levied
18 and collected, by warrant, to the treasurer of state
19 who shall credit it to the railroad assistance fund.
20 Moneys levied and collected for the purpose of retiring
21 general obligation bonds and paying interest on such
22 bonds shall be held as a sinking fund in the railroad
23 assistance fund and disbursed by the trustees for
24 retirement and interest payment of these bonds.
25 Pursuant to the agreement as specified in section
26 eighteen (18) of this Act, the trustees shall submit
27 a certified claim to the state comptroller directing
28 that a warrant be issued against the railroad
29 assistance fund. Funds transmitted to the Iowa
30 railroad assistance fund under the provisions of this
31 section shall be used for the purposes provided for
32 in chapter four hundred eighty-three (483) of the
33 Code.

34 Sec. 20. *NEW SECTION.* A railroad district shall
35 be dissolved twenty years after its creation if all
36 bonds have been retired and all obligations fulfilled,
37 unless a petition by ten eligible electors objecting
38 to the dissolution is filed with the trustees. The
39 trustees shall notify the department and the control
40 county board of supervisors of this petition. The
41 control county board of supervisors shall hold a hear-
42 ing on the proposed dissolution of the railroad dis-
43 trict and cause a notice of such hearing to be pub-

44 listed according to section eight (8) of this Act.
45 At the hearing the department shall present a
46 recommendation on the desirability of dissolution
47 of the railroad district and such recommendation shall
48 be accepted unless a written objection is given to
49 the board within ten days of the hearing. Upon receipt
50 of such objection the board shall make final deter-

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1 mination if the district shall be dissolved or re-
2 tained.
3 **Sec. 21. NEW SECTION.** Should the taxes voted
4 for the railroad district under the provisions of
5 this chapter remain in the railroad assistance fund
6 for more than one year after the terms of the agreement
7 have expired, the right to the undistributed
8 unencumbered taxes and the money shall revert to the
9 general fund of the county from which it was originally
10 collected in proportion to the taxes levied and
11 collected for this fund in the most recent collection
12 year.

13 **Sec. 22. NEW SECTION.** The provisions of chapters
14 thirty-nine (39) through fifty-three (53) of the Code
15 shall apply to the conduct of elections held for the
16 railroad district, except as otherwise specifically
17 provided in this chapter.

18 **Sec. 23.** If any part or provision of this Act
19 or the application thereof to any person or
20 circumstances is held to be invalid or unenforce-
21 able, such invalidity or unenforceability shall not
22 affect any other parts or provisions or applications
23 of the Act which can be given effect without the in-
24 valid or unenforceable parts or provisions or applica-
25 tion, and to this end the parts and provisions of
26 this Act are declared to be severable.

27 2. Amend the title by striking lines 1 and 2 and
28 inserting in lieu thereof the following:

29 "An Act relating to transportation, by creating
30 rail districts, providing a tax, and providing for
31 an appropriation to the department of transportation."

HOUSE MESSAGE CONSIDERED

House File 1589, a bill for an act relating to and appropriating funds for programs for low income and elderly persons.

Read first time and passed on file.

**RESIGNED AS CHAIRPERSON OF SECOND
CONFERENCE COMMITTEE**

MR. PRESIDENT: Since Senator Richard Ramsey served as subcommittee chairperson and floor manager of **House File 614**, I respectfully decline to serve as chairperson on the second conference committee and ask that he be appointed in my place.

WILLIAM E. GLUBA

APPOINTMENT OF SECOND CHAIRPERSON

The Chair announced the appointment of Senator Ramsey, as chairperson of the second conference committee on House File 614, on the part of the Senate, effective May 21, 1976.

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 614

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

We, the undersigned members of the second conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 614, a bill for an Act relating to termination of parental rights and adoption and providing penalties, respectfully submit the following report:

That the Senate amendment, H—6243, to House File 614, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 1, line 35, by striking the word "Biological" and inserting in lieu thereof the word "Natural".
2. Page 3, line 19, by striking the words "who is not an agency" and inserting in lieu thereof the words " , other than an agency,".
3. Page 3, line 50, by inserting after the word "two" the word "disinterested".
4. Page 4, by inserting after line 6 the following:
"h. Shall state the purpose of the release, including that if it is not revoked it may be grounds for termination, and shall fully inform the signing parent of the manner in which the parent may seek to revoke the release."
5. Page 4, lines 24 and 25, by striking the words "filing of a petition for" and inserting in lieu thereof the words "hearing on".
6. Page 4, line 28, by striking the words "revoked and" and inserting in lieu thereof the word "revoked."
7. Page 4, by striking lines 29 and 30 and inserting in lieu thereof the following:
"If, within ninety-six hours of signing the release, a parent petitions to have the release revoked, the juvenile

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court shall order the release revoked. Otherwise, the juvenile court shall order the release revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause, other than fraud, coercion, or misrepresentation, exists for revocation, the juvenile court shall give paramount consideration to the

best interests of the child and due consideration to the interests of the parents of the child and of any person standing in the place of the parents."

8. Page 4, line 37, by inserting after the words "A parent" the words "or prospective parent".

9. Page 4, line 45, by inserting after the word "child" the words "or the pregnant woman".

10. Page 5, line 31, by striking the word "biological" and inserting in lieu thereof the word "natural".

11. Page 5, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

12. Page 5, line 35, by striking the words "Act or a parent," and inserting in lieu thereof the word "Act."

13. Page 5, by striking lines 36 through 50.

14. Page 6, by striking lines 1 through 7.

15. Page 6, by striking lines 24 through 33.

16. Page 6, line 34, by striking the number "5" and inserting in lieu thereof the number "4".

17. Page 6, line 50, by striking the number "6" and inserting in lieu thereof the number "5".

18. Page 7, line 1, by striking the word "shall" and inserting in lieu thereof the word "may".

19. Page 7, by inserting after line 12 the following:

"6. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice an unidentified and unlocated necessary party. A reasonable effort to notice

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this necessary party shall not be by published notice which includes the name of any identified necessary party. If the juvenile court reasonably concludes, upon a proper showing, that the identity and location of the necessary party has not been determined, the juvenile court shall, upon proper findings and order entered of record, dispense with notice to this necessary party."

20. Page 7, by striking lines 29 and 30 and inserting in lieu thereof the words "less than one week after the child is born."

21. Page 9, line 35, by striking the word "biological" and inserting in lieu thereof the word "natural".

22. Page 9, line 41, by striking the word "biological" and inserting in lieu thereof the word "natural".

23. Page 13, line 13, by striking the word "biological" and inserting in lieu thereof the word "natural".

24. Page 15, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

25. Page 15, line 24, by striking the word "biological" and inserting in lieu thereof the word "natural".

26. Page 15, line 28, by striking the word "biological" and inserting in lieu thereof the word "natural".

27. Page 15, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

28. Page 15, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

29. Page 15, line 38, by striking the word "biological" and inserting in lieu thereof the word "natural".

30. Page 19, line 48, by striking the word "biological" and inserting in lieu thereof the word "natural".

31. Page 20, line 3, by striking the word "biological" and inserting in lieu thereof the word "natural".

32. Page 20, line 8, by striking the word "biological" and inserting in lieu thereof the word "natural".

33. Page 20, line 8, by striking the words "parents,

Page 4

unless" and inserting in lieu thereof the words "parents.".

34. Page 20, by striking lines 9 through 11 and inserting in lieu thereof the following: "A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who".

35. Page 20, line 12, by striking the word "biological" and inserting in lieu thereof the word "natural".

36. Page 20, line 18, by striking the word "biological" and inserting in lieu thereof the word "natural".

37. Page 20, line 29, by striking the word "biological" and inserting in lieu thereof the word "natural".

38. Page 20, line 33, by striking the word "biological" and inserting in lieu thereof the word "natural".

39. Page 20, line 36, by striking the word "biological" and inserting in lieu thereof the word "natural".

40. Page 20, by striking lines 46 through 50.

41. Page 21, by striking lines 1 through 45 and renumbering the bill sections accordingly.

42. Page 22, line 4, by striking the word "biological" and inserting in lieu thereof the word "natural".

On the Part of the Senate:

MINNETTE DODERER

WILLIAM E. GLUBA

JAMES M. REDMOND

ELIZABETH SHAW

On the Part of the House:

M. PETER MIDDLETON, Chairperson

THOMAS J. HIGGINS

JOAN LIPSKY

BRICE C. OAKLEY

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 1191**

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representa-

tives on Senate File 1191, a bill for an Act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, respectfully make the following report:

1. That the Senate recede from its amendment H—6691 to the House amendment S—5737 to Senate File 1191 and that the House amendment S—5737 be amended as follows:

Amend the House amendment, S—5737, to Senate File 1191 as follows:

Page 1, line 3, by striking the figure “671,382” and inserting in lieu thereof the figure “666,132”.

On the Part of the Senate:

EARL M. WILLITS, Chairperson
STEVE SOVERN
MINNETTE F. DODERER
LEONARD C. ANDERSEN
CLIFF BURROUGHS

On the Part of the House:

WILLIAM B. GRIFFEE,
Chairperson
TERRY DYRLAND
ROBERT T. ANDERSON
HENRY C. WULFF
FRANK CRABB

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

H. F. 1198 Human resources

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John P. Whitesell of Iowa Falls, Hardin County, Iowa, for appointment as a member of the Natural Resources Council under the provisions of Sections 455A.4 and 455A.5, Code 1975, for an unexpired term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
ROBERT M. CARR
HILARIUS L. HEYING
RICHARD J. NORPEL, SR.
RAY TAYLOR

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 21, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 194—Relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the “Iowa Consumer Credit Code”.
- S. F. 205—Relating to the issuance, continuation and termination of teachers’ contracts.
- S. F. 1190—Relating to the financing and administration of the office of the attorney general and making an appropriation.

That on May 24, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1092—To create a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.
- S. F. 1141—To establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties.
- S. F. 1210—Relating to unified law enforcement, including the duration of agreements, a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.
- S. F. 1291—To legalize the incorporation of the city of Yale, Iowa.
- S. F. 1323—To provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.
- S. F. 1330—To appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.
- H. F. 628—Relating to school bus transportation requirements.

COMMUNICATION FROM THE SECRETARY OF STATE

May 21, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of Neola Gazette-Reporter and Minden Shelby News, published in Neola, Iowa, I hereby designate Neola Gazette-Reporter and Minden-Shelby News, published in Neola, Iowa, to publish Senate File 1279.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 24, 1976, on legislative business.

Had I been present I would have voted "aye" on the following bills: Senate Files 1338, 1340, 1341; and House Files 1026, 1576, and 1583.

JAMES M. REDMOND

REPORTS OF COMMITTEES

Senator Heying submitted the following report:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1477**, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and

public water supply systems, begs leave to report it has had the same under consideration and recommends the same **do pass**.

H. L. HEYING, Chairperson

Ordered passed on file.

Senator Coleman submitted the following report:

MR. PRESIDENT: Your committee on transportation to which was referred **House File 1407**, a bill for an act relating to a vehicle anti-theft law and providing penalties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

C. JOSEPH COLEMAN, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5906

- 1 Amend House amendment S—5872 to Senate File
- 2 367 as follows:
- 3 1. Page 2, line 45 by striking the word
- 4 "ownership" and inserting in lieu thereof the
- 5 word "possession".

LUCAS J. DeKOSTER

S—5891

- 1 Amend Senate File 1036, page 1, line 5, by
- 2 inserting after the word "more" the following:
- 3 " , except that a person eighteen years of age
- 4 may be served alcoholic beverages if accompanied
- 5 by a parent, guardian or spouse".

JAMES W. GRIFFIN, SR.

S—5890

- 1 Amend House File 1449, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by adding after line 3 the following:
- 4 "3. If the monitoring device is used for the
- 5 purpose of measuring quality of service of a public
- 6 utility regulated by the Iowa state commerce commission."

CALVIN O. HULTMAN

S—5892

- 1 Amend House File 1449 as amended, passed, and
- 2 reprinted by the House, page 2, by inserting after
- 3 line 3 the following:
- 4 "3. If the monitoring device is used for the
- 5 purpose of testing equipment used by communication
- 6 companies subject to regulation under the provisions
- 7 of chapter four hundred ninety A (490A) Code of
- 8 Iowa."

JAMES W. GRIFFIN, SR.

S—5909

1 Amend House File 1449, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2, by adding after line 3 the following:
4 "3. If the monitoring device is used by an
5 operator of a switchboard, or by an officer, employee,
6 or agent of a communications company subject to
7 regulation under Chapter 490A, Code of Iowa, in the
8 normal course of his or her employment, while engaged
9 in any activity which is a necessary incident to the
10 rendition of such company's service or to the protec-
11 tion of the rights or property of such company; pro-
12 vided, however, that such a company shall not use a
13 monitoring device except for mechanical or service
14 quality control checks."

ELIZABETH SHAW

S—5910

1 Amend House File 1449, as amended, passed, and
2 reprinted, page 2, by striking lines 7 through 11,
3 and inserting in lieu thereof the following: "suit
4 by the attorney general or a county attorney in whose
5 jurisdiction the violation primarily occurred, be
6 subject to a civil penalty of up to one hundred fifty
7 dollars."

ELIZABETH SHAW

S—5893

1 Amend House File 1449, as amended, passed and
2 reprinted by the House, page 2, by inserting after
3 line 11 the following new section:
4 "Sec. *NEW SECTION*. Telephone calls to or
5 from the employer's premises during business hours
6 of said employer shall be presumed to be related
7 to the employer's business and may be monitored by
8 the employer for the purpose of controlling or im-
9 proving quality of service."

JAMES W. GRIFFIN, SR.

S—5900

1 Amend House File 1449, as amended, passed
2 and reprinted by the House, as follows:
3 1. Page 2, by adding after line 11 the following:
4 "Sec. 5. *NEW SECTION*. Nothing contained herein
5 shall be construed to prohibit monitoring when done
6 for the purpose of complying with any rule or regulation
7 of the Iowa state commerce commission."

W. R. RABEDEAUX

S—5903

1 Amend House File 1449, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2, by adding after line 11 the follow-
4 ing:
5 Sec. *NEW SECTION*. Nothing contained herein
6 shall be construed to prohibit the Iowa state comm-

7 erce commission from requiring public utilities sub-
8 ject to its jurisdiction to monitor conversations
9 for the purpose of measuring the quality of service
10 of said public utilities."

ROGER J. SHAFF

S—5895

1 Amend House File 1451 as follows:
2 1. Page 1, line 18, by striking the words
3 "fourteen thousand" and inserting in lieu thereof
4 the words "*thirteen thousand eighty*".
5 2. Page 1, lines 19 and 20, by striking the words
6 "[five] *six hundred*" and inserting in lieu thereof the
7 words "*five hundred forty-five*".
8 3. Page 1, line 21, by striking the word
9 "*eighteen*" and inserting in lieu thereof the word
10 "*seventeen*".
11 4. Page 1, line 22, by striking the words
12 "*eight hundred*" and inserting in lieu thereof the
13 words "*four hundred forty*".

ROGER J. SHAFF

S—5904

1 Amend House File 1451 as follows:
2 Page 1, by inserting after line 33 the following:
3 "Sec. Section six hundred five point eight
4 (605.8), Code 1975, is amended by adding the following
5 new paragraph:
6 **NEW PARAGRAPH.** A condition of employment for a
7 full-time shorthand reporter shall be that the full-
8 time shorthand reporter shall not accept any full
9 or part-time employment with another employer as a
10 shorthand reporter while employed as a full-time
11 shorthand reporter for the district court."

RICHARD J. NORPEL, JR.

S—5896

1 Amend House File 1555 as amended and passed by
2 the House as follows:
3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:
5 "Section 1. Section three hundred fifty-nine point
6 forty-two (359.42), Code 1975, as amended by Acts
7 of the Sixty-sixth General Assembly, 1975 Session,
8 chapter one hundred ninety-four (194), section six
9 (6), is amended to read as follows:
10 **359.42 TOWNSHIP FIRE AND AMBULANCE PROTECTION.**
11 1. The trustees of each township in this state
12 shall provide fire protection for the township,
13 exclusive of any part of the township within a
14 benefited fire district. The trustees may purchase,
15 own, rent or maintain fire protection apparatus or
16 equipment and provide housing for such equipment.
17 2. The trustees of each township in this state

18 *may provide ambulance service, and may purchase,*
19 *lease, equip, maintain and operate ambulances and*
20 *provide housing for ambulance equipment, pursuant*
21 *to sections three (3) through nine (9) of this Act.*

22 3. The trustees may contract with any public or
23 private agency under chapter twenty-eight E (28E)
24 of the Code for the purpose of providing fire or
25 ambulance protection under this section.
26 Sec. 2. Acts of the Sixty-sixth General Assembly,
27 1975".

28 2. Page 1, by inserting after line 21 the follow-
29 ing new sections:

30 "Sec. 3. **NEW SECTION.** When any township board
31 of trustees elects to provide ambulance service as
32 authorized by section three hundred fifty-nine point
33 forty-two (359.42), subsection two (2), of the Code,
34 the trustees shall create an ambulance fund in which
35 shall be deposited all revenue derived by the township
36 from ambulance service provided by the township or
37 at township expense, and from taxes levied under
38 section nine (9) of this Act.

39 Sec. 4. **NEW SECTION. SCHEDULE OF FEES—TERMS**
40 **OF CONTRACT OR ARRANGEMENT.** The township trustees
41 may adopt a schedule of fees to be charged users of
42 ambulance service provided by the township or at
43 township expense. If the trustees contract for
44 ambulance service to be provided by any person other
45 than a township employee, the contract shall specify
46 whether:

47 1. The township accepts financial responsibility
48 for payment to the person operating the ambulance
49 service for all emergency calls, and any other calls
50 to which the ambulance service is authorized to respond

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1 at township expense by or pursuant to the terms of
2 its contract with the township, in which case any
3 person making payment for the ambulance service
4 provided, including any third party payer, shall make
5 the payment either jointly to the person on whose
6 behalf the payment is made and to the township or
7 directly to the township; or

8 2. It is the responsibility of the person operating
9 the ambulance service to collect fees due for ambulance
10 service, in which case the township shall be
11 responsible only for the cost of ambulance service
12 provided in response to emergency calls or to any
13 other calls to which the ambulance service is
14 authorized to respond by or pursuant to the terms
15 of its contract with the township, when the service
16 has been provided to:

17 a. Persons who are unable to pay any or all of
18 the cost of the service; or

19 b. Persons who refuse to pay any or all of the
20 cost of the service after reasonable efforts by the

21 person operating the ambulance service to collect
22 the amount owed.

23 **Sec. 5. NEW SECTION. DUTY OF COUNTY ATTORNEY.**

24 The township trustees may request that the county
25 attorney proceed with the collection of amounts owed
26 for ambulance service provided to any person pursuant
27 to section four (4), subsection one (1) or subsection
28 two (2), paragraph b, of this Act.

29 **Sec. 6. NEW SECTION. DUTY OF COUNTY BOARD. When**

30 the trustees of any township elect to provide ambulance
31 service, the trustees shall ascertain whether any
32 city within the township currently provides ambulance
33 service and intends to continue doing so after the
34 township ambulance service is established. If not,
35 the board of supervisors shall extend the township
36 ambulance service to the entire area of the town-
37 ship.

38 **Sec. 7. NEW SECTION. SERVICE FOR UNPROTECTED**

39 **AREA.** If the township trustees find that any city
40 within the township is providing ambulance service
41 and intends to continue doing so even if a township
42 ambulance service is established, the portions of
43 the township lying outside the boundaries of any
44 cities which provide ambulance service shall be known
45 for the purposes of sections seven (7) through nine
46 (9) of this Act as the unprotected area of the
47 township. The trustees shall if possible provide
48 ambulance service to the unprotected area of the
49 township by contracting with one or more cities within
50 the township or with one or more political subdivisions

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1 reasonably near the township which maintain ambu-
2 lance service for extension of the service to the
3 unprotected area of the township or specified por-
4 tions of the unprotected area. A contract may pro-
5 vide for alternative or supplemental ambulance ser-
6 vice to be provided by the contracting political
7 subdivision at any place in the township when cir-
8 cumstances require.

9 **Sec. 8. NEW SECTION. ALTERNATIVE AUTHORITY OF**

10 **TOWNSHIP TRUSTEES.** When the trustees of any township
11 are unable to reach agreement with any political sub-
12 division for extension of ambulance service maintained
13 by the subdivision to all or any portion of the unpro-
14 tected area, the township may provide ambulance service
15 for the unprotected area or portion thereof in the
16 same manner as though section six (6) of this Act
17 were applicable, except that the motor vehicle
18 registration surcharge prescribed by section nine
19 (9) of this Act shall be levied only on motor vehicles
20 registered by owners listing addresses in the
21 unprotected area or the portion thereof to which
22 ambulance service is provided pursuant to this section.

23 **Sec. 9. NEW SECTION. TAX LEVY.** The trustees

24 of each township which provides ambulance service
25 under sections three (3) through nine (9) of this
26 Act shall so inform the board of supervisors of the
27 county in which the township is located, and the board
28 shall collect for the ambulance service fund an annual
29 surcharge on the fees collected by the county treasurer
30 for the registration of motor vehicles as required
31 by section three hundred twenty-one point one hundred
32 five (321.105) of the Code. If the township provides
33 ambulance service under section six (6) of this Act,
34 the surcharge shall be collected on every motor vehicle
35 registered in the township. If the township provides
36 ambulance service under section seven (7) or eight
37 (8) of this Act, the surcharge shall be collected
38 on each motor vehicle the owner of which lists an
39 address in the unprotected area of the township.
40 The amount of the surcharge shall not exceed three
41 dollars per vehicle, but within that limit the actual
42 surcharge shall be determined on or before October
43 first of each year, as follows:

44 1. Determine the anticipated total cost of ambu-
45 lance service, including debt retirement or amortiza-
46 tion, if any, to the township for the succeeding
47 calendar year.

48 2. Divide the anticipated total cost to the
49 township of ambulance service determined pursuant
50 to subsection one (1) of this section into the total

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1 number of motor vehicles registered for the current
2 calendar year in:

3 a. The entire township if ambulance service is
4 being provided under section six (6) of this Act;
5 or

6 b. The unprotected area of the county, if ambu-
7 lance service is being provided under section seven
8 (7) or eight (8) of this Act.

9 3. The amount of the surcharge is the figure
10 computed by the procedure prescribed in subsection
11 two (2) of this section, except that if the figure
12 so computed is not evenly divisible by five it shall
13 be adjusted to the next higher number which is so
14 divisible. The full amount of the surcharge shall
15 be collected on every motor vehicle registered in
16 the township, or the unprotected area of the township,
17 as the case may be. If a motor vehicle is registered
18 for less than the full year the surcharge shall not
19 be prorated, and if the registration fee is paid in
20 semi-annual installments the full surcharge shall
21 be added to the first installment and no surcharge
22 shall be collected on the second installment. No
23 refund of any portion of a registration fee which
24 may be made pursuant to law shall entitle the regis-
25 trant to a refund of any part of the surcharge made
26 under this section.

27 Sec. 10. Section three hundred twenty-one point
28 one hundred thirty (321.130), Code 1975, is amended
29 to read as follows:

30 321.130 FEES IN LIEU OF TAXES. The registration
31 fees imposed by this chapter upon private passenger
32 motor vehicles or semitrailers shall be in lieu of
33 all taxes, general or local, to which motor vehicles
34 or semitrailers may be subject, [and if] *except the*
35 *surcharge authorized by section nine (9) of this Act.*
36 *If a motor vehicle or semitrailer shall have been*
37 *registered at any time under this chapter it shall*
38 *not thereafter be subject to a personal property tax*
39 *unless such motor vehicle or semitrailer shall have*
40 *been in storage continuously as an unregistered motor*
41 *vehicle or semitrailer during the preceding*
42 *registration year."*

43 3. Title, line 2, by inserting after the word
44 "purposes" the words ", authorizing township trustees
45 to provide ambulance service to all or portions of
46 their townships, and authorizing a surcharge on motor
47 vehicle registrations in order to pay for the ambu-
48 lance service".

ROGER J. SHAFF

S—5901

1 Amend House File 1573 as amended and passed by
2 the House as follows:

3 1. Page 4, by inserting after line 18 the
4 following:

5 "Sec. *NEW SECTION.* The general assembly
6 shall examine the need for the continued existence
7 of state agencies as defined in section two (2),
8 subsection six (6), of this Act at least every six
9 years in accord with the schedule provided in this
10 Act. The appropriation subcommittees in each house
11 responsible for the appropriation of the state agency
12 shall jointly hold a public hearing on the existence
13 of the state agency in the year the state agency is
14 scheduled for examination. The performance audit
15 and evaluation division shall submit a report on that
16 state agency to the appropriation subcommittee prior
17 to the public hearing. The appropriation subcommittee
18 shall make a recommendation to the general assembly
19 regarding the continued existence of the state agency.

20 1. a. The general assembly shall in 1977 and every
21 six years thereafter examine the following state
22 agencies: the legislative fiscal bureau, the department
23 of public defense, the campaign finance disclosure
24 commission, the occupational safety and health review
25 commission, the board of physical therapy examiners,
26 the board of nursing examiners, the board of psychology
27 examiners, the Iowa mental health authority, the
28 commission on aging, the board of regents, the Iowa
29 state historical department, the Iowa natural resources
30 council, and the department of environmental quality.

31 b. Sections two point forty-eight (2.48) through
32 two point fifty-two (2.52), and chapters twenty-nine
33 (29), fifty-six (56), eighty-eight (88), one hundred
34 forty-eight A (148A), one hundred fifty-two (152),
35 one hundred fifty-four B (154B), two hundred twenty-
36 five B (225B), two hundred forty-nine B (249B), two
37 hundred sixty-two (262), three hundred three (303),
38 four hundred fifty-five A (455A), and four hundred
39 fifty-five B (455B), Code 1975, are repealed. This
40 paragraph shall be effective July 1, 1978.

41 2. a. The general assembly shall in 1978 and every
42 six years thereafter examine the following state
43 agencies: the office for planning and programming,
44 the capitol planning commission, the public employment
45 relations board, the department of public safety,
46 the board of engineering examiners, the board of
47 examiners of shorthand reporters, the board of
48 chiropractic examiners, the state fair board, the
49 board of parole, the Iowa library department, the
50 department of soil conservation, the Iowa civil rights

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1 commission, and the Iowa housing finance authority.
2 b. Chapters seven A (7A), eighteen A (18A), twenty
3 (20), eighty (80), one hundred fourteen (114), one
4 hundred fifteen (115), one hundred fifty-one (151),
5 one hundred seventy-three (173), two hundred forty-
6 seven (247), three hundred three A (303A), four hundred
7 sixty-seven A (467A), and six hundred one A (601A),
8 Code 1975, and Acts of the Sixty-sixth General
9 Assembly, 1975 Session, chapter one hundred thirty-
10 eight (138), are repealed. This paragraph shall be
11 effective on July 1, 1979.

12 3. a. The general assembly shall in 1979 and every
13 six years thereafter examine the following state
14 agencies: the code editor, the executive council,
15 the board of accountancy, the board of optometry
16 examiners, the board of pharmacy examiners, the Iowa
17 department of agriculture, the Iowa drug abuse
18 authority, the state geological board, the Iowa state
19 commerce commission, the Iowa commission for the
20 blind, and the board of bar examiners.

21 b. Chapters fourteen (14), nineteen (19), one
22 hundred sixteen (116), one hundred fifty-four (154),
23 one hundred fifty-five (155), one hundred fifty-nine
24 (159), two hundred twenty-four B (224B), three hundred
25 five (305), four hundred seventy-four (474), six
26 hundred one B (601B), and six hundred ten (610), Code
27 1975, are repealed. This paragraph shall be effective
28 on July 1, 1980.

29 4. a. The general assembly shall in 1980 and every
30 six years thereafter examine the following state
31 agencies: the Iowa state board of examiners for nursing
32 home administrators, the supreme court clerk, the
33 state comptroller, the department of general services,

34 the Iowa development commission, the bonus board,
35 the Iowa real estate commission, the board of
36 architectural examiners, the board of podiatry
37 examiners, the board of funeral directors and embalmer
38 examiners, the department of social services, the
39 state department of transportation, the governor's
40 committee on employment of the handicapped, and the
41 citizens' aide.

42 b. Sections one hundred forty-seven point one
43 hundred eighteen (147.118) through one hundred forty-
44 seven point one hundred thirty-four (147.134), sections
45 six hundred eighty-five point one (685.1) through
46 six hundred eighty-five point five (685.5), and
47 chapters eight (8), eighteen (18), twenty-eight (28),
48 thirty-five (35), one hundred seventeen (117), one
49 hundred eighteen (118), one hundred forty-nine (149),
50 one hundred fifty-six (156), two hundred seventeen

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1 (217), three hundred seven (307), six hundred one
2 F (601F), and six hundred one G (601G), Code 1975,
3 are repealed. This paragraph shall be effective July
4 1, 1981.

5 5. a. The general assembly shall in 1981 and every
6 six years thereafter examine the following state
7 agencies: the department of banking, the court
8 administrator of the judicial department, the
9 commission on uniform state laws, the midwest nuclear
10 compact, the Iowa crime commission, the industrial
11 commissioner, the state conservation commission, the
12 board of watchmaking examiners, the state department
13 of health, the state board of dentistry, the commission
14 of veteran affairs, the higher education facilities
15 commission, and the department of revenue.

16 b. Sections five hundred twenty-four point two
17 hundred one (524.201) through five hundred twenty-
18 four point two hundred twenty-seven (524.227), sections
19 six hundred eighty-five point six (685.6) through
20 six hundred eighty-five point ten (685.10), and
21 chapters five (5), eight B (8B), eighty C (80C),
22 eighty-six (86), one hundred seven (107), one hundred
23 twenty (120), one hundred thirty-five (135), one
24 hundred fifty-three (153), two hundred fifty (250),
25 two hundred sixty-one (261), and four hundred twenty-
26 one (421), Code 1975, are repealed. This paragraph
27 shall be effective July 1, 1982.

28 6. a. The general assembly shall in 1982 and every
29 six years thereafter examine the following state
30 agencies: the legislative service bureau, the upper
31 Mississippi riverway compact, the Iowa law enforcement
32 academy council, the bureau of labor, the energy
33 policy council, the Iowa board of landscape
34 architectural examiners, the Iowa beer and liquor
35 control department, the state board of medical
36 examiners, the board of examiners for the licensing

37 and regulation of hearing aid dealers, the department
38 of public instruction, the Iowa state arts council,
39 and the commission on the status of women.
40 b. Sections two point fifty-eight (2.58) through
41 two point sixty-six (2.66), and chapters twenty-seven
42 A (27A), eighty B (80B), ninety-one (91), ninety-three
43 (93), one hundred eighteen A (118A), one hundred
44 twenty-three (123), one hundred forty-eight (148),
45 one hundred forty-eight B (148B), one hundred fifty
46 (150), one hundred fifty A (150A), one hundred fifty-
47 four A (154A), two hundred fifty-seven (257), three
48 hundred four A (304A), and six hundred one (601),
49 Code 1975, are repealed. This paragraph shall be
50 effective July 1, 1983."

Page 4

- 1 2. By renumbering the sections to conform with
- 2 this amendment.
- 3 3. Amend the title, line 1, by striking the word
- 4 "creating" and inserting in lieu thereof the words
- 5 "to provide for legislative review of state agencies
- 6 including the creation of".

E. KEVIN KELLY

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On the motion of Senator Kinley, the Senate adjourned at
5:45 p.m., until 8:30 a.m., Tuesday, May 25, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, TUESDAY, MAY 25, 1976

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend Raymond Russell, pastor of the First United Methodist Church, Atlantic, Iowa.

The Journal of Monday, May 24, 1976, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kinley for the day and Senator Nolin for the day on request of Senator Palmer.

PRESENTATION OF VISITORS

President pro tempore Doderer welcomed the Honorable John M. Walsh, former member of the Senate from Dubuque County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-four students from Dunlap Elementary School, Des Moines, Iowa, accompanied by Robert Langbehn and Max Means. Senator Kinley.

PETITIONS

The following petition was presented and placed on file:

By Senator Carr from twenty-three residents of Dubuque County, employees of the Department of Social Services, favoring House File 1147, providing for certification of an employee organization by a majority of the public employees voting.

The following petitions favoring legislation to raise the legal

drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Ten residents of Grundy County.

Twelve residents of Hancock County.

Twenty-four residents of Linn County.

Thirty-two residents of Polk, Dallas, Marion, Boone, Warren and Madison Counties.

Thirty-one residents of Sac County.

Sixteen residents of Woodbury County.

QUORUM CALL

Senator Van Gilst requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

HOUSE AMENDMENT CONSIDERED

SENATE REFUSED TO CONCUR

Senate File 1332

Senator Norpel called up for consideration Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, amended by the House, and moved that the Senate concur in House amendment S—5908 found on pages 2214-2219, inclusive, of the Senate Journal.

The motion lost and the Senate **refused to concur** in House amendment S—5908 to Senate File 1332.

Senator Norpel asked and received unanimous consent that **Senate File 1332** be **immediately messaged** to the House, which request was complied with.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on **House File 1539**, on the part of the Senate: Senators Priebe, chairperson; Gluba, Kinley, Lamborn and Schwengels.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator DeKoster called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Betty J. Furgerson of Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Judicial Nominating Commission under the provisions of Sections 46.1 and 46.5, Code 1975, for the unexpired term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LUCAS J. DeKOSTER, Chairperson
WILLIAM E. GLUBA
ELIZABETH R. MILLER
FRED W. NOLTING
KENNETH D. SCOTT

The motion prevailed and the report was adopted.

Senator DeKoster moved the appointment of Betty J. Furgerson as a member of the State Judicial Nominating Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Rodgers
Burroughs	Hill of Jasper	Norpel	Schwengels
Carr	Hill of Polk	Nystrom	Scott
Coleman	Hultman	Orr	Sovern
Culver	Junkins	Palmer	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Rabedeaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Nays, none.

Absent or not voting, 10:

Briles	Kinley	Nolting	Shaff
Gallagher	Murray	Robinson	Shaw
Griffin	Nolin		

President pro tempore Doderer declared the appointment of Betty Furgerson as a member of the State Judicial Nominating Commission confirmed for the unexpired portion of the term ending June 30, 1981.

Senator Junkins called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Linda A. Tigges, of Ankeny, Polk County, Iowa, for

appointment as a member of the Natural Resources Council for the State of Iowa, pursuant to Sections 455A.4 and 455A.5, 1975 Code of Iowa, for an unexpired term commencing July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

LOWELL JUNKINS, Chairperson
CLIFF BURROUGHS
JOAN ORR
DALE L. TIEDEN
EARL M. WILLITS

The motion prevailed and the report was adopted.

Senator Junkins moved the appointment of Linda A. Tigges as a member of the Natural Resources Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Burroughs	Hill of Jasper	Nolting	Rodgers
Carr	Hill of Polk	Norpel	Schwengels
Coleman	Hultman	Nystrom	Scott
Culver	Junkins	Orr	Sovern
Curtis	Kelly	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Willits
Gluba	Des Moines	Ramsey	Winkelman

Nays, none.

Absent or not voting, 8:

Briles	Griffin	Murray	Shaff
Gallagher	Kinley	Nolin	Shaw

President pro tempore Doderer declared the appointment of Linda A. Tigges as a member of the National Resources Council confirmed for the unexpired portion of the term ending June 30, 1981.

HOUSE AMENDMENT CONSIDERED

Senate File 1314

Senator Priebe called up for consideration Senate File 1314, a bill for an act making appropriations to the department of social services to fund current programs under the jurisdiction of the department, amended by the House, and moved that the Senate concur in House amendment S—5902 found on pages 2198-2200, inclusive, of the Senate Journal.

President Neu took the chair at 9:15 a.m.

The motion prevailed and the Senate concurred in the House amendment S—5902.

Senator Priebe moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1314) the vote was:

Ayes, 44:

Andersen	Gluba	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Doderer	Miller of	Rabedeaux	Willits
Gallagher	Des Moines	Ramsey	Winkelman
Glenn		Redmond	

Nays, none.

Absent or not voting, 6:

Griffin	Kinley	Nolin	Shaw
Heying	Murray		

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 24, 1976, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials.

DAVID L. WRAY, Chief Clerk

SENATE INSISTS

Senator Van Gilst asked and received unanimous consent to take up for immediate consideration House File 1583.

House File 1583

Senator Hill of Jasper called up for consideration House File 1583, a bill for an act relating to compensation and benefits for

state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment to House File 1583.

HOUSE AMENDMENT CONSIDERED

Senate File 1126

Senator Willits called up for consideration Senate File 1126, a bill for an act relating to and appropriating funds to the Iowa state historical department, amended by House amendment S—5889 found on pages 2175-2177, inclusive, of the Senate Journal.

Senator Doderer offered amendment S—5914 to House amendment S—5889 and moved its adoption:

S—5914

- 1 Amend the House amendment, S—5889, to Senate File
- 2 1126 as amended and passed by the Senate as follows:
- 3 1. Page 2, lines 9 and 10 by striking the words
- 4 "or a sentence in a county jail of not more than six
- 5 months, or by both such fine and imprisonment", and
- 6 inserting in lieu thereof the words "[or a sentence
- 7 in a county jail of not more than six months, or by
- 8 both such fine and imprisonment]".

Amendment S—5914 to House amendment S—5889 was adopted.

Amendment S—5913 to House amendment S—5889 by Senator Doderer was ruled out of order:

S—5913

- 1 Amend the House amendment, S—5889, to Senate File
- 2 1126 as amended and passed by the Senate as follows:

- 3 1. Page 2, lines 9 and 10 by striking the words
 4 "or a sentence in a county jail of not more than six
 5 months, or by both such fine and imprisonment".

On motion of Senator Willits, the Senate concurred in House amendment S—5889 as amended.

Senator Willits moved that the bill as amended by the House and further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1126) the vote was:

Ayes, 43:

Andersen	Gluba	Nolting	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Hill of Jasper	Nystrom	Scott
Burroughs	Hill of Polk	Orr	Shaff
Carr	Hultman	Palmer	Sovern
Coleman	Junkins	Plymat	Taylor
Culver	Lamborn	Priebe	Tieden
Curtis	Merritt	Rabedeaux	Van Gilst
DeKoster	Miller of	Ramsey	Willits
Doderer	Des Moines	Redmond	Winkelman
Gallagher	Miller of	Robinson	
Glenn	Marshall		

Nays, none.

Absent or not voting, 7:

Griffin	Kelly	Murray	Shaw
Heying	Kinley	Nolin	

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on House File 1583, on the part of the Senate: Senators Hill of Jasper, chairperson; Willits, Junkins, Andersen and Shaw.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

House File 614

Senator Ramsey called up the report of the second conference committee on House File 614 filed May 24, 1976, and found on pages 2220-2222, inclusive, of the Senate Journal, and moved its adoption.

The motion prevailed and the second conference committee report and the recommendation and amendment contained therein were adopted.

President pro tempore Doderer took the chair at 10:28 a.m.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 614) the vote was:

Ayes, 41:

Andersen	Gluba	Miller of	Ramsey
Bergman	Griffin	Des Moines	Redmond
Briles	Hansen	Miller of	Robinson
Burroughs	Hill of Jasper	Marshall	Rodgers
Carr	Hill of Polk	Nolting	Schwengels
Coleman	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Priebe	Willits
Glenn		Rabedaux	Winkelman

Nays, none.

Absent or not voting, 9:

Gallagher	Murray	Plymat	Shaw
Heying	Nolin	Shaff	Taylor
Kinley			

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

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 1191

Senator Willits called up the following report of the conference committee on Senate File 1191 and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1191

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1191, a bill for an Act providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department, respectfully make the following report:

1. That the Senate recede from its amendment H—6691 to the

House amendment S—5737 to Senate File 1191 and that the House amendment S—5737 be amended as follows:

Amend the House amendment, S—5737, to Senate File 1191 as follows:

Page 1, line 3, by striking the figure "671,382" and inserting in lieu thereof the figure "666,132".

On the Part of the Senate:

EARL M. WILLITS, Chairperson
STEVE SOVERN
MINNETTE F. DODERER
LEONARD C. ANDERSEN
CLIFF BURROUGHS

On the Part of the House:

WILLIAM B. GRIFFEE,
Chairperson
TERRY DYRLAND
ROBERT T. ANDERSON
HENRY C. WULFF
FRANK CRABB

The motion prevailed and the conference committee report and the recommendations and amendment contained therein were adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1191) the vote was:

Ayes, 42:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Robinson
Briles	Hill of Jasper	Nolting	Rodgers
Burroughs	Hill of Polk	Norpel	Schwengels
Carr	Hultman	Nystrom	Scott
Coleman	Junkins	Orr	Sovern
Culver	Kelly	Palmer	Tieden
Curtis	Lamborn	Plymat	Van Gilst
DeKoster	Merritt	Priebe	Willits
Doderer	Miller of	Rabedeaux	Winkelman
Glenn	Des Moines	Ramsey	
Gluba			

Nays, none.

Absent or not voting, 8:

Gallagher	Kinley	Nolin	Shaw
Heying	Murray	Shaff	Taylor

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

HOUSE AMENDMENT CONSIDERED

Senate Joint Resolution 1009

Senator Junkins called up for consideration Senate Joint Resolution 1009, a resolution to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of

underwriting certain fire, casualty and liability risks, and to provide for an appropriation, amended by the House, and moved that the Senate concur in the following amendment:

S—5905

- 1 Amend Senate Joint Resolution 1009, as passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "malpractice" and inserting in lieu thereof the words
- 5 "professional liability insurance".
- 6 2. Page 2, line 1, by striking the word "may"
- 7 and inserting in lieu thereof the word "shall".
- 8 3. Page 2, line 3, by inserting after the word
- 9 "pool" the words "and shall study the underlying
- 10 reasons for the restricted insurance markets as
- 11 outlined above and shall recommend solutions to ease
- 12 the market difficulties if possible".
- 13 4. Page 2, by inserting after line 3 the following:
- 14 "The study committee shall study alternatives
- 15 including but not limited to reinsurance pools,
- 16 revision of the Iowa tort claims act, changes in
- 17 liability law and tort reform."

The motion prevailed and the Senate concurred in the House amendment S—5905.

Senator Junkins moved that the resolution as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 1009) the vote was:

Ayes, 34:

Andersen	Glenn	Merritt	Priebe
Bergman	Gluba	Miller of	Robinson
Briles	Griffin	Des Moines	Rodgers
Burroughs	Hansen	Nolting	Schwengels
Carr	Hill of Jasper	Norpel	Scott
Coleman	Hill of Polk	Nystrom	Shaff
Culver	Junkins	Orr	Van Gilst
Curtis	Kelly	Palmer	Willits
Doderer	Lamborn	Plymat	

Nays, 9:

DeKoster	Miller of	Ramsey	Tieden
Heying	Marshall	Redmond	Winkelman
Hultman	Rabedaux		

Absent or not voting, 7:

Gallagher	Murray	Shaw	Taylor
Kinley	Nolin	Sovern	

The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senator Van Gilst asked and received unanimous consent to take up out of order House File 1465.

House File 1465

On motion of Senator Willits, House File 1465, a bill for an act to establish district court administrators and to provide the funds therefor, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Willits offered amendment S—5882 by the committee on judiciary and moved its adoption:

S—5882

- 1 Amend House File 1465 as amended and passed
- 2 by the House as follows:
- 3 1. Page 1, lines 7 through 11 by striking
- 4 the words "A person appointed as a district court
- 5 administrator shall have such qualifications as the
- 6 chief judge may prescribe, but a person who is
- 7 licensed to practice law in this state shall not
- 8 be appointed as a district court administrator."

Amendment S—5882 was adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1465) the vote was:

Ayes, 31:

Bergman	Griffin	Nolting	Redmond
Burroughs	Hansen	Norpel	Robinson
Carr	Hill of Jasper	Nystrom	Rodgers
Coleman	Hill of Polk	Orr	Schwengels
Culver	Kelly	Palmer	Sovern
Curtis	Merritt	Plymat	Van Gilst
DeKoster	Miller of	Priebe	Willits
Doderer	Marshall	Rabedeaux	
Glenn			

Nays, 10:

Briles	Junkins	Ramsey	Tieden
Heying	Miller of	Scott	Winkelman
Hultman	Des Moines	Shaff	

Absent or not voting, 9:

Andersen	Kinley	Murray	Shaw
Gallagher	Lamborn	Nolin	Taylor
Gluba			

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

MOTION TO RECONSIDER ADOPTED

House File 1497

Senator Redmond called up the following motion to reconsider filed by Senators Redmond and DeKoster on May 24, 1976, and moved its adoption:

MR. PRESIDENT: We move to reconsider the vote by which House File 1497 passed the Senate on May 24, 1976.

The ayes were 31, nays none.

The motion prevailed.

Senator Redmond moved to reconsider the vote by which House File 1497 went to its last reading, which motion prevailed.

On motion of Senator Redmond, House File 1497, a bill for an act making amendments to the probate laws by updating provisions relating to the appointment method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending, was taken up for reconsideration.

Senator Redmond moved to reconsider the vote by which amendment S—5883 was adopted by the Senate.

The motion prevailed and amendment S—5883 was taken up for reconsideration.

Senator Redmond asked and received unanimous consent that amendment S—5883 be withdrawn.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1497) the vote was:

Ayes, 40:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Glenn

Gluba
Griffin
Hansen
Heying
Hill of Polk
Hultman
Junkins
Kelly
Merritt
Miller of
Marshall

Nolting
Norpel
Nystrom
Orr
Palmer
Priebe
Rabedaux
Ramsey
Redmond
Robinson

Rodgers
Schwengels
Scott
Shaff
Sovern
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 10:

Gallagher	Lamborn	Murray	Shaw
Hill of Jasper	Miller of	Nolin	Taylor
Kinley	Des Moines	Plymat	

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

On motion of Senator Van Gilst, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendment to Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, and that the members of the Conference Committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1251, are as follows: The Representative from Polk, Mr. Byerly, chair; the Representative from Chickasaw, Mr. Griffee; the Representative from Des Moines, Mr. Monroe; the Representative from Adair, Mr. Varley; and the Representative from Linn, Mrs. Lipsky.

Also: That the House has on May 21, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs.

Also: That the House has on May 24, 1976, amended the Senate amendment to, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 1329, a bill for an act relating to corporate status for the area education agencies.

Also: That the members of the Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, are as follows: The Representative from Scott, Mr. Cusack, chair; the Representative from Scott, Mr. Higgins; the Representative from Tama, Mr. Husak; the Representative from Jones, Mr. Newhard; and the Representative from Sioux, Mr. Den Herder.

Also: That the members of the Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage

works construction fund, the department of soil conservation, and the Iowa development commission, are as follows: The Representative from Fayette, Mr. Avenson, chair; the Representative from Clay, Mr. Spencer; the Representative from Benton, Mr. Wyckoff; the Representative from Clayton, Mr. Halvorson; and the Representative from Hardin, Mr. Welden.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1261

S—5911

- 1 Amend Senate File 1261 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 4 through 35.
- 4 2. Page 3, by striking lines 1 through 7 and in-
- 5 serting in lieu thereof the following:
- 6 "Sec. There is appropriated from the general
- 7 fund of the state to the higher education facilities
- 8 commission for the fiscal year beginning July 1, 1976
- 9 and ending June 30, 1977, the following sums, or so
- 10 much thereof as may be necessary, to be used for the
- 11 funding of the following programs for the purposes
- 12 designated:
- 13
- 14 1976-1977
- 15 Fiscal Year
- 16 1. HIGHER EDUCATION FACILITIES
- 17 COMMISSION
- 18 For salaries, support, mainte-
- 19 nance and miscellaneous purposes\$ 193,000
- 20 2. TUITION GRANT PROGRAM
- 21 To finance tuition grants to
- 22 full-time resident students at-
- 23 tending accredited private in-
- 24 stitutions of higher education
- 25 in Iowa under sections two hun-
- 26 dred sixty-one point nine (261.9)
- 27 to two hundred sixty-one point
- 28 sixteen (261.16) of the Code\$9,500,000
- 29 3. SCHOLARSHIP PROGRAM
- 30 To finance scholarships awarded
- 31 by the higher education facilities
- 32 commission under subsection four
- 33 (4) of section two hundred sixty-
- 34 one point two (261.2) of the Code\$ 350,000
- 35 4. VOCATIONAL-TECHNICAL TUITION
- 36 GRANTS
- 37 To finance tuition grants to
- 38 full-time resident students at-
- 39 tending a vocational-technical
- 40 program at an area school in
- 41 the state under section two hun-
- 42 dred sixty-one point seventeen
- 43 (261.17) of the Code\$ 150,000
- 44 Sec. Section two hundred sixty-one point
- 45 nine (261.9), subsection five (5), Code 1975, is

45 amended to read as follows:

46 5. 'Accredited private institution' means an
47 institution of higher learning located in Iowa which
48 is operated privately and not controlled or
49 administered by any state agency or any subdivision
50 of the state, *except for county hospitals as provided*

Page 2

1 *in paragraph c of this subsection, and*

2 a. Which is accredited by the North Central
3 Association of Colleges and Secondary Schools
4 accrediting agency based on their requirements as
5 of April 1, 1969, or

6 b. Which has been certified by the North Central
7 Association of Colleges and Secondary Schools
8 accrediting agency based on their requirements as
9 of April 1, 1969, (1) as a candidate for accreditation
10 by such agency or (2) as a school giving satisfactory
11 assurance that it has the potential for accreditation
12 and is making progress which, if continued, will
13 result in its achieving accreditation by such agency
14 within a reasonable time, or

15 c. [Which has received letters from at least three
16 Iowa institutions accredited by the North Central
17 Association of Colleges and Secondary Schools
18 accrediting agency based on their requirements as
19 of April 1, 1969, stating that its credits are and
20 have been accepted as if earned in an institution
21 so accredited] *Which is a school of nursing accredited*
22 *by the national league for nursing and approved by*
23 *the board of nurse examiners including such a school*
24 *operated, controlled, and administered by a county*
25 *public hospital.*

26 Sec. Section two hundred sixty-one point
27 nine (261.9), Code 1975, is amended by adding the
28 following new subsection:

29 **NEW SUBSECTION.** 'Half-time resident student' means
30 an individual resident of Iowa who is enrolled at
31 an accredited private institution in a course of study
32 including at least six semester hours or the tri-
33 mester or quarter equivalent of six semester hours.
34 'Course of study' does not include correspondence
35 courses.

36 Sec. Section two hundred sixty-one point
37 ten (261.10), Code 1975, is amended to read as fol-
38 lows:

39 261.10 WHO QUALIFIED. A tuition grant may be
40 awarded to any resident of Iowa who is admitted and
41 in attendance as a full-time or half-time resident
42 student at any accredited private institution and
43 who establishes financial need.

44 Sec. Section two hundred sixty-one point
45 eleven (261.11), Code 1975, is amended to read as
46 follows:

47 261.11 EXTENT OF GRANT. A qualified *full-time*

48 *resident student may receive tuition grants for not*
49 *more than eight semesters of undergraduate study or*
50 *the trimester or quarter equivalent. A qualified*

Page 3

1 *half-time resident student may receive tuition grants*
2 *for not more than sixteen semesters of undergraduate*
3 *study or the trimester or quarter equivalent.*

4 Sec. Section two hundred sixty-one point
5 twelve (261.12), Code 1975, as amended by Acts of
6 the Sixty-sixth General Assembly, 1975 Session, chapter
7 sixty (60), section four (4), is amended to read as
8 follows:

9 261.12 AMOUNT OF GRANT.

10 1. The amount of a tuition grant to a qualified
11 *full-time* student for the fall and spring semesters,
12 or the trimester equivalent, shall be the amount of
13 his financial need for that period. However, a tuition
14 grant shall not exceed the lesser of:

15 [1] a. The total tuition and mandatory fees for
16 that student for two semesters or the trimester or
17 *quarter* equivalent, less the base amount determined
18 annually by the higher education facilities commission,
19 which base amount shall be within ten dollars of the
20 average tuition for two semesters or the trimester
21 equivalent of undergraduate study at the state
22 universities under the board of regents, but in any
23 event the base amount shall not be less than four
24 hundred dollars; or

25 [2] b. One thousand three hundred dollars.

26 2. The amount of a tuition grant to a qualified
27 *half-time* student for the fall and spring semesters,
28 or the trimester or quarter equivalent, shall be one-
29 half the amount which would be paid for a qualified
30 *full-time* student under the provisions of subsection
31 one (1) of this section.

32 Sec. Chapter two hundred sixty-one (261),
33 Code 1975, is amended by adding the following new
34 section:

35 **NEW SECTION. APPROPRIATION—STANDING LIMITED.**

36 1. There is appropriated from the general fund
37 of the state to the higher education facilities
38 commission for the fiscal year beginning July 1, 1977,
39 and ending June 30, 1978, and for each fiscal year
40 thereafter the sum of ten million (10,000,000) dollars
41 for tuition grants.

42 2. There is appropriated from the general fund
43 of the state to the higher education facilities
44 commission for the fiscal year beginning July 1, 1977,
45 and ending June 30, 1978, and for each fiscal year
46 thereafter the sum of three hundred fifty thousand
47 (350,000) dollars for scholarships.

48 3. There is appropriated from the general fund
49 of the state to the higher education facilities
50 commission for the fiscal year beginning July 1, 1977,

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1 and ending June 30, 1978, and for each fiscal year
2 thereafter the sum of one hundred fifty thousand
3 (150,000) dollars for vocational-technical tuition
4 grants.

5 4. This section shall not be construed to be a
6 limitation on any of the amounts which may be
7 appropriated by the general assembly for any pro-
8 gram enumerated in this section.

9 Sec. It is the intent of the general as-
10 sembly to extend the tuition grant program begin-
11 ning July 1, 1977 to the half-time students as provided
12 in this Act taking at least six semester hours or
13 the trimester or quarter equivalent in the school
14 year beginning in the fall of 1977 and limited to
15 a maximum of five hundred thousand dollars for these
16 half-time students unless this amount is changed by
17 legislative action. It is the further intent to
18 extend eligibility for the tuition grant program to
19 nursing students as defined in this Act, beginning
20 July 1, 1977."

21 3. Page 3, by striking lines 23 through 33 and
22 inserting in lieu thereof the words "It shall be a
23 condition of this appropriation that the college of
24 osteopathic medicine and surgery submit one copy of
25 its most recent annual audit conducted by an in-
26 dependent third party when the audit becomes avail-
27 able to the legislative fiscal director for the re-
28 view of the committees on appropriations."

29 4. Page 5, line 25, by inserting after the word
30 "programs." the words "Before any new secondary
31 vocational programs shall be funded in the fiscal
32 year beginning July 1, 1976, current continuing
33 secondary vocational programs shall be at a
34 reimbursement level of at least twenty-three percent."

35 5. Page 8, line 4, by striking the figure "500,000"
36 and inserting in lieu thereof the figure "200,000".

37 6. Page 8, by inserting after line 4 the following
38 paragraph:

39 "..... In approving the distribu-
40 tion of funds for transportation
41 equipment needs from the appropria-
42 tion provided in paragraph a of this
43 subsection, the school budget review
44 committee shall give consideration to
45 those school districts which transport a
46 high percent of nonpublic school students
47 compared to total students transported."

48 7. Page 8, by striking line 17 and inserting in
49 lieu thereof the following:

50 "a. For costs of providing trans-".

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1 8. Page 8, line 23, by striking the figure

2 "3,000,000" and inserting in lieu thereof the figure
3 "3,450,000".

4 9. Page 8, by inserting after line 23 the following
5 paragraph:

6 "b. If the amount appropriated
7 in paragraph a of this subsection
8 is in excess of the amount re-
9 quired to pay all approved claims
10 under section two hundred eighty-
11 five point two (285.2) of the Code,
12 then that amount, not to exceed
13 three hundred thousand (300,000)
14 dollars, shall be transferred to
15 the school budget review committee
16 for supplemental aid to public
17 school districts for transporta-
18 tion equipment needs which have
19 become necessary because of the
20 furnishing of transportation to
21 nonpublic school pupils under
22 chapter two hundred eighty-five
23 (285) of the Code."

24 10. Page 9, by inserting after line 35 the
25 following:

26 "d. To provide funds for allocation
27 to merged area schools for the payment
28 of increased employer contributions
29 for the Iowa public employees' retirement
30 system\$900,000"

31 e. Funds appropriated in paragraph
32 d of this subsection shall not be
33 allocated to a merged area school
34 which has levied a tax under section
35 ninety-seven B point nine (97B.9),
36 subsection three (3), of the Code
37 for payment of increased employer con-
38 tributions for the Iowa public employees'
39 retirement system unless the levy is
40 disapproved."

41 11. Page 10, by striking lines 1 through 35.

42 12. Page 11, by striking lines 1 through 24.

43 13. Page 11, by inserting after line 24 the
44 following section:

45 "Sec. Section four hundred forty-two point
46 seven (442.7), as amended by Acts of the Sixty-sixth
47 General Assembly, 1975 Session, chapter seventy-nine
48 (79), section nineteen (19), is amended by adding
49 the following new subsection:

50 **NEW SUBSECTION.** For the school year beginning

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1 **July 1, 1976, the state percent of growth otherwise**
2 **computed by the state comptroller under this section**
3 **shall be increased by an amount equal to eight-tenths**

4 of one percent to compensate for the cost of increased
5 employer contributions to the Iowa public employees'
6 retirement system."

7 14. Page 11, line 29, by inserting after the word
8 "purposes" the words "; provided that, as a condi-
9 tion for the appropriation of these funds and
10 notwithstanding any provision of chapter twenty (20)
11 of the Code to the contrary, the state board of
12 regents, for purposes of implementing collective
13 bargaining pursuant to chapter twenty (20) of the
14 Code, shall continue to act as a 'public employer'
15 for its academic, professional and scientific, and
16 other employees who are exempt from its merit system
17 by chapter nineteen A (19A) of the Code and who are
18 defined as 'professional' employees by chapter twenty
19 (20) of the Code".

20 15. Page 12, line 10, by inserting after the word
21 "purposes" the words "; and for the pediatric
22 department of the college of medicine to fund a program
23 of research in the cause, course, treatment, cure
24 and management of diabetes mellitus in an amount of
25 thirty-five thousand (35,000) dollars, or so much
26 thereof as is necessary".

27 16. Page 15, line 4, by striking "...." and inserting
28 in lieu thereof the word "at".

29 17. By renumbering sections and correcting internal
30 references which may be required by this amendment.

**HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 1329**

S—5912

1 Amend the Senate amendment H—6791, to House
2 File 1329, as follows:

3 1. Page 1, line 8, by striking the quotation
4 marks.

5 2. Page 1, by inserting after line 8 the
6 following:

7 "Sec. Section two hundred seventy-three
8 point eight (273.8), Code 1975, is amended by
9 striking the section and inserting in lieu thereof
10 the following:

11 273.8 BOARD OF DIRECTORS. The board of
12 directors of a merged area which is conterminous
13 with an area education agency, established under
14 section two hundred eighty A point twelve (280A.12)
15 of the Code, shall constitute the board of directors
16 of the area education agency.

17 Sec. The terms of office of persons
18 serving as directors of an area education agency
19 on June 30, 1976, shall expire July 1, 1976.

20 2. Amend the title, line 1, by inserting
21 after the word 'status' the words 'and governance'."

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 1558

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1558, a bill for an Act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:

LOWELL L. JUNKINS,
Chairperson
CLOYD E. ROBINSON
LOUIS P. CULVER
E. KEVIN KELLY
CALVIN O. HULTMAN

On the Part of the House:

DONALD D. AVENSON,
Chairperson
RUSSELL WYCKOFF
DON W. SPENCER
RICHARD W. WELDEN
ROGER A. HALVORSON

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following **second conference committee** on House File 1558 on the part of the Senate: Senators Junkins, chairperson; Robinson, Culver, Kelly and Hultman.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

SENATE CONCURRENT RESOLUTION 115

By Gluba

- 1 *Whereas*, studies indicate that persons who have
- 2 been employed in the same job for a period of about
- 3 seven years or more often tend to become dissatisfied
- 4 with the job and do not perform the job with the
- 5 enthusiasm and effort required; and
- 6 *Whereas*, persons who are dissatisfied with their
- 7 jobs often turn to the use of alcohol and drugs in
- 8 order to continue employment at jobs with which they
- 9 are unhappy; and
- 10 *Whereas*, persons who have been employed in the
- 11 same job for a number of years are reluctant to resign
- 12 and leave the security and accrued benefits of that
- 13 job for a job which might be more satisfying to them;
- 14 and
- 15 *Whereas*, there are approximately forty thousand
- 16 state employees and many thousands of employees of

17 political subdivisions who might benefit from a program
18 to allow transfer of employment and benefits to a
19 different job after a number of years of employment
20 in the same job; *Now, Therefore,*
21 *Be It Resolved by the Senate, the House Concurring,*
22 That the legislative council is directed to establish
23 an interim study committee as provided by law, composed
24 of members of the senate and house of representatives
25 representing both political parties, to conduct a
26 study of the feasibility of establishing a program
27 to allow public employees to transfer to other
28 employment, either under the same or a different
29 public employer, and to receive compensation during
30 a period of retraining; and

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1 *Be It Further Resolved, That the study committee*
2 *shall prepare a report of its findings and*
3 *recommendations and submit it to the legislative*
4 *council and the members of the Sixty-seventh General*
5 *Assembly, 1977 Session, accompanied by legislative*
6 *bill drafts designed to carry out the recommendations*
7 *of the study committee.*

Read first time and passed on file.

**REPORT OF CONFERENCE COMMITTEE
ON HOUSE FILE 1539**

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives on House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

On the Part of the Senate:

BERL E. PRIEBE, Chairperson
WILLIAM E. GLUBA
CLIFTON C. LAMBORN
FORREST V. SCHWENGELS

On the Part of the House:

GREGORY CUSACK, Chairperson
THOMAS J. HIGGINS
EMIL J. HUSAK
SCOTT D. NEWHARD
ELMER H. DEN HERDER

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following **second conference committee** on House File 1539, on the part of the Senate: Senators Priebe, chairperson; Gluba, Kinley, Lamborn and Schwengels.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 25, 1976, adopted the Report of the Conference Committee on and passed the following bill in which the concurrence of the House was asked:

Senate File 1191, a bill for an act providing for the financing of library services.

Also: That the House insists on its amendment to Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects, and that the members of the Conference Committee on the part of the House to consider the differences between the House and Senate on Senate File 1332 are as follows: The Representative from Appanoose, Mr. Brunow, chair; the Representative from Palo Alto, Mr. Krause; the Representative from Keokuk, Mr. Dunton; the Representative from O'Brien, Mr. Menke; and the Representative from Madison, Mr. Bortell.

Also: That the House has on May 25, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services.

Also: That the House has on May 25, 1976, adopted the conference committee report on and passed the following bill in which the concurrence of the Senate is asked:

House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol.

Also: That the House has on May 24, 1976, amended the Senate amendment to, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 1332, a bill for an act relating to vehicles and the operation of vehicles.

Also: That the House has on May 25, 1976, concurred in Senate amendment to House amendment to Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 1514 a bill for an act making an appropriation to certain agencies administering Iowa service programs.

Also: That the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, are as follows: The Representative from Scott, Mr. Cusack, chair; the Representative from Scott, Mr.

Higgins; the Representative from Tama, Mr. Husak; the Representative from Jones, Mr. Newhard; and the Representative from Sioux, Mr. Den Herder.

Also: That the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission, are as follows: The Representative from Fayette, Mr. Avenson, chair; the Representative from Clay, Mr. Spencer; the Representative from Benton, Mr. Wyckoff; the Representative from Clayton, Mr. Halvorson; and the Representative from Hardin, Mr. Welden.

Also: That the members of the Second Conference Committee on the House to consider the differences between the House and Senate concerning House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, are as follows: The Representative from Appanoose, Mr. Brunow, chair; the Representative from Fayette, Mr. Avenson; the Representative from Dubuque, Mr. Jochum; the Representative from Fremont, Mrs. McElroy; and the Representative from Black Hawk, Mr. Wulff.

Also: That the House has on May 24, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1590, a bill for an act providing for a tax reduction for certain owners of mobiles homes; providing for reimbursement to counties; providing for an exemption of a certain portion of civil service retirement and disability annuities from state income tax; providing for an increase in the exemption in computing inheritance tax, and making appropriations.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1335

S—5917

1 Amend Senate File 1335 as passed by the Senate
2 as follows:

3 1. Page 2, by striking lines 16 and 17 and
4 inserting in lieu thereof the following:

5 "(1). For salaries, support,
6 maintenance and miscellaneous
7 purposes\$2,664,173

8 (2). For preparation, preserva-
9 tion and maintenance of voter reg-
10 istration records as required by
11 Acts of the Sixty-sixth General
12 Assembly, 1976 Session, House File
13 one thousand eleven (1011),
14 section twenty-two (22)\$ 100,000".

15 2. Page 2, line 27 by striking the figure
16 "1,258,780" and inserting in lieu thereof the figure
17 "\$866,580".

18 3. Page 2, by striking lines 29 and 30 and
19 inserting in lieu thereof the following:

20 "(1) For salaries, support,

21 maintenance and miscellaneous
 22 purposes\$1,767,814
 23 (2) From the funds appropriated by
 24 subparagraph one (1) of this
 25 paragraph thirty thousand (30,000)
 26 dollars shall be used for a horti-
 27 culturist-landscaper, landscaping
 28 and beautification, including the
 29 planting of flowers, of the capitol
 30 complex grounds."
 31 4. Page 3, line 8, by striking the figure
 32 "\$108,014" and inserting in lieu thereof the figure
 33 "\$131,801".

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 1332

S—5916

1 Amend the Senate amendment, H—6726 to House File
 2 1332 as amended, passed and reprinted by the House
 3 as follows:
 4 1. By striking page 1, line 1 through page 4,
 5 line 42 and inserting in lieu thereof the following:
 6 "Amend House File 1332, as amended, passed and
 7 reprinted by the House as follows:
 8 1. Page 1, by striking lines 1 through 3 and
 9 inserting in lieu thereof the following:
 10 'Sec. Chapter three hundred eight A (308A),
 11 Code 1975, is amended by adding the following new
 12 section:
 13 **NEW SECTION.** Bikeways and walkways approved as
 14 either incidental features of highway construction
 15 projects primarily for motor vehicular traffic or
 16 as an independent bikeway or walkway construction
 17 project constructed pursuant to the Highway Act of
 18 1973, 23 U.S.C. 217, shall not be constructed as
 19 elevated structures joining private buildings or so
 20 constructed to provide elevated access or egress
 21 facilities to private buildings.
 22 Sec. Chapter three hundred twenty-one (321),
 23 Code 1975, as amended by Acts of the Sixty-sixth
 24 General Assembly, 1975 and 1976 Sessions, is amended
 25 by adding the following new section:
 26 **NEW SECTION. MOTORIZED BICYCLE LICENSE .**
 27 1. The department may issue a motorized bicycle
 28 license to any person fourteen years of age or older
 29 who has passed the approved driver education course
 30 required for applicants for such license. A motorized
 31 bicycle license shall entitle the licensee to operate
 32 a motorized bicycle while having the license in
 33 immediate possession on the highways of the state
 34 for a period of two years.
 35 2. A motorized bicycle license shall be canceled
 36 upon a conviction for a moving traffic violation and

37 reapplication may be made thirty days after the date
38 of cancellation. The cancellation of the license
39 upon conviction for a moving traffic violation shall
40 not result in requiring the applicant to maintain
41 proof of financial responsibility under section three
42 hundred twenty-one A point seventeen (321A.17), of
43 the Code, unless the conviction would otherwise result
44 in a suspension or revocation of a person's operator's
45 license.

46 3. As used in this section, "moving traffic
47 violation" does not include any violation of any
48 section of the Code or any municipal ordinance
49 pertaining to the standards to be maintained for motor
50 vehicle equipment except sections three hundred twenty-

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1 one point four hundred thirty (321.430) and three
2 hundred twenty-one point four hundred thirty-one
3 (321.431) of the Code, or any municipal ordinance
4 pertaining to motor vehicle brake requirements as
5 applicable to motorized bicycles.

6 4. A motorized bicycle license is not required
7 to operate a motorized bicycle if possessed of an
8 operator's or chauffeur's license.

9 5. A motorized bicycle license shall terminate
10 upon issuance to the licensee of an operator's or
11 chauffeur's license valid for operation of motorcycles.
12 A valid motorized bicycle license shall be returned
13 to the department prior to issuance of an operator's
14 or chauffeur's license valid for operation of
15 motorcycles.

16 Sec. Section three hundred twenty-one point
17 one (321.1), subsection seventy-two (72), Code 1975,
18 is amended to read as follows:

19 72. A "special truck" means a motor truck not
20 used for hire with a gross weight registration of
21 **eight through [twelve] eighteen tons[, inclusive]**, used
22 by a person engaged in farming to transport commodities
23 produced only by the owner, or to transport commodities
24 purchased by the owner for use in his own farming
25 *operation or occasional use for charitable purposes.*

26 Sec. Section three hundred twenty-one point
27 one (321.1), Code 1975, as amended by Acts of the
28 Sixty-sixth General Assembly, 1975 Session, chapters
29 sixty-seven (67) and one hundred seventy (170), is
30 amended by adding the following new subsections:

31 **NEW SUBSECTION.** "Motorized bicycle" or "motor
32 bicycle" means a two-wheeled motor vehicle with an
33 engine having a displacement no greater than fifty
34 cubic centimeters as fixed by the department and not
35 capable of operation at a speed in excess of twenty-
36 five miles per hour on level ground unassisted by
37 human power.'

38 2. Page 1, by inserting after line 8 the fol-
39 lowing:

40 'Sec. Section three hundred twenty-one point
41 one (321.1), subsection three (3), Code 1975, is
42 amended to read as follows:

43 3. "Motorcycle" means every motor vehicle having
44 a saddle or seat for the use of the rider and designed
45 to travel on not more than three wheels in contact
46 with the ground including a motor scooter[and a bicycle
47 with motor attached] but excluding a tractor *and a*
48 *motorized bicycle.*

49 3. Page 1 by inserting after line 16 the fol-
50 lowing:

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1 'Sec. Section three hundred twenty-one point
2 thirty-four (321.34), unnumbered paragraph one (1),
3 Code 1975, is amended to read as follows:

4 The county treasurer upon receiving application,
5 accompanied by proper fee, for registration of a
6 vehicle shall issue to the owner one registration
7 plate for a motorcycle, *motorized bicycle*, truck
8 tractor, trailer, or semitrailer and two registration
9 plates for every other motor vehicle.

10 Sec. Section three hundred twenty-one point
11 thirty-seven (321.37), unnumbered paragraph one (1),
12 Code 1975, is amended to read as follows:

13 Registration plates issued for a motor vehicle
14 other than a motorcycle, *motorized bicycle* or a truck
15 tractor shall be attached thereto, one in the front
16 and the other in the rear. The registration plate
17 issued for a motorcycle or other vehicle required
18 to be registered hereunder shall be attached to the
19 rear thereof. The registration plate issued for a
20 truck tractor shall be attached to the front thereof.'

21 4. Page 1, by inserting after line 25 the
22 following:

23 'Sec. Section three hundred twenty-one point
24 forty-six (321.46), unnumbered paragraph one (1),
25 Code 1975, is amended to read as follows:

26 The purchaser or transferee shall immediately apply
27 for and obtain from the county treasurer of his res-
28 idence a transfer of registration and a new certificate
29 of title for such vehicle except as provided in section
30 321.48. The purchaser or transferee shall present
31 with the application the certificate of title endorsed
32 and assigned by the previous owner and the signed
33 registration card. *The purchaser or the transferee*
34 *shall not be required to list a social security number*
35 *as part of the application for a registration transfer*
36 *and a new title.*

37 Sec. Section three hundred twenty-one point
38 fifty-one (321.51), subsection six (6), Code 1975,
39 is amended to read as follows:

40 6. No vehicle sold or otherwise transferred pur-
41 suant to the provisions of this section shall be
42 driven upon the highway until a valid official certi-

43 ficate of inspection has been affixed thereto and
44 an unrestricted certificate of title, a registration
45 card, and registration plates for the vehicle have
46 been issued to the purchaser or transferee, except
47 as set out in section 321.98. *However, upon receipt*
48 *of an affidavit signed by the owner of the vehicle*
49 *stating that the vehicle is reasonably safe for*
50 *operation, an inspection station may issue a permit*

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1 *authorizing the owner to operate the vehicle to and*
2 *from a specific inspection station. The affidavit*
3 *and permit mentioned in this section shall be on forms*
4 *prescribed and furnished by the department which shall*
5 *forward these forms to each county treasurer where*
6 *they shall be made available upon request, such permit*
7 *shall be valid for forty-eight hours after issuance*
8 *by inspection station.*

9 Sec. Section three hundred twenty-one point
10 one hundred seventeen (321.117), Code 1975, as amended
11 by Acts of the Sixty-sixth General Assembly, 1975
12 Session, chapter one hundred seventy-one (171), section
13 eleven (11), is amended to read as follows:

14 321.117 MOTORCYCLE AND HEARSE FEES. For all
15 motorcycles the annual fee shall be ten dollars.
16 For all motorized bicycles the annual fee shall be
17 five dollars. When said motorcycle has been registered
18 five times, the annual registration fee shall be five
19 dollars. The annual registration fee for hearses
20 shall be fifty dollars. Passenger car plates shall
21 be issued for hearses.

22 Sec. Section three hundred twenty-one point
23 one hundred twenty-one (321.121), Code 1975, is amended
24 to read as follows:

25 321.121 SPECIAL TRUCKS FOR FARM USE. The
26 registration fee for a special truck shall be one
27 hundred dollars for a gross weight of eight[, nine,
28 or ten] tons, [and one hundred fifty dollars for a gross
29 weight of eleven or twelve tons] and in addition,
30 fifteen dollars for each ton over eight tons. Any
31 persons convicted of using a truck registered as a
32 special truck for any purpose other than permitted
33 by section 321.1, subsection 72, shall, in addition
34 to any other penalty imposed by law, be required to
35 pay regular motor truck registration fees upon such
36 truck. A distinctive decal shall be applied to the
37 special truck registration plate for easy
38 identification.

39 5. Page 3, by inserting after line 14 the fol-
40 lowing:

41 'Sec. Section three hundred twenty-one point
42 one hundred seventy-seven (321.177), subsection one
43 (1), Code 1975, is amended to read as follows:

44 1. To any person, as an operator, who is under
45 the age of sixteen years; provided that, effective

46 August 1, 1966, the department shall not issue a
47 license to any person, as an operator, who is under
48 the age of seventeen years and effective August 1,
49 1967, the department shall not issue a license to
50 any person, as an operator, who is under the age of

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1 eighteen years, without his first having successfully
2 completed an approved driver education course, in
3 which case, the minimum age shall be sixteen years.
4 However, the department may issue a restricted license
5 as provided in section 321.194, or an instruction
6 permit as provided in section 321.180, to any person
7 who is at least fourteen years of age. *The department*
8 *may issue a license restricted only for use for*
9 *motorized bicycles as provided in this Act, to any*
10 *person fourteen years of age or older who has*
11 *successfully completed an approved driver's education*
12 *course established by the department of public*
13 *instruction to acquaint the motorized bicycle operator*
14 *with the rules of the road.*

15 Sec. Section three hundred twenty-one point
16 one hundred seventy-eight (321.178), subsection one
17 (1), unnumbered paragraph three (3), Code 1975, is
18 **amended to read as follows:**

19 "Student," for purposes of this section, [shall
20 mean] *means any person between the ages of fifteen*
21 *years and twenty-one years who resides in the public*
22 *school district and who satisfies the preliminary*
23 *licensing requirements of the department or any person*
24 *between fourteen and twenty-one years of age who*
25 *resides in the public school district, who satisfies*
26 *the preliminary licensing requirements of the*
27 *department for operation of a motorized bicycle and*
28 *who is enrolled in an approved driver education course*
29 *for the purpose of qualifying for a motorized bicycle*
30 *license as provided for in this Act.*

31 Sec. Section three hundred twenty-one point
32 one hundred seventy-eight (321.178), Code 1975, as
33 amended by Acts of the Sixty-sixth General Assembly,
34 1975 Session, chapter seventy-nine (79) section fifteen
35 (15), is amended by adding the following new
36 subsection:

37 **NEW SUBSECTION.** An individual applying for a
38 motorized bicycle license shall take the approved
39 driver education course without meeting the highway
40 driving experience requirement.'

41 6. Page 3, by inserting after line 31, the fol-
42 lowing:

43 'Sec. Section three hundred twenty-one point
44 one hundred eighty-two (321.182), Code 1975, is amended
45 to read as follows:

46 321.182 APPLICATION FOR LICENSE OR PERMIT. Every
47 application for an instruction permit [or for], an

48 operator's or chauffeur's license [or], a temporary
49 driver's permit or a motorized bicycle license shall
50 be made upon a form furnished by the department and

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1 shall be verified by the applicant before a person
2 authorized to administer oaths, and officers and
3 employees of the department are hereby authorized
4 to administer such oaths without charge. The applicant
5 shall write his usual signature with pen and ink upon
6 the application in the space provided for signature.'

7 7. Page 3, line 35, by inserting after the words
8 'APPLICATIONS OF' the word 'UNMARRIED'.

9 8. Page 3, line 35, by inserting after the word
10 'any' the word 'unmarried'.

11 9. Page 4, line 2, by inserting after the word
12 'license,' the words '*motorized bicycle license*,'.

13 10. Page 4, by striking lines 7 through 9.

14 11. Page 4, line 10, by striking the words '*years*
15 *and*' and inserting in lieu thereof the word '*if*'.

16 12. Page 4, by inserting after line 13, the fol-
17 lowing:

18 'Sec. Section three hundred twenty-one point
19 one hundred eighty-six (321.186), Code 1975, is amended
20 to read as follows:

21 321.186 EXAMINATION OF NEW OR INCOMPETENT

22 OPERATORS. The department may examine every new
23 applicant for an operator's, *motorized bicycle* or
24 chauffeur's license or any person holding a valid
25 operator's, *motorized bicycle* or chauffeur's license
26 when the department has reason to believe that such
27 person may be physically or mentally incompetent to
28 operate a motor vehicle, or whose driving record
29 appears to the department to justify such an
30 examination. Such examinations shall be held in every
31 county within periods not to exceed fifteen days.
32 It shall include a test of the applicant's eyesight,
33 his ability to read and understand highway signs
34 regulating, warning, and directing traffic, his
35 knowledge of the traffic laws of this state, and shall
36 include an actual demonstration of ability to exercise
37 ordinary and reasonable control in the operation of
38 a motor vehicle and such further physical and mental
39 examinations as the department finds necessary to
40 determine the applicant's fitness to operate a motor
41 vehicle safely upon the highways.'

42 13. Page 4, line 20, by inserting after the word
43 'operators'' the words '*motorized bicycle*'.

44 14. Page 4, line 22, by inserting after the word
45 'operators'' the words '*motorized bicycle*'.

46 15. Page 4, by inserting after line 29 the fol-
47 lowing:

48 'Sec. Section three hundred twenty-one point
49 one hundred eighty-nine (321.189), Code 1975, is
50 amended to read as follows:

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1 321.189 LICENSES ISSUED. The department shall
2 upon payment of the required fee, issue to every
3 applicant qualifying therefor an operator's, *motorized*
4 *bicycle* or chauffeur's license as applied for, which
5 license shall bear thereon a distinguishing number
6 assigned to the licensee, the full name, date of
7 birth, occupation, sex, residence address, a brief
8 description of the licensee, and the usual signature
9 of the licensee. No license shall be valid unless
10 it bears the signature of the licensee. *The*
11 *distinguishing number assigned to a licensee shall*
12 *not be the licensee's social security number.*

13 Sec. Section three hundred twenty-one point
14 one hundred ninety (321.190), Code 1975, is amended
15 to read as follows:

16 321.190 CARRIED AND EXHIBITED. Every licensee
17 shall have his operator's or chauffeur's *or motorized*
18 *bicycle* license in his immediate possession at all
19 times when operating a motor vehicle and shall display
20 the same, upon demand of a judicial magistrate or
21 district associate judge, a peace officer, or a field
22 deputy or examiner of the department. However, no
23 person charged with violating this section shall be
24 convicted if he produces in court, within a reasonable
25 time, an operator's or chauffeur's *or motorized bicycle*
26 license [theretofore] issued to him and valid at the
27 time of his arrest.

28 Sec. Section three hundred twenty-one point
29 one hundred ninety-one (321.191), unnumbered paragraph
30 one (1), Code 1975, is amended to read as follows:

31 The fee for an operator's license shall be five
32 dollars if issued for a period of two years, and ten
33 dollars if issued for a period of four years. The
34 fee for a chauffeur's license shall be ten dollars
35 if issued for a period of two years, and twenty dollars
36 if issued for a period of four years. The fee for
37 an instruction permit shall be three dollars [and],
38 for a temporary driver's permit, five dollars *and*
39 *for a motorized bicycle license, five dollars.*

40 Sec. Section three hundred twenty-one point
41 one hundred ninety-two (321.192), Code 1975, is amended
42 to read as follows:

43 321.192 DISPOSAL OF FEES. Such license fees shall
44 be forwarded by the department to the treasurer of
45 state who shall place same in the general fund of
46 the state, provided that for each operator's *and*
47 *motorized bicycle* license issued by a county sheriff
48 for which a license fee is paid, the sheriff issuing
49 the same shall be entitled to retain the sum of fifteen
50 cents and for each chauffeur's license, the sum of

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1 fifty cents, which shall be credited to the county

2 general fund.

3 Sec. Section three hundred twenty-one point
4 one hundred ninety-three (321.193), unnumbered
5 paragraph one (1), Code 1975, is amended to read as
6 follows:

7 When provided in rules adopted pursuant to chapter
8 17A, the department upon issuing an operator's or
9 chauffeur's license or *motorized bicycle license* shall
10 have authority whenever good cause appears to impose
11 restrictions suitable to the licensee's driving ability
12 with respect to the type of vehicle or special
13 mechanical control devices required on a motor vehicle
14 which the licensee may operate or such other
15 restrictions applicable to the licensee, including
16 licenses issued under section 321.194, as the
17 department may determine to be appropriate to assure
18 the safe operation of a motor vehicle by the licensee.
19 *The department shall not require a person issued a*
20 *valid operator's or chauffeur's license to comply*
21 *with any other licensing requirements in order to*
22 *operate a motorized bicycle.*

23 Sec. Section three hundred twenty-one point
24 one hundred ninety-five (321.195), Code 1975, is
25 amended to read as follows:

26 321.195 DUPLICATE CERTIFICATES. In the event
27 that an instruction permit [or], operator's or
28 chauffeur's license, *motorized bicycle license* or
29 extension certificate issued under the provisions
30 of this chapter is lost or destroyed, the person to
31 whom the same was issued may upon payment of a fee
32 of two dollars for an operator's or chauffeur's
33 license, [or] extension certificate or *motorized bicycle*
34 *license*, obtain a duplicate, or substitute thereof,
35 upon furnishing proof satisfactory to the department
36 that such permit, license, or extension certificate
37 has been lost or destroyed.

38 Sec. Section three hundred twenty-one point
39 two hundred one (321.201), Code 1975, is amended by
40 adding the following new unlettered paragraph:

41 **NEW UNLETTERED PARAGRAPH.** The provisions applicable
42 in sections three hundred twenty-one point two hundred
43 one (321.201) through three hundred twenty-one point
44 two hundred fifteen (321.215) of the Code relating
45 to cancellation, suspension or revocation of an
46 operator's or chauffeur's license are also applicable
47 to motorized bicycle licenses and licensees holding
48 motorized bicycle licenses.'

49 16. Page 5, by inserting after line 12 the fol-
50 lowing:

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1 'Sec. Section three hundred twenty-one point
2 two hundred sixteen (321.216), Code 1975, is amended
3 to read as follows:

4 321.216 UNLAWFUL USE OF LICENSE. It is a

- 5 misdemeanor, punishable as provided in section 321.482
6 unless another punishment is otherwise provided, for
7 any person:
- 8 1. To display or cause or permit to be displayed
9 or have in his possession any canceled, revoked,
10 suspended, fictitious or fraudulently altered temporary
11 driver's permit, temporary instruction permit,
12 *motorized bicycle license*, operator's license, or
13 chauffeur's license.
- 14 2. To lend his temporary driver's permit, temporary
15 instruction permit, *motorized bicycle license*,
16 operator's license, or chauffeur's license to any
17 other person or knowingly permit the use thereof by
18 another.
- 19 3. To display or represent as one's own any
20 temporary driver's permit, temporary instruction
21 permit, *motorized bicycle license*, operator's license,
22 or chauffeur's license not issued to him.
- 23 4. To fail or refuse to surrender to the department
24 upon its lawful demand any temporary driver's permit,
25 temporary instruction permit, *motorized bicycle*
26 *license*, operator's license, or chauffeur's license
27 which has been suspended, revoked, or canceled.
- 28 5. To use a false or fictitious name in any
29 application for a temporary driver's permit, temporary
30 instruction permit, *motorized bicycle license*,
31 operator's license, or chauffeur's license or to
32 knowingly make a false statement or to knowingly
33 conceal a material fact or otherwise commit a fraud
34 in any such application.
- 35 6. To permit any unlawful use of a temporary
36 driver's permit, temporary instruction permit,
37 *motorized bicycle license*, operator's license, or
38 chauffeur's license issued to him.
- 39 Sec. Section three hundred twenty-one point
40 two hundred eighteen (321.218), Code 1975, is amended
41 by adding the following new unlettered paragraph:
42 **NEW UNLETTERED PARAGRAPH.** Any person operating
43 a motorized bicycle on the highways of the state not
44 possessed of an operator's or chauffeur's license
45 valid for operation of motorcycles or a valid motorized
46 bicycle license, shall, upon conviction, be guilty
47 of a misdemeanor and punished by a fine of not less
48 than five nor more than fifty dollars.
- 49 Sec. Section three hundred twenty-one point
50 two hundred thirty-one (321.231), Code 1975, is amended

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- 1 by striking the section and inserting in lieu thereof
2 the following:
3 321.231 AUTHORIZED EMERGENCY VEHICLES.
4 1. The driver of an authorized emergency vehicle,
5 when responding to an emergency call or when in the
6 pursuit of an actual or suspected perpetrator of a
7 felony or in response to an incident dangerous to

8 the public or when responding to but not upon returning
9 from a fire alarm, may exercise the privileges set
10 forth in this section.

11 2. The driver of any authorized emergency vehicle,
12 may:

13 a. Park or stand an authorized emergency vehicle,
14 irrespective of the provisions of this chapter.

15 b. Disregard laws or regulations governing
16 direction of movement for the minimum distance
17 necessary before an alternative route that conform
18 to the traffic laws and regulations is available.

19 3. The driver of a fire department vehicle, police
20 vehicle or ambulance may:

21 a. Proceed past a red or stop signal or stop sign,
22 but only after slowing down as may be necessary for
23 safe operation.

24 b. Exceed the maximum speed limits so long as
25 the driver does not endanger life or property.

26 4. The exemptions granted to an authorized
27 emergency vehicle under subsection two (2) of this
28 section and for a fire department vehicle, police
29 vehicle or ambulance as provided in subsection three
30 (3) of this section shall apply only when such vehicle
31 is making use of an audible signaling device meeting
32 the requirements of section three hundred twenty-one
33 point four hundred thirty-three (321.433) of the Code,
34 or a visual signaling device approved by the department
35 except that use of an audible or visual signaling
36 device shall not be required when exercising the
37 exemption granted under subsection three (3), paragraph
38 b of this section when the vehicle is operated by
39 a peace officer, pursuing a suspected violator of
40 the speed restrictions imposed by or pursuant to this
41 chapter, for the purpose of determining the speed
42 of travel of such suspected violator.

43 5. The foregoing provisions shall not relieve
44 the driver of an authorized emergency vehicle from
45 the duty to drive with due regard for the safety of
46 all persons, nor shall such provisions protect the
47 driver from the consequences of his reckless disregard
48 for the safety of others.

49 Sec. Sections three hundred twenty-one point
50 two hundred thirty-two (321.232) and three hundred

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1 twenty-one point two hundred ninety-six (321.296),
2 Code 1975, are repealed.

3 17. Page 5, by inserting after line 22 the fol-
4 lowing new section:

5 'Sec. Section three hundred twenty-one point
6 two hundred thirty-eight (321.238), subsection twelve
7 (12), Code 1975, as amended by Acts of the Sixty-sixth
8 General Assembly, 1975 Session, chapter one hundred
9 seventy-nine (179), section one (1), is amended to
10 read as follows:

11 12. Every motor vehicle subject to registration
12 under the laws of this state, except motor vehicles
13 registered under section 321.115 *and motorized*
14 *bicycles*, when first registered in this state, *other*
15 *than a registration to a dealer licensed under chapter*
16 *three hundred twenty-two (322) of the Code*, and each
17 time when transferred for use within this state or
18 when registration is changed from a registration as
19 provided in section 321.115 to a regular registration,
20 other than transfers to a dealer licensed under chapter
21 three hundred twenty-two (322), shall be inspected
22 at an authorized inspection station, unless there
23 is affixed to the motor vehicle a valid certificate
24 of inspection which was issued for the motor vehicle
25 not more than sixty days prior to the date on which
26 the vehicle was transferred and the vehicle has not
27 been transferred during the sixty-day period, provided
28 that during a one-year period the vehicle may be
29 transferred between parents and their children or
30 between spouses without another inspection. A vehicle
31 inspection is not required when the transfer of the
32 vehicle or an interest in the vehicle is between
33 spouses or when required pursuant to a decree for
34 dissolution of marriage between former spouses.
35 However, the certificate of inspection for a new motor
36 vehicle which has not previously been sold at retail
37 and which is not sold within sixty days after the
38 date the inspection was performed may be revalidated
39 by the inspection station without another inspection
40 provided the motor vehicle has not been driven more
41 than one hundred miles since the inspection was
42 performed. If the motor vehicle is subject to
43 inspection, the authorized inspection station shall
44 issue and affix a valid certificate of inspection
45 or certificate of rejection, as the case may be, in
46 accordance with the results of the inspection. If
47 an inspection is required, an applicant shall file
48 with an application for title to the vehicle or for
49 registration thereof under the provisions of section
50 321.23, subsection 2 or 3, with the county treasurer

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1 of the county of his residence, a statement on a form
2 provided by the director, signed by an authorized
3 inspection station certifying the date that a
4 certificate of inspection was issued for and affixed
5 to the vehicle. If an inspection is required the
6 county treasurer shall not issue a title to the vehicle
7 to the applicant or register the vehicle unless such
8 statement is filed with the application showing that
9 the inspection of the vehicle was made not more than
10 sixty days prior to the date of sale or transfer,
11 or unless the vehicle was purchased out of this state
12 by a resident of this state who resides outside of
13 this state, but desires to maintain his Iowa residency

14 and he executes a statement to that effect in form
15 and content as prescribed by the director. The county
16 treasurer shall stamp the registration card for such
17 vehicle with the words "NOT INSPECTED." A vehicle
18 so registered shall be inspected at an authorized
19 inspection station within fifteen days after being
20 brought into this state. The county treasurer shall
21 mail the statement of inspection or statement of out-
22 of-state residency to the department at the time of
23 mailing copies of the registration receipt. The
24 department may destroy any forms, certificates or
25 statements after one year from the date they are filed
26 unless they relate to pending appeals.'

27 18. Page 7, by inserting after line 5 the fol-
28 lowing:

29 'Sec. Section three hundred twenty-one point
30 two hundred seventy-five (321.275), Code 1975, is
31 amended by adding the following new subsection:

32 **NEW SUBSECTION.** The provisions of this section
33 shall apply to motorized bicycles.'

34 19. Page 7, by inserting after line 30 the
35 following:

36 'Sec. Section three hundred twenty-one point
37 three hundred seventeen (321.317), subsection three
38 (3), Code 1975, is amended to read as follows:

39 3. After the thirty-first day of December, 1953,
40 it shall be unlawful for any person to sell or offer
41 for sale or operate on the highways of the state of
42 Iowa any vehicle subject to registration under the
43 provisions of this chapter which has never been
44 registered in this or any other state prior to January
45 1, 1954, unless such vehicle is equipped with a
46 directional signal device of a type approved by the
47 department and is in compliance with the provisions
48 of subsection 2 of this section. Motorcycles, motor
49 scooters, [bicycles with motor attached] and semi-
50 trailers and trailers less than forty inches in width

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1 are exempt from the provisions of this section.'

2 20. Page 8, by inserting after line 34 the
3 following:

4 'Sec. Section three hundred twenty-one point
5 three hundred eighty-five (321.385), Code 1975, is
6 amended to read as follows:

7 **321.385 HEAD LAMPS ON MOTOR VEHICLES.** Every motor
8 vehicle other than a motorcycle or motorized bicycle
9 shall be equipped with at least two head lamps with
10 at least one on each side of the front of the motor
11 vehicle, which head lamps shall comply with the
12 requirements and limitations set forth in this
13 chapter.'

14 21. Page 10, line 8, by striking the words 'or
15 usually operated'.

16 22. Page 10, lines 19 and 20, by striking the

17 words 'or usually operated'.

18 23. Page 10, line 21, by inserting after the word
19 'department' the words 'or when the member has used
20 the blue light beyond the scope of its authorized
21 use'.

22 24. Page 10, line 27, by inserting after the word
23 'emergency' the words 'in the line of duty'.

24 25. Page 11, by inserting after line 26 the fol-
25 lowing:

26 'Sec. Section three hundred twenty-one point
27 four hundred thirty (321.430), subsection one (1),
28 Code 1975, is amended to read as follows:

29 1. Every motor vehicle, other than a motorcycle
30 *or motorized bicycle*, when operated upon a highway
31 shall be equipped with brakes adequate to control
32 the movement of and to stop and hold such vehicle,
33 including two separate means of applying the brakes,
34 each of which means shall be effective to apply the
35 brakes to at least two wheels. If these two separate
36 means of applying the brakes are connected in any
37 way, they shall be so constructed that failure of
38 any one part of the operating mechanism shall not
39 leave the motor vehicle without brakes on at least
40 two wheels.

41 Sec. Section three hundred twenty-one point
42 four hundred thirty (321.430), subsection four (4),
43 paragraph a, is amended to read as follows:

44 a. Any motorcycle *or motorized bicycle*.'

45 26. Page 13, by inserting after line 5 the fol-
46 lowing:

47 'Sec. Section three hundred twenty-one point
48 four hundred fifty-seven (321.457), subsection five
49 (5), Code 1975, is amended to read as follows:

50 5. No combination of vehicles coupled together

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1 which are used exclusively for the transportation
2 of passenger vehicles, light delivery trucks, panel
3 delivery trucks, pickup trucks, travel trailers,
4 boats, farm and industrial tractors and self-propel-
5 led farm implements, *nonself-propelled implements*
6 *of husbandry*, and self-propelled vehicles shall have
7 an unladen length, inclusive of front and rear bumpers
8 in excess of sixty feet, but the passenger vehicles,
9 light delivery trucks, panel delivery trucks, pick-
10 up trucks, or boats being transported may extend up
11 to three feet beyond the front and rear bumpers
12 of the transporting vehicles when the overall
13 length of the vehicle with load does not exceed
14 sixty-five feet.'

15 27. Page 14, by inserting after line 6 the fol-
16 lowing:

17 'Sec. The sections of this Act amending
18 section three hundred twenty-one point forty-six
19 (321.46), unnumbered paragraph one (1), Code 1975,

20 and section three hundred twenty-one point one hundred
21 eighty-nine (321.189), Code 1975, shall be effective
22 January 1, 1977.
23 28. Amend the title, line 11, by inserting
24 after the word 'transportation' the words 'and pro-
25 viding for a motorized bicycle license and specifying
26 the operation requirements for a motorized bicycle'.
27 29. Renumber the sections and correct internal references
28 as necessary in conformance with this amendment.' "

HOUSE MESSAGE CONSIDERED

House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations.

Read first time and passed on file.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the appointment of the following conference committee on Senate File 1251 on the part of the Senate: Senators Hill of Jasper, chairperson; Doderer, Priebe, Rabedaux and Nystrom.

The Chair announced the appointment of the following conference committee on Senate File 1332 on the part of the Senate: Senators Palmer, chairperson; Coleman, Norpel, Hansen and Bergman.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 1583**

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making an appropriation, respectfully submit the following report:

1. That the House and Senate conferees failed to reach an agreement.

On the Part of the Senate:

EUGENE M. HILL, Chairperson
LEONARD C. ANDERSEN
LOWELL L. JUNKINS
ELIZABETH SHAW
EARL M. WILLITS

On the Part of the House:

JOHN B. BRUNOW, Chairperson
DONALD D. AVENSON
THOMAS J. JOCHUM
LILLIAN McELROY
HENRY C. WULFF

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 1277**

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1277, a bill for an act relating to the definition of "residency" for purposes of the funding of the care, maintenance and treatment of persons suffering the effects of alcohol, respectfully make the following report:

1. That the Senate and House recede from their respective amendments;
2. That House File 1277 be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred twenty-five point two (125.2), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. 'Residence' means the place where a person resides. For the purpose of determining which Iowa county, if any, is liable pursuant to this chapter for payment of costs attributable to its residents, the following rules shall apply:

a. If a person claims an Iowa homestead, then the person's residence shall be in the county where that homestead is claimed, irrespective of any other factors.

b. If paragraph a does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person's residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under eighteen years of age who are wards of this state.

c. If paragraphs a and b do not apply, or, if the person is under eighteen years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the division as provided in this chapter.

d. An unemancipated person under eighteen years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

e. The provisions of this subsection shall not be used in any case to which section one hundred twenty-five point twenty-six (125.26) of the Code is applicable.

Sec. 2. Section one hundred twenty-five point two (125.2), Code 1975, is amended by striking subsection eight (8).

Sec. 3. Section one hundred twenty-five point seven (125.7), subsection two (2), Code 1975, is amended to read as follows:

2. Approve the comprehensive alcoholism program, *and the funding therefor*, developed by the division pursuant to sections 125.1 to 125.26.

Sec. 4. Section one hundred twenty-five point nine (125.9), subsection one (1), Code 1975, is amended to read as follows:

1. Plan, establish and maintain treatment programs as necessary or desirable [with the approval of the commission] *in accordance with the comprehensive alcoholism program.*

Sec. 5. Section one hundred twenty-five point ten (125.10), subsections eight (8), nine (9), and eleven (11), Code 1975, are amended to read as follows:

8. Organize and [foster] *implement, in cooperation with local treatment programs*, training programs for all persons engaged in treatment of alcoholics and intoxicated persons.

9. Sponsor and [encourage] *implement, in cooperation with local treatment programs*, research into the causes and nature of alcoholism and treatment of alcoholics and intoxicated persons, and serve as a clearing house for information relating to alcoholism.

11. [Advise the commission and the governor in the preparation of] *Develop and implement, with the counsel and approval of the Commission, a comprehensive plan for treatment of alcoholics and intoxicated persons [for inclusion in the state's comprehensive health], said plan to be coordinated with health systems agencies.*

Sec. 6. Section one hundred twenty-five point ten (125.10), subsection fifteen (15), Code 1975, is amended to read as follows:

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment, *and may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.*

Sec. 7. Section one hundred twenty-five point thirteen (125.13), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. The commission shall establish rules pursuant to chapter seventeen A (17A) of the Code requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for alcoholism patients. No facility shall be approved nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the division, and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the division deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in sections one hundred twenty-five point fourteen (125.14) or one hundred twenty-five point twenty-six (125.26) of the Code.

Sec. 8. Section one hundred twenty-five point seventeen (125.17), subsections one (1), two (2), and six (6), Code 1975, are amended to read as follows:

1. An intoxicated person may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by alcohol in a public place and in need of help may be taken to a facility by a peace officer [or the alcoholism service unit]. If the person refuses the proffered help, he may be arrested and charged with intoxication.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer [or the alcoholism service unit], in detaining the person and in taking him to a facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself.

A taking into protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person who is taken into protective custody has been arrested or charged with a crime.

6. A peace officer [or member of the alcoholism service unit] who acts in compliance with this section is acting in the course of his official duty and is not criminally or civilly liable therefor, unless such acts constitute willful malice or abuse.

Sec. 9. Section one hundred twenty-five point eighteen (125.18), subsection three (3), Code 1975, is amended to read as follows:

3. Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, [alcoholism service unit,] the applicant for commitment, the patient's spouse, the patient's guardian or any other interested person. **The person shall be retained at the facility to which he was admitted, or transferred to another facility until discharged under subsection 5.**

Sec. 10. Section one hundred twenty-five point nineteen (125.19), subsection five (5), Code 1975, is amended to read as follows:

5. A person committed under this section shall remain in the custody of the division for treatment for a period of thirty days unless sooner discharged. *This section shall not be construed to require the division to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of alcoholism.* At the end of the thirty-day period, he shall be discharged automatically unless the director before expiration of the period petitions the court for an order for his recommitment upon the grounds set forth in subsection 1 for a further period not to exceed ninety days.

Sec. 11. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

125.22 COMPOSITION OF FACILITIES' BOARDS—TREATMENT PLANS

FURNISHED.

1. In addition to other requirements established by this chapter, no facility shall be approved pursuant to section one hundred twenty-five point thirteen (125.13) of the Code unless it is either a licensed hospital or a community mental health center operating under chapter two hundred thirty A (230A) of the Code, or it is organized under the Iowa nonprofit corporation Act appearing as chapter five hundred four A (504A) of the Code. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment

of alcoholism.

2. A local governmental unit which is providing funds to a facility for treatment of alcoholism may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section one hundred twenty-five point twenty-eight (125.28) of the Code.

Sec. 12. Section one hundred twenty-five point twenty-seven (125.27), unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

The director [shall] may, consistent with the comprehensive alcoholism program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of an alcoholic. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide that the facility shall admit and treat alcoholics [whose legal settlement is in counties other than the contracting county] regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge the payment shall be made by the division directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

Sec. 13. Section one hundred twenty-five point twenty-seven (125.27), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the division or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the division. A contracting facility shall allow as a credit against a future billing to the division or to a county,

payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the division or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to subsection four (4) of section one hundred twenty-five point thirteen (125.13) of the Code shall constitute grounds for nonrenewal of the contract.

Sec. 14. Section one hundred twenty-five point twenty-eight (125.28), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ten (10), section four (4), is amended to read as follows:

125.28 COUNTRIES TO SHARE COST. Except as provided in section 125.26, [counties] *each county* shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment *under this chapter* of [an alcoholic] *residents of that county* from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of [the alcoholic's legal settlement] *residence* once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of an alcoholic. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one alcoholic or intoxicated person, except that such approval is not required for the cost of treatment provided to an alcoholic or intoxicated person who is committed pursuant to sections 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of alcoholics *who are residents of that county* for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 15. Section one hundred twenty-five point twenty-nine (125.29), Code 1975, is amended to read as follows:

125.29 [LEGAL SETTLEMENT] *COUNTY OF RESIDENCE DETERMINED.*

The facility shall, when an alcoholic is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records [whether] the [legal settlement] *Iowa county of residence* of such alcoholic [is in the county where the facility is located, or in some other county, state, or country or is unknown], *or that the person resides in some other state or country, or that the person is unclassified with respect to residence.*

Sec. 16. Section one hundred twenty-five point thirty (125.30), Code 1975, is amended to read as follows:

125.30 [DISPUTED SETTLEMENT] *DISPUTES OVER PAYMENT.*
In

the event any county to which certification of the cost of care, maintenance, and treatment of an alcoholic is made, disputes that such alcoholic has his [legal settlement] *residence* in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has [legal settlement] *residence*. The director shall certify his determination to the county, *if any*, wherein it is found the patient has [legal settlement] *residence* and to the facility. [The] *A county certified by the director to be the county of* [legal settlement] *residence* shall reimburse the facility as provided in this chapter. If the director finds that the [legal settlement] *residence* of an alcoholic at the time of admission was in another state or country or [was unknown] *that the person is unclassified with respect to residence*, then the division shall pay for that portion of his care, maintenance, and treatment that his county of [legal settlement] *residence* would have been liable to pay. For purposes of this section, a 'facility' does not include a mental health institute under the control of the department of social services.

Sec. 17. Section one hundred twenty-five point thirty-one (125.31), Code 1975, is amended to read as follows:

125.31 **LEGAL LIABILITY FOR CARE.** The alcoholic and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic shall be legally liable to the county of the alcoholic's [legal settlement] *residence* for twenty-five percent of the total amount and to the division for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

The estate of each nonresident person provided care, maintenance or treatment while a voluntary or committed patient in a facility, and all persons legally bound for the support of such a person, shall be legally liable to the state for reasonable costs paid by the division under this chapter for the care, maintenance and treatment of the person in a facility. The certificate of the director of the division showing the amounts paid or due to be paid by the division for such care, maintenance and treatment shall be presumptive

evidence of the reasonableness of the costs of the care, maintenance and treatment provided.

Sec. 18. Section one hundred twenty-five point thirty-three (125.33), Code 1975, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost to the county of the care, maintenance, and treatment of any alcoholic and shall keep an index of the names of the alcoholics [admitted from such county] for whose benefit county funds are expended pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code for those services.

Sec. 19. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1975, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.26 and designated by the division on alcoholism. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 20. Section three hundred thirty-two point three (332.3), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. To require that any person, agency or organization which is not a part of the county government, but which is receiving funds from the county to pay in whole or in part for services furnished to third parties, must submit to audit by auditors assigned or employed for the purpose by the board. Upon request by the board, the person, agency or organization to be audited under this subsection shall make available all pertinent books, records and documents needed for the audit.

Sec. 21. Section one hundred twenty-five point twenty-two (125.22), Code 1975, is repealed."

3. That the title be amended by striking lines 1 through 3 and inserting in lieu thereof the words "An Act relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment. by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services."

On the Part of the Senate:

CHARLES P. MILLER,
Chairperson
CLOYD E. ROBINSON
KENNETH D. SCOTT
RICHARD R. RAMSEY
RAY TAYLOR

On the Part of the House:

C. W. HUTCHINS,
Chairperson
GREGORY D. CUSACK
INGWER L. HANSEN
JAMES C. WEST

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

H. F. 1589 Appropriations

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and bills have been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 25th day of May, 1976: Senate Joint Resolution 1008; Senate Files 253, 273, 345, 449, 1067, 1111, 1145, 1192, 1244, 1252, 1267, 1269, 1278, 1304, 1325 and 1331.

STEVEN C. CROSS
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 25, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 244—Relating to the copying of public records.
- S. F. 547—Relating to the financing of levees and drainage districts.
- S. F. 1105—Relating to the distribution of monthly aid to dependent children payments.
- S. F. 1119—Relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.
- S. F. 1203—Relating to bids for maintenance or construction of county buildings.
- S. F. 1233—Making a correction to Senate File one thousand one hundred two (1102) enacted by the 1976 session of the Sixty-sixth General Assembly.
- S. F. 1300—Relating to the availability of mine maps.
- S. F. 1303—Relating to the definition of a nonresident employer.
- S. F. 1322—Making an appropriation to the Iowa department of revenue.
- H. F. 1520—Directing the code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof

and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

REPORT OF THE CONFERENCE COMMITTEE ON
SENATE FILE 1332

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

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and House of Representatives on Senate File 1332, a bill for an act making appropriations to the department of transportation for capital projects, respectfully make the following report:

1. That the Senate and House of Representatives conferees have failed to reach an agreement.

On the Part of the Senate:

WILLIAM D. PALMER,

Chairperson

IRVIN L. BERGMAN

C. JOSEPH COLEMAN

WILLARD R. HANSEN

RICHARD J. NORPEL, SR.

On the Part of the House:

JOHN B. BRUNOW, Chairperson

ROBERT A. KRAUSE

KEITH H. DUNTON

LESTER D. MENKE

GLEN E. BORTELL

REPORT OF THE SECOND CONFERENCE COMMITTEE ON
HOUSE FILE 1558

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1558, a bill for an Act appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties, respectfully make the following report:

That the Senate recede from its amendment, H—6729, and that House File 1558 as amended, passed, and reprinted be amended as follows:

Amend House File 1558 as amended, passed and reprinted by the House as follows:

1. Page 1, line 15, by inserting after the word "purposes" the figure ".....\$4,000,000".
2. Page 1, by striking lines 16 through 26.
3. Page 2, lines 34 and 35, by striking the words "which shall be filed by the commissioners with the county recorder".
4. Page 3, lines 5 and 6, by striking the words "a pro rata share of".
5. Page 3, line 6, by striking the words, "based upon".
6. Page 3, by striking lines 7 through 11.

7. Page 3, line 12, by striking the words "funds allocated to the district".

8. Page 3, by inserting after line 30, the following new section:

"Sec. The state conservation commission shall not construct any new marina or basin providing moorings for boats at Gull Point state park or any other point on or adjacent to West Okoboji Lake within twelve months after the effective date of this Act.

The natural resources visitation subcommittee of the legislative fiscal committee shall confer with the commission before the convening of the Sixty-seventh General Assembly. The commission, after conferring with this committee and with local conservation organizations, shall notify the chairmen of the appropriations committees of their recommendations for location and descriptions of one or more facilities to provide for public boat docking facilities. Unless disapproved by the general assembly by resolution within sixty calendar days after convening the commission may proceed."

9. Page 3, by striking line 31 through page 4, line 1, and inserting in lieu thereof the following:

"Sec. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection three (3), is amended by striking the subsection and inserting in lieu thereof the following:

'VOLGA RIVER. For design, and construction of three or more lakes on the Frog Hollow watershed of the Volga River. Construction shall begin within the calendar year 1977\$1,500,000.'"

10. By renumbering sections as required by this amendment.

On the Part of the Senate:

LOWELL L. JUNKINS,

Chairperson

LOUIS P. CULVER

CLOYD E. ROBINSON

E. KEVIN KELLY

CALVIN O. HULTMAN

On the Part of the House:

DONALD D. AVENSON,

Chairperson

DON W. SPENCER

RUSSELL L. WYCKOFF

ROGER A. HALVORSON

RICHARD W. WELDEN

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following **second conference committee** on House File 1583, on the part of the Senate: Senators Hill of Jasper, chairperson; Junkins, Willits, Shaw and Andersen.

AMENDMENTS FILED

S—5918

- 1 Amend House File 1449, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3 the

4 following:

5 "If the monitoring device is used for the pur-
6 pose of meeting service requirements of a public
7 utility as set forth by the rules or regulations of
8 the Iowa state commerce commission."

JAMES E. BRILES

S—5915

1 Amend House File 1451 as follows:

2 1. Page 1, by inserting after line 33 the fol-
3 lowing:

4 "Sec. Section six hundred five point eight
5 (605.8), Code 1975, is amended by adding the following
6 new paragraph:

7 ***NEW PARAGRAPH.*** A condition of employment for a
8 full-time shorthand reporter shall be that the full-
9 time shorthand reporter shall not accept any work as
10 a shorthand reporter for anyone other than his or
11 her full-time employer while employed as a full-time
12 shorthand reporter for the district court."

RICHARD J. NORPEL, SR.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 5:45
p.m., until 8:30 a.m., Wednesday, May 26, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-SIXTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MAY 26, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Reverend John Maze, pastor of the Malcom-Sheridan Parish, Malcom, Iowa.

The Journal of Tuesday, May 25, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Verne Schlaser, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Heying for the day on request of Senator Kinley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Tieden from twenty-three residents of Dubuque County favoring House File 1147, providing for certification of an employee organization by a majority of the public employees voting.

By Senator Sovern from forty-three residents of Linn County favoring legislation to raise the legal drinking age to nineteen.

The following petitions favoring legislation to raise the legal drinking age to nineteen were presented and placed on file by Senator Miller of Marshall from:

Thirty-two residents of Clay County.

Thirty-five residents of Des Moines County.

Seventeen residents of Floyd County.

Thirty-one residents of Polk County

Fifteen residents of Wright County.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Shaff called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of John P. Whitesell of Iowa Falls, Hardin County, Iowa, for appointment as a member of the Natural Resources Council under the provisions of Sections 455A.4 and 455A.5, Code 1975, for an unexpired term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

ROGER J. SHAFF, Chairperson
ROBERT M. CARR
HILARIUS L. HEYING
RICHARD J. NORPEL, SR.
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Shaff moved the appointment of John P. Whitesell as a member of the Natural Resources Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Andersen
Bergman
Briles
Burroughs
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher

Glenn
Gluba
Griffin
Hill of Polk
Hultman
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Nolting
Norpele
Nystrom
Orr
Priebe
Ramsey
Robinson

Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Winkelman

Nays, none.

Absent or not voting, 14:

Carr	Junkins	Palmer	Redmond
Hansen	Kelly	Plymat	Rodgers
Heying	Murray	Rabedeaux	Willits
Hill of Jasper	Nolin		

President Neu declared the appointment of John P. Whitesell as a member of the Natural Resources Council confirmed for the unexpired portion of the term ending June 30, 1981.

Senator Coleman called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dwight K. Wagler, Griswold, Cass County, Iowa, for appointment as a licensed member of the State Board of Funeral Director and Embalmer Examiners under the provisions of Section 147.12, 1975 Code of Iowa, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

C. JOSEPH COLEMAN, Chairperson
JAMES E. BRILES
EUGENE M. HILL
JOHN N. NYSTROM
NORMAN G. RODGERS

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Dwight K. Wagler as a member of the State Board of Funeral Director and Embalmer Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Schwengels
Briles	Hill of Polk	Nolting	Scott
Burroughs	Hultman	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Glenn	Des Moines	Ramsey	Winkelmann

Nays, none.

Absent or not voting, 12:

Carr	Heying	Murray	Redmond
Gallagher	Hill of Jasper	Nolin	Rodgers
Hansen	Kelly	Plymat	Willits

President Neu declared the appointment of Dwight K. Wagler as a member of the State Board of Funeral Director and Embalmer Examiners confirmed for an initial term ending June 30, 1976.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the **second conference committee** on Senate File 1332 on the part of the Senate: Senators Palmer, chairperson; Bergman, Coleman, Hansen and Norpel.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

House File 1277

Senator Miller of Des Moines called up the report of the second conference committee on House File 1277 filed May 25, 1976, and found on pages 2272-2280, inclusive, of the Senate Journal, and moved its adoption.

President pro tempore Doderer took the chair at 9:10 a.m.

The motion prevailed and the second conference committee report and the recommendations and amendment contained therein were adopted.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1277) the vote was:

Ayes, 44:

Andersen	Gluba	Nolting	Rodgers
Bergman	Griffin	Norpel	Schwengels
Briles	Hill of Jasper	Nystrom	Scott
Burroughs	Hill of Polk	Orr	Shaff
Carr	Hultman	Palmer	Shaw
Coleman	Junkins	Plymat	Sovern
Culver	Kinley	Priebe	Taylor
Curtis	Merritt	Rabedeaux	Tieden
DeKoster	Miller of	Ramsey	Van Gilst
Doderer	Des Moines	Redmond	Willits
Gallagher	Miller of	Robinson	Winkelman
Glenn	Marshall		

Nays, none.

Absent or not voting, 6:

Hansen	Kelly	Murray	Nolin
Heying	Lamborn		

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

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1477.

House File 1477

On motion of Senator Hultman, House File 1477, a bill for an act relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1477) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn		Redmond	Winkelman

Nays, none.

Absent or not voting, 5:

Heying	Lamborn	Murray	Nolin
Hill of Jasper			

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

Senator Kinley asked and received unanimous consent to take up out of order House File 1451.

House File 1451

On motion of Senator Ramsey, House File 1451, a bill for an act relating to court reporters, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaff offered amendment S—5895 filed by him, moved its adoption and requested a record roll call:

S—5895

- 1 Amend House File 1451 as follows:
- 2 1. Page 1, line 18, by striking the words
- 3 "fourteen thousand" and inserting in lieu thereof
- 4 the words "thirteen thousand eighty".
- 5 2. Page 1, lines 19 and 20, by striking the words
- 6 "[five] six hundred" and inserting in lieu thereof the
- 7 words "five hundred forty-five".
- 8 3. Page 1, line 21, by striking the word
- 9 "eighteen" and inserting in lieu thereof the word
- 10 "seventeen".
- 11 4. Page 1, line 22, by striking the words
- 12 "eight hundred" and inserting in lieu thereof the
- 13 words "four hundred forty".

Senator Palmer took the chair at 9:35 a.m.

President pro tempore Doderer took the chair at 9:40 a.m.

On the question "Shall amendment S—5895 be adopted?" (H.F. 1451) the vote was:

Ayes, 13:

Coleman	Gluba	Redmond	Taylor
Curtis	Lamborn	Scott	Tieden
Doderer	Orr	Shaff	Winkelman
Gallagher			

Nays, 32:

Andersen	Hill of Polk	Miller of	Ramsey
Bergman	Hultman	Marshall	Robinson
Burroughs	Junkins	Nolting	Rodgers
Carr	Kelly	Norpel	Schwengels
Culver	Kinley	Nystrom	Shaw
DeKoster	Merritt	Palmer	Sovern
Glenn	Miller of	Plymat	Van Gilst
Griffin	Des Moines	Priebe	Willits
Hansen		Rabedaux	

Absent or not voting, 5:

Briles	Hill of Jasper	Murray	Nolin
Heying			

Amendment S—5895 lost.

Action on House File 1451 was temporarily deferred.

HOUSE AMENDMENT CONSIDERED

SENATE REFUSED TO CONCUR

Senate File 1261

Senator Van Gilst called up for consideration Senate File 1261, a bill for an act relating to and making appropriations to agencies,

institutions, commissions, departments, and boards responsible for education programs in this state, amended by House amendment S—5911 found on pages 2248-2253, inclusive, of the Senate Journal.

Senator Glenn took the chair at 9:50 a.m.

Senator Shaw offered amendment S—5921 to House amendment S—5911, moved its adoption and requested a record roll call:

S—5921

- 1 Amend the House amendment S—5911 to Senate File
- 2 1261 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "..... Page 1, by inserting after line 34 the
- 7 following:
- 8 'd. For completion of the Iowa
- 9 history series project\$90,000'."

President pro tempore Doderer took the chair at 10:00 a.m.

On the question "Shall amendment S—5921 to House amendment S—5911 be adopted?" (S.F. 1261) the vote was:

Ayes, 21:

Andersen	Hansen	Miller of	Ramsey
Briles	Hill of Polk	Des Moines	Schwengels
Burroughs	Hultman	Miller of	Shaff
Curtis	Kelly	Marshall	Shaw
DeKoster	Lamborn	Nystrom	Tieden
Griffin		Plymat	Winkelman

Nays, 25:

Bergman	Gluba	Norpel	Rodgers
Carr	Hill of Jasper	Orr	Scott
Coleman	Junkins	Palmer	Sovern
Culver	Kinley	Priebe	Taylor
Doderer	Merritt	Redmond	Van Gilst
Gallagher	Nolting	Robinson	Willits
Glenn			

Absent or not voting, 4:

Heying	Murray	Nolin	Rabedaux
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Amendment S—5921 to House amendment S—5911 lost.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5920 to House amendment S—5911 by Senators Taylor, et al.:

S—5920

- 1 Amend the House amendment S—5911 to Senate File
- 2 1261 as amended, passed, and reprinted by the Sen-
- 3 ate as follows:

- 4 Page 2, by striking lines 15 through 25 and in-
 5 serting in lieu thereof the following:
 6 "c. Which has received letters from at least three
 7 Iowa institutions accredited by the North Central
 8 Association of Colleges and Secondary Schools
 9 accrediting agency based on their requirements as
 10 of April 1, 1969 stating that its credits are and
 11 have been accepted as if earned in an institution
 12 so accredited[.]; or
 13 d. Which is a school of nursing accredited by
 14 the national league for nursing and approved by the
 15 board of nurse examiners, including such a school
 16 operated, controlled, and administered by a county
 17 public hospital; or
 18 e. Which is accredited on July 1, 1977 or later
 19 by the accrediting commission of the association of
 20 independent colleges and schools and recognized by
 21 the United States department of health, education,
 22 and welfare."

Senator Hill of Polk withdrew amendment S—5922 to House amendment S—5911:

S—5922

- 1 Amend the House amendment, S—5911, to Senate
 2 File 1261 as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 6, by striking lines 7 through 19.

Senator Van Gilst moved that the Senate concur in House amendment S—5911.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S—5911?" (S.F. 1261) the vote was:

Ayes, 9:

Carr	Orr	Robinson	Tieden
Murray	Redmond	Sovern	Winkelman
Nystrom			

Nays, 36:

Bergman	Griffin	Merritt	Ramsey
Briles	Hansen	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Hultman	Norpel	Shaff
Curtis	Junkins	Palmer	Shaw
DeKoster	Kelly	Plymat	Taylor
Doderer	Kinley	Priebe	Van Gilst
Glenn	Lamborn	Rabedeaux	Willits
Gluba			

Absent or not voting, 5:

Andersen	Heying	Miller of	Nolin
Gallagher		Des Moines	

The motion lost and the Senate refused to concur in House amendment S—5911 to Senate File 1261.

Senator Kinley asked and received unanimous consent that Senate File 1261 be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS

House File 1451

The Senate resumed consideration of House File 1451 previously deferred.

Senator Norpel withdrew amendment S—5904 filed by him on May 24, 1976, and found on page 2227 of the Senate Journal.

Senator Norpel offered amendment S—5915 filed by him and moved its adoption:

S—5915

- 1 Amend House File 1451 as follows:
- 2 1. Page 1, by inserting after line 33 the fol-
- 3 lowing:
- 4 "Sec. Section six hundred five point eight
- 5 (605.8), Code 1975, is amended by adding the following
- 6 new paragraph:
- 7 *NEW PARAGRAPH.* A condition of employment for a
- 8 full-time shorthand reporter shall be that the full-
- 9 time shorthand reporter shall not accept any work as
- 10 a shorthand reporter for anyone other than his or
- 11 her full-time employer while employed as a full-time
- 12 shorthand reporter for the district court."

A record roll call was requested.

On the question "Shall amendment S—5915 be adopted?" (H.F. 1451) the vote was:

Ayes, 5:

Coleman	Hill of Jasper	Norpel	Redmond
Culver			

Nays, 40:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Polk	Murray	Scott
Burroughs	Hultman	Nolting	Shaff
Carr	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		

Absent or not voting, 5:

Heying
Nolin

Palmer

Robinson

Taylor

Amendment S—5915 lost.

REFERRED TO COMMITTEE

Senator Shaff raised the point of order that Senate Rule 38 should be invoked on House File 1451.

The Chair ruled the point well taken and referred House File 1451 to the committee on ways and means.

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Neu presiding.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 584

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:

JAMES M. REDMOND,
Chairperson
ROBERT M. CARR
C. JOSEPH COLEMAN

On the Part of the House:

NORMAN G. JESSE,
Chairperson
SONJA EGENES
W. R. MONROE
ARTHUR A. SMALL, JR.
ANDREW VARLEY

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1332, a bill for an act making appropriations to the depart-

ment of transportation for designated capital transportation projects, are as follows: The Representative from Appanoose, Mr. Brunow, chair; the Representative from Palo Alto, Mr. Krause; the Representative from Keokuk, Mr. Dunton; the Representative from O'Brien, Mr. Menke; and the Representative from Madison, Mr. Bortell.

Also: That the House has on May 25, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1333, a bill for an act making appropriations to various state educational agencies for capital improvements.

Also: That the House has on May 25, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1343, a bill for an act relating to the duties and financing of the department of transportation.

Also: That the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 584, a bill for an act relating to competition between business, commercial, or professional entities, are as follows: The Representative from Polk, Mr. Jesse, chair; the Representative from Marshall, Mr. Brockett; the Representative from Johnson, Mr. Small; the Representative from Des Moines, Mr. Monroe; and the Representative from Adair, Mr. Varley.

Also: That the members of the Second Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials, are as follows: The Representative from Appanoose, Mr. Brunow, chair; the Representative from Fayette, Mr. Avenson; the Representative from Dubuque, Mr. Jochum; the Representative from Fremont, Mrs. McElroy; and the Representative from Black Hawk, Mr. Wulff.

DAVID L. WRAY, Chief Clerk

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1407.

House File 1407

On motion of Senator Coleman, House File 1407, a bill for an act relating to a vehicle anti-theft law and providing penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1407) the vote was:

Ayes, 38:

Anderson	Griffin	Murray	Robinson
Bergman	Hultman	Nolting	Rodgers
Burroughs	Junkins	Norpel	Schwengels
Carr	Kelly	Orr	Scott
Coleman	Kinley	Palmer	Shaff
Culver	Lamborn	Plymat	Taylor
Curtis	Miller of	Priebe	Tieden
Doderer	Des Moines	Rabedeaux	Van Gilst
Glenn	Miller of	Ramsey	Willits
Gluba	Marshall	Redmond	Winkelman

Nays, 5:

Briles	Hill of Polk	Merritt	Nystrom
DeKoster			

Absent or not voting, 7:

Gallagher	Heying	Nolin	Sovern
Hansen	Hill of Jasper	Shaw	

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

Senator Palmer took the chair at 2:35 p.m.

PRESENTATION OF GIFTS

The Chair invited Senator Shaff to the rostrum where on behalf of the Senate he presented a beautiful clock radio to Senator Kinley in recognition of his service as Majority Floor Leader during the Sixty-sixth General Assembly.

Senator Kinley thanked the Senate and expressed his appreciation for an experience he would always cherish.

The Chair invited Senator Priebe to the rostrum where he presented an original Frank Miller cartoon to Senator Lamborn for his service as Minority Floor Leader during the Sixty-sixth General Assembly.

Senator Lamborn, who is retiring, accepted the gift with thanks and expressed his love for the Senate where he has served since 1967.

The Chair then invited Senator Van Gilst to the rostrum where he presented an original Frank Miller cartoon to Lieutenant Governor Neu in recognition of his service as President of the Senate and his fairness in dealing with both the majority and minority party members.

President Neu thanked the Senate and expressed his hope that the cartoon would be apropos to the next general assembly.

Senator Palmer invited President pro tempore Doderer to the rostrum where he presented her with a beautiful desk set on behalf of the Senate and expressed pride in the fact that Iowa was the leader in electing the first lady Senator in the United States to serve as President pro tempore of a legislature.

Senator Doderer thanked the Senate for the gift and for the privilege of serving with all the members.

President Neu took the chair at 3:00 p.m.

INTRODUCTION OF BILL

Senate File 1344, by committee on judiciary, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Read first time and **placed on calendar**.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following **second conference committee** on **House File 584** on the part of the Senate: Senators Redmond, chairperson; Carr, Willits, Hill of Polk and Shaw.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 1335

Senator Willits called up for consideration Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, amended by the House, and moved that the Senate concur in the following amendment:

S—5917

- 1 Amend Senate File 1335 as passed by the Senate
- 2 as follows:
- 3 1. Page 2, by striking lines 16 and 17 and
- 4 inserting in lieu thereof the following:
- 5 "(1). For salaries, support,
- 6 maintenance and miscellaneous
- 7 purposes\$2,664,173
- 8 (2). For preparation, preserva-

- 9 tion and maintenance of voter reg-
10 istration records as required by
11 Acts of the Sixty-sixth General
12 Assembly, 1976 Session, House File
13 one thousand eleven (1011),
14 section twenty-two (22)\$ 100,000".
15 2. Page 2, line 27 by striking the figure
16 "1,258,780" and inserting in lieu thereof the figure
17 "\$866,580".
18 3. Page 2, by striking lines 29 and 30 and
19 inserting in lieu thereof the following:
20 "(1) For salaries, support,
21 maintenance and miscellaneous
22 purposes\$1,767,814
23 (2) From the funds appropriated by
24 subparagraph one (1) of this
25 paragraph thirty thousand (30,000)
26 dollars shall be used for a horti-
27 culturist-landscaper, landscaping
28 and beautification, including the
29 planting of flowers, of the capitol
30 complex grounds."
31 4. Page 3, line 8, by striking the figure
32 "\$108,014" and inserting in lieu thereof the figure
33 "\$131,801".

Senator Willits offered amendment S—5929 to House amend-
ment S—5917 and moved its adoption:

S—5929

- 1 Amend the House amendment, S—5917, to Senate
2 File 1335 as follows:
3 1. Page 1, line 7, by striking the figure
4 "\$2,664,173" and inserting in lieu thereof the
5 figure "\$2,564,173".
6 2. Page 1, by striking lines 31 through 33.

Amendment S—5929 to House amendment S—5917 was
adopted.

Senator Shaw offered amendment S—5924 to House amend-
ment S—5917 by Senators Shaw, Lamborn and DeKoster and
moved its adoption:

S—5924

- 1 Amend the House amendment, S—5917, to Senate
2 File 1335 as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "..... Page 2, by inserting after line 20 the
6 following:
7 'd. For the discharge by the comptroller's
8 office of its responsibilities with respect to public
9 employment relations\$65,583'."

A record roll call was requested.

On the question "Shall amendment S—5924 to House amendment S—5917 be adopted?" (S.F. 1335) the vote was:

Rule 25 was invoked.

Ayes, 22:

Andersen	Griffin	Miller of	Schwengels
Bergman	Hill of Polk	Marshall	Shaff
Briles	Hultman	Nystrom	Shaw
Burroughs	Kelly	Plymat	Taylor
Curtis	Lamborn	Rabedeaux	Tieden
DeKoster		Ramsey	Winkelman

Nays, 23:

Carr	Hill of Jasper	Nolting	Rodgers
Coleman	Junkins	Orr	Scott
Culver	Kinley	Palmer	Sovern
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Redmond	Willits
Glenn	Des Moines	Robinson	
Gluba			

Absent or not voting, 5:

Hansen	Murray	Nolin	Norpel
Heying			

Amendment S—5924 to House amendment S—5917 lost.

On motion of Senator Willits, the Senate concurred in House amendment S—5917, as amended.

Senator Willits moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1335) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kinley	Palmer	Sovern
Curtis	Lamborn	Plymat	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Rabedeaux	Van Gilst
Gallagher	Des Moines	Ramsey	Willits
Glenn		Redmond	Winkelman

Nays, 1:

Kelly

Absent or not voting, 4:

Hansen	Heying	Murray	Nolin
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that **Senate File 1335** be **immediately messaged** to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up out of order House File 1346.

House File 1346

On motion of Senator Redmond, House File 1346, a bill for an act relating to disaster services, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Nystrom offered amendment S—5744 filed by him on May 11, 1976, and found on pages 1893-1904 of the Senate Journal.

President pro tempore Doderer took the chair at 4:20 p.m.

Senator Nolting took the chair at 4:45 p.m.

Senator Nystrom moved the adoption of amendment S—5744 and requested a record roll call.

President pro tempore Doderer took the chair at 4:50 p.m.

On the question "Shall amendment S—5744 be adopted?" (H. F. 1346) the vote was:

Ayes, 19:

Burroughs	Lamborn	Plymat	Scott
DeKoster	Miller of	Rabedaux	Shaff
Gallagher	Marshall	Ramsey	Taylor
Hansen	Norpel	Robinson	Tieden
Heying	Nystrom	Schwengels	Winkelman

Nays, 24:

Andersen	Doderer	Kinley	Priebe
Bergman	Glenn	Merritt	Redmond
Briles	Griffin	Miller of	Rodgers
Carr	Hill of Jasper	Des Moines	Sovern
Coleman	Hill of Polk	Nolting	Van Gilst
Culver	Kelly	Orr	Willits
Curtis			

Absent or not voting, 7:

Gluba
Hultman

Junkins
Murray

Nolin
Palmer

Shaw

Amendment S—5744 lost.

Senator Hill of Jasper offered amendment S—5613 by the committee on state government:

S—5613

- 1 Amend House File 1346, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 1, line 3, by striking the word and number
- 4 "twenty-two (22)" and inserting in lieu thereof the
- 5 word and number "twenty-one (21)".
- 6 2. Page 3, line 33, by inserting after the word
- 7 "GOVERNOR." the words "In exercising the governor's
- 8 powers and duties under this Act and to effect the
- 9 policy and purpose, the governor may:".
- 10 3. Page 3, line 34, by striking the words "The
- 11 governor may, after" and inserting in lieu thereof
- 12 the word "After".
- 13 4. Page 5, line 20, by striking the words "the
- 14 governor may".
- 15 5. Page 8, lines 16 and 17, by striking the words
- 16 "Department of Public Defense" and inserting in lieu
- 17 thereof the words "department of public defense".
- 18 6. Page 12, by striking lines 13 through 15 and
- 19 inserting in lieu thereof the words "event of a
- 20 disaster. The coordinator may, with the approval".
- 21 7. Page 13, line 26, by striking the word "joint"
- 22 and inserting in lieu thereof the word "jointly".
- 23 8. Page 16, lines 24 through 27, by striking the
- 24 words "office, nor shall such employee engage in any
- 25 political activity that will impair his efficiency
- 26 during working hours or cause him to be tardy or
- 27 absent from his work" and inserting in lieu thereof
- 28 the word "office".
- 29 9. By striking page 16, line 34 through page 17,
- 30 line 2.
- 31 10. Page 17, by inserting after line 14 the
- 32 following:
- 33 "Sec. **NEW SECTION. OATH OF MEMBERS AND**
- 34 **EMPLOYEES.** Each person who is appointed to serve
- 35 in an organization for disaster services shall, before
- 36 entering upon his duties, take an oath in writing,
- 37 before a person authorized to administer oaths in
- 38 this state, which oath shall be substantially as
- 39 follows:
- 40 I, _____, do solemnly swear (or affirm)
- 41 that I will support and defend the Constitution of
- 42 the United States and the Constitution of the state
- 43 of Iowa, against all enemies, foreign or domestic;
- 44 that I will bear true faith and allegiance to the
- 45 same; that I take this obligation freely, without

46 any mental reservation or purpose of evasion; and
47 that I will well and faithfully discharge the duties
48 upon which I am about to enter."

49 11. By renumbering sections and relettering
50 paragraphs to conform to this amendment.

Page 2

1 12. Amend the title, line 1, by inserting after
2 the word "services" the words "and public disorders,
3 specifying the powers and duties of the governor".

Senator Hill of Jasper offered amendment S—5630 to amend-
ment S—5613 filed by him and moved its adoption:

S—5630

1 Amend the Senate amendment, S—5613, to House
2 File 1346, as amended and passed by the House, as
3 follows:

4 1. Page 1, by inserting after line 28 the
5 following:

6 "..... Page 16, line 28, by inserting after the
7 words 'holding any' the words 'nonpartisan elective'."

8 2. Page 1, by inserting after line 30 the
9 following:

10 "..... Page 17, by striking lines 7 through 14,
11 and inserting in lieu thereof the words 'or emergency
12 resource management shall not become a candidate for
13 any partisan elective office.'"

Amendment S—5630 to amendment S—5613 was adopted.

On motion of Senator Hill of Jasper, amendment S—5613 as
amended was adopted.

Senator Hill of Jasper offered amendment S—5788 filed by
him and moved its adoption:

S—5788

1 Amend House File 1346, as amended and passed by
2 the House, as follows:

3 1. Page 1, line 24, by striking the words "or
4 floods,".

5 2. Page 8, line 18, by striking the word "general"
6 and inserting in lieu thereof the word "supervisory".

7 3. Page 8, line 25, by striking the word "STAFF".

8 4. Page 8, line 27, by striking the word "staff".

9 5. Page 8, line 28, by striking the word "staff".

10 6. Page 8, by striking lines 33 and 34 and

11 inserting in lieu thereof the following:

12 "3. The director, upon the direction of the governor
13 and under the supervisory control of the executive
14 director of the department of public defense, shall:".

15 7. Page 9, line 10, by striking the word "staff".

16 8. Page 9, by striking line 23 and inserting in
17 lieu thereof the following:

- 18 "4. The director, with the approval of the governor
 19 and upon recommendation of the adjutant".
 20 9. Page 9, line 24, by striking the word "staff".
 21 10. Page 13, line 28, by striking the word "staff".
 22 11. Page 16, line 11, by striking the word "staff".
 23 12. Page 23, line 22, by striking the word
 24 "emergency" and inserting in lieu thereof the word
 25 "emergency".

Amendment S—5788 was adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1346) the vote was:

Ayes, 40:

Andersen	Griffin	Miller of	Rodgers
Bergman	Hansen	Marshall	Schwengels
Briles	Hill of Jasper	Nolting	Scott
Carr	Hultman	Norpel	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Sovern
Curtis	Kinley	Plymat	Taylor
DeKoster	Merritt	Priebe	Tieden
Doderer	Miller of	Ramsey	Van Gilst
Glenn	Des Moines	Redmond	Willits
Gluba		Robinson	

Nays, 7:

Burroughs	Heying	Lamborn	Winkelman
Gallagher	Hill of Polk	Nystrom	

Absent or not voting, 3:

Murray	Nolin	Rabedaux
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that **House File 1346** be immediately messaged to the House, which request was complied with.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Briles called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Carroll J. Hobson of Eldora, Hardin County, Iowa, for reappointment as a member of the State Soil Conservation Committee under the provisions of Section 467A.4, Code 1975, for the regular six-year

term beginning July 1, 1975, and ending June 30, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

JAMES E. BRILES, Chairperson
C. JOSEPH COLEMAN
WILLIAM E. GLUBA
KARL NOLIN
RAY TAYLOR

The motion prevailed and the report was adopted.

Senator Briles moved the appointment of Carroll J. Hobson as a member of the State Soil Conservation Committee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 35:

Andersen	Gluba	Lamborn	Robinson
Bergman	Griffin	Miller of	Schwengels
Briles	Hansen	Marshall	Shaff
Burroughs	Hill of Jasper	Nystrom	Shaw
Carr	Hill of Polk	Plymat	Sovern
Curtis	Hultman	Priebe	Taylor
DeKoster	Junkins	Rabedaux	Tieden
Doderer	Kelly	Ramsey	Van Gilst
Glenn	Kinley	Redmond	Winkelman

Nays, 11:

Coleman	Merritt	Norpel	Scott
Culver	Miller of	Orr	Willits
Gallagher	Des Moines	Rodgers	
Heying			

Absent or not voting, 4:

Murray	Nolin	Nolting	Palmer
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President pro tempore Doderer declared the appointment of Carroll J. Hobson as a member of the State Soil Conservation Committee confirmed for the regular six-year term ending June 30, 1981.

President Neu took the chair at 5:30 p.m.

The Senate resumed consideration of the confirmation of Hugh A. Templeton of Knoxville, Marion County, Iowa, for reappointment as a member of the Natural Resources Council, pending on adjournment of the 1975 Regular Session, June 20, 1975.

Senator Hill of Jasper moved the appointment of Hugh A. Templeton as a member of the Natural Resources Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 35:

Andersen	Griffin	Lamborn	Schwengels
Bergman	Hansen	Miller of	Shaff
Briles	Heying	Marshall	Shaw
Burroughs	Hill of Jasper	Norpel	Sovern
Carr	Hill of Polk	Nystrom	Taylor
Curtis	Hultman	Plymat	Tieden
DeKoster	Junkins	Rabedeaux	Van Gilst
Doderer	Kelly	Redmond	Willits
Glenn	Kinley	Robinson	Winkelman

Nays, 9:

Culver	Merritt	Nolting	Rodgers
Gallagher	Miller of	Priebe	Scott
Gluba	Des Moines		

Absent or not voting, 6:

Coleman	Nolin	Palmer	Ramsey
Murray	Orr		

President Neu declared the appointment of Hugh A. Templeton as a member of the Natural Resources Council confirmed for the regular six-year term ending June 30, 1981.

Senator Priebe submitted the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of David L. Wolf, D.D.S., of Cedar Rapids, Linn County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.12, Code 1975, for an initial term commencing July 1, 1975, and ending June 30, 1976, begs leave to report it has made investigation and recommends the appointment be confirmed.

BERL E. PRIEBE, Chairperson
LEONARD C. ANDERSEN
LOUIS P. CULVER
JAMES M. REDMOND
WILLIAM P. WINKELMAN

The motion prevailed and the report was adopted.

Senator Priebe moved the appointment of David L. Wolf, D.D.S., as a member of the State Board of Dental Examiners be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Andersen	Culver	Gluba	Hill of Polk
Bergman	Curtis	Griffin	Hultman
Briles	DeKoster	Hansen	Junkins
Burroughs	Doderer	Heying	Kelly
Carr	Glenn	Hill of Jasper	Kinley

Lamborn	Plymat	Rodgers	Taylor
Miller of	Priebe	Schwengels	Tieden
Marshall	Rabedeaux	Scott	Van Gilst
Norpel	Ramsey	Shaff	Willits
Nystrom	Redmond	Shaw	Winkelman
Orr	Robinson	Sovern	

Nays, 3:

Merriott	Miller of Des Moines	Nolting
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Absent or not voting, 5:

Coleman	Murray	Nolin	Palmer
Gallagher			

President Neu declared the appointment of David L. Wolf, D.D.S. as a member of the State Board of Dental Examiners confirmed for an initial term ending June 30, 1976.

Senator Sovern called up the following report and moved its adoption:

REPORT OF INVESTIGATING COMMITTEE

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Joyce Repp of Minburn, Dallas County, Iowa, for appointment as a member of the Natural Resources Council under the provisions of Sections 455A.4 and 455A.5, Code 1975, for the unexpired portion of the term ending June 30, 1977, begs leave to report it has made investigation and recommends the appointment be confirmed.

STEVE SOVERN, Chairperson
LUCAS J. DeKOSTER
LOWELL L. JUNKINS
CLOYD E. ROBINSON
ELIZABETH SHAW

The motion prevailed and the report was adopted.

Senator Sovern moved the appointment of Joyce Repp as a member of the Natural Resources Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 37:

Andersen	Hansen	Miller of	Schwengels
Bergman	Heying	Marshall	Shaff
Briles	Hill of Jasper	Norpel	Shaw
Burroughs	Hill of Polk	Nystrom	Sovern
Coleman	Hultman	Orr	Taylor
Curtis	Junkins	Palmer	Tieden
DeKoster	Kelly	Plymat	Van Gilst
Doderer	Kinley	Priebe	Willits
Gluba	Lamborn	Ramsey	Winkelman
Griffin		Redmond	

Nays, 8:

Culver
Gallagher
Glenn

Merritt
Miller of
Des Moines

Nolting
Rodgers

Scott

Absent or not voting, 5:

Carr
Murray

Nollin

Rabedeaux

Robinson

President Neu declared the appointment of Joyce Repp as a member of the Natural Resources Council confirmed for the unexpired portion of the term ending June 30, 1977.

UNFINISHED BUSINESS**HOUSE AMENDMENT CONSIDERED****Senate File 367**

Senator Van Gilst called up for further consideration Senate File 367, a bill for an act relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto, amended by House amendment S—5872 found on pages 2122-2127, inclusive, of the Senate Journal, taken up and deferred on May 24, 1976.

Senator DeKoster withdrew amendment S—5906 filed by him on May 24, 1976, and found on page 2225 of the Senate Journal.

President pro tempore Doderer took the chair at 6:10 p.m.

Senator Nolting took the chair at 6:20 p.m.

Senator Van Gilst moved that the Senate concur in House amendment S—5872.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S—5872?" (S.F. 367) the vote was:

Rule 25 was invoked.

Ayes, 34:

Andersen
Bergman
Briles
Burroughs
Coleman
Culver
Curtis
DeKoster
Hansen
Heying

Hultman
Junkins
Kelly
Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall

Nolting
Nystrom
Orr
Plymat
Priebe
Rabedeaux
Ramsey
Robinson
Rodgers

Schwengels
Scott
Shaff
Shaw
Taylor
Tieden
Van Gilst
Winkelman

Nays, 13:

Carr	Gluba	Hill of Polk	Redmond
Doderer	Griffin	Kinley	Sovern
Gallagher	Hill of Jasper	Palmer	Willits
Glenn			

Absent or not voting, 3:

Murray	Nolin	Norpel
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The motion prevailed and the Senate concurred in House amendment S—5872.

Senator Van Gilst moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 367) the vote was:

Ayes, 36:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Briles	Hultman	Nolting	Schwengels
Burroughs	Junkins	Norpel	Scott
Coleman	Kelly	Nystrom	Shaff
Culver	Lamborn	Orr	Taylor
Curtis	Merritt	Plymat	Tieden
DeKoster	Miller of	Priebe	Van Gilst
Glenn	Des Moines	Rabedaux	Winkelman
Griffin		Ramsey	

Nays, 11:

Carr	Gluba	Kinley	Shaw
Doderer	Hill of Jasper	Palmer	Sovern
Gallagher	Hill of Polk	Redmond	

Absent or not voting, 3:

Murray	Nolin	Willits
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that House File 1465 be immediately messaged to the House, which request was complied with.

HOUSE AMENDMENT CONSIDERED

Senate File 1288

Senator Doderer called up for consideration Senate File 1288, a bill for an act relating to the economic impact of an administrative rule, amended by House amendment S—5709 found on pages 1790-1795, inclusive, of the Senate Journal.

Senator Doderer offered amendment S—5750 to House amendment S—5709 filed by Senators Doderer, Hill of Jasper and Shaw:

S—5750

- 1 Amend the House amendment, S—5709, to Senate
- 2 File 1288 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 2, lines 28 and 29, by striking the
- 5 words, "*if a majority of the members of the Admin-*
- 6 *istrative Rules Review Committee approve the*
- 7 *inapplicability*".
- 8 2. Page 2, by striking line 44 through page
- 9 3, line 27.
- 10 3. Page 3, by striking lines 35 through 40 and
- 11 and inserting in lieu thereof the word "*Two copies of*
- 12 *each rule shall be forwarded to*".
- 13 4. Page 4, lines 8 through 10, by striking the
- 14 words, "*the rule provides by its own terms that it*
- 15 *is effective for a period not to exceed one hundred*
- 16 *eighty days, as specified, and if*".
- 17 5. By renumbering the sections as necessary.

Senator Shaw offered amendment S—5766 to amendment S—5750 to House amendment S—5709, filed by her, moved its adoption and requested a non-record roll call:

S—5766

- 1 Amend the Doderer, et al., amendment, S—5750,
- 2 to House amendment, S—5709, to Senate File 1288 as
- 3 amended, passed and reprinted by the Senate as
- 4 follows:
- 5 1. Page 1, by striking lines 10 through 12
- 6 and inserting in lieu thereof the following:
- 7 "3. Page 3, by striking lines 31 through 44
- 8 and inserting in lieu thereof the following:
- 9 '1. Each agency shall [file in the office of the
- 10 secretary of state a certified copy of each rule
- 11 adopted by it including all rules as defined in
- 12 this chapter existing on July 1, 1975. The secretary
- 13 of state shall keep a permanent register of the
- 14 rules open to public inspection. Rules presently
- 15 on file in the office of the secretary of state need
- 16 not be refiled.] *prepare four certified copies of each*
- 17 *rule adopted by it for filing in the office of the*
- 18 *secretary of state. Before filing with the secretary*
- 19 *the copies of the rule shall be submitted to the*
- 20 *code editor for verification of form and style.*
- 21 *Within one week the code editor shall indicate tech-*
- 22 *nical approval to the agency or notify it of any*
- 23 *insufficiency. The secretary of state shall keep a*
- 24 *permanent register which shall be open to the public*
- 25 *of all rules filed in the secretary's office.'*"

The ayes were 19, nays 24.

Amendment S—5766 to amendment S—5750 to House amendment S—5709 lost.

Senator Kelly offered amendment S—5938 to amendment S—5750 to House amendment S—5709 by Senators Kelly and Priebe, moved its adoption and requested a record roll call:

S—5938

1 Amend the Doderer, et al., amendment, S—5750 to
2 the House amendment, S—5709, to Senate File 1288 as
3 amended, passed and reprinted by the Senate as fol-
4 lows:
5 1. Page 1, by striking line 9 and inserting
6 in lieu thereof the following:
7 "3, line 27 and inserting in lieu thereof the
8 following:
9 'Sec. Section seventeen A point four
10 (17A.4), Code 1975, is amended by adding the
11 following new subsection:
12 5. Upon the vote of two-thirds of its mem-
13 bers the administrative rules review committee may
14 delay the effective date of a rule seventy days be-
15 yond that permitted in section seventeen A point
16 five (17A.5), unless the rule was promulgated under
17 section seventeen A point five (17A.5), subsection
18 two (2), paragraph "b". This provision shall be
19 utilized by the committee only if further time is
20 necessary to study and examine the rule. Notice of
21 an effective date that was delayed under this pro-
22 vision shall be published in the Iowa Administrative
24 Code.'"

On the question "Shall amendment S—5938 to amendment S—5750 to House amendment S—5709 be adopted?" (S.F. 1288) the vote was:

Ayes, 40:

Andersen	Gluba	Nolting	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Hill of Polk	Nystrom	Scott
Burroughs	Hultman	Orr	Shaff
Carr	Junkins	Palmer	Sovern
Coleman	Kelly	Priebe	Taylor
Culver	Kinley	Rabedaux	Tieden
Curtis	Lamborn	Ramsey	Van Gilst
DeKoster	Miller of	Redmond	Willits
Gallagher	Des Moines	Robinson	Winkelman
Glenn			

Nays, 5:

Doderer	Merritt	Miller of	Shaw
Hill of Jasper		Marshall	

Absent or not voting, 5:

Griffin	Murray	Nolin	Plymat
Heying			

Amendment S—5938 to amendment S—5750 to House amendment S—5709 was adopted.

President Neu took the chair at 7:25 p.m.

On motion of Senator Doderer, amendment S—5750 as amended to House amendment S—5709 was adopted.

On motion of Senator Doderer, the Senate concurred in House amendment S—5709 as amended.

Senator Hill of Polk raised the point of order that a fiscal note was required on the bill under Senate Rule 32.

The Chair ruled the point not well taken.

Senator Doderer moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1288) the vote was:

Ayes, 35:

Andersen	Gluba	Nolting	Rodgers
Bergman	Hansen	Norpel	Scott
Briles	Hultman	Orr	Sovern
Carr	Junkins	Palmer	Taylor
Coleman	Kelly	Priebe	Tieden
Culver	Kinley	Rabedeaux	Van Gilst
Curtis	Lamborn	Ramsey	Willits
Doderer	Miller of	Redmond	Winkelman
Gallagher	Des Moines	Robinson	
Glenn			

Nays, 10:

Burroughs	Hill of Polk	Miller of	Schwengels
DeKoster	Merritt	Marshall	Shaff
Hill of Jasper		Nystrom	Shaw

Absent or not voting, 5:

Griffin	Murray	Nolin	Plymat
Heying			

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

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Kinley presiding.

Senator Hill of Jasper asked and received unanimous consent that Senate File 1288 be immediately messaged to the House, which request was complied with.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5895 to House File 1451 failed to be adopted by the Senate on May 26, 1976.

CALVIN O. HULTMAN

BILLS ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bills to committee:

S.C.R. 115 Rules and administration

H. F. 1590 Ways and means

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 1539

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1539, a bill for an Act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully make the following report:

1. That the Senate amendment H—6781 to House File 1539 as amended and passed by the House be amended as follows:

1. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following:

“4. For use, at the option of the department of social services, to convert the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to either a minimum or medium security facility\$250,000”

2. By renumbering the succeeding subsections of section 1 of the Senate amendment in accordance with the foregoing amendment.

3. Page 2, line 15, by inserting after the word “adult” the words “and juvenile”.

4. Page 2, line 49, by striking the word “January” and inserting in lieu thereof the word “March”.

5. Page 3, line 6, by striking the word “January” and inserting in lieu thereof the word “March”.

6. Page 3, line 23, by inserting after the word “facilities” the words “, including those not now used as penal institutions”.

7. Page 3, by inserting after line 33 the following new subsection:

“4. To help insure that the general assembly is knowledgeable of the commission’s work and of the background of the report submitted by it, the joint human resources subcommittees of the senate and house committees on appropriations shall meet periodically with the commission. No more than four such meetings

shall be held during the interval between adjournment of the 1976 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of the Sixty-seventh General Assembly. The joint human resources subcommittee shall not have authority to mandate, alter or reject any comment or recommendation in the report required of the commission by subsection three (3) of this section."

8. By renumbering the succeeding subsection of section 6 of the Senate amendment.

9. Strike page 3, line 44 through page 4, line 4, and insert in lieu thereof the following:

"Sec. 7. The department of social services, division of mental health services, shall prepare and submit to the legislative council for transmission to the first session of the Sixty-seventh General Assembly recommendations relative to the future utilization, conversion or discontinuation and disposition of the state mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant.

Sec. 8. Anything in chapter two hundred forty-two (242) of the Code to the contrary notwithstanding, the department of social services may at its option initiate and maintain co-educational programs and services at the state training school at Eldora during the fiscal period for which appropriations for operating expenses are made by this Act. The legislative service bureau shall report to the legislative council prior to the convening of the first session of the Sixty-seventh General Assembly such amendments to chapter two hundred forty-two (242) of the Code and other statutes as may be needed to permit continuation of co-educational programs and services at the state training school at Eldora."

On the Part of the Senate:

BERL E. PRIEBE, Chairperson
WILLIAM E. GLUBA
GEORGE R. KINLEY

On the Part of the House:

GREGORY D. CUSACK,
Chairperson
ELMER H. DEN HERDER
THOMAS J. HIGGINS
EMIL J. HUSAK

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday, May 26, 1976, when the votes were taken on House Files 1277 and 1407, Senate File 1335 and amendment S—5924 to House amendment S—5917 to Senate File 1335. Had I been present, I would have voted "aye" on the amendment and the three bills.

WILLARD R. HANSEN

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Norpel presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 26, 1976, concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

Senate File 1126, a bill for an act relating to and appropriating funds to the Iowa state historical department.

Also: That the House insists on its amendment to Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor, and that the members of the conference committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1280, are as follows: The Representative from Des Moines, Mr. Monroe, chair; the Representative from Guthrie, Mr. Hutchins; the Representative from Wapello, Mr. Poncy; the Representative from Pottawattamie, Mr. Schroeder; and the Representative from Scott, Mr. Harvey.

Also: That the House has on May 26, 1976, refused to concur in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

Also: That the House has on May 26, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1465, a bill for an act to establish district court administrators.

Also: That the House has on May 26, 1976, adopted the report of the second conference committee and passed the following bill in which the concurrence of the Senate is asked:

House File 1539, a bill for an act to appropriate funds to alleviate overcrowded conditions in state correctional facilities.

Also: That the House has on May 26, 1976, adopted the report of the second conference committee and passed the following bill in which the concurrence of the Senate is asked:

House File 1558, a bill for an act appropriating funds for public projects under the jurisdiction of the state conservation commission.

Also: That pursuant to House Concurrent Resolution 104, the following members have been appointed on the part of the House to the Joint Interim Study Committee on Salaries: The Representative from Black Hawk, Ms. O'Halloran, chair; the Representative from Guthrie, Mr. Hutchins; and the Representative from Van Buren, Mr. Millen.

DAVID L. WRAY, Chief Clerk

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 1583

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1583, a bill for an Act relating to compensa-

tion and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by providing for an increase in the state's share of the cost of medical and health group insurance for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations, respectfully make the following report:

1. That the Senate amendment (H—6851) to House File 1583 be amended as follows:

1. Page 1, line 24, by inserting after the figure "1976," the words "as they exist on April 30, 1976,".

2. Page 1, line 30, by inserting after the word "percent" the words "of salaries as they exist on April 30, 1976".

3. Page 2, line 11, by striking the word "June" and inserting in lieu thereof the word "April".

4. Page 4, line 17, by striking the figure "\$21,650" and inserting in lieu thereof the figure "\$23,650".

5. Page 4, line 20, by striking the figure "\$29,500" and inserting in lieu thereof the figure "\$28,700".

6. Page 4, line 22, by striking the figure "\$27,600" and inserting in lieu thereof the figure "\$27,700".

7. Page 4, line 23, by striking the figure "\$18,650" and inserting in lieu thereof the figure "\$17,800".

8. Page 4, line 25, by striking the figure "\$34,700" and inserting in lieu thereof the figure "\$32,900".

9. Page 5, line 1, by striking the figure "\$30,400" and inserting in lieu thereof the figure "\$29,100".

10. Page 5, line 8, by striking the figure "\$25,750" and inserting in lieu thereof the figure "\$25,000".

11. Page 5, line 10, by striking the figure "\$19,000" and inserting in lieu thereof the figure "\$20,000".

12. Page 5, line 12, by striking the figure "\$18,050" and inserting in lieu thereof the figure "\$20,000".

13. Page 5, line 24, by striking the figure "\$27,100" and inserting in lieu thereof the figure "\$26,000".

14. Page 5, line 35, by striking the figure "\$34,200" and inserting in lieu thereof the figure "\$33,500".

15. Page 5, line 42, by striking the figure "\$34,700" and inserting in lieu thereof the figure "\$32,000".

16. Page 6, line 2, by striking the figure "\$40,250" and inserting in lieu thereof the figure "\$40,000".

17. Page 6, line 6, by striking the figure "\$10,500" and inserting in lieu thereof the figure "\$10,100".

18. Page 7, by striking lines 15 through 31 and inserting in lieu thereof the following:

1. Chief justice of the supreme court	\$40,000
2. Each justice of the supreme court	\$39,000
3. Chief justice of the appellate court	\$37,000
4. Each justice of the appellate court	\$36,000
5. Each chief judge of a judicial district	\$34,072
6. Each district court judge except the chief judge of a judicial district	\$33,072
7. Each district associate judge	\$25,500
8. Each full-time judicial magistrate	\$25,500
9. Each part-time judicial magistrate	\$ 6,750
10. Code editor	\$20,000
11. Court administrator	\$24,700
12. Clerk of the supreme court	\$21,008
13. Each legal assistant to the supreme court	\$13,130
14. Chairperson of the public employment relations board	\$28,340
15. Two members of the public employment rela- tions board, each	\$26,260"

19. Page 9, line 15 by striking the word "January" and inserting in lieu thereof the words "[January] July".

20. Page 9, line 17 by striking the word "January" and inserting in lieu thereof the word "July".

21. Page 9, by striking lines 18 through 26 and inserting in lieu thereof the following:

"Sec. 19. Chapter ninety-seven B (97B), Code 1975, is amended by adding the following new sections:

NEW SECTION. After review of the general assembly under the provisions of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section twenty-four (24), it is the intent of the general assembly that the percent of the final five-year average covered wage used in determining monthly benefits be increased by the Sixty-seventh General Assembly, 1977 Session, in accordance with the increase in employer and employee contribution rates under section seventeen (17) of this Act and maintaining the actuarial soundness of the system.

NEW SECTION. It is the intent of the general assembly that any amounts required to fund employer contributions to the system under section ninety-seven B point eleven (97B.11) of the Code for members who are employees of political subdivisions of the state will not be appropriated by the general assembly, but will be included in the budgets of the political subdivisions and paid from funds available to the political subdivisions.

Sec. 20. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section eighteen (18), subsection six (6), amending section ninety-seven B point forty-nine (97B.49) of the Code, is amended to read as follows:

6. [Beginning] On January 1, 1976, for each member who retired before January 1, 1976, the amount of regular monthly

retirement allowance attributable to membership service and prior service that was payable to the member for December, 1975 is increased by ten percent for the first calendar year or portion of a calendar year the member was retired, and by an additional five percent for each calendar year after the first calendar year the member was retired *through the calendar year beginning January 1, 1975*. The total increase shall not exceed one hundred percent. There is appropriated from the general fund of the state to the employment security commission from funds not otherwise appropriated an amount sufficient to fund the provisions of this subsection.

The benefit increases granted to members retired under the system on January 1, 1976 shall be granted only on January 1, 1976 and shall not be further increased for any year in which the member was retired after the calendar year beginning January 1, 1975.

Sec. 21. The provisions of section twenty (20) of this Act shall be retroactive to January 1, 1976."

On the Part of the Senate:

EUGENE M. HILL, Chairperson
LOWELL L. JUNKINS
EARL M. WILLITS
ELIZABETH SHAW
LEONARD C. ANDERSEN

On the Part of the House:

JOHN B. BRUNOW,
Chairperson
DONALD D. AVENSON
THOMAS J. JOCHUM
HENRY C. WULFF
LILLIAN McELROY

REPORTS OF COMMITTEES

Senator Junkins submitted the following report:

MR. PRESIDENT: Your committee on commerce to which was referred **House File 313**, a bill for an act relating to railroad rights-of-way acquired by the state conservation commission and political subdivisions, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LOWELL L. JUNKINS, Chairperson

Ordered passed on file.

Senator Heying submitted the following report:

MR. PRESIDENT: Your committee on natural resources to which was referred **House File 1326**, a bill for an act relating to the taking of fish and game by hunting, fishing, and trapping and subjecting violators to a penalty, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S-5019

- 1 **Amend House File 1326** as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 3 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Section one hundred seven point twenty

6 (107.20), Code 1975, is amended by adding the following
7 new paragraph:

8 **NEW PARAGRAPH.** The commission shall not promote
9 the planting of multiflora rose (*rosa multiflora*).

10 Sec. 2. Section one hundred nine point thirty-
11 nine (109.39) Code 1975, is amended by adding the
12 following new paragraph:

13 **NEW PARAGRAPH.** Notwithstanding the first paragraph
14 of this section, the following shall apply:

15 a. The open seasons for the taking of pheasant
16 and quail shall commence on the same day.

17 b. The open season for the taking of deer, except
18 by bow and arrow, shall consist of not more than five
19 consecutive days.

20 c. The closed season for the taking of bass from
21 the Turkey river from its point of origin in Howard
22 county to the main dam on such river located in the
23 city of Elkader in Clayton county and including all
24 tributaries joining the Turkey river between its point
25 of origin and such main dam shall be from April first
26 to June fifteenth.

27 Sec. 3. Section one hundred nine point eighty
28 (109.80), unnumbered paragraph two (2), Code 1975,
29 is amended to read as follows:

30 'Minnows' shall be defined as chubs, shiners,
31 suckers, dace, stonerollers, mud-minnows, redhorse,
32 blunt-nose, *shad*, and *fat-head minnows*[, or other
33 small fish commonly used for fish bait that have only
34 one dorsal fin]. *Green sunfish and orange-spotted*
35 *sunfish* may also be taken as bait.

36 Sec. 4. Section one hundred nine point eighty
37 (109.80), subsection two (2), Code 1975, is amended
38 by striking the subsection.

39 Sec. 5. Section one hundred nine point ninety-
40 two (109.92), unnumbered paragraphs two (2) and three
41 (3), Code 1975, are amended to read as follows:

42 It shall be unlawful for any person, except as
43 otherwise provided, to use any chemicals, explosives,
44 smoking devices, mechanical ferrets, wire, tool,
45 instrument, or water to remove fur-bearing animals
46 from their dens. *Humane traps, or traps designed*
47 *to kill instantly, with a jaw spread exceeding seven*
48 *inches shall be placed entirely under water."*

49 2. Page 1, by inserting after line 18 the
50 following:

Page 2

1 "Sec. Section one hundred nine point one
2 hundred thirteen (109.113), Code 1975, is amended
3 to read as follows:

4 109.113 **SIZE LIMITS.** [It] *A person shall not [be*
5 *lawful for any person to] take or catch, with commercial*
6 *fishing gear, any catfish [not] less than [thirteen]*
7 *fifteen inches long.*

8 Sec. Section one hundred nine point one

9 hundred twenty-one (109.121), Code 1975, is amended
10 to read as follows:

11 109.121 TURTLES AND CRAYFISH—TAKING BY
12 NONRESIDENTS OR ALIENS. It shall be unlawful for
13 any nonresident or alien to take turtles or crayfish
14 in Iowa, by any means or method[, except from the
15 Missouri and Mississippi rivers and the Big Sioux
16 river].”

17 3. Page 2, lines 1 and 2, by striking the words
18 “resident or”.

19 4. Page 2, by inserting after line 2 the following:

20 “..... Three day licenses for residents 2.00”.

21 5. Page 2, by inserting after line 13 the following:

22 “..... Nonresidents pheasant
23 stamp and tags 5.00”.

24 6. Page 2, by inserting after line 17 the
25 following:

26 “..... Legal residents sixty-five years of age or
27 older 2.50

28 Lifetime license for residents sixty-five
29 years of age or older 8.00”.

30 7. Page 3, by striking lines 11 through 15.

31 8. Page 4, by striking lines 6 through 9 and
32 inserting in lieu thereof the following:

33 “..... Wholesale fish-market or fish-peddlers
34 license for nonresidents 25.00”.

35 9. Page 4, by inserting after line 18
36 the following:

37 “..... Owner's or operator's certificate
38 for commercial fishing gear 35.00”.

39 10. Page 4, by striking lines 19 through 35.

40 11. Page 5, by striking lines 1 through 4.

41 12. Page 5, by striking lines 5 through 17.

42 13. Page 6, lines 13 and 14, by striking the words
43 “upland game birds” and inserting in lieu thereof
44 the word “pheasants”.

45 14. Page 6, lines 15 and 16, by striking the words
46 “untagged upland game bird” and inserting in lieu
47 thereof the words “untagged pheasant”.

48 15. Page 6, line 16, by striking the words “upland
49 game bird tags” and inserting in lieu thereof the
50 words “pheasant tags”.

Page 3

1 16. Page 6, by striking lines 17 through 26 and
2 inserting in lieu thereof the following: “permit
3 the license holder to hunt pheasants. The tags shall
4 be issued by the commission in the amount of twice
5 the possession limit for pheasant. The tags shall
6 bear the same number as the license and be designed
7 to be used only once.”

8 17. Page 6, by inserting after line 26 the
9 following:

10 “NEW SECTION. The commission shall issue commercial
11 fishing, net, seine, trap or trotline licenses or

12 certificates to a nonresident under the same conditions
13 and upon payment of the same fee as that charged to
14 residents of Iowa by the state in which the applicant
15 resides. Such licenses shall not be issued to
16 nonresidents from states which do not allow residents
17 of Iowa to purchase a similar license and in no
18 instance shall the fee charged a nonresident be less
19 than the fee charged a resident of Iowa."

20 18. Page 7, by striking lines 8 through 10 and
21 inserting in lieu thereof the following: "of county
22 [homes or any person who is receiving old age assistance
23 under chapter 249] care facilities."

24 19. Page 7, line 24, by striking the word "game"
25 and inserting in lieu thereof the words "fur-bearing
26 animals".

27 20. Page 7, by striking lines 25 through 35.

28 21. Page 8, by striking lines 1 through 5.

29 22. Page 8, by inserting after line 12 the
30 following:

31 "Sec. Acts of the Sixty-sixth General
32 Assembly, 1975 Session, chapter one hundred eleven
33 (111), is repealed."

34 23. By renumbering or relettering the section,
35 subsections and paragraphs in accordance with this
36 amendment.

37 24. Amend the title, by striking lines 1 through
38 4 and inserting in lieu thereof the following: "An
39 Act relating to the state conservation commission,
40 its powers and duties, the licenses and fish and game
41 laws administered by the commission and subjecting
42 violators to a".

HILARIUS L. HEYING, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1451**, a bill for an act relating to court reporters, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1590**, a bill for an act relating to taxation, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

S—5932

1 Amend House File 1590, as amended, passed, and

- 2 reprinted by the House, page 7, by striking lines
3 6 and 7 and inserting in lieu thereof the following:
4 "Sec. 14. The provisions of section six (6) of
5 this Act shall become effective January 1, 1977."

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5940

- 1 Amend Senate File 1218 as follows:
2 1. Page 1, by inserting after line 21, the
3 following new section:
4 "Sec. Chapter two (2), Code 1975, is
5 amended by adding the following new section:
6 **NEW SECTION.** The nomination of a public officer
7 shall be confirmed by the Senate upon the assent
8 of no less than two-thirds of those senators
9 elected. The governor shall be promptly notified
10 of the senate's confirmation, or other disposition,
11 of a nomination."
12 2. Page 1, line 24, by striking the word
13 "appointments" and inserting in lieu thereof the
14 word "nominations".
15 3. Page 1, line 26, by striking the word
16 "appointment" and inserting in lieu thereof the
17 word "nomination".
18 4. Page 1, line 27, by inserting after the words
19 "if the" the words "nomination is an".
20 5. Page 1, line 28, by striking the word "is".
21 6. Page 1, line 28, by inserting after the words
22 "If the" words "nomination is for an".
23 7. Page 1, line 29, by striking the word "is".
24 8. Page 1, line 30, by striking the word "appoint-
25 ment" and inserting in lieu thereof the word "nomi-
26 nation".
27 9. Page 1, by inserting after line 34, the following
28 new section:
29 "Sec. Chapter seven (7), Code 1975, is amended
30 by adding the following new section:
31 **NEW SECTION.** Upon being notified, as provided by
32 law, that the senate has confirmed a nominee to a
33 public office, the governor shall appoint the con-
34 firmed nominee to the office for the term provided
35 for by law."
36 10. Page 4, by striking lines 9 through 12 and
37 inserting in lieu thereof the following:
38 **"NEW PARAGRAPH.** An appointment to an office
39 requiring confirmation by the senate made to fill a
40 vacancy occurring during the legislative interim,
41 shall expire sixty days after the convening of the
42 general assembly. The governor shall submit to the
43 senate a nomination to the unexpired term caused

44 by the vacancy as provided by section two (2) of this
 45 **Act. Nothing in this Act shall prevent the governor**
 46 from nominating the interim appointee to fill the
 47 unexpired term."

48 11. By renumbering the section numbers and correcting
 49 internal references as required by this amendment.

GENE W. GLENN

S—5939

1 Amend Senate File 1218 as follows:
 2 1. Page 6, lines 24 and 25, by striking the
 3 words "**or until [his] a successor is appointed and**
 4 qualified, except that" and inserting in lieu there-
 5 of the words "[, or until his successor is appointed
 6 and qualified,] except that".

MINNETTE DODERER

S—5937

1 Amend the Glenn amendment S—5242, to Senate
 2 File 1218 as follows:
 3 1. Page 5, lines 11 through 13, by striking
 4 the words "[, subject to the approval of two-thirds of
 5 the members of the senate,]" and inserting in lieu there-
 6 of the words "**subject to the approval of two-thirds**
 7 of the members of the senate,".

CHARLES P. MILLER

■—5936

1 Amend the Taylor amendment S—5584, to
 2 **Senate File 1218 as follows:**
 3 1. Page 1, by striking lines 34 through 36.

C. JOSEPH COLEMAN

S—5935

1 Amend Senate File 1264 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. Section one hundred seventy point
 5 five (170.5), subsection six (6), Code 1975, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:

8 6. For a food establishment the fee shall be
 9 assigned based upon the gross receipts, as defined
 10 in chapter four hundred twenty-two (422) of the Code,
 11 of the establishment.

12 The fee shall be	If the gross receipts		
13 equal to:	are equal to more than: but less than:		
14 \$ 5.00	\$ 0	\$ 10,000	
15 \$20.00	\$ 10,000	\$250,000	
16 \$25.00	\$250,000	\$500,000	
17 \$35.00	\$500,000	\$750,000	
18 \$50.00	\$750,000	.....

19 Sec. Section one hundred seventy point five
 20 (170.5), subsection eight (8), Code 1975, is amended

21 to read as follows:

22 8. For transient or movable lunch stands to be
23 operated only at fairs, street fairs, and carnivals,
24 five dollars for each location for fourteen days or
25 [eighteen] *twenty-five* dollars per year, at the option
26 of the applicant.

27 Sec. Section one hundred seventy point five
28 (170.5), subsection nine (9), Code 1975, is amended
29 to read as follows:

30 9. For each restaurant, tavern, motor inn, or
31 hotel kitchen[, eighteen dollars] *the fee shall be based*
32 *on the gross receipts, as defined in chapter four*
33 *hundred twenty-two (422) of the Code, of the*
34 *establishment. The fee shall be twenty-five dollars*
35 *if the gross receipts are less than one hundred fifty*
36 *thousand dollars and fifty dollars if the gross*
37 *receipts are equal to or greater than one hundred fifty*
38 *thousand dollars."*

RAY TAYLOR
WILLIAM D. PALMER

S—5941

1 Amend House amendment, S—5888, to Senate amendment,
2 H—4350, to House File 914, as amended and passed by
3 the House, as follows:

4 1. Page 8, by striking lines 37 through 40 and
5 inserting in lieu thereof the following amendments:

6 ".... Page 10, by striking line 19a and inserting
7 in lieu thereof the following:

8 'Sec. Chapter four hundred eleven (411),
9 Code 1975, is amended by adding the following new
10 section:

11 **NEW SECTION.** There is appropriated from the general
12 fund of the state to the municipal'.

13 Page 10, line 19c, by striking the words
14 'the fiscal year beginning' and inserting in lieu
15 thereof the words 'each fiscal year'."

16 2. Page 8, by striking lines 41 through 44 and
17 inserting in lieu thereof the following:

18 "— Page 10, by striking lines 19d, 19e, and
19 19f and inserting in lieu thereof the words 'an amount
20 necessary to be distributed'."

EARL M. WILLITS
MINNETTE F. DODERER
GEORGE R. KINLEY
WARREN E. CURTIS
CLIFTON C. LAMBORN

S—5934

1 Amend House File 1326 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 8, by inserting after line 12 the fol-
4 lowing:

5 "Sec. 13. The provisions of this Act shall be
6 effective on January 1, 1977."

RICHARD J. NORPEL, SR.

S—5923

- 1 Amend the committee on natural resources amendment
- 2 S—5919 to House File 1326 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 2, by striking line 39 and inserting in
- 5 lieu thereof the following:
- 6 "10. Page 4, by striking lines 32 through 35 and
- 7 inserting in lieu thereof the following: '[the license.]'
- 8 *Depositories shall retain twenty-five cents from the*
- 9 *fee collected from the sale of each license. The*
- 10 *county recorder shall retain five percent of the*
- 11 *license fee for all licenses issued in the county*
- 12 *which shall be added quarterly to the general fund*
- 13 *of the county.'*"

ELIZABETH SHAW
WILLIAM E. GLUBA
ELIZABETH MILLER

S—5931

- 1 Amend House File 1449, as amended, passed, and
- 2 reprinted, page 1, line 13, by striking the word
- 3 "auditing" and inserting in lieu thereof the words
- 4 "quality control".

RICHARD R. RAMSEY

S—5930

- 1 Amend House File 1449, as amended, passed, and
- 2 reprinted, page 1, line 21, by striking the words
- 3 "prior to the conversation".

RICHARD R. RAMSEY

S—5927

- 1 Amend House File 1564 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "paragraph" and inserting in lieu thereof the
- 4 words "paragraphs five (5) and".
- 5 2. Page 1, by inserting after line 35 the
- 6 following:
- 7 "In assessing and determining the actual value
- 8 of agricultural property fifty percent consideration
- 9 shall be given to each of the following factors:
- 10 a. The productivity and net earning capacity
- 11 determined on the basis of the use for agricultural
- 12 purposes capitalized at a rate [representing a fair
- 13 return on the investment, such rate] *of not less*
- 14 *than eight percent* to be established by the state
- 15 board of tax review and applied uniformly among
- 16 counties and among classes of property.
- 17 b. The fair and reasonable market value of
- 18 such property as defined herein, but such market
- 19 value shall be based only on its current use and
- 20 not on its potential value for other uses."

ROGER J. SHAFF

S—5933

- 1 Amend House File 1590, as amended and passed

2 by the House, as follows:

3 1. By striking from page 3, line 28 through
4 page 4, line 21.

5 2. Renumber the remaining sections accord-
6 ingly.

ROGER J. SHAFF
CLIFTON C. LAMBORN
BERL E. PRIEBE
KENNETH D. SCOTT
HILARIUS L. HEYING
ELIZABETH R. MILLER
CLIFF BURROUGHS
CALVIN O. HULTMAN
RAY TAYLOR
JOHN S. MURRAY
LEONARD C. ANDERSEN
FORREST V. SCHWENGELS
ELIZABETH SHAW
RICHARD R. RAMSEY
IRVIN L. BERGMAN
DALE L. TIEDEN
JAMES W. GRIFFIN, SR.
W. R. RABEDEAUX
LUCAS J. DeKOSTER
WILLARD R. HANSEN
C. JOSEPH COLEMAN
LOUIS P. CULVER
RICHARD J. NORPEL, SR.
JAMES E. BRILES
WILLIAM P. WINKELMAN
MILO MERRITT
JOHN N. NYSTROM
LOWELL L. JUNKINS
NORMAN RODGERS

S—5926

1 Amend House File 1590, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking line 35 and inserting in
4 lieu thereof the words “, a pension or benefits under
5 a retirement plan, whether public or private, any
6 of which are approved by the commissioner of internal
7 revenue”.

8 2. Page 4, line 1, by striking the words “and
9 disability trust fund”.

10 3. Page 4, lines 6, 7, and 8, by striking the
11 words “or annuities received from the United States
12 civil service retirement and disability trust fund”
13 and inserting in lieu thereof the words “, a pension
14 or benefits received under a retirement plan, whether
15 public or private, any of which are approved by the
16 commissioner of internal revenue”.

17 4. Page 4, lines 17 and 18, by striking the words
18 “or annuities received from the United States civil
19 service retirement and disability trust fund” and
20 inserting in lieu thereof the words “, a pension or

21 benefits received under a retirement plan, whether
22 public or private, any of which are approved by the
23 commissioner of internal revenue, and which are".
24 5. Amend the title, lines 6 and 7, by striking
25 the words "United States civil service retirement and
26 disability annuities" and inserting in lieu thereof
27 the words "annuities, pensions, and benefits received
28 under retirement plans".

WARREN E. CURTIS
ROGER J. SHAFF

S—5925

1 Amend House File 1590 as amended, passed and
2 reprinted as follows:
3 1. Page 4, lines 14 through 16 by striking the
4 words "The amount of the exemption shall be reduced by
5 the amount of any social security annuity received."

FORREST V. SCHWENGELS
WILLIAM E. GLUBA

S—5928

1 Amend House File 1590 as amended and passed
2 by the House as follows:
3 1. Page 4, by inserting after line 32 the follow-
4 ing:
5 "Sec. Section four hundred twenty-seven
6 point three (427.3), numbered paragraphs one (1), two
7 (2), and three (3), Code 1975, are amended to read
8 as follows:
9 427.3 MILITARY SERVICE—EXEMPTIONS. The fol-
10 lowing exemptions from taxation shall be allowed:
11 1. The property, not to exceed [eleven] *twelve*
12 thousand one hundred eleven dollars in taxable value[,
13 and poll tax] of any honorably discharged union soldier,
14 sailor, or marine of the Mexican war or the war of the
15 rebellion.
16 2. The property, not to exceed [six] *seven*
17 thousand six hundred sixty-seven dollars in taxable
18 value[, and poll tax] of any honorably discharged soldier,
19 sailor, marine or nurse of the war with Spain, Tyler
20 Rangers, Colorado volunteers in the war of the re-
21 bellion, 1861 to 1865, Indian wars, Chinese relief
22 expedition or the Philippine insurrection.
23 3. The property, not to exceed [two] *three* thousand
24 seven hundred seventy-eight dollars in taxable value
25 of any honorably discharged soldier, sailor, marine,
26 or nurse of the first World War."

CHARLES P. MILLER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 8:35
p.m., until 8:30 a.m., Thursday, May 27, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-SEVENTH DAY

**SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MAY 27, 1976**

The Senate met in regular session, President pro tempore Doderer presiding.

Prayer was offered by the Reverend David Schutt, pastor of the First Reformed Church, Otley, Iowa.

The Journal of Wednesday, May 26, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nolting for the morning session on request of Senator Kinley.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-four students from Penn Elementary School, North Liberty, Iowa, accompanied by Ann Neihaus and Linda Erickson. Senators Doderer and Redmond.

Thirty-two students from Sumner High School, Sumner, Iowa, members of the Future Homemakers of America, accompanied by their advisor, Linda Miles. Senator Heying.

PETITION

The following petition was presented and placed on file:

By Senator Kinley from forty-seven residents of Hardin County favoring an appropriation to complete renovation and construction of facilities at the Iowa Veterans Home.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on **Senate File 1280** on the part of the Senate: Senators Redmond, chairperson; Miller of Des Moines, Gallagher, DeKoster and Kelly.

CONSIDERATION OF BILLS

House File 1451

On motion of Senator Ramsey, House File 1451, a bill for an act relating to court reporters, with report of committee on ways and means recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman moved to reconsider the vote by which amendment S—5895 failed to be adopted by the Senate on May 26, 1976.

A non-record roll call was requested.

The ayes were 12, nays 25.

The motion lost.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1451) the vote was:

Ayes, 35:

Andersen	Glenn	Merritt	Rabedaux
Bergman	Griffin	Miller of	Ramsey
Briles	Hansen	Des Moines	Redmond
Burroughs	Heying	Miller of	Robinson
Carr	Hill of Polk	Marshall	Rodgers
Coleman	Hultman	Norpel	Sovern
Culver	Junkins	Nystrom	Taylor
Curtis	Kelly	Palmer	Van Gilst
DeKoster	Kinley	Plymat	Willits
Doderer			

Nays, 8:

Gallagher	Hill of Jasper	Scott	Tieden
Gluba	Lamborn	Shaff	Winkelman

Absent or not voting, 7:

Murray	Nolting	Priebe	Shaw
Nolin	Orr	Schwengels	

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

House File 1590

On the motion of Senator Rodgers, House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Rodgers offered amendment S—5932 by the committee on ways and means and moved its adoption:

S—5932

- 1 Amend House File 1590, as amended, passed, and
- 2 reprinted by the House, page 7, by striking lines
- 3 6 and 7 and inserting in lieu thereof the following:
- 4 "Sec. 14. The provisions of section six (6) of
- 5 this Act shall become effective January 1, 1977."

Amendment S—5932 was adopted.

Senator Shaff offered amendment S—5933 by Senators Shaff, et al.:

S—5933

- 1 Amend House File 1590, as amended and passed
- 2 by the House, as follows:
- 3 1. By striking from page 3, line 28 through
- 4 page 4, line 21.
- 5 2. Renumber the remaining sections accord-
- 6 ingly.

Senator Shaff offered amendment S—5943 to amendment S—5933 and moved its adoption:

S—5943

- 1 Amend the Shaff, et al., amendment S—5933 to
- 2 House File 1590 as follows:

- 3 1. Page 1, line 3, by striking the figure
 4 "3" and inserting in lieu thereof the figure "4".
 5 2. Page 1, line 3, by striking the figure
 6 "28" and inserting in lieu thereof the figure "33".
 7 3. Page 1, line 4, by striking the figure "4"
 8 and inserting in lieu thereof the figure "5".
 9 4. Page 1, line 4, by striking the figure
 10 "21" and inserting in lieu thereof the figure
 11 "28".

Amendment S—5943 to amendment S—5933 was adopted.

Senator Shaff moved the adoption of amendment S—5933 as amended and requested a record roll call.

On the question "Shall amendment S—5933 as amended be adopted?" (H.F. 1590) the vote was:

Ayes, 35:

Andersen	Heying	Miller of	Schwengels
Bergman	Hill of Jasper	Marshall	Scott
Briles	Hill of Polk	Norpel	Shaff
Burroughs	Hultman	Nystrom	Shaw
Coleman	Junkins	Plymat	Taylor
Culver	Kelly	Priebe	Tieden
Curtis	Kinley	Rabedaux	Van Gilst
DeKoster	Merritt	Ramsey	Winkelman
Griffin	Miller of	Rodgers	
Hansen	Des Moines		

Nays, 9:

Carr	Gluba	Palmer	Sovern
Doderer	Orr	Redmond	Willits
Glenn			

Absent or not voting, 6:

Gallagher	Murray	Nolting	Robinson
Lamborn	Nolin		

Amendment S—5933 as amended was adopted.

Senator Ramsey offered amendment S—5947:

S—5947

- 1 Amend House File 1590, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 32, by striking the word
 4 "paragraph" and inserting in lieu thereof the word
 5 "paragraphs".
 6 2. Page 4, by inserting after line 21 the
 7 following:
 8 **"NEW UNNUMBERED PARAGRAPH.** In computing the tax
 9 imposed by this section, a resident of Iowa may exclude
 10 any amount received from the United States Government
 11 in the form of retirement pay or disability benefits
 12 for former service as a member of any of the armed
 13 forces of the United States."

14 3. Amend the title, line 7, by inserting after
15 the word "annuities" the words "and any amount received
16 as retirement pay or disability benefits received
17 for former service as a member of any of the armed
18 forces of the United States".

Senator Willits took the chair at 10:15 a.m.

Senator Gallagher raised the point of order that Senate Rule 38 should be invoked on the bill.

The Chair ruled the point well taken and referred **House File 1590** to the committee on **appropriations**.

President pro tempore Doderer took the chair at 10:20 a.m.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendment to Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, and that the members of the Conference Committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1261, are as follows: The Representative from Linn, Mr. Horn, chair; the Representative from Black Hawk, Ms. O'Halloran; the Representative from Johnson, Mr. Patchett; the Representative from Hancock, Mr. Stromer; and the Representative from Adams, Mr. Daggett.

DAVID L. WRAY, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following **conference committee** on **Senate File 1261** on the part of the Senate: Senators Van Gilst, chairperson; Doderer, Palmer, DeKoster, and Miller of Marshall.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 26, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the

pioneer lawmakers and the occupational safety and health review commission.

Also: That the House has on May 27, 1976, adopted the Report of the Second Conference Committee on and passed the following bill in which the concurrence of the Senate is asked:

House File 584, a bill for an act relating to competition between business.

Also: That the House has on May 27, 1976, concurred in Senate amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1346, a bill for an act relating to disaster services.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1221

S—5944

- 1 Amend Senate File 1221 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 14, by inserting before the word
- 4 "For" the letter "a".
- 5 2. Page 1, line 16, by striking the figure
- 6 "\$467,643" and inserting in lieu thereof the following:
- 7 "\$493,960".
- 8 3. Page 1, after line 16, by inserting the fol-
- 9 lowing:
- 10 "b. For salaries, support, maintenance, and miscel-
- 11 laneous purposes of the uniform commercial code divi-
- 12 sion in performing records searches\$38,700".
- 13 4. Page 1, by inserting after line 25 the following
- 14 new section:
- 15 "Sec. Section nine point four (9.4),
- 16 subsection two (2), Code 1976, is amended to read
- 17 as follows:
- 18 2. For a copy of any law or record, upon the
- 19 request of any private person or corporation, [fifty]
- 20 *a fee to be determined by the secretary of state not*
- 21 *to exceed ten cents per page."*
- 22 5. Page 2, by inserting after line 7 the follow-
- 23 ing:
- 24 "Sec. Section five hundred fifty-four point
- 25 nine thousand four hundred seven (554.9407), Code
- 26 1975, is amended to read as follows:
- 27 554.9407 INFORMATION FROM FILING OFFICER.
- 28 1. If the person filing any financing statement,
- 29 termination statement, statement of assignment, or
- 30 statement of release, furnishes the filing officer
- 31 a copy thereof, the filing officer shall upon request
- 32 note upon the copy the file number and date and hour
- 33 of the filing of the original and deliver or send
- 34 the copy to such person.
- 35 2. Upon *written* request of any person, the filing
- 36 officer shall issue his *or her* certificate showing
- 37 whether there is on file on the date and hour stated

38 therein, any presently effective financing statement
39 naming a particular debtor and any *financing* statement
40 [of assignment thereof] *changes* and if there is, giving
41 the date and hour of filing of each such [statement]
42 *filing* and the names and addresses of each secured
43 party therein. The uniform fee for such a certificate
44 shall be two dollars if the request for the certificate
45 is on a form conforming to standards prescribed by
46 the secretary of state; otherwise, three dollars.
47 Upon request and the payment of the appropriate fee
48 the filing officer shall furnish a certified copy
49 of any filed financing statement or *financing* statement
50 [of assignment] *changes* for a uniform fee of one dollar

Page 2

1 per page.
2 3. Upon telephone request of any person, the
3 filing officer in the office of the secretary of state
4 shall respond by phone stating whether there is on
5 file on the date and hour upon which the request is
6 made any presently effective financing statement
7 naming a particular debtor and any financing statement
8 *changes* and if there is, stating the date and hour
9 of filing of each such filing and the names and
10 addresses of each secured party therein. The uniform
11 fee for this telephone search service shall be four
12 dollars per each debtor name searched. All fees must
13 be prepaid before a person may utilize this telephone
14 search service. A certificate confirming the
15 information given to the person making the request
16 shall be sent to that person by the filing officer
17 upon request and payment of a fee of one dollar per
18 debtor name searched. Upon request and the payment
19 of the appropriate fee, the filing officer shall
20 furnish a certified copy of any filed financing
21 statement or financing statement *changes* for a uniform
22 fee of one dollar per page. The method of payment
23 of fees imposed by this subsection shall be established
24 by the secretary of state.
25 [3] 4. Charging no more than a reasonable esti-
26 mate of cost, in his or her discretion the secre-
27 tary of state may adopt one or more of the follow-
28 ing methods of providing information concerning pub-
29 lic filings in his or her office to persons with an
30 interest in this information that is related exclu-
31 sively to the purposes of this Article:
32 [a. subscription telephone service;
33 b. subscription]
34 a. Subscription daily, weekly or monthly written
35 summaries; or
36 [c. granting suitable space for the preparation
37 of written summaries and the provision of telephone
38 service by those persons deemed by the secretary of
39 state to have a legitimate interest in regular
40 examination of the secretary of state's public files,

41 and
42 d. any]
43 b. Any other appropriate method of disseminating
44 information.
45 However, the secretary of state shall not make space or
46 services available to any person for examination and
47 preparation of summaries of the secretary of state's
48 public files except the space and services made
49 available under chapter sixty-eight A (68A) of the
50 Code.

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1 5. Charging no more than a reasonable estimate
2 of cost, in his or her discretion a county recorder
3 may adopt one or more of the following methods of
4 providing information concerning public filings in
5 his or her office to persons with an interest in this
6 information that is related exclusively to the purposes
7 of this Article:
8 a. Subscription telephone service;
9 b. Subscription daily, weekly or monthly written
10 summaries;
11 c. Granting suitable space for the preparation
12 of written summaries and the provision of telephone
13 service; or
14 d. Any other appropriate method of disseminating
15 information.
16 6. Except with respect to willful misconduct,
17 the state of Iowa, the secretary of state, a county,
18 a county recorder, and their employees and agents
19 are immune from liability as a result of errors or
20 omissions in information or assistance concerning
21 the secretary of state's or a county recorder's public
22 files supplied [pursuant to this subsection] by them
23 to any person.
24 7. Fees collected by the secretary of state pursu-
25 ant to this section shall be remitted by the secretary
26 of state to the treasurer of state for deposit in
27 the general fund of the state."
28 6. By renumbering the remaining sections according-
29 ly.

SENATE INSISTS

Senate File 1335

Senator Willits called up for consideration Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, amended by the House and further amended by the Senate, and moved that the Senate insist on its amendment to the House amendment.

The motion prevailed and the Senate insisted on its amendment to Senate File 1335.

On motion of Senator Kinley, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Doderer presiding.

REREFERRED TO COMMITTEE

Senator Kinley asked and received unanimous consent that House File 914 be rereferred to the committee on appropriations.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 26, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1336

S—5952

- 1 Amend Senate File 1336 as follows:
- 2 1. Page 1, by striking line 6 and inserting in
- 3 lieu thereof the following:
- 4 "1. For payment of expenses of
- 5 the Spanish-speaking peoples commis-
- 6 sion established by sections three
- 7 (3) through eight (8) of this Act,
- 8 including employment of a director
- 9 and clerical staff and payment of
- 10 forty dollars per diem and actual
- 11 expenses of commission members\$45,000
- 12 2. For the payment of expenses
- 13 of other ad".
- 14 2. Page 1, line 18, by striking the figure
- 15 "\$100,000" and inserting in lieu thereof the figure
- 16 "\$55,000".
- 17 3. Page 1, by inserting after line 32 the follow-
- 18 ing new sections:
- 19 "Sec. 3. **NEW SECTION. COMMISSION CREATED—TERMS—**
- 20 **—COMPENSATION.** There is created a Spanish-speaking

21 peoples commission which shall consist of nine members,
22 appointed by the governor from a list of nominees
23 submitted by the governor's Spanish-speaking peoples
24 task force. The members of the commission shall be
25 appointed during the month of June and shall serve
26 for terms of two years commencing July first of each
27 odd-numbered year. However members of the initial
28 commission shall be appointed not later than July
29 31, 1976 and shall serve until July 1, 1979. Members
30 appointed in 1976 or in an odd-numbered year shall
31 continue to serve until their respective successors
32 are appointed. Vacancies in the membership of the
33 commission shall be filled by the original appointing
34 authority and in the manner of the original
35 appointments. Members shall receive forty dollars
36 per diem and actual and necessary expenses incurred
37 while serving in their official capacity.

38 **Sec. 4. NEW SECTION. ORGANIZATION.** The commission
39 shall select from its membership a chairperson and
40 other officers as it deems necessary and shall meet
41 not less than six times a year. A majority of the
42 members of the commission shall constitute a quorum.

43 **Sec. 5. NEW SECTION. COMMISSION EMPLOYEES.** The
44 commission may employ a director and clerical staff
45 who shall be qualified by experience to assume the
46 responsibilities of their several offices. The
47 director shall be the administrative officer of the
48 commission and shall serve the commission by gathering
49 and disseminating information, forwarding proposals
50 and evaluations to the governor, the general assembly,

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1 and state agencies, carrying out public education
2 programs, conducting hearings and conferences, and
3 performing other duties necessary for the proper
4 operation of the commission.

5 **Sec. 6. NEW SECTION. DUTIES.** The commission
6 shall:

7 1. Coordinate, assist, and cooperate with the
8 efforts of state departments and agencies to serve
9 the needs of Spanish-speaking persons in the fields
10 of education, employment, health, housing, welfare,
11 and recreation.

12 2. Develop, coordinate, and assist other public
13 organizations which serve Spanish-speaking
14 persons.

15 3. Evaluate existing programs and proposed
16 legislation affecting Spanish-speaking persons, and
17 propose new programs.

18 4. Stimulate public awareness of the problems
19 of Spanish-speaking persons by conducting a program
20 of public education and encouraging the governor and
21 the general assembly to develop programs to deal with
22 these problems.

23 5. Conduct training programs for Spanish-speaking

24 persons to enable them to assume leadership positions
25 on the community level.

26 6. Conduct a survey of the Spanish-speaking people
27 in Iowa in order to ascertain their needs.

28 7. Work to establish a Spanish-speaking information center
29 in the state of Iowa.

30 Sec. 7. *NEW SECTION. POWERS.* The commission
31 shall have all powers necessary to carry out the
32 functions and duties specified in this Act, including,
33 but not limited to the power to establish advisory
34 committees on special studies, to solicit and accept
35 gifts and grants, promulgate rules according to chapter
36 seventeen A (17A) of the Code, and to contract with
37 public and private groups to conduct its business.
38 All departments, divisions, agencies and offices of
39 the state shall make available upon request of the
40 commission information which is pertinent to the
41 subject matter of the study and which is not by law
42 confidential.

43 Sec. 8. *NEW SECTION. REPORT.* The commission
44 shall make a detailed report of its activities,
45 studies, findings, conclusions and recommendations
46 to the general assembly not later than February
47 fifteenth of each odd-numbered year.

48 Sec. 9. *NEW SECTION. COMMISSION TERMINATION.*
49 Without affirmative action by the general assembly the
50 Spanish-speaking people's commission shall expire on

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1 June 30, 1979.

2 Sec. 10. In order for the said commission to
3 continue beyond the date certain set for its
4 expiration, a bill must pass both houses of the
5 general assembly and be approved by the governor.
6 Said bill shall reestablish the commission, make any
7 necessary modifications in its structure and operation
8 and provide an operational budget."

9 4. Title page, line 1, by striking the word "defer"
10 and inserting in lieu thereof the word "defray".

11 5. Title page, line 2, by striking the word
12 "certain" and inserting in lieu thereof the words "a
13 Spanish-speaking peoples commission, created by this
14 Act, and certain other".

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following con-

ference committee on Senate File 1335, on the part of the Senate: Senators Willits, chairperson; Sovern, Orr, Andersen and Shaw.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Doderer presiding.

INTRODUCTION OF BILL

Senate File 1345, by committee on agriculture, a bill for an act relating to the identification of certain diseased or exposed cattle.

Read first time and placed on calendar.

SECOND CONFERENCE COMMITTEE REPORT FAILED

House File 1539

Senator Priebe called up the report of the second conference committee on House File 1539 filed May 26, 1976, and found on pages 2311 and 2312 of the Senate Journal, moved its adoption, and requested a record roll call.

On the question "Shall the second conference committee report be adopted?" (H.F. 1539) the vote was:

Ayes, 15:

Carr	Heying	Nolin	Redmond
Doderer	Junkins	Orr	Scott
Gallagher	Miller of	Palmer	Sovern
Gluba	Des Moines	Priebe	Willits

Nays, 38:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Rabedeaux	Van Gilst
DeKoster	Lamborn	Ramsey	Winkelman
Glenn	Merritt		

Absent or not voting, 2:

Murray	Tieden
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The motion lost and the second conference committee report failed to be adopted.

Senator Kinley asked and received unanimous consent that **House File 1539 be immediately messaged to the House, which request was complied with.**

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

House File 1558

Senator Junkins called up the report of the second conference committee report on House File 1558 filed May 25, 1976, and found on pages 2281 and 2282 of the Senate Journal, moved its adoption and requested a record roll call.

On the question "Shall the second conference committee report be adopted?" (H.F. 1558) the vote was:

Rule 25 was invoked.

Ayes, 26:

Bergman	Glenn	Kinley	Robinson
Carr	Gluba	Norpel	Schwengels
Coleman	Hill of Jasper	Orr	Shaw
Curtis	Hill of Polk	Palmer	Sovern
DeKoster	Hultman	Ramsey	Van Gilst
Doderer	Junkins	Redmond	Willits
Gallagher	Kelly		

Nays, 21:

Andersen	Heying	Miller of	Rodgers
Briles	Lamborn	Marshall	Scott
Burroughs	Merritt	Nolting	Shaff
Culver	Miller of	Nystrom	Taylor
Griffin	Des Moines	Plymat	Tieden
Hansen		Priebe	Winkelman

Absent or not voting, 3:

Murray	Nolin	Rabedeaux
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The motion prevailed and the second conference committee report and the recommendation and amendment contained therein were adopted.

Senator Junkins moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1558) the vote was:

Ayes, 28:

Bergman	Gallagher	Kinley	Robinson
Briles	Glenn	Norpel	Schwengels
Carr	Gluba	Orr	Shaw
Coleman	Hill of Jasper	Palmer	Sovern
Curtis	Hill of Polk	Priebe	Van Gilst
DeKoster	Hultman	Ramsey	Willits
Doderer	Junkins	Redmond	Winkelman

Nays, 19:

Andersen	Griffin	Kelly	Miller of
Burroughs	Hansen	Lamborn	Des Moines
Culver	Heying	Merritt	

Miller of
Marshall
Nolin

Nystrom
Plymat
Rodgers

Scott
Shaff

Taylor
Tieden

Absent or not voting, 3:

Murray

Nolting

Rabedeaux

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

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

Senate File 1332

Senator Palmer submitted the following report of the second conference committee on Senate File 1332 and moved its adoption:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 1332

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1332, a bill for an Act making appropriations to the department of transportation for designated capital transportation projects, respectfully make the following report:

1. That the House recede from its amendment, S—5908, to Senate File 1332, as amended, passed, and reprinted by the Senate.

2. That Senate File 1332, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 6, by striking the figure "1,500,000" and inserting in lieu thereof the figure "2,000,000".

2. Page 1, line 16, by striking the words and figure "twenty million (20,000,000)" and inserting in lieu thereof the words and figure "twelve million (12,000,000)".

3. Page 1, line 20, by inserting after the word "length" the words "unless the state department of transportation is advised in writing by the federal highway administration that this policy will result in the loss of federal funds for any particular present or future highway construction project".

4. Page 1, line 23, by striking the words and figure "five million (5,000,000)" and inserting in lieu thereof the words and figure "four million (4,000,000)".

5. Page 1, by striking lines 34 and 35.

6. Page 2, by striking lines 1 through 6.

7. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

On the Part of the Senate:

WILLIAM D. PALMER,
Chairperson
IRVIN L. BERGMAN
RICHARD J. NORPEL, SR.

On the Part of the House:

JOHN B. BRUNOW, Chairperson
ROBERT A. KRAUSE
KEITH H. DUNTON
LESTER D. MENKE
GLEN E. BORTELL

Senator Priebe took the chair at 4:10 p.m.

A record roll call was requested.

On the question "Shall the second conference committee report be adopted?" (S.F. 1332) the vote was:

Ayes, 29:

Bergman	Glenn	Kinley	Redmond
Briles	Gluba	Miller of	Robinson
Carr	Griffin	Marshall	Rodgers
Culver	Hill of Jasper	Nolting	Scott
Curtis	Hultman	Norpel	Sovern
DeKoster	Junkins	Orr	Tieden
Doderer	Kelly	Palmer	Willits
Gallagher		Priebe	

Nays, 18:

Andersen	Hill of Polk	Nystrom	Shaw
Burroughs	Lamborn	Plymat	Taylor
Coleman	Merritt	Ramsey	Van Gilst
Hansen	Miller of	Schwengels	Winkelman
Heying	Des Moines	Shaff	

Absent or not voting, 3:

Murray	Nolin	Rabedaux
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The motion prevailed and the second conference committee report and the recommendations and amendment contained therein were adopted.

Senator Palmer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1332) the vote was:

Ayes, 39:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Jasper	Nolting	Schwengels
Carr	Hill of Polk	Norpel	Scott
Culver	Hultman	Orr	Shaw
Curtis	Junkins	Palmer	Sovern
DeKoster	Kelly	Plymat	Tieden
Doderer	Kinley	Priebe	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, 8:**Burroughs
Goleman****Heying
Lamborn****Merritt
Nystrom****Shaff
Taylor****Absent or not voting, 3:****Murray****Nolin****Rabedeaux**

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

Senator Kinley asked and received unanimous consent that **Senate File 1332** be **immediately messaged** to the House, which request was complied with.

APPOINTMENT OF THIRD CONFERENCE COMMITTEE

The Chair announced the appointment of the following **third conference committee** on **House File 1539** on the part of the Senate: Senators Priebe, chairperson; Gluba, Kinley, Lamborn and Schwengels.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 27, 1976, concurred in the Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 1288, a bill for an act relating to the economic impact of an administrative rule.

Also: That the House has on May 27, 1976, adopted the Report of the Second Conference Committee on, and passed the following bill in which the concurrence of the House was asked:

Senate File 1332, a bill for an act making appropriations to the department of transportation for designated capital transportation projects.

Also: That the members of the conference committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, are as follows:

The Representative from Chickasaw, Mr. Griffie, chair; the Representative from Scott, Mr. Bina; the Representative from Delaware, Mr. Hennessey; the Representative from Crawford, Mr. Crabb; and the Representative from Polk, Mr. Readinger.

Also: That the members of the Third Conference Committee on the part of the House to consider the differences between the House and Senate concerning House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, are as follows: The Representative from Scott, Mr. Cusack, chair; the Representative from Scott, Mr. Higgins; the Representative from Tama, Mr. Husak; the Representative from Jones, Mr. Newhard; and the Representative from Sioux, Mr. Den Herder.

DAVID L. WRAY, Chief Clerk

SENATE CONCURRENT RESOLUTION 116

By Committee on Energy

- 1 *Whereas*, the United States has six percent of the
2 world's population and consumes thirty percent of the
3 world's energy; and
4 *Whereas*, as our demand for energy increases and the
5 supply of nonrenewable fuel decreases, the costs and
6 risks of an energy enriched diet will become more
7 apparent and more burdensome; and
8 *Whereas*, the agricultural, commercial, industrial and
9 public sectors are already experiencing the problems
10 created by increases in the demand for natural gas and
11 a cutback in the availability of this important energy
12 source; and
13 *Whereas*, energy conservation efforts including the
14 development and use of alternative fuel sources such as
15 solar power, wind power and organic waste conversion
16 provide one solution to the problem of meeting increasing
17 demand coupled with a diminishing supply of certain
18 fuels; and
19 *Whereas*, energy conservation can be achieved equitably
20 and without a drastic alteration in present lifestyle; and
21 *Whereas*, voluntary conservation efforts have not
22 produced the desired results; and
23 *Whereas*, an amendment to House File 1482 proposed by
24 members of the House Energy Committee contained numerous
25 proposals for conserving energy including property tax
26 incentives for solar, wind, and organic waste powered systems
27 designed to generate electricity; energy efficiency standards
28 for certain appliances; mandatory energy efficiency studies
29 for proposed state buildings; a prohibition on the sale
30 of "instant on" television receivers in Iowa; and required

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- 1 consideration of fuel economy in the purchase of most
2 state vehicles; *Now, Therefore*,
3 *Be It Resolved by the Senate, the House of Representa-*

4 *tives Concurring*, That the Legislative Council authorize
5 the appointment of an interim study committee composed
6 of members of the Senate and the House Energy Committees,
7 to examine possible incentives, proposals, including those
8 in House File 1482 and amendments filed thereto and sta-
9 tutes in force in other states which are designed to con-
10 serve energy; and
11 *Be It Further Resolved*, That the study committee shall
12 submit a report of its findings and recommendations along
13 with any legislative bill drafts necessary to implement
14 its recommendations to the Legislative Council and the
15 Sixty-seventh General Assembly meeting in the year 1977.

Read first time and placed on calendar.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, begs leave to report it has had the same under consideration and recommends the same do pass.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1590.

House File 1590

On motion of Senator Rodgers, House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties,

providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ramsey offered amendment S—5947:

S—5947

- 1 Amend House File 1590, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 32, by striking the word
- 4 "paragraph" and inserting in lieu thereof the word
- 5 "paragraphs".
- 6 2. Page 4, by inserting after line 21 the
- 7 following:
- 8 "NEW UNNUMBERED PARAGRAPH. In computing the tax
- 9 imposed by this section, a resident of Iowa may exclude
- 10 any amount received from the United States Government
- 11 in the form of retirement pay or disability benefits
- 12 for former service as a member of any of the armed
- 13 forces of the United States."
- 14 3. Amend the title, line 7, by inserting after
- 15 the word "annuities" the words "and any amount received
- 16 as retirement pay or disability benefits received
- 17 for former service as a member of any of the armed
- 18 forces of the United States".

QUORUM CALL

Senator Lamborn requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to take the roll:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the

Sixty-sixth General Assembly, we, the undersigned, do hereby request a Call of the Senate on House File 1590 and all amendments and motions thereto.

CLIFTON C. LAMBORN
 PHILIP B. HILL
 CALVIN O. HULTMAN
 ELIZABETH R. MILLER
 CLIFF BURROUGHS
 FORREST V. SCHWENGELS
 WARREN E. CURTIS
 IRVIN L. BERGMAN
 DALE L. TIEDEN
 W. R. RABEDEAUX

Roll call revealed all members present with the exception of Senators Miller of Marshall, Nolin, Redmond, Shaff and Taylor.

The Chair directed the sergeant-at-arms to locate the absent members.

Senator Kinley asked and received unanimous consent that Senators Miller of Marshall, Nolin, Redmond, Shaff and Taylor be excused from the Call of the Senate until 7:15 p.m.

Senator Ramsey moved the adoption of amendment S—5947 and requested a record roll call.

On the question "Shall amendment S—5947 be adopted?" (H.F. 1590) the vote was:

Ayes, 30:

Briles	Griffin	Lamborn	Rabedaux
Burroughs	Hansen	Miller of	Ramsey
Coleman	Heying	Des Moines	Robinson
Culver	Hill of Jasper	Murray	Shaw
DeKoster	Hill of Polk	Nolting	Tieden
Doderer	Hultman	Norpel	Van Gilst
Gallagher	Junkins	Nystrom	Winkelman
Glenn	Kelly	Orr	

Nays, 12:

Bergman	Kinley	Plymat	Scott
Carr	Merritt	Rodgers	Sovern
Gluba	Palmer	Schwengels	Willits

Absent or not voting, 8:

Andersen	Miller of	Priebe	Shaff
Curtis	Marshall	Redmond	Taylor
	Nolin		

Amendment S—5947 was adopted.

Senator Curtis asked and received unanimous consent that action on amendment S—5926 be deferred and that amendment S—5925 be taken up for consideration.

Senator Schwengels offered amendment S—5925 filed by Senators Schwengels and Gluba, moved its adoption and requested a record roll call:

S—5925

- 1 Amend House File 1590 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 4, lines 14 through 16 by striking the
- 4 words "The amount of exemption shall be reduced by
- 5 the amount of any social security annuity received."

On the question "Shall amendment S—5925 be adopted?" (H.F. 1590) the vote was:

Ayes, 25:

Andersen	Griffin	Miller of	Rabedaux
Bergman	Hansen	Des Moines	Ramsey
Briles	Heying	Murray	Redmond
Burroughs	Hultman	Nolting	Robinson
Carr	Junkins	Nystrom	Schwengels
DeKoster	Kelly	Plymat	Sovern
Gluba	Merritt		

Nays, 25:

Coleman	Hill of Polk	Orr	Shaw
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Priebe	Tieden
Doderer	Miller of	Rodgers	Van Gilst
Gallagher	Marshall	Scott	Willits
Glenn	Nolin	Shaff	Winkelman
Hill of Jasper	Norpel		

The Chair voted "nay" to break the tie and declared amendment S—5925 lost.

Senator Curtis asked and received unanimous consent to withdraw amendment S—5926 filed by Senators Curtis and Shaff on May 26, 1976, and found on pages 2324 and 2325 of the Senate Journal.

Senator Griffin offered amendment S—5949:

S—5949

- 1 Amend House File 1590 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 4, by inserting after line 21 the
- 4 following:
- 5 "Sec. Section four hundred twenty-three
- 6 point four (423.4), Code 1975, is amended by adding
- 7 the following new subsection:
- 8 **NEW SUBSECTION.** Tangible personal property used
- 9 in interstate transportation or interstate commerce."
- 10 2. Amend the title, line 18, by inserting after
- 11 the word "returns," the words "and providing a use
- 12 tax exemption".

Senator Glenn took the chair at 8:10 p.m.

Senator Junkins raised the point of order that amendment S—5949 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5949 out of order.

Senator Hill of Jasper offered amendment S—5950 by Senators Hill of Jasper and Redmond:

S—5950

1 Amend House File 1590, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 21 the follow-
4 ing new section:

5 Sec. 6. Section four hundred twenty-two point
6 thirty-three (422.33), Code 1975, is amended by
7 striking subsections one (1) and two (2) and inserting
8 in lieu thereof the following new subsections:

9 1. **NEW SUBSECTION. ALLOCATION OF BUSINESS INCOME.**

10 If the trade or business of the taxpayer is carried
11 on entirely within the state, the tax shall be imposed
12 on the entire net income. Any taxpayer having income
13 from business activity which is taxable both within
14 and without this state, other than the rendering of
15 purely personal services by an individual, shall
16 allocate and apportion his net income as provided
17 in this section.

18 2. **NEW SUBSECTION. DEFINITIONS. As used in this**
19 **section, unless the context otherwise requires:**

20 a. "Business income" means income arising from
21 transactions and activity in the regular course of
22 the taxpayer's trade or business and includes income
23 from tangible and intangible property if the
24 acquisition, management, and disposition of the
25 property constitute integral parts of the taxpayer's
26 regular trade or business operations.

27 b. "Commercial domicile" means the principal place
28 from which the trade or business of the taxpayer is
29 directed or managed.

30 c. "Compensation" means wages, salaries,
31 commissions, and any other form of remuneration paid
32 to employees for personal services.

33 d. "Nonbusiness income" means all income other
34 than business income.

35 e. "Sales" means all gross receipts of the taxpayer
36 not allocated under subsections four (4) through eight
37 (8) of this section.

38 f. "State" means any state of the United States,
39 the District of Columbia, the Commonwealth of Puerto
40 Rico, any territory or possession of the United States,
41 and any foreign country or political subdivision
42 thereof.

43 **3. NEW SUBSECTION. NONRESIDENT TAXPAYER.** For
44 purposes of allocation and apportionment of income
45 under this chapter, a taxpayer is taxable in another
46 state if:
47 a. In that state he is subject to a net income
48 tax, a franchise tax measured by net income, a
49 franchise tax for the privilege of doing business,
50 or a corporate stock tax; or

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1 b. That state has jurisdiction to subject the
2 taxpayer to a net income tax regardless of whether,
3 in fact, the state does or does not.

4 **4. NEW SUBSECTION. ALLOCATION OF CERTAIN ITEMS.**
5 Rents and royalties from real or tangible personal
6 property, capital gains, interest, dividends, or
7 patent or copyright royalties, to the extent that
8 they constitute nonbusiness income, shall be allocated
9 as provided in subsections five (5) through eight
10 (8) of this section.

11 **5. NEW SUBSECTION. RENTS AND ROYALTIES.**

12 a. Net rents and royalties from real property
13 located in this state are allocable to this state.

14 b. Net rents and royalties from tangible personal
15 property are allocable to this state:

16 (1) If and to the extent that the property is
17 utilized in this state; or

18 (2) In their entirety if the taxpayer's commercial
19 domicile is in this state and the taxpayer is not
20 organized under the laws of or taxable in the state
21 in which the property is utilized.

22 c. The extent of utilization of tangible personal
23 property in a state is determined by multiplying the
24 rents and royalties by a fraction, the numerator of
25 which is the number of days of physical location of
26 the property in the state during the rental or royalty
27 period in the taxable year and the denominator of
28 which is the number of days of physical location of
29 the property everywhere during all rental or roy-
30 alty periods in the taxable year. If the physical
31 location of the property during the rental or royalty
32 period is unknown or unascertainable by the taxpayer,
33 tangible personal property is utilized in the state
34 in which the property was located at the time the
35 rental or royalty payer obtained possession.

36 **6. NEW SUBSECTION. PROPERTY—CAPITAL GAINS AND**
37 **LOSSES.**

38 a. Capital gains and losses from sales of real
39 property located in this state are allocable to this
40 state.

41 b. Capital gains and losses from sales of tangible
42 personal property are allocable to this state if:

43 (1) The property had a situs in this state at
44 the time of the sale; or

45 (2) The taxpayer's commercial domicile is in this

46 state and the taxpayer is not taxable in the state
47 in which the property had a situs.
48 c. Capital gains and losses from sales of
49 intangible personal property are allocable to this
50 state if the taxpayer's commercial domicile is in

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1 this state.

2 **7. NEW SUBSECTION. INTEREST AND DIVIDENDS.**

3 Interest and dividends are allocable to this state
4 if the taxpayer's commercial domicile is in this
5 state.

6 **8. NEW SUBSECTION. PATENTS AND COPYRIGHTS.**

7 a. Patent and copyright royalties are allocable
8 to this state:

9 (1) If and to the extent that the patent or
10 copyright is utilized by the taxpayer in this state;
11 or

12 (2) If and to the extent that the patent or
13 copyright is utilized by the taxpayer in a state in
14 which the taxpayer is not taxable and the taxpayer's
15 commercial domicile is in this state.

16 b. A patent is utilized in a state to the extent
17 that it is employed in production, fabrication,
18 manufacturing, or other processing in the state or
19 to the extent that a patented product is produced
20 in the state. If the basis of receipts from patent
21 royalties does not permit allocation to states or
22 if the accounting procedures do not reflect states
23 of utilization, the patent is utilized in the state
24 in which the taxpayer's commercial domicile is located.

25 c. A copyright is utilized in a state to the
26 extent that printing or other publication originates
27 in the state. If the basis of receipts from copyright
28 royalties does not permit allocation to states or
29 if the accounting procedures do not reflect states
30 of utilization, the copyright is utilized in the state
31 in which the taxpayer's commercial domicile is located.

32 **9. NEW SUBSECTION. BUSINESS INCOME.** All business
33 income shall be apportioned to this state by
34 multiplying the income by a fraction, the numerator
35 of which is the property factor plus the payroll
36 factor plus the sales factor, and the denominator
37 of which is three.

38 **10. NEW SUBSECTION. PROPERTY FACTOR.** The property
39 factor is a fraction, the numerator of which is the
40 average value of the taxpayer's real and tangible
41 personal property owned or rented and used in this
42 state during the tax period and the denominator of
43 which is the average value of all the taxpayer's
44 real and tangible personal property owned or rented
45 and used during the tax period.

46 **11. NEW SUBSECTION. PROPERTY OWNED AND RENTED.**
47 Property owned by the taxpayer is valued at its
48 original cost. Property rented by the taxpayer is

- 49 valued at eight times the net annual rental rate.
50 Net annual rental rate is the annual rental rate paid

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- 1 by the taxpayer less any annual rental rate received
2 by the taxpayer from subrentals.
- 3 **12. NEW SUBSECTION. AVERAGE VALUE OF PROPERTY.**
4 The average value of property shall be determined
5 by averaging the values at the beginning and ending
6 of the tax period, but the director of revenue may
7 require the averaging of monthly values during the
8 tax period if reasonably required to reflect properly
9 the average value of the taxpayer's property.
- 10 **13. NEW SUBSECTION. PAYROLL FACTOR.** The payroll
11 factor is a fraction, the numerator of which is the
12 total amount paid in this state during the tax period
13 by the taxpayer for compensation, and the denominator
14 of which is the total compensation paid everywhere
15 during the tax period.
- 16 **14. NEW SUBSECTION. COMPENSATION.** Compensation
17 is paid in this state if:
18 a. The individual's service is performed entirely
19 within the state; or
20 b. The individual's service is performed both
21 within and without the state, but the service performed
22 without the state is incidental to the individual's
23 service within the state; or
24 c. Some of the service is performed in the state
25 and:
26 (1) The base of operations or, if there is no
27 base of operations, the place from which the service
28 is directed or controlled is in the state; or
29 (2) The base of operations or the place from which
30 the service is directed or controlled is not in any
31 state in which some part of the service is performed,
32 but the individual's residence is in this state.
- 33 **15. NEW SUBSECTION. SALES FACTOR.** The sales
34 factor is a fraction, the numerator of which is the
35 total sales of the taxpayer in this state during the
36 tax period, and the denominator of which is the total
37 sales of the taxpayer everywhere during the tax period.
- 38 **16. NEW SUBSECTION. LOCAL SALES OF TANGIBLE**
39 **PERSONAL PROPERTY.** Sales of tangible personal property
40 are in this state if:
41 a. The property is delivered or shipped to a
42 purchaser, other than the United States government,
43 within this state regardless of the f.o.b. point or
44 other conditions of the sale; or
45 b. The property is shipped from an office, store,
46 warehouse, factory, or other place of storage in this
47 state and:
48 (1) The purchaser is the United States government;
49 or
50 (2) The taxpayer is not taxable in the state of

Page 5

1 the purchaser.

2 17. *NEW SUBSECTION. OTHER SALES.* Sales, other
3 than sales of tangible personal property, are in this
4 state if:

5 (a) The income-producing activity is performed
6 in this state; or

7 (b) The income-producing activity is performed
8 both in and outside this state and a greater proportion
9 of the income-producing activity is performed in this
10 state than in any other state, based on costs of
11 performance.

12 18. *NEW SUBSECTION. ADDITIONAL METHODS OF*
13 *DETERMINING BUSINESS SITUS.* If the allocation and
14 apportionment provisions of this section do not fairly
15 represent the extent of the taxpayer's business
16 activity in this state, the taxpayer may petition
17 for or the director of revenue may require, in respect
18 to all or any part of the taxpayer's business activ-
19 ity, if reasonable:

20 (a) Separate accounting except to a unitary
21 business;

22 (b) The exclusion of any one or more of the
23 factors;

24 (c) The inclusion of one or more additional factors
25 which will fairly represent the taxpayer's business
26 activity in this state; or

27 (d) The employment of any other method to
28 effectuate an equitable allocation and apportionment
29 of the taxpayer's income.

30 2. Page 7, by inserting after line 5 the following
31 new section:

32 "Sec. The provisions of section six (6) of
33 this Act shall be effective July 1, 1976 for all tax
34 years beginning on or after July 1, 1976."

35 3. Renumber sections and correct internal
36 references as may be necessary in accordance with
37 this amendment.

38 4. Amend the title, line 8, by inserting after
39 the word "taxes," the words "relating to the
40 corporation income tax,".

Senator Rodgers raised the point of order that amendment
S—5950 was not germane to the bill.

The Chair ruled the point not well taken and amendment
S—5950 in order.

President Neu took the chair at 8:30 p.m.

Senator Taylor offered amendment S—5956 to amendment
S—5950 and moved its adoption:

S—5956

1 Amend the Hill and Redmond amendment, S—5950

- 2 to House File 1590 as amended, passed and reprinted
 3 as follows:
 4 Page 5, by striking lines 19 through
 5 29 and inserting in lieu thereof the words "ity, the
 6 employment of any reasonable method to effectuate
 7 an equitable allocation and an apportionment of the
 8 taxpayer's income."

Senator Junkins took the chair at 8:47 p.m.

A record roll call was requested.

On the question "Shall amendment S—5956 to amendment S—5950 be adopted?" (H.F. 1590) the vote was:

Ayes, 29:

Andersen	Heying	Norpel	Scott
Bergman	Hill of Polk	Nystrom	Shaff
Briles	Hultman	Priebe	Shaw
Burroughs	Junkins	Ramsey	Taylor
Curtis	Lamborn	Redmond	Tieden
DeKoster	Miller of	Rodgers	Van Gilst
Glenn	Marshall	Schwengels	Winkelman
Hansen	Murray		

Nays, 21:

Carr	Griffin	Miller of	Plymat
Coleman	Hill of Jasper	Des Moines	Rabedaux
Culver	Kelly	Nolin	Robinson
Doderer	Kinley	Nolting	Sovern
Gallagher	Merritt	Orr	Willits
Gluba		Palmer	

Amendment S—5956 to amendment S—5950 was adopted.

President Neu took the chair at 9:15 p.m.

Senator Ramsey withdrew amendment S—5968 to amendment S—5950:

S—5968

- 1 Amend the Hill and Redmond amendment, S—5950, to
 2 House File 1590 as amended, passed and reprinted
 3 as follows:
 4 1. Page 5, by striking lines 32 and 33 and in-
 5 serting in lieu thereof the following:
 6 "Sec. The provisions of this Act amending
 7 section four hundred twenty-two point thirty-three
 8 (422.33), Code 1975, shall be effective July 1,
 9 1976 for all tax".

Senator Hill of Jasper moved the adoption of amendment S—5950 as amended and requested a record roll call.

On the question "Shall amendment S—5950 as amended be adopted?" (H.F. 1590) the vote was:

Rule 25 was invoked.

Ayes, 15:

Carr	Glenn	Miller of	Palmer
Coleman	Gluba	Des Moines	Redmond
Doderer	Hill of Jasper	Nolting	Sovern
Gallagher	Kinley	Orr	Willits

Nays, 35:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Polk	Nolin	Schwengels
Briles	Hultman	Norpel	Scott
Burroughs	Junkins	Nystrom	Shaff
Culver	Kelly	Plymat	Shaw
Curtis	Lamborn	Priebe	Taylor
DeKoster	Merritt	Rabedaux	Tieden
Griffin	Miller of	Ramsey	Van Gilst
Hansen	Marshall	Robinson	Winkelman

Amendment S—5950 as amended lost.

Senator Hultman withdrew amendment S—5969:

S—5969

- 1 Amend House File 1590, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by inserting after line 21 the fol-
- 4 lowing new section:
- 5 "Sec. Section four hundred twenty-two point
- 6 forty-three (422.43), unnumbered paragraph nine (9),
- 7 Code 1975, as amended by Acts of the Sixty-sixth
- 8 General Assembly, 1975 Session, chapter five (5),
- 9 section three (3), is amended to read as follows:
- 10 The following enumerated services shall be sub-
- 11 ject to the tax herein imposed on gross taxable ser-
- 12 vices: Alteration and garment repair; armored car;
- 13 automobile repair; battery, tire and allied; in-
- 14 vestment counseling (excluding investment services
- 15 of trust departments); bank service charges; barber
- 16 and beauty; boat repair; car wash and wax; carpentry;
- 17 roof, shingle, and glass repair; dance schools and
- 18 dance studios; dry cleaning, pressing, dyeing, and
- 19 laundering; electrical repair and installation;
- 20 engraving, photography, and retouching; equipment
- 21 rental; excavating and grading; farm implement
- 22 repair of all kinds; flying service, except agricul-
- 23 tural aerial application services and aerial commercial
- 24 and charter transportation services; furniture,
- 25 rug, upholstery repair and cleaning; fur storage
- 26 and repair; golf and country clubs and all commercial
- 27 recreation; house and building moving; household
- 28 appliance, television, and radio repair; jewelry
- 29 and watch repair; *legal services*; machine operator;
- 30 machine repair of all kinds; motor repair; motor-
- 31 cycle, scooter, and bicycle repair; oilers and lub-
- 32 ricators; office and business machine repair; paint-
- 33 ing, papering, and interior decorating; parking

34 lots; pipe fitting and plumbing; wood preparation;
35 private employment agencies; printing and binding;
36 sewing and stitching; shoe repair and shoeshine;
37 storage warehouse and storage locker; telephone
38 answering service; test laboratories; termite, bug,
39 roach, and pest eradicators; tin and sheet metal
40 repair; turkish baths, massage, and reducing salons;
41 vulcanizing, recapping, and retreading; warehouse;
42 weighing; welding; well drilling; wrapping, packing,
43 and packaging of merchandise other than processed
44 meat, fish, fowl and vegetables; wrecking service;
45 wrecker and towing.”
46 2. Amend the title, line 8, by inserting after
47 the word “taxes,” the words “imposing the service
48 tax on legal services.”.

Senator Hultman withdrew amendment S—5964:

S—5964

1 Amend House File 1590, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, by inserting after line 23 the follow-
4 ing new section:
5 “Sec. 4. Section three hundred fifty-one point
6 twenty-four (351.24), Code 1975, is amended to read
7 as follows:
8 351.24 [TAXATION OF DOGS—]MUNICIPAL LICENSE.
9 [Dogs kept in kennels and not allowed to run at large
10 shall be taxed as personal property. Dogs licensed
11 as herein provided shall not be so taxed.] Cities may
12 license dogs [in addition to the license herein re-
13 quired].”
14 2. Page 7, by inserting after line 2 the follow-
15 ing new section:
16 “Sec. Sections three hundred fifty-one
17 point one (351.1), three hundred fifty-one point
18 three (351.3) through three hundred fifty-one point
19 twenty-three (351.23), three hundred fifty-one
20 point twenty-five (351.25), three hundred fifty-
21 one point twenty-six (351.26), and three hundred
22 fifty-one point thirty-four (351.34), Code 1975,
23 are repealed.”
24 3. Renumber sections and correct internal refer-
25 ences as are necessary in accordance with this amend-
26 ment.
27 4. Amend the title, line 8, by inserting after
28 the word “taxes,” the words “exempting dogs from
29 personal property tax and county licensing require-
30 ments.”.

Senator Rodgers offered amendment S—5948 and moved its adoption:

S—5948

1 Amend House File 1590, as amended, passed, and

2 reprinted by the House, page 4 by striking in lines
3 31 and 32 the following words "subsection twenty-three
4 (23) of this section." and inserting in lieu thereof
5 the following:
6 "subsections twenty-three (23) and twenty-four (24)
7 of this section."

Amendment S—5948 was adopted.

Senator Miller of Des Moines offered amendment S—5928 filed by him and moved its adoption:

S—5928

1 Amend House File 1590 as amended and passed
2 by the House as follows:
3 1. Page 4, by inserting after line 32 the follow-
4 ing:
5 "Sec. Section four hundred twenty-seven
6 point three (427.3), numbered paragraphs one (1), two
7 (2), and three (3), Code 1975, are amended to read
8 as follows:
9 427.3 MILITARY SERVICE—EXEMPTIONS. The fol-
10 lowing exemptions from taxation shall be allowed:
11 1. The property, not to exceed [eleven] *twelve*
12 thousand one hundred eleven dollars in taxable value[,
13 and poll tax] of any honorably discharged union soldier,
14 sailor, or marine of the Mexican war or the war of the
15 rebellion.
16 2. The property, not to exceed [six] *seven*
17 thousand six hundred sixty-seven dollars in taxable
18 value[, and poll tax] of any honorably discharged soldier,
19 sailor, marine or nurse of the war with Spain, Tyler
20 Rangers, Colorado volunteers in the war of the re-
21 bellion, 1861 to 1865, Indian wars, Chinese relief
22 expedition or the Philippine insurrection.
23 3. The property, not to exceed [two] *three thousand*
24 seven hundred seventy-eight dollars in taxable value
25 of any honorably discharged soldier, sailor, marine,
26 or nurse of the first World War."

Amendment S—5928 was adopted.

Senator Ramsey offered amendment S—5963, moved its adoption and requested a record roll call:

S—5963

1 Amend House File 1590 as amended, passed and
2 reprinted as follows:
3 1. Page 6, line 9, by inserting after the
4 word "subsections" the word "one (1)."
5 2. Page 6, by inserting after line 10 the
6 following:
7 "1. Surviving spouse *without living minor*
8 *children, eighty thousand dollars; surviving spouse*
9 *with one or more living minor children, an additional*
10 *ten thousand dollars per child.*"

On the question "Shall amendment S—5963 be adopted?" (H.F. 1590) the vote was:

Ayes, 24:

Andersen	Hansen	Murray	Shaff
Bergman	Heying	Nolting	Shaw
Briles	Hultman	Nystrom	Taylor
Burroughs	Kelly	Rabedaux	Van Gilst
DeKoster	Lamborn	Ramsey	Winkelman
Gallagher	Miller of	Schwengels	
Griffin	Marshall		

Nays, 25:

Carr	Hill of Jasper	Norpel	Robinson
Coleman	Hill of Polk	Orr	Rodgers
Culver	Junkins	Palmer	Scott
Curtis	Kinley	Plymat	Sovern
Doderer	Merritt	Priebe	Tieden
Glenn	Miller of	Redmond	Willits
Gluba	Des Moines		

Absent or not voting, 1:

Nolin

Amendment S—5963 lost.

Senator Kinley asked and received unanimous consent that Senators Heying and Nolin be excused from the Call of the Senate.

Senator Rodgers offered amendment S—5957 and moved its adoption:

S—5957

- 1 Amend House File 1590 as amended, passed, and
- 2 reprinted by the House, page 7 by adding after
- 3 line 10 the following:
- 4 "Sec. The provisions of sections one (1),
- 5 two (2), and three (3) of this Act shall become
- 6 effective **January 1, 1977.**"

Amendment S—5957 was adopted.

Senator Ramsey offered amendment S—5967 and moved its adoption:

S—5967

- 1 Amend House File 1590 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 3, line 11, by striking the word
- 4 "qualifies" and inserting in lieu thereof the word
- 5 "qualifies".

Amendment S—5967 was adopted.

Senator Briles offered amendment S—5965:

S—5965

- 1 Amend House File 1590 as amended, passed and

2 reprinted as follows:

3 1. Page 3, by inserting after line 27 the fol-
4 lowing:

5 "Sec. Section three hundred twenty-four
6 point sixteen (324.16), Code 1975, is amended to read
7 as follows:

8 **324.16 CREDIT TO LICENSEE—NONMOTOR VEHICLE OR**
9 **WATERCRAFT USE—CASUALTY LOSSES—NONTAXABLE**
PRODUCTS—

10 **—REFUNDS.** A licensee having received motor fuel or
11 special fuel which thereafter (1) he uses for any
12 purpose other than as fuel for propelling motor ve-
13 hicles or watercraft [or], (2) while owned by him is
14 lost or destroyed through accountable leakage or
15 through fire, accident, lightning, flood, storm, act
16 of war or public enemy or other like cause[,] or (3)
17 *he uses fuel in a manner which would entitle him to*
18 *receive a refund under the provisions of section three*
19 *hundred twenty-four point seventeen (324.17) of the*
20 *Code if a person other than a licensee, shall upon*
21 application to the department of revenue supported
22 by two notarized affidavits covering circumstances
23 of loss as proof, be entitled to a memorandum of
24 credit which he may apply against subsequent liability
25 under this chapter. or, if an applicant having paid
26 the tax on the gallonage covered in the application
27 is no longer engaged in activity for which his license
28 was issued, the department of revenue shall refund
29 the appropriate amount to the applicant.

30 Sec. Section three hundred twenty-four point
31 seventeen (324.17), unnumbered paragraph one (1),
32 Code 1975, is amended to read as follows:

33 Any person other than a licensee *as defined in*
34 *this chapter* who shall use motor fuel or special fuel
35 for the purpose of operating or propelling farm
36 tractors, or corn shellers, roller mills, [truck-mounted]
37 *and feed grinders whether mounted on a truck or self-*
38 *propelled, truck-mounted concrete mixers, stationary*
39 gas engines, aircraft, for cleaning or dyeing or for
40 any purpose other than in watercraft or in motor
41 vehicles operated or intended to be operated upon
42 the public highways and having paid the motor fuel
43 tax on the fuel either directly to the department
44 of revenue or by having the tax added to the price
45 of the fuel, and who has a refund permit shall, upon
46 presentation to and approval by the department of
47 revenue of a claim for refund be reimbursed and repaid
48 the amount of the tax which the claimant has paid
49 on the gallonage so used. Every claim filed subsequent
50 to July [4, 1957] 1, 1976, shall be subject to the

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1 following conditions:

2 Sec. Section three hundred twenty-four point
3 seventeen (324.17), subsection twelve (12), Code 1975,

4 is amended to read as follows:

5 12. Refund may also be made on special fuel taxes
6 paid on fuel consumed in the operation of corn shel-
7 lers, roller mills and feed grinders *whether* mounted
8 on trucks or *self-propelled and truck-mounted concrete*
9 *mixers* under the same conditions as provided by law
10 for refunds on motor vehicle fuel.

11 Sec. Section three hundred twenty-four point
12 seventeen (324.17), Code 1975, is amended by adding
13 the following new subsection:

14 **NEW SUBSECTION.**

15 a. The amount of fuel for which a fuel tax refund
16 may be claimed each month under the provisions of
17 this section shall be computed to be equal to the
18 difference between the invoiced gallons used in the
19 vehicle and the gallonage used in the vehicle for
20 transportation. For the purpose of this section 'gal-
21 lonage used in the vehicle for transportation' shall
22 be equal to one gallon for every three point six miles
23 traveled by a vehicle propelled by motor fuel and
24 one gallon for every four point seven miles traveled
25 by a vehicle propelled by special fuel.

26 b. Persons seeking refunds under this subsection
27 shall file on forms provided by the department which
28 shall require monthly dated odometer readings for
29 each vehicle for which a refund is claimed and shall
30 indicate the total miles traveled in the preceding
31 month for which the fuel tax is claimed.

32 c. Record for invoiced fuel purchased upon which
33 a refund is claimed and monthly dated odometer read-
34 ings on all vehicles for which a refund is claimed
35 shall be maintained by the person and open to inspec-
36 tion by agents of the department for a period of three
37 years from the date of claim. A violation of this
38 paragraph shall terminate the privilege to receive
39 a refund under this chapter.

40 Sec. Section three hundred twenty-four point
41 eighteen (324.18), Code 1975, is amended to read as
42 follows:

43 324.18 REFUND PERMIT. No person may claim a
44 refund under section 324.17 until he shall have
45 obtained a refund permit from the department of revenue
46 and paid the fee therefor. A special permit shall
47 be obtained by applicants claiming a refund under
48 the provisions of this chapter on account of motor
49 fuel or *special fuel* used for the purpose of operating
50 aircraft. Application for a refund permit shall be

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1 made to the department of revenue on a form provided
2 by the department of revenue, shall be certified by
3 the applicant under penalty for false certificate
4 and shall contain among other things, the name, the
5 address and occupation of the applicant, the nature
6 of his business and a sufficient description for

7 identification of the machines and equipment in which
8 is to be used motor fuel or *special fuel* for which
9 refund may be claimed under the permit. Each permit
10 shall bear a separate number and each claim for refund
11 shall bear the number of the permit under which it
12 is made. The department of revenue shall keep a per-
13 manent record of all permits issued and a cumulative
14 record of the amount of refund claimed and paid under
15 each. A fee of one dollar shall be collected by the
16 department of revenue from each person to whom a
17 refund permit is issued. A refund permit shall
18 continue in effect until revoked as hereinafter pro-
19 vided or until the claimant shall have moved from
20 the county with which his refund permit is identified.”
21 2. The title, line 18, by inserting after the
22 word “returns,” the words “providing for a refund of
23 a portion of the motor fuel tax paid by the operator
24 of a farm tractor, corn sheller, roller mill, feed
25 grinder or a truck-mounted concrete mixer,”.

Senator Rodgers raised the point of order that amendment S—5965 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5965 out of order.

Senators Lamborn and Curtis withdrew amendment S—5966:
S—5966

- 1 Amend House File 1590 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 3, by striking line 28 through page
- 4 4, line 21.
- 5 2. Page 7, by striking lines 3 through 5.

Senator DeKoster withdrew amendment S—5970:

S—5970

- 1 Amend House File 1590 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by inserting after line 21 the
- 4 following:
- 5 “Sec. Section four hundred twenty-two point
- 6 thirty-five (422.35), subsection four (4), Code 1975,
- 7 is amended to read as follows:
- 8 4. Subtract [fifty percent] of the federal income
- 9 taxes paid or accrued, as the case may be, during the
- 10 tax year, adjusted by any federal income tax refunds;
- 11 and add the Iowa income tax deducted in computing said
- 12 taxable income. *This subsection is retroactive to*
- 13 *January 1, 1976 for tax years beginning on or after*
- 14 *January 1, 1976.*
- 15 Sec. Chapter four hundred twenty-two (422),
- 16 Division two (II), Code 1975, as amended by Acts of
- 17 the Sixty-sixth General Assembly, 1975 session, is

18 amended by adding the following new section:

19 **NEW SECTION. TAX CREDIT ON CORPORATE DIVIDENDS.**

20 A tax credit shall be allowed as a deduction from the
21 tax computed under this division for dividends re-
22 ceived by the individual taxpayer and included in his
23 gross income for the tax year subject to the following
24 requirements:

25 1. A percentage of the dividends received by the
26 taxpayer from each corporation and included in his
27 income shall be allowed as a credit. The percentage shall
28 be that percentage that the tax assessed and paid by the
29 corporation for the tax year bears to the net income
30 of the corporation as defined in section four hundred
31 twenty-two point thirty-five (422.35) of the Code.

32 2. The corporation has reported the name and
33 address of each person owning stock and the amount
34 of dividends paid each such person during the year."

Senator DeKoster withdrew amendment S—5971 to amend-
ment S—5970:

S—5971

1 Amend the DeKoster amendment S—5970 to House File

2 1590 as amended, passed and reprinted as follows:

3 1. Page 1, line 8, by striking the word "of" and

4 inserting in lieu thereof the word "[of]".

Senator Rodgers moved that the bill be read the last time now,
which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1590) the vote
was:

Ayes, 37:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Hill of Polk	Murray	Schwengels
Burroughs	Hultman	Norpel	Scott
Carr	Junkins	Nystrom	Sovern
Coleman	Kelly	Orr	Taylor
Culver	Kinley	Plymat	Tieden
Gallagher	Merritt	Priebe	Van Gilst
Glenn	Miller of	Rabedaux	Winkelman
Gluba	Des Moines	Redmond	

Nays, 11:

Curtis	Hill of Jasper	Palmer	Shaw
DeKoster	Lamborn	Ramsey	Willits
Doderer	Nolting	Shaff	

Absent or not voting, 2:

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

Senator Rodgers asked and received unanimous consent that **House File 1590** be **immediately messaged** to the House, which request was complied with.

INTRODUCTION OF BILL

Senate File 1346, by committee on appropriations, a bill for an act to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

Read first time and placed on calendar.

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 85

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, respectfully make the following report:

1. That the Senate recede from items 1 and 7 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

2. That the House concur in item 2 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

3. That the House concur in item 3 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

4. That the Senate recede from item 4 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

5. That the House recede from item 26 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

6. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 7, lines 16 through 18 by striking the words "did not expressly or tacitly

acquiesce in and was not one which he could" and inserting in lieu thereof the words "could not".

7. That the Senate recede from items 5 and 6 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

8. That the House recede from items 41 and 42 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

9. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, lines 20 and 21, by striking the words "he reasonably believes to be" and inserting in lieu thereof the word "is".

10. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, line 29, by inserting after the word "knows" the words "or should know".

11. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 10, by inserting after line 29 the following section:

"Sec. NEW SECTION. DEATH. A physician or a person acting on the direct orders of a physician who ceases to provide medical attention to a person who is dead, as death is defined in division two (II) of this chapter, shall not be criminally liable for such cessation of medical attention."

12. That the House concur in item 8 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

13. That the House concur in item 9 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

14. That the House concur in item 10 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

15. That the Senate recede from item 11 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

16. That the House recede from items 79 and 80 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

17. That the House concur in item 12 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

18. That the House concur in item 13 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

19. That the Senate recede from item 14 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

20. That the House concur in items 15 and 18 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

21. That Senate File 85, as amended, passed, and reprinted

by the Senate, is further amended on page 19A, line 3, by inserting after the word "force" the word "or".

22. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, line 6, by striking the words "person so consenting" and inserting in lieu thereof the word "other."

23. That Senate File 85, as amended, passed and reprinted by the Senate, is further amended on page 19A, by striking lines 7, 8, and 9.

24. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, by striking line 11 and inserting in lieu thereof the following: "defect or incapacity which precludes giving consent, or lacks the".

25. That the House concur in item 17 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

26. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, line 30, by striking the word "and" and inserting in lieu thereof the word "or".

27. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19A, by striking lines 34 and 35 and inserting in lieu thereof the following:

"Any sex act between persons who are not at the time cohabiting as husband and wife is sexual abuse in the third degree by either of the participants when the act is performed with the other participant in any of the following".

28. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19B, line 37, by striking the word "and" and inserting in lieu thereof the word "or".

29. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended on page 19B, by striking lines 39 and 40 and inserting in lieu thereof the following:

"2. The other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks".

30. That the House concur in item 19 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

31. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 20A, by inserting after line 2 the following new subsection:

"4. The other person is fourteen years of age but less than sixteen years of age and the defendant is a member of the same household as the victim, the defendant is related to the victim by blood or affinity to the fourth degree, or the defendant is in a position of authority over the victim and used this authority to coerce the victim to submit."

32. That the Senate recede from items 20 and 21 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

33. That the House recede from items 102 and 103 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

34. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 20A, by striking lines 4 through 7.

35. That item 22 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate, is amended by striking the item and inserting in lieu thereof the following:

“22. Page 9, by inserting after line 43 the following:

‘..... Page 20A, by inserting after line 8 the following:

“Sec. **NEW SECTION. RESISTANCE TO SEXUAL ABUSE.**

Under the provisions of this division it shall not be necessary to establish physical resistance by a participant in order to establish that an act of sexual abuse was committed by force or against the will of the participant. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other.” ”

36. That the House concur in items 23 and 24 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

37. That the House concur in item 25 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

38. That the House concur in item 26 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

39. That the Senate recede from item 27 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

40. That the House recede from items 116 and 117 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

41. That the House concur in item 28 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

42. That the House concur in item 29 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

43. That the House concur in item 30 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

44. That the Senate recede from item 31 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

45. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 27A, line 18, by inserting after the word “deception.” the words “Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering

of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception."

46. That the House concur in item 32 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

47. That the House concur in item 33 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

48. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 31A, by striking line 28 through page 31B, line 46.

49. That the House concur in item 34 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

50. That the Senate recede from item 35 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

51. That the Senate recede from items 36 and 37 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

52. That the House amendment, S—5603 to Senate File 85, as amended, passed and reprinted by the Senate is further amended on page 14, by striking lines 10 through 17 and inserting in lieu thereof the following:

"2. If the prisoner is in custody by reason of a conviction or charge of any public offense other than a class A felony, the defendant commits a class D felony."

53. That the House amendment, S—5603, to Senate File 85, as amended, passed and reprinted by the Senate is further amended on page 14, by striking lines 34 through 39 and inserting in lieu thereof the following:

"2. If the prisoner was confined by reason of a conviction of any public offense other than a class A felony, the defendant commits a class D felony."

54. That the Senate recede from items 38 and 39 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

55. That the Senate recede from item 40 of its amendment **H—6605, to the House amendment, S—5603, to Senate File 85,** as amended, passed, and reprinted by the Senate.

56. That the House recede from item 180 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

57. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 47, line 11, by striking the words "or personal insults".

58. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended, page 47, line 12, by striking the words "or obscene".

59. That the House concur in item 41 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

60. That the House concur in item 42 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

61. That the Senate recede from items 43 and 44 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

62. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 53, line 14, by inserting after the word "misdemeanor." the words: "Any person who transfers the ownership of a revolver or pistol to a person related to him or her within the second degree of consanguinity or affinity shall be exempt from the reporting requirements of this section."

63. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 54, by inserting after line 16 the following sections:

"Sec. **NEW SECTION. PERMIT TO PURCHASE REQUIRED.** Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. **NEW SECTION. APPLICATION.** The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public safety. The application shall state the full name of the applicant, the social security number of the applicant, the residence of the applicant, and the age of the applicant.

Sec. **NEW SECTION. ISSUANCE.** The permit to purchase pistols or revolvers shall be issued to the applicant immediately upon completion of the application and shall be on a form prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the social security number of the permittee, the residence of the permittee, and the effective date of the permit.

Sec. **NEW SECTION. VALIDITY.** The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid one year after the date of application.

Sec. **NEW SECTION. MAILING OF APPLICATIONS.** A person may by mail or personally request the sheriff to mail an application for a permit to purchase pistols or revolvers and the sheriff shall immediately forward to such person an application for a permit to purchase pistols or revolvers. A person may upon completion of the application mail such application to the sheriff who shall note the period of validity on the application and shall immediately forward the permit to purchase pistols or revolvers to the applicant. For the purposes of this section the date of application shall

be the date on which the sheriff received the completed application."

64. That the House concur in item 45 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

65. That the House concur in item 46 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

66. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 18, by striking lines 22 through 27 and inserting in lieu thereof the words "firearm or offensive weapon is guilty of an aggravated misdemeanor."

67. That the House concur in items 47 and 83 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

68. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 21, by striking lines 10 through 41 and inserting in lieu thereof the following section:

"Sec. **NEW SECTION. PUBLIC INDECENT EXPOSURE. A**
holder of a liquor license or beer permit or any owner, manager, or person who exercises direct control over any licensed premises defined in section one hundred twenty-three point three (123.3), subsection thirty-one (31)) of the Code shall be guilty of a serious misdemeanor under any of the following circumstances:

1. If such person allow or permit the actual or simulated public performance of any sex act upon or in such licensed premises.

2. If such person allow or permit the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

3. If such person allow or permit the exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

4. If such person allow or permit any person to remain in or upon the licensed premises who exposes to public view his or her genitals, pubic hair, or anus.

5. If such person allow or permit the displaying of moving pictures, films, or pictures depicting any sex act or the display of the pubic hair, anus, or genitals upon or in such licensed premises.

Provided that the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances."

69. That the House concur in item 49 of the Senate

amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

70. That the Senate recede from item 50 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

71. That item 221 of the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate, is amended on page 22 by striking lines 35 through 38 and inserting in lieu thereof the following:

“WITHOUT A LICENSE. Unless another penalty is specifically provided, any person who without a license carries on or transacts any business or occupation for which a license is required by any law of this state, commits a simple misdemeanor.”

72. That the Senate recede from item 51 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

73. That the House recede from item 227 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

74. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 62, by inserting after line 5 the following section:

“Sec. **NEW SECTION.** Any person who knowingly sells or offers for sale material depicting a sex act involving sado-masochistic abuse, excretory functions, a child, or bestiality which the average adult taking the material as a whole in applying contemporary community standards would find that it appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value shall, upon conviction be guilty of a simple misdemeanor. Charges under this section may only be brought by a county attorney, the attorney general, or a grand jury.”

75. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 63, line 35, by inserting after the word “Act.” the words “Nothing in this section shall restrict the zoning authority of cities and counties.”

76. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 71, by inserting after line 30 the following:

“At the time of the arrest, the law enforcement officer shall inform the person of:

1. His or her identity as a law enforcement officer; and
2. The reason for the arrest which is that the person is believed to be a material witness to an identified felony and that the person might be unavailable for service of a subpoena.”

77. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 71, by inserting after line 30 the following section:

**"Sec. INITIAL APPEARANCE BEFORE MAGISTRATE—
ARREST**

OF MATERIAL WITNESS. The officer shall, without unnecessary delay, take the person arrested before the nearest and most accessible magistrate to the place where the arrest occurred.

At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to sections one thousand one hundred two (1102) and one thousand one hundred three (1103) of this Act."

78. That the Senate recede from item 52 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

79. That the House recede from items 247 and 248 of its amendment, S—5603, to Senate File 85, as amended, passed and reprinted by the Senate.

80. That Senate File 85, as amended, passed, and reprinted by the Senate, is further amended, page 72, by striking lines 12 through 18 and inserting in lieu thereof the words "has committed a felony."

81. That the Senate recede from item 53 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

82. That the Senate recede from items 54 and 55 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

83. That the Senate recede from item 56 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

84. That the Senate recede from item 57 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

85. That the House recede from item 246 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

86. That the Senate concur in item 286 of the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

87. That the Senate recede from item 58 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

88. That the Senate recede from item 59 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

89. That the House amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate, is amended by striking item 307 and inserting in lieu thereof the following:

"307. Page 117, by striking line 4, and inserting in lieu thereof the words 'event disclosure shall be made, unless the court in an in camera hearing orders that it be kept confidential.' "

90. That the Senate recede from items 60 and 61 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

91. That the House recede from items 322, 323, and 324 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

92. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 130A, by striking lines 16 through 35.

93. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended by striking pages 130B through page 133, line 2, and inserting in lieu thereof the following:

"Rule 12. DEPOSITIONS.

1. By defendant. A defendant in a criminal case, either after preliminary information, indictment, or information, may examine all witnesses listed by the state on the indictment or information or notice of additional witnesses, conditionally or on notice or commission, in the same manner and with like effect as in civil actions.

When the state receives notice that a deposition will be taken of a witness listed on the indictment, information or notice of additional witnesses, the state may object that the witness is (a) a foundation witness or (b) has been adequately examined on preliminary hearing. The court shall immediately determine whether discovery of said witness or witnesses is necessary in the interest of justice and shall allow or disallow said deposition.

2. Special circumstances. Whenever due to special circumstances of the case it is in the interest of justice that the testimony of a prospective witness not included in subsections one (1) or three (3) of this rule be taken and preserved for use at trial, the court may upon motion of a party and notice to the parties order that testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged, be produced at the same time and place.

For purposes of this subsection, special circumstances shall be deemed to exist, and the court shall order that depositions be taken, only upon the showing of necessity arising from either the following circumstances:

a. The information sought by way of deposition cannot adequately be disclosed by a bill of particulars, or by voluntary statements.

b. Other just cause necessitating discovery by deposition.

3. By state. At the taking of a deposition by a defendant under subsection one (1) or two (2) of this rule, the defen-

dant shall list all witnesses expected to be called for the defense. There shall be a continuing duty throughout trial to disclose additional defense witnesses, and such witnesses shall be subject to being deposed by the state.

4. Perpetuating testimony. A person apprehension of a criminal prosecution may perpetuate testimony in his or her favor in the same manner and with like effect, as may be done in apprehension of any civil action."

94. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 144, line 34, by striking the word "four" and inserting in lieu thereof the word "seven".

95. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 145, line 2, by striking the word "four" and inserting in lieu thereof the word "seven".

96. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 145, line 13, by striking the word "four" and inserting in lieu thereof the word "seven".

97. That Senate File 85, as amended, passed, and reprinted by the Senate, be further amended, page 189, by inserting after line 23 the following section:

"Sec. The supreme court is authorized to propose changes in the rules of criminal procedure for consideration by the First Session of the Sixty-seventh Session of the General Assembly. This section shall be effective July 1, 1976. Any rules promulgated under the authority of this section shall become effective January 1, 1978."

98. That the Senate recede from item 62 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

99. That the House concur in item 63 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

100. That the House concur in item 64 of the Senate amendment, H—6805, to the House amendment, S—5603 to Senate File 85, as amended, passed, and reprinted by the Senate.

101. That the Senate recede from items 65 through 67 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

102. That the House recede from items 357 through 359 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

103. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, line 15, by inserting after the words "is a" the words "simple or serious".

104. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, line

16, by inserting after the word "felony" the words "or an aggravated misdemeanor".

105. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, by inserting after line 19 the words "Applications for dismissals under this subsection may be made by the county attorney or the defendant or by the court on its own motion."

106. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A by striking lines 20 through 30 and inserting in lieu thereof the following:

"1. When a person is arrested for the commission of a public offense and an indictment is not found against him within forty-five days, the court must order the prosecution to be dismissed, unless good cause to the contrary is shown or the defendant waives his right thereto."

107. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 166A, by striking lines 31 through 35 and inserting in lieu thereof the following:

"2. If a defendant indicted for a public offense has not waived his right to a speedy trial he must be brought to trial within ninety days after indictment is found or the court".

108. That the Senate recede from items 68 and 75 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

109. That the House concur in item 69 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

110. That the Senate recede from item 70 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

111. That the House recede from item 385 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

112. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 216A, by striking lines 13 through 15 and inserting in lieu thereof the following:

"Sec. *NEW SECTION. RECORD REVIEWED.* The board shall interview a class A felon within five years of his or her confinement and regularly thereafter."

113. That the House concur in item 71 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

114. That the Senate recede from item 72 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

115. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 37, by striking lines 22 through 30.

116. That Senate File 85, as amended, passed, and re-

printed by the Senate is further amended on page 217A, by striking line 35 through page 218, line 2.

117. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 218, lines 3 and 4, by striking the words "INCORRIGIBLE OFFENDERS. An incorrigible" and inserting in lieu thereof the words "HABITUAL OFFENDERS. An habitual".

118. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 37, by striking lines 31 through 40 and inserting in lieu thereof the following:

"..... Page 218, line 9, by inserting after the word 'conviction,' the words 'A person sentenced as an habitual offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years.' "

119. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 218, by striking lines 15 through 26 and inserting in lieu thereof the following:

"1. An habitual offender shall be confined for no more than fifteen years.

2. A class C felon, not an habitual offender, shall be confined for no more than ten years, and in addition, may be sentenced to a fine of not more than five thousand dollars.

3. A class D felon, not an habitual offender, shall be confined for no more than five years, and in addition, may be sentenced to a fine of not more than one thousand dollars."

120. That the House concur in items 73 and 76 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

121. That the House concur in item 74 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

122. That the Senate recede from item 77 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

123. That the Senate recede from item 78 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

124. That the Senate recede from items 79 through 81 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

125. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 41, lines 30 through 32, by striking the words "magistrate appointed pursuant to section six hundred two point fifty-one (602.51) of the Code" and inserting in lieu thereof the word "magistrate".

126. That the Senate recede from item 82 of its amendment,

H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

127. That the Senate recede from item 84 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

128. That the House recede from item 469 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

129. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 317, by inserting after line 16 the following new section:

“Sec. Chapter two hundred four (204), Code 1975, is amended by adding the following new section:

‘NEW SECTION. MANDATORY MINIMUM SENTENCE. A person sentenced pursuant to section two hundred four point four hundred one (204.401), subsection one (1), paragraph a or b of the Code, shall not be eligible for parole until he or she has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law.

This section shall not apply if:

1. The offense is found to be an accommodation pursuant to section two hundred four point four hundred ten (204.410) of the Code; or

2. The controlled substance is marijuana.’”

130. That the Senate recede from item 85 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

131. That the House recede from item 470 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

132. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 320, by inserting after line 4 the following new section:

“Sec. Section two hundred four point four hundred ten (204.410), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a controlled substance, if the prosecution proves that the defendant violated the provisions of section two hundred four point four hundred one (204.401), subsection one (1), of the Code, but fails to prove that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit, the defendant shall be guilty of an accommodation offense and shall be sentenced as if he had been convicted of a violation of section two hundred four point four hundred one (204.401), subsection three (3) of the Code. An accommodation offense may be proved as an included offense under a charge of delivery or possessing with the intent to deliver a controlled substance in violation of section two hundred four point four hundred

one (204.401), subsection one (1), of the Code.

The effective date of this section shall be July 1, 1976."

133. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 320 by striking lines 9 through 26 and inserting in lieu thereof the following subsection:

"..... The disposition of property, other than conveyances subject to forfeiture, which has been taken or detained under this chapter shall be made in accordance with division nine (IX) of chapter two (2) of this Act."

134. That the Senate recede from items 86, 87, and 89 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate.

135. That the House recede from item 478 of its amendment, S—5603, to Senate File 85 as amended, passed, and reprinted by the Senate.

136. That Senate File 85, as amended, passed, and reprinted be further amended as follows:

"..... Page 337, line 15, by inserting after the word 'offense' the words '*and shall be imprisoned in the county jail not less than two days*'."

137. Page 337, line 19, by inserting after the word 'offense' the words '*and shall be imprisoned in the county jail not less than seven days*'."

138. That Senate File 85, as amended, passed, and reprinted by the Senate be further amended as follows:

"..... Page 337, by inserting after line 28 the following:

'Sec. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph five (5), Code 1975, is amended to read as follows:

This section shall not apply to a person operating a motor vehicle while under the influence of a narcotic, hypnotic or other drug if such substances were prescribed for such person and have been taken under such prescription and in accordance with the directions of a [reputable doctor of medicine] *medical practitioner as defined in section one hundred fifty-five point three (155.3), subsection eleven (11), of the Code*, provided however there is no evidence of the consumption of alcohol and further provided said [doctor of medicine] *medical practitioner* has not directed such person to refrain from operating a motor vehicle.' "

139. That the House concur in items 88 and 90 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

140. That the House concur in items 91 and 93 through 118 of the Senate amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

141. That the Senate recede from item 92 of its amendment,

H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

142. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 421, line 32, by inserting after the words and figure "three point three (223.3)," the words and figure "two hundred forty-five point fourteen (245.14),".

143. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended, page 421, line 34, by inserting after the words and figure "twenty-three (246.23)," the words and figure "two hundred forty-six point forty-four (246.44),".

144. That the Senate recede from items 119 and 120 of its amendment, H—6605, to the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

145. That the House recede from items 525 and 526 of its amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate.

146. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 425, by inserting after line 30 the following section:

"Sec. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred eighty-three (183), is repealed. The provisions of this section shall take effect July 1, 1976."

147. That Senate File 85, as amended, passed, and reprinted by the Senate is further amended on page 426, by inserting after line 29 the following section:

"Sec. Notwithstanding any other provisions of the Code of Iowa, this Act shall, insofar as possible, be included in the Code of Iowa with the chapters, divisions and sections of this Act as the chapters, divisions and sections of the Code and with the descriptive word titles of the Act retained. No editorial modification of this Act shall be incorporated into the Code without prior approval of the director of the legislative service bureau."

148. That when amendments which have as their purpose the elimination of masculine or feminine forms of words or terms and the substitution of neuter words or terms which conflict with the substantive amendments adopted by the House or the Senate, the secretary of the senate is directed when preparing Senate File 85 for enrollment to disregard amendments which have as their purpose the elimination of masculine or feminine forms and the substitution of neuter words or terms.

On the Part of the Senate:

GENE W. GLENN,
Chairperson
E. KEVIN KELLY
NORMAN RODGERS
EARL M. WILLITS

On the Part of the House:

NORMAN G. JESSE,
Chairperson
JULIA GENTLEMAN
CARL V. NIELSEN
BRICE C. OAKLEY

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 584**

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, respectfully make the following report:

1. That the Senate recede from its amendment, H—6740, to the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted.

2. That the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted, be amended as follows:

1. Page 1, by inserting after line 12 the following:

“.... Page 2, line 42, by inserting after the word ‘all’ the words ‘criminal and’ and by renumbering the amendment sections accordingly.”

2. Page 1, line 38, by striking the words “fifty thousand (50,000)” and inserting in lieu thereof the words “twenty-five thousand (25,000)”.

3. Page 1, line 39, by striking the words “one year” and inserting in lieu thereof the words “six months”.

4. Page 2, by striking line 20.

On the Part of the Senate:

JAMES M. REDMOND,

Chairperson

ROBERT M. CARR

EARL M. WILLITS

On the Part of the House:

NORMAN G. JESSE,

Chairperson

W. R. MONROE, JR.

ARTHUR A. SMALL, JR.

**REPORT OF THE THIRD CONFERENCE COMMITTEE
ON HOUSE FILE 1539**

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

We, the undersigned members of the third conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities, respectfully make the following report:

1. That the Senate amendment H—6781 to House File 1539 as amended and passed by the House be amended as follows:

1. Page 1, by striking line 14 and inserting in lieu thereof the words “facilities, provided that if the department deems it appropriate up to one hundred thousand (100,000)

dollars of the amount appropriated by this subsection may be used for such programs within state mental health institutes\$2,850,000".

2. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following:

"4. For use, at the option of the department of social services, to convert the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to either a minimum or medium security facility....\$ 250,000

5. The sum of one million three hundred fifty thousand (1,350,000) dollars to be used for any one—but only one—of the three following options which the governor, in consultation with the commissioner of social services, may direct the department to implement:

a. Conversion of the physical plant now occupied by the state training school for girls at Mitchellville to a medium security correctional facility, transfer of the persons under care and custody of that training school to the state juvenile home at Toledo or to an appropriate community facility pursuant to suitable arrangements to permit the transfer to be made as expeditiously as possible, and operation of the medium security correctional facility at the Mitchellville site;
or

b. Modification of building 20 at the mental health institute at Mount Pleasant for use as a medium security correctional facility, and operation of the facility, without discontinuing any of the mental health programs now offered at that institute and without intent on the part of the general assembly to influence or to restrict the scope of the recommendations relative to future utilization, conversion or discontinuation of the state mental health institutes which the department is required by this Act to prepare; or

c. Conversion of the physical plant formerly occupied by Midwestern college at Denison to a medium security correctional facility, and operation of the facility.

If the governor elects to direct the department to implement one of the foregoing options, the facility so converted or modified shall under no circumstances have a capacity in excess of one hundred fifty prisoners, and shall not be operated for more than two years after the effective date of this Act without specific extension by the general assembly of authority to operate the facility. Notwithstanding the provisions of section four (4) of this Act relative to reversion of capital funds, any unencumbered balance of the money appropriated by this subsection shall revert to the general fund on June 30, 1977."

3. Page 2, line 15, by inserting after the word "adult" the words "and juvenile".

4. Page 2, line 49, by striking the word "January" and inserting in lieu thereof the word "March".

5. Page 3, line 6, by striking the word "January" and inserting in lieu thereof the word "March".

6. Page 3, line 23, by inserting after the word "facili-

ties" the words " , including those not now used as penal institutions".

7. Page 3, by inserting after line 33 the following new subsection:

"4. To help insure that the general assembly is knowledgeable of the commission's work and of the background of the report submitted by it, the joint human resources subcommittees of the senate and house committees on appropriations shall meet periodically with the commission. No more than four such meetings shall be held during the interval between adjournment of the 1976 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of the Sixty-seventh General Assembly. The joint human resources subcommittee shall not have authority to mandate, alter or reject any comment or recommendation in the report required of the commission by subsection three (3) of this section."

8. By renumbering the succeeding subsection of section 6 of the Senate amendment.

9. Strike page 3, line 44 through page 4, line 4, and insert in lieu thereof the following:

"Sec. 7. The department of social services, division of mental health services, shall prepare and submit to the legislative council for transmission to the first session of the Sixty-seventh General Assembly recommendations relative to the future utilization, conversion or discontinuation and disposition of the state mental health institutes at Cherokee, Clarinda, Independence and Mount Pleasant.

Sec. 8. Anything in chapter two hundred forty-two (242) of the Code to the contrary notwithstanding, the department of social services may at its option initiate and maintain co-educational programs and services at the state training school at Eldora during the fiscal period for which appropriations for operating expenses are made by this Act. The legislative service bureau shall report to the legislative council prior to the convening of the first session of the Sixty-seventh General Assembly such amendments to chapter two hundred forty-two (242) of the Code and other statutes as may be needed to permit continuation of co-educational programs and services at the state training school at Eldora."

On the Part of the Senate:

BERL E. PRIEBE,

Chairperson

WILLIAM E. GLUBA

GEORGE R. KINLEY

CLIFTON C. LAMBORN

FORREST V. SCHWENGELS

On the Part of the House:

GREGORY D. CUSACK,

Chairperson

ELMER H. DEN HERDER

THOMAS J. HIGGINS

EMIL J. HUSAK

SCOTT D. NEWHARD

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 1261**

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1261, a bill for an Act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, respectfully make the following report:

1. That the Senate and House conferees have failed to reach an agreement.

On the Part of the Senate:

BASS VAN GILST, Chairperson
LUCAS J. DeKOSTER
MINNETTE F. DODERER
ELIZABETH R. MILLER
WILLIAM D. PALMER

On the Part of the House:

WALLY E. HORN, Chairperson
HORACE DAGGETT
MARY O'HALLORAN
JOHN E. PATCHETT
DELWYN STROMER

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the second conference committee on Senate File 1261 on the part of the Senate: Senators Van Gilst, chairperson; DeKoster, Doderer, Miller of Marshall and Palmer.

RESOLUTION SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the President of the Senate and the Speaker of the House, and sent to the Secretary of State for deposit on this 27th day of May, 1976: Senate Joint Resolution 1006.

STEVEN C. CROSS
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

May 27, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1055, was published in The Newton Daily News, Newton, Iowa on May 18, 1976, and in the Waterloo Daily Courier, Waterloo, Iowa on May 18, 1976.

I further certify that Senate File 1275, was published in the Grinnell Herald-Register, Grinnell, Iowa on May 17, 1976, and in The Independent, Hawarden, Iowa on May 20, 1976.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

EXPLANATION

The name of Senator Warren E. Curtis should have been included as a sponsor of amendment S—5933 to House File 1590.

ROGER J. SHAFF

EXPLANATION OF VOTE ON HOUSE FILE 1558

MR. PRESIDENT: I refused to vote for a conference committee report which mandates construction of lakes that have been neither designed or engineered without alternative options.

I refuse to betray a Senate body which twice this session and twice in previous sessions supported the large lake. The appropriation to start funding construction of the large lake was voted thirty-five to ten in favor when tested on its own merits in a bill. When the House refused this, a compromise was voted to allow three options for the commission to choose the most feasible. The Senate voted thirty-eight to ten in favor of this. It also was refused by the House.

Most of all I refuse to vote for a conference report that does not offer a plan that can be constructed immediately. Mandating 1977 as the construction year gives the next legislative body the opportunity to continue using the Volga as a political football. We have had ten years of planning, designing, and engineering at considerable cost. Enough!

For these and other reasons I voted "NAY" on the conference committee report and on the bill.

May I add a thank you to the members of the Senate who have supported the Volga project throughout the years. I cannot even be too critical of most of the members of the House of Representatives for they were exceedingly ill-informed and could vote only on the merits as they were presented to them. I feel we made a mistake by not accepting the three options, as a great deal of work had gone into that amendment. I had visited with Attorney General Turner and both of the engineers that have been currently involved with the Volga project as well as the Conservation Commission and the Senate leadership before proposing that amendment. It is unfortunate then that Representative Avenson called the large lake an inviable option.

Respectfully submitted

H. L. HEYING

REPORT OF COMMITTEES

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 914, a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations, begs leave to report it has had the same under consideration and recommends the House amendment to the Senate amendment be amended as follows; and when so amended the bill do pass:

S—5972

- 1 Amend the House amendment, S—5888, to the Senate
- 2 amendment, H—4350, to House File 914, as amended,
- 3 passed, and reprinted by the House, as follows:

- 4 1. Page 1, line 6, by inserting after the figure
5 "(8)" the word "and".
- 6 2. Page 1, line 7, by inserting after the figure
7 "(12)" the words and figures "and sixteen (16)".
- 8 3. Page 1, by inserting after line 34 the follow-
9 ing:
10 "16. 'Pensions' shall mean annual payments for
11 life derived from the appropriations provided by the
12 *state of Iowa and from contributions of the members*
13 *which are deposited in the pension accumulation fund.*
14 All pensions shall be paid in equal monthly
15 installments."
- 16 4. Page 3, by inserting after line 29 the following
17 amendment:
18 "..... Page 5, by inserting after line 7 the fol-
19 lowing section:
20 'Sec. Section ninety-seven A point six
21 (97A.6), subsection fifteen (15), Code 1975, is amended
22 by adding the following new paragraph:
23 *NEW PARAGRAPH. A retired member who became eligible*
24 *for benefits under the provisions of subsection one*
25 *(1) of this section but who did not serve twenty-two*
26 *years and did not attain the age of fifty-five years*
27 *prior to the member's termination of employment shall*
28 *not be eligible for the annual readjustment of pensions*
29 *provided for by this subsection.'*"
- 30 5. Page 3, by inserting after line 29 the fol-
31 lowing:
32 "..... Page 5, by inserting after line 7 the
33 following section:
34 'Sec. Section ninety-seven A point seven
35 (97A.7), Code 1975, is amended by adding the follow-
36 ing new subsection:
37 *NEW SUBSECTION. The board of trustees may invest*
38 *funds of fire and police retirement systems under*
39 *the provisions of chapter four hundred eleven (411)*
40 *of the Code.'*"
- 41 6. Page 3, by inserting after line 37 the follow-
42 ing:
43 "The provisions of section ninety-seven A point
44 eight (97A.8), subsection one (1), paragraphs b and
45 c, of the Code relating to the contributions of members
46 shall be applicable to this paragraph."
- 47 7. Page 4, line 25, by striking the word "and".
- 48 8. Page 4, line 26, by inserting after the figure
49 "(14)," the words and figure "and eighteen (18).".
- 50 9. Page 4, by inserting after line 46 the follow-

Page 2

- 1 ing:
2 "18. 'Pensions' shall mean annual payments for
3 life derived from appropriations provided by the said
4 cities *and from contributions of the members which*
5 *are deposited in the pension accumulation fund.* All
6 pensions shall be paid in equal monthly installments."

7 10. Page 5, line 14, by striking the word "section"
8 and inserting in lieu thereof the word "sections".

9 11. Page 5, by inserting after line 32 the follow-
10 ing:

11 "Sec. Section four hundred eleven point five
12 (411.5), subsections eleven (11), twelve (12), and
13 thirteen (13), Code 1975, are amended to read as fol-
14 lows:

15 11. TABLE—RATES. Immediately after the estab-
16 lishment of each retirement system, the actuary shall
17 make such investigation of *anticipated interest*
18 *earnings and of the mortality, service and compensation*
19 *experience of the members of the system as [he] the*
20 *actuary shall recommend and the board of trustees*
21 *shall authorize, and on the basis of such investigation*
22 *[he] the actuary shall recommend for adoption by the*
23 *board of trustees such tables and such rates as are*
24 *required in subsection 12 of this section. The board*
25 *of trustees shall adopt the rate of interest and*
26 *tables, and certify rates of contribution to be used*
27 *by the system.*

28 12. ACTUARIAL INVESTIGATION. In the year 1938,
29 and at least once in each five-year period thereafter,
30 the actuary shall make an actuarial investigation
31 into the mortality, service and compensation experience
32 of the members and beneficiaries of the retirement
33 system, *and the interest and other earnings on the*
34 *moneys and other assets of the retirement system,*
35 *and shall make a valuation of the assets and*
36 *liabilities of the funds of the system, and taking*
37 *into account the results of such investigation and*
38 *valuation, the board of trustees shall:*

39 a. Adopt for the retirement system such *interest*
40 *rate, mortality, and other tables as shall be deemed*
41 *necessary;*

42 b. Certify the rates of contribution payable by
43 the said cities in accordance with section 411.8 of
44 this chapter.

45 13. VALUATION. On the basis of such *rate of*
46 *interest and such tables as the boards of trustees*
47 *shall adopt, the actuary shall make an annual valuation*
48 *of the assets and liabilities of the funds of the*
49 *retirement systems created by this chapter."*

50 12. Page 7, line 19, by striking the word "section"

Page 3

1 and inserting in lieu thereof the word "sections".

2 13. Page 7, by inserting after line 50 the follow-
3 ing:

4 "Sec. Section four hundred eleven point seven
5 (411.7), subsection three (3), Code 1975, is amended
6 to read as follows:

7 3. Each board of trustees annually shall allow
8 regular interest on the mean amount for the preceding
9 year in each of the funds with the exception of the

10 *pension accumulation fund and the expense fund. The*
 11 *amount so allowed shall be due and payable to said*
 12 *funds and shall be annually credited thereto by the*
 13 *respective board of trustees from interest and other*
 14 *earnings on the moneys and other assets of the*
 15 *retirement systems. Any additional amount required*
 16 *to meet the interest on the funds of the retirement*
 17 *system shall be paid by the cities and any excess*
 18 *of earnings over such amount required shall be*
 19 *deductible from the amounts to be contributed by the*
 20 *said cities."*

21 14. Page 8, by inserting after line 8 the follow-
 22 ing:

23 "The provisions of section four hundred eleven
 24 point eight (411.8), subsection one (1), paragraphs
 25 b and c, of the Code relating to the contributions
 26 of members shall be applicable to this paragraph."

27 15. Page 8, line 10, by striking the word "section"
 28 and inserting in lieu thereof the word "sections".

29 16. Page 8, lines 11 and 12, by striking the words
 30 and figures "ninety-seven A point eight (97A.8)" and
 31 inserting in lieu thereof the words and figures "four
 32 hundred eleven point eight (411.8)".

33 17. Page 8, line 14, by striking the words "[in-
 34 terest and of]" and inserting in lieu thereof the words
 35 "*the rate of interest and of*".

36 18. Page 8, line 33, by inserting after the word
 37 "basis" the words "*of the rate of interest and*".

38 19. Page 8, line 34, by striking the words "and
 39 regular interest" and inserting in lieu thereof the
 40 words "[and regular interest]".

41 20. Page 8, by inserting after line 36 the
 42 following:

42 "Sec. Chapter four hundred eleven (411),
 44 Code 1975, is amended by adding the following new
 45 section:

46 **NEW SECTION.** Each board of trustees may, in lieu
 47 of investing funds as provided in section four hundred
 48 eleven point seven (411.7) of the Code, transfer
 49 authority to invest funds to the board of trustees
 50 of the peace officers' retirement, accident, and

Page 4

1 **disability system under chapter ninety-seven A (97A)**
 2 **of the Code. Assets held by the system electing to**
 3 **transfer investment authority shall either be**
 4 **transferred in cash or market value plus accrued**
 5 **interest. The assets of the system may be commingled**
 6 **with assets of the peace officers' retirement, accident**
 7 **and disability system for purposes of investment,**
 8 **and no system shall have any right to any specific**
 9 **asset deposited in any of the peace officers'**
 10 **retirement, accident and disability funds other than**
 11 **its undivided interest in all assets. The board of**
 12 **trustees of chapter ninety-seven A (97A) of the Code**

13 shall maintain the necessary records to determine
14 the interest of any system in the funds. All income
15 or gain realized from investments of moneys in the
16 funds and all investment expense or loss shall be
17 allocated to the funds of each system in the same
18 ratio that the average quarterly balances based on
19 market values of the funds of each system bear to
20 the total average quarterly balance of the funds in
21 chapter ninety-seven A (97A) of the Code.

22 The board of trustees electing to transfer in-
23 vestment authority may withdraw in total or in part
24 its assets from the funds established under chapter
25 ninety-seven A (97A) of the Code. Withdrawal shall
26 be by written notice and the amount payable shall
27 be the balance as of the end of the quarter next
28 following receipt of the notice."

29 21. Page 8, by striking lines 37 through 40 and
30 inserting in lieu thereof the following amendments:

31 "..... Page 10, by striking line 19a and inserting
32 in lieu thereof the following:

33 'Sec. Chapter four hundred eleven (411),
34 Code 1975, is amended by adding the following new
35 section:

36 **NEW SECTION.** There is appropriated from the general
37 fund of the state to the municipal'.

38 "..... Page 10, line 19c, by striking the words
39 'the fiscal year beginning' and inserting in lieu
40 thereof the words 'each fiscal year'."

41 22. Page 8, by striking lines 41 through 44 and
42 inserting in lieu thereof the following:

43 "..... Page 10, by striking lines 19d, 19e, and
44 19f and inserting in lieu thereof the words 'an amount
45 necessary to be distributed'."

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on rules and administration to which
was referred **Senate Joint Resolution 1001**, a joint resolution providing that
veteran legislators be presented with a legislative desk and chair in tribute
to their years of service, begs leave to report it has had the same under
consideration and recommends the same **be amended as follows; and when so
amended the bill do pass:**

S—5953

1 Amend Senate Joint Resolution 1001 as follows:

2 1. Page 1, by striking lines 1 through 8.

3 2. Page 1, by adding after line 19 the fol-
4 lowing:

5 "Members of the general assembly who have served
6 a cumulative total of ten years or more but less
7 than twenty years as either a senator or representative
8 or both and who will complete their service after the

9 adoption of this resolution shall be presented with
10 a legislative chair from the surplus supply of chairs
11 as a tribute and in appreciation of the time served
12 in such capacity."

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1555**, a bill for an act relating to the township tax levy for fire protection purposes, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5951

1 Amend House File 1555 as amended and passed by
2 the House as follows:
3 1. Page 1, by inserting before line 1 the fol-
4 lowing:
5 "Section 1. Acts of the Sixth-sixth General
6 Assembly, 1975 Session, chapter one hundred ninety-
7 four (194) section six (6), amending section three
8 hundred fifty-nine point forty-two (359.42), Code
9 1975 is amended as follows:
10 359.42 TOWNSHIP FIRE PROTECTION. The trustees
11 of each township in this state [shall] *may* provide fire
12 protection for the township, exclusive of any part
13 of the township within a benefited fire district. The
14 trustees may purchase, own, rent or maintain fire
15 protection apparatus or equipment and provide housing
16 for such equipment. The trustees may contract with
17 any public or private agency under chapter twenty-
18 eight E (28E) of the Code for the purpose of providing
19 fire protection under this section."

NORMAN RODGERS, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5946

1 Amend Senate File 1218 as follows:
2 1. Page 1, by striking lines 1 through 21 and
3 inserting in lieu thereof the following:
4 "Sec. Section two point thirty-two (2.32),
5 Code 1975, is amended by striking the section and
6 inserting in lieu thereof the following:
7 2.32 CONFIRMATION OF APPOINTMENTS. There is
8 created a standing committee on nominations of the
9 senate composed of three members of the majority
10 party and two members of the minority party. The
11 nominations of all public officers required to
12 be confirmed by the senate shall be referred to the

13 committee. The committee shall cause each nomination
14 to be published weekly for two weeks in a newspaper
15 of general circulation. The committee shall receive
16 any objection to a nomination submitted by a citizen.
17 A nomination shall not be reported to the senate until
18 two weeks after the last publication of the nomination.
19 Each week the committee shall report to the senate as
20 a group those nominations which it recommends.

21 When a nomination has been considered by the
22 committee and approval of the senate has been refused,
23 the nominee shall not be eligible for an interim ap-
24 pointment to that board, commission, or position
25 requiring confirmation by the senate, prior to the con-
26 vening of the next regular session of the general
27 assembly. If the nomination of an incumbent officer
28 for a succeeding term is refused, the incumbent shall
29 not hold over at the expiration of the term."

CHARLES P. MILLER

S—5942

1 Amend Senate File 1218 as follows:
2 1. Page 3, lines 6 through 10, by striking
3 the words " , except that for the initial appointments,
4 the governor shall appoint one member to serve until
5 June 30, 1969, one member to serve until June 30, 1970,
6 and one member to serve until June 30, 1971" and
7 inserting in lieu thereof the words "[, except that
8 for the initial appointments, the governor shall ap-
9 point one member to serve until June 30, 1969, one
10 member to serve until June 30, 1970, and one member
11 to serve until June 30, 1971]".

MINNETTE DODERER

S—5959

1 Amend the House amendment, S—5888, to the Senate
2 amendment, H—4350, to House File 914, as amended
3 and passed by the House as follows:
4 1. Page 3, by inserting after line 29 the
5 following:
6 "..... Page 5, by inserting after line 7 the
7 following section:
8 'Sec. Section ninety-seven A point seven
9 (97A.7), Code 1975, is amended by adding the following
10 new subsection:
11 **NEW SUBSECTION.** The board of trustees may invest
12 funds of fire and police retirement systems under
13 the provisions of chapter four hundred eleven (411)
14 of the Code.'"
15 2. Page 8, line 10, by striking the word "section"
16 and inserting in lieu thereof the word "sections".
17 3. Page 8, by inserting after line 36 the
18 following:
19 "Sec. Chapter four hundred eleven (411),
20 Code 1975, is amended by adding the following new
21 section:

22 *NEW SECTION.* Each board of trustees may, in lieu
23 of investing funds as provided in section four hundred
24 eleven point seven (411.7) of the Code, transfer
25 authority to invest funds to the board of trustees
26 of the peace officers' retirement, accident, and
27 disability system under chapter ninety-seven A (97A)
28 of the Code. Assets held by the system electing to
29 transfer investment authority shall either be
30 transferred in cash or market value plus accrued
31 interest. The assets of the system may be commingled
32 with assets of the peace officers' retirement, accident
33 and disability system for purposes of investment,
34 and no system shall have any right to any specific
35 asset deposited in any of the peace officers'
36 retirement, accident and disability funds other than
37 its undivided interest in all assets. The board of
38 trustees of chapter ninety-seven A (97A) of the Code
39 shall maintain the necessary records to determine
40 the interest of any system in the funds. All income
41 or gain realized from investments of moneys in the
42 funds and all investment expense or loss shall be
43 allocated to the funds of each system in the same
44 ratio that the average quarterly balances based on
45 market values of the funds of each system bear to
46 the total average quarterly balance of the funds in
47 chapter ninety-seven A (97A) of the Code.
48 The board of trustees electing to transfer in-
49 vestment authority may withdraw in total or in part
50 its assets from the funds established under chapter

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1 ninety-seven A (97A) of the Code. Withdrawal shall
2 be by written notice and the amount payable shall
3 be the balance as of the end of the quarter next
4 following receipt of the notice."

MINNETTE F. DODERER
WILLIAM D. PALMER
EUGENE M. HILL

S—5973

1 Amend amendment S—5972 to the House amend-
2 ment S—5888 to the Senate amendment H—4350 to
3 House File 914, as amended, passed and reprinted
4 by the House as follows:
5 1. Page 1, line 38, by inserting after the word
6 "systems" the word "created".
7 2. Page 1, line 40, by inserting after the word
8 "Code" the words "in the manner prescribed in
9 this section".

EARL M. WILLITS

S—5958

1 Amend the committee on natural resources amend-
2 ment, S—5919, to House File 1326 as amended, passed
3 and reprinted as follows:

4 1. Page 1, by striking lines 20 through 26, and
5 inserting in lieu thereof the following:
6 "The open season for small mouth bass shall be
7 from June fifteenth to April first. The minimum
8 length for small mouth bass shall be fourteen inches."

DALE L. TIEDEN

S—5960

1 Amend House File 1488 as amended and passed by
2 the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. *NEW SECTION. DEFINITIONS.* As used
6 in this Act, unless the context otherwise requires,
7 'public employee' means any officer, deputy, or
8 employee of the state or any of its subdivisions who
9 is required by the nature of his or her duties to
10 collect fees, or hold funds belonging to the state
11 or any of its subdivisions.

12 Sec. 2. *NEW SECTION. DEFAULT OF PUBLIC EMPLOYEES—*
13 *DUTY OF PUBLIC OFFICER.* Within sixty days after
14 the discovery of any default or wrongful act on the
15 part of any public employee, the auditor of state,
16 county auditor, city auditor, township clerk, or
17 school district clerk, or the treasurer of state or
18 the treasurer of a subdivision, if the defaulting
19 officer is the auditor of state or auditor or clerk
20 of a subdivision, and any other officer having
21 supervision of a defaulting public employee, shall
22 file a claim with the state comptroller.

23 Sec. 3. *NEW SECTION. COMPTROLLER TO NOTIFY AUDI-*
24 *OF STATE OF DEFAULT OF PUBLIC EMPLOYEE—DUTY OF*
25 *AUDITOR*
26 *AUDITOR*

27 OF STATE. Upon receipt of a claim that a public
28 employee has defaulted or created a liability against
29 the state, the state comptroller shall notify the
30 auditor of state of the claim, and the auditor shall
31 check the accounts of the public employee and file
32 a report with the state comptroller, stating the
33 amount, if any due the state or any political
34 subdivision because of the default or wrongful act.
35 The comptroller shall deliver the claim to the state
36 appeal board for processing in accordance with the
37 provisions of chapter twenty-five (25) of the Code.

38 Sec. 4. Section eight point four (8.4), Code 1975,
39 is amended to read as follows:

40 8.4 STATE COMPTROLLER—SALARY[—BOND]. There is
41 hereby created an office to be known as 'office of
42 state comptroller', which shall be directly attached
43 to the office of the governor and shall be under the
44 general direction, supervision and control of the
45 governor. Such office shall be in immediate charge
46 of an officer to be known as 'state comptroller',

45 who shall be appointed by the governor, with the
46 approval of two-thirds of the senate, and shall hold
47 office at his pleasure and shall receive a salary
48 as fixed by the general assembly. Before entering
49 upon the discharge of his duties, he shall take the
50 constitutional oath of office [and he shall give a

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1 surety bond in such penalty as may be fixed by the
2 governor, payable to the state, but such penalty shall
3 not be less than twenty-five thousand dollars
4 conditioned upon the faithful discharge of his duties.
5 The premium on his bond shall be paid out of the state
6 treasury].

7 Sec. 5. Section eight point eight (8.8), Code
8 1975, is amended to read as follows:

9 8.8 STATING ACCOUNT. If any officer who is
10 accountable to the treasury for any money or property
11 neglects to render an account to the comptroller
12 within the time prescribed by law, or, if no time
13 is so prescribed, then, within twenty days after being
14 required so to do by the comptroller, the comptroller
15 shall state an account against him from the books
16 of his office, charging ten percent damages on the
17 whole sum appearing due, and interest at the rate
18 of six percent per annum on the aggregate from the
19 time when the account should have been rendered; all
20 of which may be recovered by action brought on such
21 account[, or on the official bond of such officer].

22 Sec. 6. Section eight point nine (8.9), Code 1975,
23 is amended to read as follows:

24 8.9 COMPELLING PAYMENT. If any such officer fails
25 to pay into the treasury the amount received by him
26 within the time prescribed by law, or, having settled
27 with the comptroller, fails to pay the amount found
28 due, the comptroller shall charge such officer with
29 twenty percent damages on the amount due, with interest
30 on the aggregate from the time the same became due
31 at the rate of six percent per annum, and the whole
32 may be recovered by an action brought on such account,
33 [or on the official bond of such officer,] and he shall
34 forfeit his commission.

35 Sec. 7. Section twelve point sixteen (12.16),
36 Code 1975, is amended to read as follows:

37 12.16 SWAMP LAND INDEMNITY. All swamp land
38 indemnity money paid by the federal government to
39 this state under any Act of Congress relating thereto
40 shall be paid by the treasurer of state to the county
41 treasurer of the county where the land, on account
42 of which such payment is made, is located. The county
43 treasurer shall be liable [on his bond] for the safe
44 custody of said funds and shall promptly notify the
45 board of supervisors of the receipt thereof. Said
46 funds shall be applied by the said supervisors as
47 required by law.

48 Sec. 8. Section eighteen point two (18.2), Code
49 1975, is amended to read as follows:

50 18.2 DEPARTMENT ESTABLISHED. There is created

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1 a department of general services which shall be
2 attached to the office of the governor and shall be
3 under his general direction, supervision, and control.
4 The office shall be in charge of a director, who shall
5 be appointed by the governor, with the approval of
6 two-thirds of the senate. The director shall be
7 employed on a permanent basis. He shall not hold
8 any other office, engage in any political activity,
9 accept or solicit, directly or indirectly, any
10 political contributions, and shall not use his office
11 to support the candidacy of anyone for elective or
12 appointive office. The director shall hold office
13 at the governor's pleasure and shall receive a salary
14 at a rate fixed by the governor not to exceed twenty-
15 five thousand dollars per annum. [Before entering
16 upon the discharge of his duties, the director may
17 be required to give a surety bond in such amount as
18 may be fixed by the governor. The premium on the
19 bond shall be paid out of funds appropriated to the
20 department.]

21 The director shall be a qualified administrator.

22 Sec. 9. Section twenty-five point two (25.2),
23 Code 1975, is amended to read as follows:

24 25.2 EXAMINATION OF REPORT—APPROVAL OR REJEC-
TION—

25 –PAYMENT. The state appeal board with the
26 recommendation of the special assistant attorney
27 general for claims may approve or reject claims against
28 the state of less than ten years covering the
29 following: Outdated warrants; outdated sales and use
30 tax refunds; license refunds; additional agricultural
31 land tax credits; outdated invoices; fuel and gas
32 tax refunds; outdated homestead and veterans'
33 exemptions; outdated funeral service claims; tractor
34 fees; registration permits; outdated bills for
35 merchandise; services furnished to the state; claims
36 by any county or county official relating to the
37 personal property tax credit; *claims by state*
38 *departments and political subdivisions for default,*
39 *or wrongful acts of public employees;* and refunds
40 of fees collected by the state. Payments authorized
41 by the state appeal board shall be paid from the
42 appropriation or fund of original certification of
43 the claim, except, that if such appropriation or fund
44 has since reverted under section 8.33 then such payment
45 authorized by the state appeal board shall be out
46 of any money in the state treasury not otherwise
47 appropriated. Notwithstanding the provisions of this
48 section, the state comptroller may reissue outdated
49 warrants.

50 Sec. 10. Section twenty-five point six (25.6),

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1 Code 1975, is amended to read as follows:
2 25.6 CLAIMS BY STATE AGAINST MUNICIPALITIES OR
3 PUBLIC EMPLOYEES. The state appeal board shall have
4 power and authority to investigate and collect claims
5 which the state may have against municipal or political
6 corporations in the state including counties, cities,
7 townships, and school corporations or public employees.
8 The board shall refer any such claim to the special
9 assistant attorney general for claims, when any such
10 claim has not been promptly paid, and if the special
11 assistant attorney general for claims is not able
12 to collect the full amount of said claim, he shall
13 fully investigate same and report to the state appeal
14 board his findings of fact and conclusions of law,
15 together with any recommendation he may have as to
16 said claim. Thereafter the state appeal board may
17 effect a compromise settlement with the debtor in
18 such amount and under such terms as the said board
19 may deem just and equitable in view of the findings
20 and conclusions reported to it. In the event the
21 state appeal board is unable to collect a claim in
22 full or effect what it has determined to be a fair
23 compromise, it shall deliver same to the attorney
24 general for such action as he shall determine and
25 the special assistant attorney general for claims
26 is specifically charged with carrying out the
27 directions of the attorney general with reference
28 thereto. When any claim is compromised by the state
29 appeal board, it shall file in the office of the
30 comptroller a statement as to the settlement, together
31 with a true copy of the agreement of settlement, and
32 if in settlement an amount less than the face amount
33 is accepted in full, the proper entries shall be made
34 in the books of the comptroller, and auditor of state
35 showing the amount of the claim, the amount of the
36 settlement and the amount charged off.

37 Sec. 11. Section twenty-seven point one (27.1),
38 Code 1975, is amended to read as follows:
39 27.1 DEPUTIES. The secretary, auditor, treasurer
40 of state, and secretary of agriculture may each
41 appoint, in writing, any person, except one holding
42 a state office, as deputy, for whose acts the
43 appointing officer shall be responsible, [and from
44 whom the appointing officer shall require bond,] which
45 appointment [and bond] must be approved by the officer
46 having the approval of the [principal's bond] principle,
47 and such appointment may be revoked in the same manner.
48 The appointment and revocation shall be filed with
49 and kept by the secretary of state. [The state shall
50 pay the reasonable cost of the bonds required by this

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1 section.]

2 Sec. 12. Section twenty-nine A point nineteen

3 (29A.19), Code 1975, is amended to read as follows:

4 29A.19 QUARTERMASTER. There shall be detailed
5 a commissioned officer of the national guard or one
6 retired therefrom with not less than ten years' service
7 in the Iowa national guard or the Iowa air national
8 guard and who shall have attained the grade of a field
9 officer, to be the quartermaster and property officer
10 of the state, and as such, shall have charge of and
11 be accountable for, under the adjutant general, all
12 state military property, and who may be the United
13 State property and fiscal officer. He shall keep
14 such property returns and reports on the same [and
15 shall give such bond to the state of Iowa as the
16 governor may direct].

17 Sec. 13. Section twenty-nine A point thirty-seven
18 (29A.37), unnumbered paragraph one (1), Code 1975,
19 is amended by striking the paragraph.

20 Sec. 14. Section twenty-nine A point thirty-seven
21 (29A.37), unnumbered paragraph two (2), Code 1975,
22 is amended to read as follows:

23 [Upon the violation of any of the conditions of
24 any bond executed and delivered under the provisions
25 of this section, action thereon shall be brought by
26 the adjutant general on behalf of the state. It shall
27 be the duty of the attorney general of the state to
28 prosecute all actions upon such bonds.] No further
29 payments shall be made under any provision of this
30 chapter to the accountable officer of any organization
31 or unit who does not fully and satisfactorily account
32 to the adjutant general for all moneys theretofore
33 paid to him under any provision of this chapter.

34 Sec. 15. Section thirty-seven point nine (37.9),
35 unnumbered paragraph four (4), Code 1975, is amended
36 to read as follows:

37 The commissioners having the management and control
38 of a memorial hospital shall, within ten days after
39 their appointment, qualify by taking the usual oath
40 of office, but no bonds shall be required of them
41 except as hereinafter provided. The commissioners
42 shall organize by electing a chairman, secretary,
43 and treasurer. [The secretary and treasurer shall
44 each file with the chairman of the commission a surety
45 bond in such sum as the commission may require, with
46 sureties approved by the commission, for the use and
47 benefit of the memorial hospital. The reasonable
48 costs of such bonds shall be paid from operating funds
49 of the hospital.] The secretary shall immediately
50 report to the county auditor and county treasurer

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1 the names of the chairman, secretary, and treasurer
2 of the commission. The commission shall meet at least
3 once each month. Three members of the commission
4 shall constitute a quorum for the transaction of

5 business. The secretary shall keep a complete record
6 of its proceedings.

7 Sec. 16. Section sixty-three point one (63.1),
8 Code 1975, is amended to read as follows:

9 63.1 TIME. Each officer, elective or appointive,
10 before entering upon his duties as such, shall qualify
11 by taking the prescribed oath [and by giving, when
12 required, a bond], which qualification shall be
13 perfected, unless otherwise specified, before noon
14 of the second secular day in January of the first
15 year of the term for which such officer was elected.

16 Sec. 17. Section seventy-one point two (71.2),
17 Code 1975, is amended to read as follows:

18 71.2 PAYMENT PROHIBITED. No person so unlawfully
19 appointed or employed shall be paid or receive any
20 compensation from the public money and such appointment
21 shall be null and void and any person or persons so
22 paying the same or any part thereof, [together with
23 his bondsmen,] shall be liable for any and all moneys
24 so paid.

25 Sec. 18. Section eighty-nine point one (89.1),
26 Code 1975, is amended to read as follows:

27 89.1 INSPECTORS—[BONDS—]QUALIFICATIONS. The
28 commissioner of labor shall, on the first day of July
29 every two years, appoint a state boiler inspector
30 who shall work under the direct supervision of the
31 commissioner of labor and who shall devote his full
32 time to the duties of his office. [Before entering
33 upon the duties of his office, the state boiler
34 inspector shall give a bond in the sum of twenty-five
35 hundred dollars for the faithful performance of his
36 duties, the same to be approved by the secretary of
37 state and deposited in his office.] The commissioner
38 of labor may appoint deputy inspectors possessing
39 the same qualifications as the state boiler inspector,
40 whenever necessary to carry out the provisions of
41 this chapter. Deputy inspectors shall be subject to
42 and governed by the same rules applicable to and
43 governing the acts and conduct of the state boiler
44 inspector. The person so appointed shall be a
45 practical boilermaker or a licensed engineer and shall
46 be qualified by not less than five years' experience
47 in the construction, installation, repair and
48 inspection of boilers, steam generators and
49 superheaters, with knowledge of their operation and
50 use for the generating of steam for power, heating

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1 or other purposes, and shall neither directly nor
2 indirectly be interested in the manufacture, ownership
3 or agency of the same.

4 Sec. 19. Section ninety-six point thirteen (96.13),
5 subsection one (1), Code 1975, is amended to read
6 as follows:

7 1. SPECIAL FUND. There is hereby created in the

8 state treasury a special fund to be known as the
9 'Employment Security Administration Fund'. All moneys
10 which are deposited or paid into this fund are hereby
11 appropriated and made available to the commission.
12 All moneys in this fund, except money received pursuant
13 to section 96.9, subsection 4, which are received
14 from the federal government or any agency thereof
15 or which are appropriated by the state for the purposes
16 described in section 96.12 shall be expended solely
17 for the purposes and in the amounts found necessary
18 by the secretary of labor for the proper and efficient
19 administration of this chapter. This fund shall
20 consist of all moneys appropriated by this state,
21 and all moneys received from the United States, or
22 any agency thereof, including the department of labor,
23 the railroad retirement board, the United States
24 employment service, established under the Wagner-
25 Peyser Act, or from any other source for such purpose.
26 Moneys received from the railroad retirement board,
27 or any other agency, as compensation for services
28 or facilities supplied to said board or agency shall
29 be paid to the commission, and the commission shall
30 allocate said moneys to the employment security
31 administration fund. All moneys in this fund shall
32 be deposited, administered, and disbursed, in the
33 same manner and under the same conditions and
34 requirements as is provided by law for special funds
35 in the state treasury. Any balances in this fund
36 shall not lapse at any time, but shall be continuously
37 available to the commission for expenditure consistent
38 with this chapter. [The state treasurer shall give
39 a separate and additional bond conditioned upon the
40 faithful performance of his duties in connection with
41 the employment security administration fund in an
42 amount and with such sureties as shall be fixed and
43 approved by the governor. The premiums for such bond
44 and the premiums for the bond given by the treasurer
45 of the unemployment compensation fund under section
46 96.9, shall be paid from the moneys in the employment
47 security administration fund.] Notwithstanding any
48 provision of this section, all money requisitioned
49 and deposited in this fund pursuant to section 96.9,
50 subsection 4, paragraph 'c', shall remain part of

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1 the unemployment compensation fund and shall be used
2 only in accordance with the conditions specified in
3 section 96.9, subsection 4.

4 **Sec. 20.** Section one hundred twenty point three
5 (120.3), subsection two (2), Code 1975, as amended
6 by Acts of the Sixty-sixth General Assembly, 1975
7 Session, chapter twenty (20), section eleven (11),
8 is amended to read as follows:

9 2. The board shall choose, annually, one of its
10 members as chairman who shall have power to administer

11 oaths and take affidavits, certifying thereto under
12 the seal of the board. The board shall meet as often
13 as deemed necessary by the chairman or a majority
14 of the board and shall meet at least one time per
15 year at the seat of government. A majority of the
16 board shall constitute a quorum. The board may employ
17 a secretary whose salary shall be established by the
18 governor with the approval of the executive council
19 pursuant to section nineteen A point nine (19A.9),
20 subsection two (2), of the Code under the pay plan
21 for exempt positions in the executive branch of govern-
22 ment. [The secretary shall give bond in the sum of
23 five thousand dollars.] The secretary shall keep a
24 full record of the proceedings of the board which
25 shall be open for inspection at all reasonable times.
26 Members of the board shall set their own per diem
27 compensation at a rate not exceeding forty dollars
28 per day for each day actually engaged in the discharge
29 of their duties, and they shall be paid their actual
30 traveling expenses within the limits of funds
31 appropriated to the board.

32 Sec. 21. Section one hundred seventy-three point
33 eleven (173.11), subsection three (3), Code 1975,
34 is amended by striking the subsection.

35 Sec. 22. Section one hundred seventy-three point
36 fourteen (173.14), subsection five (5), Code 1975,
37 is amended to read as follows:

38 5. Take and hold property by gift, devise, or
39 bequest for fair purposes, and the president,
40 secretary, and treasurer of the board shall have
41 charge and control of the same, subject to the action
42 of the board. [Such officers shall give bonds as
43 required in the case of executors, to be approved
44 by the board and filed with the secretary of state.]

45 Sec. 23. Section two hundred eighteen point thirty-
46 nine (218.39). subsection seven (7), Code 1975, is
47 amended to read as follows:

48 7. Pay into the state treasury, from time to time,
49 such amount as the particular director in control
50 may determine is necessary to reimburse the state

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1 for his negligent loss of such stores or supplies,
2 and shall so do within sixty days of such determination
3 by the particular director in control. If default
4 be made in such payment, he shall be discharged [and
5 suit shall be brought on his bond].

6 Sec. 24. Section two hundred seventy-seven point
7 twenty-eight (277.28), unnumbered paragraph six (6),
8 Code 1975, is amended to read as follows:

9 The treasurer elected at a regular election in
10 city districts shall qualify by taking the oath of
11 office in the manner herein required [and filing a
12 bond as required by section 291.2] within ten days
13 after the first secular day in July following his

14 election.

15 Sec. 25. Section two hundred seventy-nine point
16 three (279.3), Code 1975, as amended by Acts of the
17 Sixty-sixth General Assembly, 1975 Session, chapter
18 eighty-one (81), section one hundred thirty-four
19 (134), as further amended by chapter one hundred
20 fifty-eight (158), section one (1), is amended to read
21 as follows:

22 279.3 APPOINTMENT OF SECRETARY AND TREASURER.

23 At a regular or special meeting of the board held
24 in July prior to or on July fifteenth, the board shall
25 appoint a secretary who shall not be a teacher or
26 other employee of the board. It shall also appoint
27 a treasurer. These officers shall be appointed from
28 outside the membership of the board for terms of one
29 year beginning with the date of appointment and the
30 appointment and qualification shall be entered of
31 record in the minutes of the secretary. They shall
32 qualify within ten days following their appointment
33 by taking the oath of office in the manner required
34 by section 277.28 [and filing a bond as required by
35 section 291.2] and shall hold office until their
36 successors are appointed and qualified.

37 Sec. 26. Section two hundred seventy-nine point
38 eight (279.8), unnumbered paragraph two (2), Code
39 1975, is amended by striking the paragraph.

40 Sec. 27. Section two hundred ninety-one point
41 four (291.4), Code 1975, is amended to read as follows:

42 291.4 OATH. Each shall take the oath required
43 of civil officers, [which shall be endorsed upon the
44 bond,] and shall complete his qualifications within
45 ten days.

46 Sec. 28. Section three hundred one point two
47 (301.2), Code 1975, is amended to read as follows:

48 301.2 CUSTODIAN—BOND. The books and supplies
49 so purchased shall be under the charge of the board,
50 who may select one or more persons within the county

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1 to keep said books and supplies as the depository
2 agent of the board under such rules [and regulations]
3 as the board shall adopt. [The board shall require
4 of each person so appointed a bond in such sum as
5 may seem to the board to be desirable, the reasonable
6 cost of which, if a bond of an association or
7 corporation as surety is furnished, shall be paid
8 by the district.] The board shall adopt rules [and
9 regulations] to provide that no textbook in any branch
10 determined by the board to be taught in the schools
11 under its charge, shall be sold or rented by such
12 depository agent to the pupils in such schools as
13 a textbook other than those textbooks authorized by
14 said board for use by the pupils in such schools;
15 to provide that no such textbook shall be sold or
16 rented by such depository agent at a price or fee

17 higher than that fixed by the said board; and to
18 provide such other measures not in conflict with law
19 as are necessary properly to govern said depository
20 agents and safeguard the said books and moneys.

21 Sec. 29. Section three hundred two point forty-
22 four (302.44), Code 1975, is amended to read as
23 follows:

24 **302.44 PENALTY AGAINST COUNTY AUDITOR.** Any county
25 auditor failing or neglecting to perform any of the
26 duties which are required of him by the provisions
27 of this chapter, shall be liable to a penalty of not
28 less than one hundred nor more than five hundred
29 dollars, to be recovered in an action brought in the
30 district court by the board of supervisors, the
31 judgment to be entered against the party [and his
32 bondsmen], and the proceeds to go to the school fund.

33 Sec. 30. Section three hundred nine point eighteen
34 (309.18), unnumbered paragraph two (2), Code 1975,
35 is amended to read as follows:

36 Said engineers shall, in the performance of their
37 duties, work under the directions of said board [and
38 shall give bonds for the faithful performance of their
39 duties in a sum not less than two thousand nor more
40 than five thousand dollars, to be approved by the
41 board].

42 Sec. 31. Section three hundred thirteen point
43 twenty (313.20), Code 1975, is amended to read as
44 follows:

45 **313.20 AUDITOR—APPOINTMENT—[BOND—]DUTIES.** The
46 state comptroller shall appoint the auditor of the
47 department [who shall give bond in the sum of fifty
48 thousand dollars for the faithful performance of his
49 duties. The premium on said bond shall be paid by
50 the department from the primary road fund]. Said

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1 auditor shall check and audit all claims against the
2 department before such claims are approved by the
3 department, and shall keep all records and accounts
4 relating to the expenditures of the department. He
5 shall, in the checking and auditing of claims against
6 the department, and keeping the records and accounts
7 of the department, be under the direction and
8 supervision of the comptroller, and act as an agent
9 of said comptroller. The department shall furnish
10 said auditor with such help and assistants as may
11 be necessary to properly perform the duties herein
12 specified. The said auditor may be removed by the
13 state comptroller.

14 Sec. 32. Section three hundred twenty-one point
15 one hundred fifty-one (321.151), Code 1975, is amended
16 to read as follows:

17 **321.151 DUTY AND LIABILITY OF TREASURER.** The
18 county treasurer shall collect the registration fee
19 and penalties on each vehicle registered by him [and

20 shall be responsible on his bond for such amount].
21 He shall remit such amount to the treasurer of state
22 as herein provided.

23 Sec. 33. Section three hundred thirty-two point
24 three (332.3), subsection eight (8), Code 1975, is
25 amended to read as follows:

26 8. To require any county officer to make a report
27 to it, under oath, on any subject connected with the
28 duties of his office [and to give such bonds as shall
29 be necessary for the faithful performance of his
30 duties].

31 Sec. 34. Section three hundred thirty-two point
32 three (332.3), subsection nine (9), Code 1975, is
33 amended to read as follows:

34 9. To remove from office by a majority vote any
35 officer who shall refuse or neglect to make any report
36 [or give any bond] mentioned in the preceding subsection,
37 within twenty days after being required so to do.

38 Sec. 35. Section three hundred thirty-four point
39 eleven (334.11), Code 1975, is amended to read as
40 follows:

41 334.11 PENALTY. In case the treasurer of any
42 county shall fail to prepare and forward the aforesaid
43 statement and remittance, he shall forfeit and pay
44 for each and every failure a sum not less than one
45 hundred dollars or more than five hundred dollars[,
46 to be recovered in an action on the treasurer's bond,
47 brought in the name of the state comptroller or the
48 treasurer of state].

49 Sec. 36. Section three hundred thirty-seven point
50 seventeen (337.17), Code 1975, is amended to read

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1 as follows:

2 337.17 DUTY AND LIABILITY OF TREASURER. The
3 county treasurer receiving such funds shall enter
4 the same in detail in a book kept for that purpose,
5 listing the names of the parties to whom such funds
6 are due, description of property condemned, and amount
7 of each item so due, and the same shall be paid out
8 by him to the parties to whom the same is due, upon
9 warrants ordered by the board of supervisors and
10 issued by the county auditor, drawn upon said
11 condemnation fund, and shall not be payable out of
12 any other fund. Such county treasurer [and his sureties]
13 shall be liable for such funds the same as for other
14 funds received in his official capacity.

15 Sec. 37. Section three hundred thirty-seven point
16 nineteen (337.19), Code 1975, is amended to read as
17 follows:

18 337.19 LIABILITY OF SHERIFF. Nothing contained
19 in sections 337.15 to 337.18 shall be construed as
20 relieving such sheriffs [or the sureties on their bonds]
21 from liability for such funds so received by them
22 until such payment has been made to the county

23 treasurer or successor in office as herein provided.
24 Sec. 38. Section three hundred forty point five
25 (340.5), Code 1975, is amended to read as follows:
26 340.5 RESIDENT TAX COLLECTORS IN CERTAIN CITIES.
27 In any county in which there exists a city, not the
28 county seat, having a population of six thousand or
29 over, the treasurer may appoint a resident deputy
30 collector of taxes for such city and vicinity [under
31 bond as provided for other deputies], and his
32 compensation shall be the same percentage of the
33 treasurer's salary as the chief deputy and second
34 deputy in such county. Such resident deputy collector
35 shall maintain an office in such city for a period
36 of approximately five weeks each spring and fall,
37 such periods to terminate on April 1 and October 1
38 respectively or as soon thereafter as possible. The
39 treasurer in such case shall prepare the necessary
40 books and records for such deputy each year, and the
41 board of supervisors is authorized to allow payment
42 of incidental expenses pertaining to the operations
43 of such office, not to exceed one hundred dollars
44 per year.
45 Sec. 39. Section three hundred forty-one point
46 four (341.4), Code 1975, is amended to read as follows:
47 341.4 QUALIFICATIONS. [Each deputy shall be
48 required to give a bond in an amount to be fixed by
49 the officer having the approval of the bond of his
50 principal, with sureties to be approved by such

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1 officer. Such bond when approved shall be filed and
2 kept in the office of the auditor.] Each deputy shall
3 take the same oath as his principal, which shall be
4 endorsed on the certificate of appointment.
5 Sec. 40. Section three hundred forty-three point
6 five (343.5), Code 1975, is amended to read as follows:
7 343.5 EXAMINATION OF ACCOUNTS—EXPENSE. If any
8 officer required by law to report the fees collected
9 by him to the board of supervisors shall neglect or
10 refuse to make such report, it shall be the duty of
11 the board to employ an expert accountant to examine
12 the books, papers, and accounts of such officer, and
13 to make said report, the expense of which shall be
14 charged to such delinquent officer[, and shall be
15 collectible upon his official bond.
16 Sec. 41. Section three hundred forty-six point
17 five (346.5), Code 1975, is amended to read as follows:
18 346.5 BONDS—NEGOTIATION OF—DUTIES OF TREASURER.
19 When bonds issued under this chapter shall be executed,
20 numbered consecutively, and sealed, they shall be
21 delivered to the county treasurer and his receipt
22 taken therefor, and he shall stand charged [on his
23 official bond] with all bonds delivered to him and
24 the proceeds thereof, and he shall sell the same,
25 or exchange them, on the best available terms, for

26 any legal indebtedness of the county outstanding on
27 **the first day of January, April, June, or September**
28 next preceding the resolution of the board authorizing
29 their issue, but in neither case for a less sum than
30 the face value of the bonds and all interest accrued
31 on them at the date of such sale or exchange.

32 Sec. 42. Section three hundred forty-seven point
33 eleven (347.11), Code 1975, is amended to read as
34 **follows:**

35 347.11 ORGANIZATION—MEETINGS—QUORUM. Said
36 trustees shall, within ten days after their appointment
37 or election, qualify by taking the usual oath of
38 office, but no bond shall be required of them, except
39 as hereafter provided, and organize by the election
40 of one of their number as chairman and one as
41 secretary, and one as treasurer. [The secretary and
42 treasurer shall each file with the chairman of the
43 board a surety bond in such penal sum as the board
44 of trustees may require and with sureties to be
45 approved by the board for the use and benefit of the
46 county public hospital. The reasonable cost of such
47 bonds shall be paid from operating funds of the
48 hospital.] The secretary shall report to the county
49 auditor and treasurer the names of the chairman,
50 secretary and treasurer of the board of hospital

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1 trustees as soon as practicable after the qualification
2 of each. Said board shall meet at least once each
3 month. Four members of said board shall constitute
4 a quorum for the transaction of business. The
5 secretary shall keep a complete record of its
6 proceedings.

7 Sec. 43. Section three hundred forty-seven A point
8 one (347A.1). Code 1975, as amended by Acts of the
9 Sixty-sixth General Assembly, 1975 Session, chapter
10 eighty-one (81), section one hundred forty-seven
11 (147), is amended to read as follows:

12 347A.1 CONTRACTS—TRUSTEES. Any county in the
13 state of Iowa having a population less than one hundred
14 fifty thousand is hereby authorized and empowered
15 to acquire, construct, equip, operate and maintain
16 a county hospital and, for the purpose of acquiring,
17 constructing, equipping, enlarging or improving any
18 such county hospital and acquiring the necessary
19 lands, rights of way and other property necessary
20 therefor, may issue revenue bonds all as in this
21 chapter provided. All contracts for construction
22 work of such county hospital shall be awarded by the
23 board of supervisors on competitive bidding following
24 such advertisement as may be prescribed by such board.
25 The administration and management of any county
26 hospital acquired, constructed, equipped, enlarged
27 or improved under this chapter shall be vested in
28 a board of hospital trustees consisting of five members

29 appointed by the board of supervisors from among the
30 resident citizens of the county with reference to
31 their fitness for such office, and not more than two
32 of such trustees shall be residents of the same
33 township. Such trustees shall hold office until the
34 next succeeding election, at which time their
35 successors shall be elected, two for a term of two
36 years, two for a term of four years and one for a
37 term of six years, and thereafter their successors
38 may be elected for regular terms of six years each.
39 Vacancies in the board of trustees may be filled in
40 the same manner as original appointments to hold
41 office until the vacancies are filled pursuant to
42 section sixty-nine point twelve (69.12) of the Code.
43 Said trustees shall, **within ten days after their**
44 appointment or election qualify by taking the usual
45 oath of office, but no bond shall be required of them.
46 The members of such board of hospital trustees shall
47 receive no compensation but shall be reimbursed for
48 all expenses incurred by them with the approval of
49 said board in the performance of their duties. The
50 board first appointed shall organize promptly following

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1 their appointment, and shall serve until such time
2 as their successors are elected and qualified;
3 thereafter no later than December 1 of each year the
4 board shall reorganize by the appointment of a
5 chairman, secretary, and treasurer. [The secretary
6 and treasurer shall each file with the chairman of
7 the board a surety bond in such penal sum as the board
8 of trustees requires, with sureties to be approved
9 by the board of trustees, for the use and benefit
10 of the county hospital. The reasonable cost of the
11 bonds shall be paid from the operating funds of the
12 hospital.] The secretary shall report to the county
13 auditor and the county treasurer the names of the
14 chairman, secretary, and treasurer of the board as
15 soon as practicable after the appointment of each.
16 The treasurer of the county hospital shall receive
17 and disburse all funds. Warrants shall be drawn by
18 the secretary and countersigned by the chairman of
19 the board after the claim has been certified by the
20 board. The treasurer of the county hospital shall
21 keep an accurate account of all receipts and
22 disbursements and shall register all orders drawn
23 and reported to him by the secretary, showing the
24 number, date, to whom drawn, the fund upon which
25 drawn, the purpose, and amount. The secretary of
26 the board of hospital trustees shall file with the
27 board on or before the tenth day of each month, a
28 complete statement of all receipts and disbursements
29 from all funds during the preceding month, and also
30 the balance remaining on hand in all funds at the
31 close of the period covered by the statement. Before

32 the third Monday of each month, the county treasurer
33 shall give notice to the chairman of the board of
34 hospital trustees of the amount of revenue collected
35 for each fund of the hospital to the first day of
36 that month, and the chairman shall draw his draft
37 therefor countersigned by the secretary, upon the
38 county treasurer, who shall pay such taxes to the
39 treasurer of the hospital, only on such draft. The
40 board of hospital trustees may employ, fix the
41 compensation and remove at pleasure professional,
42 technical and other employees, skilled or unskilled,
43 as it may deem necessary for the operation and
44 maintenance of the hospital, and disbursement of funds
45 in such operation and maintenance shall be made upon
46 order and approval of the board of hospital trustees.
47 A county hospital may include a nurses home and nurses
48 training school. The board of trustees shall make
49 all rules [and regulations] governing its meetings and
50 the operation of the county hospital and shall fix

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1 rates, fees and charges for the services thereby
2 furnished so that the revenues will be at all times
3 sufficient in the aggregate to provide for the payment
4 of the interest on and principal of all revenue bonds
5 that may be issued and outstanding under the provisions
6 of this chapter, and for the payment of all operating
7 and maintenance expenses of the hospital.

8 Sec. 44. Section three hundred fifty-seven point
9 thirteen (357.13), Code 1975, is amended to read as
10 follows:

11 357.13 TRUSTEES—TERMS. At the election provided
12 for in section 357.12, the names of the trustees shall
13 be written by the voter on blank ballots without
14 formal nomination and the board of supervisors shall
15 appoint three from among the five receiving the highest
16 number of votes as trustees for the district, one
17 to serve for one year, one for two years, and one
18 for three years[, which trustees and their successors
19 shall give bond in the amount the board of supervisors
20 may require, the premium of which shall be paid by
21 the district said trustees represent]. Vacancies may
22 thereafter be filled by election, or by appointment
23 by the board of supervisors, at the option of the
24 remaining trustees. The term of succeeding trustees
25 shall be for three years.

26 Sec. 45. Section three hundred fifty-eight point
27 twelve (358.12), unnumbered paragraph one (1), Code
28 1975, is amended to read as follows:

29 The trustees elected in pursuance of the foregoing
30 provisions of this chapter shall constitute a board
31 of trustees for the district by which they are elected,
32 which board of trustees is hereby declared to be the
33 corporate authority of such sanitary district, and
34 shall exercise all the powers and manage and control

35 all the affairs and property of such district. A
36 majority of the board of trustees shall constitute
37 a quorum, but a smaller number may adjourn from day
38 to day. Said board of trustees shall have the right
39 to elect a president, a clerk, and a treasurer from
40 their own number and, from without their own number,
41 such employees as the board may deem necessary, who
42 shall hold their employment during the pleasure of
43 the board, and shall prescribe the duties and fix
44 the compensation of all employees of said sanitary
45 district [and the amount of bond to be filed by the
46 treasurer of the district and by any employee for
47 whom they may require bond,] provided, however, that
48 the compensation of members of the board of trustees
49 is hereby fixed at not to exceed ten dollars per day
50 for each day the board is actually in session and

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1 ten dollars per day when not in session but employed
2 on committee service, and ten cents for every mile
3 traveled in going to and from sessions of the board
4 and in going to and from the place of performing
5 committee service; provided further, that members
6 of said board shall not receive compensation for more
7 than sixty days of session and committee service each
8 year.

9 Sec. 46. Section four hundred ten point two
10 (410.2), Code 1975, is amended to read as follows:
11 410.2 BOARDS OF TRUSTEES—OFFICERS. The chief
12 officer of each department, with the city treasurer
13 and the city solicitor or attorney of such cities,
14 shall be ex officio members of and shall constitute
15 separate boards of trustees for the management of
16 each fund. The chief officer of the department shall
17 be president and the city treasurer, treasurer of
18 such boards[, and the faithful performance of the
19 duties of the treasurer shall be secured by his
20 official bond as city treasurer]. Such trustees shall
21 not receive any compensation for their services as
22 members of said boards. Provided, however, that in
23 any city where contributory fire and/or police
24 retirement systems based upon actuarial tables shall
25 be established by this Act for the benefit of policemen
26 and/or firemen appointed to the force after the
27 establishment of same, the board of trustees of each
28 such system, respectively, shall also constitute the
29 board of trustees for the management of each fund
30 under this section as a separate and distinct fund
31 in itself.

32 Sec. 47. Section four hundred twenty point two
33 hundred thirty-six (420.236), subsection three (3),
34 Code 1975, is amended to read as follows:

35 3. That for any failure or neglect on the part
36 of the collector, or on the part of anyone acting
37 as collector, he [and his bondsmen] shall be liable

38 to an action [on his official bond] for damages sustained
39 by any person or the city for such neglect.

40 Sec. 48. Section four hundred twenty-two point
41 seventy-one (422.71), subsection four (4), Code 1975,
42 is amended by striking the subsection.

43 Sec. 49. Section four hundred forty-one point
44 fifty-two (441.52), Code 1975, is amended to read
45 as follows:

46 441.52 FAILURE TO PERFORM DUTY. If any assessor
47 or member of any board of review shall knowingly fail
48 or neglect to make or require the assessment of
49 property for taxation to be of and for its taxable
50 value as provided by law or to perform any of the

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1 duties required of him by law, at the time and in
2 the manner specified, he shall forfeit and pay the
3 sum of five hundred dollars to be recovered in an
4 action in the district court in the name of the county
5 or in the name of the city as the case may be, and
6 for its use[, and the action against the assessor shall
7 be against him and his bondsmen].

8 Sec. 50. Section four hundred forty-five point
9 twenty-five (445.25), Code 1975, is amended to read
10 as follows:

11 445.25 TREASURER LIABLE. For any loss resulting
12 to the county, or any subdivision thereof, or to any
13 tax purchaser, or taxpayer, from an error in said
14 certificate or receipt, the treasurer [and his sureties]
15 shall be liable [on his official bond].

16 Sec. 51. Section four hundred forty-five point
17 fifty-eight (445.58), Code 1975, is amended to read
18 as follows:

19 445.58 MISAPPLIED INTEREST OR PENALTY. Any
20 interest or penalty on delinquent taxes apportioned
21 or transferred to any fund other than the general
22 fund together with a penalty of ten percent and
23 interest at six percent on the aggregate, from the
24 time such tax is due and payable, may be recovered
25 in a civil action brought against the county treasurer
26 [and his bondsmen] by any person in control of the fund
27 affected thereby.

28 Sec. 52. Section four hundred forty-six point
29 twenty-seven (446.27), Code 1975, is amended to read
30 as follows:

31 446.27 FRAUD OF OFFICERS. If any treasurer or
32 auditor shall be directly or indirectly concerned
33 in the purchase of any real estate sold for the
34 nonpayment of taxes, he [and his sureties] shall be
35 liable [on his official bond] for all damages sustained
36 by the owner of such property, and all such sales
37 shall be void. In addition thereto, the officer so
38 offending shall, upon conviction, be fined in a sum
39 of not more than one thousand dollars.

40 Sec. 58. Section four hundred forty-eight point

41 ten (448.10), Code 1975, is amended to read as follows:
42 448.10 WRONGFUL SALES—PURCHASER INDEMNIFIED.
43 When, by mistake or wrongful act of the treasurer,
44 land has been sold on which no tax was due at the
45 time, or when land is sold in consequence of error
46 in describing it in the tax receipt, the county shall
47 hold the purchaser harmless by paying him the amount
48 of principal, interest, and costs to which he would
49 have been entitled had the land been rightfully sold,
50 and the treasurer [and his bondsmen] shall be liable

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1 to the county therefor [to the amount of his official
2 bond]; or the purchaser, or his assignee, may recover
3 the same directly of him [and his bondsmen].

4 Sec. 54. Section four hundred fifty-two point
5 fifteen (452.15), Code 1975, is amended to read as
6 follows:

7 452.15 OFFICIAL DELINQUENCY. If any auditor or
8 treasurer or other officer shall neglect or refuse
9 to perform any act or duty specifically required of
10 him, such officer shall be guilty of a misdemeanor,
11 and, upon conviction, shall be fined in any sum not
12 exceeding one thousand dollars, and he [and his bondsmen]
13 shall be liable [on his official bond] for such fine,
14 and for the damages sustained by any person through
15 such neglect or refusal.

16 Sec. 55. Section four hundred fifty-five point
17 thirty-nine (455.39), Code 1975, is amended to read
18 as follows:

19 455.39 SUPERVISING ENGINEER[—BOND]. Upon the
20 payment or securing of damages, the board shall appoint
21 a competent engineer to have charge of the work of
22 construction thereof[, who shall be required before
23 entering upon the work to give a bond to the county
24 for the use and benefit of the levee or drainage
25 district, to be approved by the auditor in such sum
26 as the board may fix, conditioned for the faithful
27 discharge of his duties].

28 Sec. 56. Section four hundred sixty-one point
29 eighteen (461.18), Code 1975, is amended to read as
30 follows:

31 461.18 LIABILITY OF TREASURER—REPORTS. The
32 treasurer shall stand charged [on his official bond]
33 with all bonds so delivered to him and the proceeds
34 thereof. He shall report under oath to the board
35 of supervisors, at each first regular session thereof
36 in each month, a statement of all such bonds sold
37 or exchanged by him since his last report and the
38 date of such sale or exchange and when exchanged a
39 description of the indebtedness for which exchanged.

40 Sec. 57. Section four hundred sixty-seven A point
41 four (467A.4), subsection three (3), Code 1975, is
42 amended to read as follows:

43 3. The committee shall designate its chairman,

44 and may, from time to time, change such designation.
45 The director of the state agricultural extension
46 service shall hold office so long as he shall retain
47 the office by virtue of which he shall be serving
48 on the committee. The members appointed by the
49 governor shall serve for a period of six years.
50 Members shall be appointed in each odd-numbered year

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1 to succeed members whose terms expire on June 30 of
2 that year. Appointments may be made at such other
3 times and for such other periods as are necessary
4 to fill vacancies on the committee, and any appointment
5 so made while the general assembly is not in session
6 shall be subject to confirmation by the senate at
7 the next session of the general assembly thereafter.
8 No members shall be appointed to serve more than two
9 complete six-year terms. Members designated to
10 represent the secretary of agriculture, director of
11 the state conservation commission, or the director
12 of the Iowa natural resources council shall serve
13 at the pleasure of the officer making such designation.
14 A majority of the voting members of the committee
15 shall constitute a quorum, and the concurrence of
16 a majority of the voting members of the committee
17 in any matter within their duties shall be required
18 for its determination. The chairman and members of
19 the committee, not otherwise in the employ of the
20 state, or any political subdivision, shall receive
21 forty dollars per diem as compensation for their
22 services in the discharge of their duties as members
23 of the committee. The committee shall determine the
24 number of days for which any committee member may
25 draw per diem compensation, but the total number of
26 days for which per diem compensation is allowed for
27 the entire committee shall not exceed four hundred
28 days per year. They shall also be entitled to
29 expenses, including traveling expenses, necessarily
30 incurred in the discharge of their duties as members
31 of such committee. The per diem and expenses paid
32 to the committee members shall be paid from funds
33 appropriated to the committee. The committee [shall
34 provide for the execution of surety bonds for all
35 employees and officers who shall be entrusted with
36 funds or property,] shall provide for the keeping of
37 a full and accurate record of all proceedings and
38 of all resolutions, regulations, and orders issued
39 or adopted, and shall provide for an annual audit
40 of the accounts of receipts and disbursements.
41 Sec. 58. Section four hundred sixty-seven A point
42 six (467A.6), unnumbered paragraph five (5), Code
43 1975, is amended to read as follows:
44 The commissioners [shall provide for the execution
45 of surety bonds for all employees and officers who
46 shall be entrusted with funds or property;] shall

47 provide for the keeping of a full and accurate record
48 of all proceedings and of all resolutions, regulations,
49 and orders issued or adopted; and shall provide for
50 a biennial audit of the accounts of receipts and

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1 disbursements.

2 Sec. 59. Section five hundred five point four
3 (505.4), Code 1975, is amended to read as follows:
4 505.4 DEPUTY—ASSISTANTS[—BOND]. The commissioner
5 of insurance shall appoint a first and second deputy
6 commissioner and such other clerks and assistants
7 as shall be needed to assist him in the performance
8 of his duty, all of whom shall serve during the
9 pleasure of the commissioner. [Before entering upon
10 the duties of their respective offices, deputy
11 commissioners shall give a bond in the penal sum of
12 ten thousand dollars.]

13 Sec. 60. Section five hundred forty point four
14 (540.4), Code 1975, is amended to read as follows:
15 540.4 EXECUTOR[—OFFICIAL BONDS]. The provisions
16 of this chapter extend to the executor of a deceased
17 surety and holder of the contract, but not to [the
18 official bonds of public officers,] executors, or
19 guardians.

20 Sec. 61. Section six hundred six point five
21 (606.5), Code 1975, is amended to read as follows:
22 606.5 DEFAULT—LIABILITY. If the clerk fails
23 to give said notice, he [and his bondsman] shall be
24 personally liable for interest on such money from
25 the date of the receipt thereof by him to the date
26 the same is paid to the person or attorney.

27 Sec. 62. Section six hundred sixteen point three
28 (616.3), subsection three (3), Code 1975, is amended
29 by striking the subsection.

30 Sec. 63. Sections sixty-three point eleven (63.11),
31 sixty-three point twelve (63.12), sixty-three point
32 thirteen (63.13), sixty-four point two (64.2) through
33 sixty-four point twenty-five (64.25), chapter sixty-
34 five (65), sections eighty point sixteen (80.16),
35 one hundred seven point seven (107.7), one hundred
36 seven point eight (107.8), one hundred fifty-nine
37 point fourteen (159.14), two hundred eighteen point
38 twelve (218.12), two hundred ninety-one point two
39 (291.2), two hundred ninety-one point three (291.3),
40 two hundred ninety-one point five (291.5), three
41 hundred thirteen point thirteen (313.13), three hundred
42 twenty-one point four hundred seventy-eight (321.478),
43 three hundred thirty-two point twelve (332.12), three
44 hundred thirty-two point thirteen (332.13), three
45 hundred thirty-two point fourteen (332.14), three
46 hundred thirty-two point forty-three (332.43), three
47 hundred fifty-eight point ten (358.10), three hundred
48 sixty point seven (360.7), four hundred fifty-five

49 point twelve (455.12), four hundred fifty-five A point
50 eleven (455A.11), four hundred sixty-two point twenty-

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1 five (462.25), five hundred seven point five (507.5),
2 six hundred thirty point nine (630.9), six hundred
3 sixty-one point one (661.1), six hundred sixty-six
4 point two (666.2), and six hundred sixty-six point
5 five (666.5), Code 1975, are repealed."

RAY TAYLOR

S—5945

1 Amend House File 1564, as amended and passed by
2 the House, by striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section four hundred forty-one point
5 twenty-three (441.23), Code 1975, as amended by Acts
6 of the Sixty-sixth General Assembly, 1975 Session,
7 chapter two hundred eighteen (218), section one (1),
8 is amended to read as follows:

9 441.23 NOTICE OF VALUATION. If there has been
10 an increase or decrease in the valuation of the prop-
11 erty, or upon the written request of the person
12 assessed, the assessor shall, at the time of making
13 the assessment, inform the person assessed, in writing,
14 of the valuation put upon his property, and notify
15 him, if he feels aggrieved, to appear before the board
16 of review and show why the assessment should be
17 changed. The owners of real property shall be notified
18 not later than [April fifteenth] *October first* of any
19 adjustment of the real property assessment.

20 Sec. 2. Section four hundred forty-one point
21 twenty-six (441.26), unnumbered paragraph one (1),
22 Code 1975, is amended to read as follows:

23 The director of revenue shall each year prescribe
24 the form of assessment roll to be used by all asses-
25 sors in assessing real and personal property, includ-
26 ing moneys and credits, in this state, also the form
27 of pages of the assessor's assessment book. Such
28 assessment rolls shall be in such form as will permit
29 entering thereon, separately, the names of all per-
30 sons, partnerships, corporations, or associations
31 assessed; shall contain a form of oath or affirma-
32 tion to be administered to each person assessed, and
33 shall also contain a notice in the following form:

34 'If you are not satisfied that the foregoing
35 assessment is correct, you may file a protest against
36 such assessment with the board of review on or after
37 [April 16] *October first*, to and including [May 5] *October*
38 *twentieth*, of the year of the assessment, such protest
39 to be confined to the grounds specified in section
40 441.37. Dated day of, 19.....,
41 County/City Assessor.'

42 Sec. 3. Section four hundred forty-one point
43 twenty-eight (441.28), Code 1975, is amended to read

44 as follows:

45 441.28 ASSESSMENT ROLLS—CHANGE—NOTICE TO
46 TAXPAYER. The assessment shall be completed not later
47 than [April 15] *March fifteenth*. If the assessor makes
48 any change in an assessment after it has been entered
49 on the assessor's rolls, he shall note on said roll,
50 together with the original assessment, the new

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1 assessment and the reason for the change, together
2 with his signature and the date of the change.
3 Provided, however, in the event the assessor increases
4 any assessment he shall give notice in writing thereof
5 to the taxpayer by mail prior to the meeting of the
6 board of review. No changes shall be made on the
7 assessment rolls after [April 16] *March sixteenth* except
8 by order of the board of review or by decree of court.

9 Sec. 4. Section four hundred forty-one point
10 thirty-three (441.33), Code 1975, is amended to read
11 as follows:

12 441.33 SESSIONS OF BOARD OF REVIEW. The board
13 of review shall be in session from [May 1] *October first*
14 to [May 31] *October thirty-first*, both inclusive, each
15 year and for such additional period as may be required
16 under section 441.37 and shall hold as many meetings
17 as are necessary to discharge its duties. On [June
18 1] *November first* in any year in which a session has
19 not been extended as required under section 441.37,
20 said board shall return all books, records and papers
21 to the assessor except undisposed of protests and
22 records pertaining thereto. If it has not completed
23 its work prior to [June 1] *November first*, in those
24 years in which the session has not been extended under
25 section 441.37 the director of revenue may authorize
26 the board of review to continue in session for such
27 period as is necessary to complete its work, but in
28 no event shall the director of revenue approve a
29 continuance extending beyond [August 1] *December first*.
30 On [June 1] *November first* or on the final day of any
31 extended session required under section 441.37 or
32 authorized by the director of revenue as herein
33 provided the board of review shall be adjourned until
34 [May 1] *October first* of the following year. It shall
35 adopt its own rules of procedure, elect its own
36 chairman from its membership, and keep minutes of
37 its meetings. The board shall appoint a clerk who
38 may be a member of such board or any other qualified
39 person, except the assessor or any member of his
40 staff. It may be reconvened by the director of
41 revenue. All undisposed protests in its hands on
42 [August 1] *December first* shall be automatically
43 overruled and returned to the assessor together with
44 its other records.

45 Within fifteen days following the adjournment of
46 any regular or special session, the board of review

47 shall submit to the director of revenue, on forms
48 prescribed by the director, a report of any actions
49 taken during that session.
50 Sec. 5. Section four hundred forty-one point

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1 thirty-seven (441.37), unnumbered paragraph one (1),
2 Code 1975, is amended to read as follows:
3 Any property owner or aggrieved taxpayer who is
4 dissatisfied with his assessment may file a protest
5 against such assessment with the board of review on
6 or after [April 16] *October first*, to and including
7 [May 5] *October twentieth*, of the year of the assessment.
8 In any county which has been declared to be a disaster
9 area by proper federal authorities after March [1]
10 *fifteenth* and prior to [May 20] *October thirty-first*
11 of said year of assessment, the time for filing a
12 protest shall be extended to and include the period
13 from [May 25] *October twentieth* to [June 5] *November fifth*
14 of such year. Said protest shall be in writing and
15 signed by the one protesting or by his duly authorized
16 agent. Taxpayer may have an oral hearing thereon
17 if request therefor in writing is made at the time
18 of filing the protest. Said protest must be confined
19 to one or more of the following grounds:

20 Sec. 6. Section four hundred forty-one point
21 forty-five (441.45), Code 1975, as amended by Acts
22 of the Sixty-sixth General Assembly, 1975 Session,
23 chapter two hundred nineteen (219), sections one (1)
24 and two (2), is amended to read as follows:

25 441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE.

26 The county assessor of each county and each city
27 assessor shall, on or before [the first Monday in July]
28 *May first*, make out and transmit to the department
29 of revenue an abstract of the real and personal
30 property in his county or city, as the case may be,
31 and file a copy thereof with the county auditor, in
32 which he shall set forth:

33 1. The number of acres of land and the aggregate
34 taxable values of the same, exclusive of city
35 lots, returned by the assessors, as corrected by the
36 board of review.

37 2. The aggregate taxable values of real estate
38 *by class* in each *school district*, township and city
39 in the county, returned as corrected by the board
40 of review.

41 3. The aggregate taxable values of personal
42 property.

43 4. Other facts as may be required by the director
44 of revenue.

45 In any case where a board of review continues in
46 session beyond [June 1] *October twentieth*, in any year,
47 under provisions of sections 441.33 and 441.37 the
48 abstract of the real and personal property shall be

49 made out and transmitted to the department of revenue
50 within thirty days after the date of final adjournment

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1 by said board.

2 Sec. 7. Section four hundred forty-one point
3 forty-seven (441.47), Code 1975, is amended to read
4 as follows:

5 441.47 ADJUSTED VALUATIONS. The director of reve-
6 nue on or about [the third Monday of September in each
7 year] *July 1, 1977, and every two years thereafter*
8 shall [adjust the valuation] *order the equalization*
9 *of the levels of assessment of each class* of property
10 in the several counties adding to or deducting from
11 the valuation of each kind or class of property such
12 percentage in each case as will bring the same to
13 its taxable value as fixed in this chapter and chapters
14 427 to 443, inclusive. The director shall also adjust
15 the valuations as between each kind or class of prop-
16 erty in any city assessed by a city assessor and each
17 kind or class of property in the same county assessed
18 by the county assessor. The director shall order
19 the equalization of the levels of assessment of each
20 class of property in the first and third year of the
21 quadrennial assessment period. For purposes of such
22 value adjustments and before such equalization the
23 director shall adopt, in the manner prescribed by
24 chapter 17A, such rules as may be necessary to
25 determine the level of assessment for each class of
26 property in each county. The rules shall cover:
27 (1) The proposed use of the assessment-sales ratio
28 study set out in section 421.17, subsection 6; (2)
29 the proposed use of any state-wide income
30 capitalization studies; (3) the proposed use of other
31 methods that would assist the director in arriving
32 at the accurate level of assessment of each class
33 of property in each assessing jurisdiction.

34 Sec. 8. Section four hundred forty-one point
35 forty-eight (441.48), Code 1975, as amended by Acts
36 of the Sixty-sixth General Assembly, 1975 Session,
37 chapter two hundred five (205), section three (3),
38 is amended to read as follows:

39 441.48 NOTICE OF ADJUSTMENT. Before the director
40 of revenue shall adjust the valuation of any [kind
41 or] class of property any such percentage, the direc-
42 tor shall serve ten days' notice by mail, on the
43 [county auditor of the county] *assessor* whose valu-
44 ation is proposed to be adjusted and the director
45 shall hold an adjourned meeting after such ten days'
46 notice, at which time such [county or] assessing
47 jurisdiction may appear by its city council or board
48 of supervisors, city or county attorney, and other
49 [city or county] *assessing jurisdiction* officials, and
50 make written or oral protest against such proposed

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1 adjustment, which protest shall consist simply of
2 a statement of the error, or errors, complained of
3 with such facts as may lead to their correction, and
4 at such adjourned meeting final action may be taken
5 in reference thereto.

6 Sec. 9. Section four hundred forty-one point
7 forty-nine (441.49), Code 1975, as amended by Acts
8 of the Sixty-sixth General Assembly, 1975 Session,
9 chapter two hundred five (205), section four (4),
10 is amended to read as follows:

11 441.49 ADJUSTMENT BY COUNTY AUDITOR. The direc-
12 tor shall keep a record of the review and adjustment
13 proceedings and finish such proceedings on or before
14 [the third Monday of October] *August first*. The director
15 shall notify each county auditor by mail of the final
16 action taken at the proceedings and specify any
17 adjustments in the valuations of any kind or class
18 of property to be made effective for the jurisdiction.
19 However, a county may request the director to permit
20 the use of an alternative method of applying the
21 ordered increase to the property values in the county,
22 provided that the final valuation shall be equivalent
23 to the increase ordered by the director. The request
24 to use an alternative method of applying the ordered
25 increase including procedures for appealing valuation
26 adjustments shall be made within ten days from the
27 date the county auditor receives the equalization
28 order and the valuation adjustments shall be completed
29 by December thirty-first of the year of the
30 equalization order. The grounds that compliance with
31 the provisions of section four hundred forty-one point
32 twenty-one (441.21) of the Code shall be sufficient
33 grounds for the director to permit the use of an
34 alternative method of applying the increases required
35 by the equalization order. The director shall adjust
36 the valuation when there is a variation of five percent
37 above or below the actual value. The county auditor
38 shall notify by publication in official newspapers
39 of general circulation any class or classes of property
40 affected by an equalization order. The county audi-
41 tor shall thereupon add to or deduct from the valu-
42 ation of each kind or class of property in his county
43 the required percentage, rejecting all fractions
44 of fifty cents or less in the result, and counting
45 all fractions over fifty cents as one dollar.

46 The local board of review shall reconvene in spe-
47 cial session from November first to November thirtieth
48 for the purpose of hearing any and all protests that
49 any affected property owner or taxpayer within the
50 jurisdiction of the board may have, whose valuation

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1 of property, if adjusted pursuant to the property

2 valuation notice issued by the director of revenue
3 to the county auditor of the county would result in
4 a greater taxable value than permitted under section
5 four hundred forty-one point twenty-one (441.21) of
6 the Code and where the property owner or taxpayer
7 is able to show to the satisfaction of the local board
8 of review that an inequity would result if the
9 provisions of the notice would be applied to his
10 property. The local board of review shall accept
11 protests only during the first fifteen days following
12 the date the local board of review reconvenes. The
13 local board of review may recommend to the director
14 an adjustment to all or a part of the percentage
15 increase ordered by the director of revenue, by
16 adjusting the taxable value of the property to one
17 hundred percent of actual value. Any adjustment so
18 recommended by the local board of review shall not
19 exceed the percentage increase provided for in the
20 director's notice. The recommendation of the local
21 board of review at the special session shall be
22 reported to the director of revenue."

ROGER J. SHAFF

S—5955

1 Amend House File 1564, as amended and passed
2 by the House, as follows:

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

5 *"In the case of agricultural property assessed*
6 *in compliance with section four hundred forty-one*
7 *point twenty-one (441.21), the assessor shall inform*
8 *the owner of the property assessed of the actual*
9 *valuation of his property based upon, one, the fair*
10 *and reasonable market value and, two, the value of*
11 *the property based on productivity and net earning*
12 *capacity."*

13 2. Page 8, by inserting after line 8 the fol-
14 lowing new section:

15 "Sec. Section four hundred forty-one point
16 thirty-seven (441.37), Code 1975, is amended by in-
17 serting after unnumbered paragraph two (2) the fol-
18 lowing new paragraph:

19 **NEW PARAGRAPH.** For agricultural property
20 assessed according to section four hundred forty-
21 one point twenty-one (441.21), the property owner
22 may protest to the board of review the actual value
23 of the property, or may protest separately the val-
24 uation based on the fair and reasonable market val-
25 ue or the value based on productivity and net earn-
26 ing capacity. To protest, the property owner shall
27 provide the board of review all valuation informa-
28 tion required by section four hundred forty-one
29 point twenty-three (441.23) to be furnished the
30 person assessed. If the board of review adjusts

31 either the fair and reasonable market value or the
32 value based on productivity and net earning capacity on grounds prescribed by this section, such
33 adjusted value shall be used together with the value
34 of the other to determine the adjusted actual value
35 of the property."

ROGER J. SHAFF

S—5954

1 Amend House File 1564 as amended and passed
2 by the House as follows:
3 1. Page 13, by inserting after line 11, the
4 following:
5 "Sec. Notwithstanding the provisions of
6 section four hundred forty-five point thirty-
7 seven (445.37) of the Code 1975, if one-half of the
8 property taxes due have not been paid before Oct-
9 ober 1, 1976 or thirty days after the date the
10 taxes are levied, whichever occurs later, the
11 amount due shall become delinquent and subject to
12 the penalty provided in sections four hundred
13 forty-five point thirty-nine (445.39) and four
14 hundred forty-five point forty (445.40) of the
15 Code, 1975. The provisions of this section shall
16 only be applicable to taxes levied in 1976 and
17 payable during the fiscal year beginning July 1,
18 1976 and ending June 30, 1977."

ROGER J. SHAFF

S—5962

1 Amend House File 1564, as amended and passed by
2 the House, as follows:
3 1. Page 13, by inserting after line 11 the
4 following new section:
5 "Sec. Notwithstanding the provisions of
6 section four hundred forty-five point thirty-seven
7 (445.37) of the Code, if one-half of the property
8 taxes due have not been paid for October 1, 1976 or
9 thirty days from the date of the certification of
10 the tax list to the county treasurer, whichever date
11 occurs later, the amount due shall become delinquent
12 and subject to the penalties provided in section four
13 hundred forty-five point thirty-nine (445.39) and
14 four hundred forty-five point forty (445.40) of the
15 Code. The provisions of this section shall only be
16 applicable to property taxes levied in 1976 and payable
17 during the fiscal year beginning July 1, 1976 and
18 ending June 30, 1977."
19 2. Amend the title, line 8, by inserting after
20 the word "orders," the words "relating to the date
21 of delinquency for nonpayment of first-half property
22 taxes due and payable in the fiscal year beginning
23 July 1, 1976,".

ROGER J. SHAFF

S—5961

- 1 Amend the Report of the Conference Committee
- 2 on House File 1583 as follows:
- 3 1. Page 3, by inserting after line 9 the fol-
- 4 lowing:
- 5 "16. Attorney General\$35,000".

JAMES W. GRIFFIN, SR.

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 10:15
p.m., until 8:00 a.m., Friday, May 28, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-EIGHTH DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, MAY 28, 1976

The Senate met in regular session, President Neu presiding.

Prayer was offered by the Honorable Lucas J. DeKoster, member of the Senate from Hull, Sioux County, Iowa.

The Journal of Thursday, May 27, 1976, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Smith, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety students from Charles City Community School District, Charles City, Iowa, accompanied by Leon Halford, Rona Groonevelt, Shirley Hall, Leila Horn and Betty Held. Senator Merritt.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

MOTION TO RECONSIDER ADOPTED

Senate File 1342

Senator Norpel called up the following motion to reconsider filed by him on May 24, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1342 passed the Senate on May 24, 1976.

The ayes were 34, nays none.

The motion prevailed.

Senator Norpel moved to reconsider the vote by which Senate File 1342 went to its last reading, which motion prevailed.

On motion of Senator Norpel, Senate File 1342, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds, was taken up for reconsideration.

Senator Norpel asked and received unanimous consent that **House File 1588** be substituted for **Senate File 1342**.

House File 1588

On motion of Senator Norpel, House File 1588, a bill for an act making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds, was taken up for consideration.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1588) the vote was:

Ayes, 36:

Andersen	Gluba	Miller of	Schwengels
Bergman	Griffin	Des Moines	Scott
Briles	Hansen	Miller of	Shaff
Burroughs	Hill of Jasper	Marshall	Sovern
Coleman	Hultman	Norpel	Taylor
Culver	Kelly	Orr	Tieden
Curtis	Kinley	Palmer	Van Gilst
DeKoster	Lamborn	Priebe	Willits
Doderer	Merritt	Rabedeaux	Winkelman
Glenn		Rodgers	

Nays, none.

Absent or not voting, 14:

Carr	Junkins	Nystrom	Redmond
Gallagher	Murray	Plymat	Robinson
Heying	Nolin	Ramsey	Shaw
Hill of Polk	Nolting		

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

WITHDRAWN

Senator Norpel asked and received unanimous consent that **Senate File 1342** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for consideration Senate File 1345.

Senate File 1345

On motion of Senator Priebe, Senate File 1345, a bill for an act relating to the identification of certain diseased or exposed cattle, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1345) the vote was:

Ayes, 37:

Andersen	Glenn	Miller of	Rodgers
Bergman	Gluba	Des Moines	Schwengels
Briles	Griffin	Miller of	Scott
Burroughs	Hansen	Marshall	Shaff
Coleman	Hultman	Nolting	Sovern
Culver	Kelly	Norpel	Taylor
Curtis	Kinley	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher		Rabedeaux	Winkelman

Nays, none.

Absent or not voting, 13:

Carr	Junkins	Nystrom	Redmond
Heying	Murray	Plymat	Robinson
Hill of Jasper	Nolin	Ramsey	Shaw
Hill of Polk			

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

Senator Kinley asked and received unanimous consent that **Senate File 1345** be **immediately messaged** to the House, which request was complied with.

MOTION TO RECONSIDER WITHDRAWN

House File 1371

Senator Hultman withdrew the motion to reconsider the vote by which House File 1371, a bill for an act relating to the status, membership, and duties of the energy policy council, passed the Senate, filed by him on May 20, 1976.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED
House File 914

Senator Willits called up for consideration House File 914, a

bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations, amended by the Senate, and further amended by House amendment S—5888 found on pages 2177-2185, inclusive, of the Senate Journal.

On motion of Senator Willits, the report of the committee on appropriations recommending amendment, concurrence as amended and passage, was adopted.

Senator Willits offered amendment S—5972 by the committee on appropriations to House amendment S—5888 to Senate amendment H—4350 found on pages 2381-2385, inclusive, of the Senate Journal.

Senator Willits offered amendment S—5973 filed by him to amendment S—5972 to House amendment S—5888 to Senate amendment H—4350 and moved its adoption:

S—5973

- 1 Amend amendment S—5972 to the House amend-
- 2 ment S—5888 to the Senate amendment H—4350 to
- 3 House File 914, as amended, passed and reprinted
- 4 by the House as follows
- 5 1. Page 1, line 38, by inserting after the word
- 6 "systems" the word "created".
- 7 2. Page 1, line 40, by inserting after the word
- 8 "Code" the words "in the manner prescribed in
- 9 this section".

Amendment S—5973 to amendment S—5972 to House amendment S—5888 to Senate amendment H—4350 was adopted.

On motion of Senator Willits, amendment S—5972 as amended to House amendment S—5888 to Senate amendment H—4350 was adopted.

Senator Doderer asked and received unanimous consent to withdraw amendment S—5959 to **House amendment S—5888 to Senate amendment H—4350** filed by Senators Doderer, Paimer and Hill of Jasper on May 27, 1976, and found on pages 2387 and 2388 of the Senate Journal.

Senator Doderer offered amendment S—5974 to House amendment S—5888 to Senate amendment H—4350.

Senator Willits called for a division of the amendment as follows:

S—5974

- 1 Amend the House amendment, S—5888, to the Senate
- 2 amendment, H—4350, to House File 914, as amended and
- 3 passed by the House, as follows:

Division S—5974A

4 1. Page 1, by inserting after line 34 the follow-
5 ing amendment:

6 "..... Page 1, by inserting after line 31 the
7 following section:

8 'Sec. Section ninety-seven A point five
9 (97A.5), subsections ten (10), eleven (11), and twelve
10 (12), Code 1975, are amended to read as follows:

11 10. TABLES—RATES. Immediately after the
12 establishment of this system, the state commissioner
13 of insurance shall make such investigation of
14 *anticipated interest earnings and of the mortality,*
15 *service and compensation experience of the members*
16 *of the system as [he] the actuary shall recommend and*
17 *the board of trustees shall authorize, and on the*
18 *basis of such investigation [he] the actuary shall*
19 *recommend for adoption by the board of trustees such*
20 *tables and such rates as are required in subsection*
21 *11 of this section. The board of trustees shall adopt*
22 *the rate of interest and tables, and certify rates*
23 *of contributions to be used by the system.*

24 11. ACTUARIAL INVESTIGATION. In the year 1952,
25 and at least once in each two-year period thereafter,
26 the state commissioner of insurance shall make an
27 actuarial investigation in the mortality, service
28 and compensation experience of the members and
29 beneficiaries of the system, *and the interest and*
30 *other earnings on the moneys and other assets of the*
31 *system, and shall make a valuation of the assets and*
32 *liabilities of the funds of the system, and taking*
33 *into account the results of such investigation and*
34 *valuation, the board of trustees shall:*

35 a. Adopt for the system such *interest rate,*
36 *mortality, and other tables as shall be deemed*
37 *necessary;*

38 b. Certify the rates of contribution payable by
39 the state of Iowa in accordance with section 97A.8.

40 12. VALUATION. On the basis of *such rate of*
41 *interest and such tables as the board of trustees*
42 *shall adopt, the state commissioner of insurance shall*
43 *make an annual valuation of the assets and liabilities*
44 *of the funds of the system created by this chapter.'*"

Division S—5974B

45 2. Page 3, by inserting after line 20 the follow-
46 ing amendment:

47 "..... Page 4, by striking lines 31 and 32 and
48 inserting in lieu thereof the words '[including all
49 amendments to the formula which may be adopted subse-
50 quent to the member's retirement or death,] shall be

Page 2

1 used'."

2 3. Page 3, by striking lines 21 through 29.

Division S—5974C

3 4. Page 3, by inserting after line 29 the follow-
4 ing amendment:
5 "..... Page 5, line 7, by inserting after the word
6 'death' the words '*or shall the annual pension exceed*
7 *the average final compensation of the member at the*
8 *time of the member's retirement or death*'."

Division S—5974A (cont'd)

9 5. Page 3, by inserting after line 29 the follow-
10 ing amendment:
11 "..... Page 5, by inserting after line 7 the fol-
12 lowing section:
13 'Sec..... Section ninety-seven A point seven
14 (97A.7), subsection three (3), Code 1975, is amended
15 to read as follows:
16 3. The board of trustees annually shall allow
17 regular interest on the mean amount for the preceding
18 year in each of the funds with the exception of the
19 *pension accumulation fund and the expense fund*. The
20 amount so allowed shall be due and payable to said
21 funds and shall be annually credited thereto by the
22 board of trustees from interest and other earnings
23 on the moneys and other assets of the system. Any
24 additional amount required to meet the interest on
25 the funds of the system shall be paid by the state
26 of Iowa and any excess of earnings over such amount
27 required shall be deductible from the amounts to be
28 contributed by the state of Iowa.'"
29 6. Page 3, line 43, by striking the words "[interest
30 and of]" and inserting in lieu thereof the words "*the*
31 *rate of interest and of*".
32 7. Page 4, line 12, by inserting after the word
33 "of" the words "*the rate of interest and of*".

Division S—5974B (cont'd)

34 8. Page 7, line 29, by striking the word "
35 including" and inserting in lieu thereof the word
36 "[, including]".
37 9. Page 7, by striking lines 30 and 31 and insert-
38 ing in lieu thereof the words "[all amendments to the
39 formula which may be adopted subsequent to the member's
40 retirement or death,] shall".
41 10. Page 7, by striking lines 36 through 43 and
42 inserting in lieu thereof the words "death. The
43 adjusted monthly".

Action on division S—5974A was temporarily deferred.

Senator Willits called for a further division of the amendment, section 4 on pages 2, lines 3 through 8, to be considered as division S—5974C.

Senator Doderer moved the adoption of division S—5974B of

the amendment to House amendment S—5888 to Senate amendment H—4350.

A non-record roll call was requested.

The ayes were 25, nays 20.

Division S—5974B of the amendment to House amendment S—5888 to Senate amendment H—4350 was adopted.

On motion of Senator Doderer, division S—5974A of the amendment to House amendment S—5888 to Senate amendment H—4350 was adopted.

Senator Doderer moved the adoption of division S—5974C of the amendment to House amendment S—5888 to Senate amendment H—4350.

A record roll call was requested.

On the question “Shall division S—5974C of the amendment to House amendment S—5888 to Senate amendment H—4350 be adopted?” (H.F. 914) the vote was:

Ayes, 12:

Andersen	Glenn	Norpel	Shaw
Doderer	Hill of Jasper	Orr	Van Gilst
Gallagher	Nolting	Scott	Winkelman

Nays, 32:

Bergman	Griffin	Miller of	Redmond
Briles	Hansen	Des Moines	Rodgers
Burroughs	Hultman	Miller of	Schwengels
Carr	Junkins	Marshall	Shaff
Coleman	Kelly	Nystrom	Sovern
Culver	Kinley	Palmer	Taylor
Curtis	Lamborn	Plymat	Tieden
DeKoster	Merritt	Rabedeaux	Willits
Gluba		Ramsey	

Absent or not voting, 6:

Heying	Murray	Priebe	Robinson
Hill of Polk	Nolin		

Division S—5974C of the amendment to House amendment S—5888 to Senate amendment H—4350 lost.

Senator Doderer withdrew amendment S—5978 to House amendment S—5888 to Senate amendment H—4350:

S—5978

- 1 Amend the House amendment, S—5888, to Senate
- 2 amendment, H—4350, to House File 914 as amended
- 3 and passed by the House, as follows:
- 4 1. Page 7, line 50, by inserting after the
- 5 word “death” the words “*or shall the annual pension*”

- 6 *exceed the average final compensation at the time of*
7 *the member's retirement or death".*

Senator Willits offered amendment S—5976 to House amendment S—5888 to Senate amendment H—4350 and moved its adoption:

S—5976

- 1 Amend the House amendment, S—5888, to Senate
2 amendment H—4350, to House File 914, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 5, lines 24 through 26, by striking
5 the words, "*the board of fire trustees and the*
6 *board of police trustees jointly shall designate*".

Amendment S—5976 to House amendment S—5888 to Senate amendment H—4350 was adopted.

Senator Doderer offered amendment S—5977 to House amendment S—5888 to Senate amendment H—4350 by Senators Doderer and Schwengels and moved its adoption:

S—5977

- 1 Amend the House amendment, S—5888, to the Senate
2 amendment, H—4350, to House File 914, as amended and
3 passed by the House, as follows:
4 1. Page 8, by inserting after line 36 the follow-
5 ing amendment:
6 "..... Page 10, by inserting after line 19 the
7 following section:
8 'Sec. Chapter four hundred eleven (411),
9 Code 1975, is amended by adding the following new
10 section:
11 **NEW SECTION.** A member of a retirement system
12 established in this chapter who terminates employment
13 with a city and is subsequently employed by another
14 city and is eligible for coverage under this chapter
15 may transfer membership service earned under the first
16 system to the system under which the member is
17 employed. Upon the written request of the member
18 with verification by the board of trustees of the
19 system under which the member is employed, the board
20 of trustees of the first system shall transmit to
21 the board of trustees of the system under which the
22 member is employed, within thirty days of the receipt
23 of the request, the member's accumulated contributions
24 to be deposited in the annuity savings fund of the
25 system under which the member is employed and the
26 actuarial equivalent of the amount in the pension
27 accumulation fund which would be necessary to fund
28 a pension equal to one twenty-second times the number
29 of years of membership service completed, under the
30 first system, to be deposited in the pension
31 accumulation fund of the system under which the member
32 is employed.'"

A non-record roll call was requested.

The ayes were 25, nays 19.

Amendment S—5977 to House amendment S—5888 to Senate amendment H—4350 was adopted.

Senator Willits asked and received unanimous consent to withdraw amendment S—5941 to House amendment S—5888 to Senate amendment H—4350 filed by Senators Willits, et al., on May 26, 1976, and found on page 2322 of the Senate Journal.

Senator Willits offered amendment S—5975 to House amendment S—5888 to Senate amendment H—4350 by Senator Willits, et al., and moved its adoption:

S—5975

1 Amend House amendment, S—5888, to Senate amendment,
2 H—4350, to House File 914, as amended and passed by
3 the House, as follows:

4 1. Page 2, line 19, by striking the word "section"
5 and inserting in lieu thereof the word "sections".

6 2. Page 2, by inserting after line 19 the
7 following:

8 "Sec. Section ninety-seven A point six
9 (97A.6), subsection five (5), Code 1975, is amended
10 to read as follows:

11 5. ACCIDENTAL DISABILITY BENEFIT. Upon application
12 of a member in service or of the commissioner of
13 public safety, any member who has become totally and
14 permanently incapacitated for duty as the natural
15 and proximate result of an injury, disease or exposure
16 occurring or aggravated while in the actual performance
17 of duty at some definite time and place shall be
18 retired by the board of trustees, provided, that the
19 medical board shall certify that such member is
20 mentally or physically incapacitated for further
21 performance of duty, that such incapacity is likely
22 to be permanent and that such member should be retired.
23 Should a member in service become incapacitated for
24 duty as a natural and proximate result of an injury,
25 disease, or exposure incurred or aggravated while
26 in the actual performance of duty at some definite
27 time or place, he shall, upon being found to be
28 temporarily incapacitated following an examination
29 by the board of trustees, be entitled to receive his
30 fixed pay and allowances until re-examined by the
31 board and found to be fully recovered or permanently
32 disabled. [Disease under this section shall mean heart
33 disease or any disease of the lungs or respiratory
34 tract and shall be presumed to have been contracted
35 while on active duty as a result of strain, exposure,
36 or the inhalation of noxious fumes, poison, or gases.]"

37 3. Page 6, line 6, by striking the word "section"
38 and inserting in lieu thereof the word "sections".

39 4. Page 6, by inserting after line 6 the following:
 40 "Sec. Section four hundred eleven point
 41 six (411.6), subsection five (5), Code 1975, is amended
 42 by striking unnumbered paragraph three (3)."

Senator Shaff took the chair at 10:20 a.m.

A record roll call was requested.

On the question "Shall amendment S—5975 to House amendment S—5888 to Senate amendment H—4350 be adopted?" (H.F. 914) the vote was:

Ayes, 17:

DeKoster	Hill of Jasper	Ramsey	Shaw
Doderer	Hill of Polk	Redmond	Sovern
Gallagher	Nolin	Scott	Tieden
Glenn	Orr	Shaff	Willits
Heying			

Nays, 33:

Andersen	Griffin	Miller of	Plymat
Bergman	Hansen	Des Moines	Priebe
Briles	Hultman	Miller of	Rabedaux
Burroughs	Junkins	Marshall	Robinson
Carr	Kelly	Murray	Rodgers
Coleman	Kinley	Nolting	Schwengels
Culver	Lamborn	Norpel	Taylor
Curtis	Merritt	Nystrom	Van Gilst
Gluba		Palmer	Winkelman

Amendment S—5975 to House amendment S—5888 to Senate amendment H—4350 lost.

On motion of Senator Willits, the Senate concurred in House amendment S—5888 to Senate amendment H—4350, as amended.

Senator Willits moved that the bill as amended by the Senate, further amended by the House, still further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 914) the vote was:

Ayes, 44:

Andersen	Griffin	Murray	Robinson
Bergman	Hansen	Nolin	Rodgers
Briles	Heying	Norpel	Schwengels
Burroughs	Hill of Polk	Nystrom	Scott
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Rabedaux	Willits
Gallagher	Merritt	Ramsey	Winkelman
Glenn	Miller of	Redmond	
Gluba	Des Moines		

Nays, 5:

DeKoster
Hill of Jasper

Nolting

Shaff

Shaw

Absent or not voting, 1:

Miller of
Marshall

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

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT House File 584

Senator Redmond called up the following report of the second conference committee on House File 584 and moved its adoption:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 584

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 584, a bill for an act relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties, respectfully make the following report:

1. That the Senate recede from its amendment, H—6740, to the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted.

2. That the House amendment, S—5783, to the Senate amendment, H—5733, to House File 584, as amended, passed, and reprinted, be amended as follows:

1. Page 1, by inserting after line 12 the following:

“..... Page 2, line 42, by inserting after the word ‘all’ the words ‘criminal and’ and by renumbering the amendment sections accordingly.”

2. Page 1, line 38, by striking the words “fifty thousand (50,000)” and inserting in lieu thereof the words “twenty-five thousand (25,000)”.

3. Page 1, line 39, by striking the words “one year” and inserting in lieu thereof the words “six months”.

4. Page 2, by striking line 20.

On the Part of the Senate:
JAMES M. REDMOND,
Chairperson
ROBERT M. CARR
EARL M. WILLITS

On the Part of the House:
NORMAN G. JESSE,
Chairperson
W. R. MONROE, JR.
ARTHUR A. SMALL, JR.

A record roll call was requested.

On the question "Shall the second conference committee report be adopted?" (H.F. 584) the vote was:

Rule 25 was invoked.

Ayes, 25:

Carr	Junkins	Nolting	Redmond
Coleman	Kelly	Norpel	Robinson
Doderer	Kinley	Nystrom	Sovern
Gallagher	Merritt	Orr	Taylor
Glenn	Miller of	Palmer	Van Gilst
Gluba	Des Moines	Priebe	Willits
Hill of Jasper	Nolin		

Nays, 24:

Andersen	Hansen	Murray	Scott
Bergman	Heying	Plymat	Shaff
Burroughs	Hill of Polk	Rabedaux	Shaw
Culver	Hultman	Ramsey	Tieden
Curtis	Lamborn	Rodgers	Winkelman
DeKoster	Miller of	Schwengels	
Griffin	Marshall		

Absent or not voting, 1:

Briles

The motion prevailed and the report of the second conference committee and the recommendations and amendment contained therein were adopted.

CALL OF THE SENATE

The Chair announced the following Call of the Senate on House File 584 had been filed at the desk and directed the Secretary to take the roll:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a Call of the Senate on House File 584 and all amendments and motions thereto.

CLIFTON C. LAMBORN
 PHILIP B. HILL
 CALVIN O. HULTMAN
 ELIZABETH R. MILLER
 CLIFF BURROUGHS
 FORREST V. SCHWENGELS
 WARREN E. CURTIS
 IRVIN L. BERGMAN
 DALE L. TIEDEN
 W. R. RABEDEAUX

Roll call revealed all members present with the exception of Senator Briles.

The Chair directed the sergeant-at-arms to locate the absent member.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Priebe presiding.

Senator Lamborn asked and received unanimous consent that the Call of the Senate on House File 584 be lifted temporarily.

On motion of Senator Lamborn, the Senate recessed until 1:20 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Hultman presiding.

House File 584

The Chair announced the Call of the Senate had been reinstated on House File 584.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Action on House File 584 was temporarily deferred.

Senator Kinley asked and received unanimous consent that the Call of the Senate be lifted until the Senate resumed consideration of House File 584.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the second conference committee on the part of the House to consider the differences between the House and Senate concerning Senate File 1261, are as follows: The Representative from Linn, Mr. Horn, chair; the Representative from Adams, Mr. Daggett; the Representative from Black Hawk, Ms. O'Halloran; the Representative from Johnson, Mr. Patchett; the Representative from Hancock, Mr. Stromer; the Representative from Fayette, Mr. Avenson; the Representative from O'Brien, Mr. Menke; and the Representative from Polk, Mr. Byerly.

DAVID L. WRAY, Chief Clerk

SENATE CONCURRENT RESOLUTION 117

By Committee on Agriculture

- 1 *Whereas*, the Senate finds that grain grading in
- 2 the state is often based upon inaccurate moisture
- 3 shrink factors, and because of such inaccurate shrink
- 4 factors grain sellers receive inconsistent discount

5 rates on grain sold, *Now, Therefore,*
6 *Be It Resolved by the Senate, the House of Represent-*
7 *atives Concurring:*

8 Section 1. The legislative council is direct-
9 ed to create a six-member committee which shall con-
10 duct during the 1976-77 legislative interim, a com-
11 prehensive study of grain grading procedures in the
12 state as those procedures relate to moisture shrink
13 factors and discount rates. The committee shall sub-
14 mit to the legislative council no later than January
15 1, 1977 a report of its findings and suggested legis-
16 lation designed to eliminate the inequities resulting
17 from inaccurate shrink factors and inconsistent dis-
18 count rates in grading grain.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 118

By Committee on Commerce

1 *Whereas*, the prevailing rate structures for the sale
2 of electric power and natural gas to users in the state
3 of Iowa may be outdated and no longer serve the interests
4 of the citizens of the state; and
5 *Whereas*, rapidly increasing costs for electricity
6 and natural gas have produced financial hardships to
7 some users which might be considered discriminatory; and
8 *Whereas*, the encouragement of significant levels of
9 conservation of energy may be possible through the re-
10 structuring of prevailing rate structures for the sale
11 of electric power and natural gas; and
12 *Whereas*, the prevailing rate structures for the sale
13 of electric power and natural gas have not been reexamined
14 since the recognition of a potential nationwide energy
15 shortage; and
16 *Whereas*, there exists a growing body of literature
17 and expertise on the subject of utility rate regulation
18 which sets forth new rate evaluating techniques and
19 guidelines; *Now, Therefore,*
20 *Be It Resolved by the Senate, the House Concurring,*
21 That the legislative council create a study committee,
22 as provided by law, composed of members of the Senate
23 and the House of Representatives, who represent both
24 political parties, to study electric power and natural
25 gas rate structures and consumption levels in Iowa with
26 respect to differences in electric power and natural gas
27 consumption levels and costs resulting from seasonal de-
28 mand fluctuations, time of day fluctuations, evidence
29 or estimates of changes in consumption patterns due to
30 changes in price, and income levels of users. The study

Page 2

1 shall include consideration of the relative advantages
2 and disadvantages to consumers of the prevailing de-
3 clining block rate systems, other block rate systems,
4 lifeline service, peak hour schedules, metering de-

5 vices, marginal cost pricing, long-range incremental
 6 cost pricing, and other methods which may be used to
 7 structure rate schedules; and
 8 *Be It Further Resolved*, That the study committee may
 9 include nonlegislative members of the Commerce Commis-
 10 sion, the Energy Policy Council, and citizens and citizen
 11 groups who have demonstrated an interest in utility
 12 rate regulation. The committee shall prepare a report
 13 of its findings and recommendations and submit it to
 14 the legislative council and the members of the general
 15 assembly of the Sixty-seventh General Assembly, 1977
 16 Session, accompanied by legislative bill drafts as
 17 necessary to carry out the recommendations of the com-
 18 mittee.

Read first time and placed on calendar.

HOUSE AMENDMENTS CONSIDERED

Senate File 1221

Senator Willits called up for consideration Senate File 1221, a bill for an act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission, amended by the House, and moved that the Senate concur in House amendment S—5944 found on pages 2331-2333, inclusive, of the Senate Journal.

The motion prevailed and the Senate concurred in House amendment S—5944.

Senator Willits moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1221) the vote was:

Ayes, 40:

Bergman	Griffin	Miller of	Ramsey
Briles	Hansen	Marshall	Redmond
Carr	Heying	Murray	Robinson
Coleman	Hill of Polk	Nolting	Schwengels
Culver	Junkins	Norpel	Scott
Curtis	Kelly	Orr	Shaff
DeKoster	Kinley	Palmer	Shaw
Doderer	Lamborn	Plymat	Sovern
Gallagher	Merritt	Priebe	Tieden
Glenn	Miller of	Rabedeaux	Willits
Gluba	Des Moines		

Nays, 6:

Andersen	Hultman	Taylor	Winkelman
Burroughs	Rodgers		

Absent or not voting, 4:

Hill of Jasper	Nolin	Nystrom	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1221 passed the Senate on May 28, 1976.

JAMES W. GRIFFIN, SR.

Senate File 1336

Senator Willits called up for consideration Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, amended by House amendment S—5952 found on pages 2334-2336, inclusive, of the Senate Journal.

Senator DeKoster offered amendment S—5980 to House amendment S—5932 by Senators DeKoster and Palmer and moved its adoption:

S—5980

- 1 Amend House amendment S—5952 to Senate File
- 2 1336 as follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "\$45,000" and inserting in lieu thereof the figure
- 5 "\$35,000".
- 6 2. Page 1, by striking lines 14 through 16.

Amendment S—5980 to House amendment S—5952 was adopted.

On motion of Senator Willits, the Senate concurred in House amendment S—5952 as amended.

Senator Willits moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1336) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Redmond
Bergman	Griffin	Marshall	Robinson
Briles	Hansen	Murray	Rodgers
Carr	Heying	Nolin	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Junkins	Norpel	Shaff
Curtis	Kelly	Nystrom	Shaw
DeKoster	Kinley	Orr	Sovern
Doderer	Miller of	Palmer	Van Gilst
Gallagher	Des Moines	Plymat	Willits
Glenn		Priebe	

Nays, 9:

Burroughs
Hill of Jasper
Hultman

Lamborn
Rabedaux

Ramsey
Taylor

Tieden
Winkelman

Absent or not voting, 1:

Merritt

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

Senator Priebe asked and received unanimous consent that **Senate File 1336** be **immediately messaged** to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Priebe asked and received unanimous consent to take up out of order House File 1519.

House File 1519

On motion of Senator Kelly, House File 1519, a bill for an act to legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kelly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1519) the vote was:

Ayes, 30:

Andersen
Bergman
Briles
Burroughs
Carr
Culver
Curtis
Doderer

Griffin
Hansen
Heying
Hill of Jasper
Hultman
Junkins
Merritt

Miller of
Marshall
Nolin
Norpel
Nystrom
Orr
Palmer
Rabedaux

Ramsey
Robinson
Schwengels
Scott
Sovern
Taylor
Tieden
Van Gilst

Nays, 12:

DeKoster
Glenn
Gluba

Kelly
Lamborn
Murray

Nolting
Priebe
Rodgers

Shaw
Willits
Winkelman

Absent or not voting, 8:

Coleman
Gallagher
Hill of Polk

Kinley
Miller of
Des Moines

Plymat
Redmond

Shaff

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

SENATOR HONORED

Senator Hultman rose on a point of personal privilege to read and present a resolution extending best wishes to Senator Rabedaux who will retire at the end of the 1976 Session after serving in the Senate since 1970.

CONSIDERATION OF BILLS

Senator Priebe asked and received unanimous consent to take up out of order House File 807.

House File 807

On motion of Senator Tieden, House File 807, a bill for an act relating to bonded agricultural warehouses, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Tieden asked and received unanimous consent to withdraw amendment S—5394 filed by the committee on agriculture on March 23, 1976, and found on pages 1018 and 1019 of the Senate Journal.

Senator Hultman withdrew amendment S—5407 filed by him on March 24, 1976, and found on pages 1038 and 1039 of the Senate Journal.

Senator Tieden moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 807) the vote was:

Ayes, 45:

Andersen	Griffin	Nolting	Rodgers
Bergman	Hansen	Norpel	Schwengels
Briles	Heying	Nystrom	Scott
Burroughs	Hill of Jasper	Orr	Shaff
Coleman	Hultman	Palmer	Shaw
Culver	Junkins	Plymat	Sovern
Curtis	Kelly	Priebe	Taylor
DeKoster	Merritt	Rabedaux	Tieden
Doderer	Miller of	Ramsey	Van Gilst
Gallagher	Marshall	Redmond	Willits
Glenn	Murray	Robinson	Winkelman
Gluba	Nolin		

Nays, none.

Absent or not voting, 5:

Carr
Hill of Polk

Kinley

Lamborn

Miller of
Des Moines

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

REPORT OF COMMITTEE

Senator Rodgers submitted the following report:

MR. PRESIDENT: Your committee on ways and means to which was referred **House File 1564**, a bill for an act relating to equalization and assessment procedures, begs leave to report it has had the same under consideration and recommends the same **do pass**.

NORMAN RODGERS, Chairperson

Ordered passed on file.

President pro tempore Doderer took the chair at 3:50 p.m.

CONSIDERATION OF BILLS

Senator Priebe asked and received unanimous consent to take up for immediate consideration House File 1564.

House File 1564

On motion of Senator Shaff, House File 1564, a bill for an act relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaff withdrew the following amendments filed by him:

Amendment S—5945 filed May 27, 1976, and found on pages 2409-2414, inclusive, of the Senate Journal.

Amendment S—5927 filed May 26, 1976, and found on page 2323 of the Senate Journal.

Amendment S—5955 filed May 27, 1976, and found on pages 2414 and 2415 of the Senate Journal.

Amendment S—5954 filed May 27, 1976, and found on page 2415 of the Senate Journal.

Senator Shaff offered amendment S—5962 filed by him and moved its adoption:

S—5962

- 1 Amend House File 1564, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 13, by inserting after line 11 the
- 4 following new section:
- 5 "Sec. Notwithstanding the provisions of
- 6 section four hundred forty-five point thirty-seven
- 7 (445.37) of the Code, if one-half of the property
- 8 taxes due have not been paid for October 1, 1976 or
- 9 thirty days from the date of certification of
- 10 the tax list to the county treasurer, whichever date
- 11 occurs later, the amount due shall become delinquent
- 12 and subject to the penalties provided in section four
- 13 hundred forty-five point thirty-nine (445.39) and
- 14 four hundred forty-five point forty (445.40) of the
- 15 Code. The provisions of this section shall only be
- 16 applicable to property taxes levied in 1976 and payable
- 17 during the fiscal year beginning July 1, 1976 and
- 18 ending June 30, 1977."
- 19 2. Amend the title, line 8, by inserting after
- 20 the word "orders," the words "relating to the date
- 21 of delinquency for nonpayment of first-half property
- 22 taxes due and payable in the fiscal year beginning
- 23 July 1, 1976,".

Amendment S—5962 was adopted.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1564) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Robinson
Bergman	Griffin	Marshall	Rodgers
Briles	Hansen	Murray	Scott
Burroughs	Heying	Nolting	Shaff
Carr	Hill of Jasper	Norpel	Shaw
Culver	Hultman	Nystrom	Taylor
Curtis	Junkins	Orr	Tieden
DeKoster	Kelly	Palmer	Van Gilst
Doderer	Merritt	Plymat	Willits
Gallagher	Miller of	Priebe	Winkelman
Glenn	Des Moines		

Nays, 4:

Rabedaux	Redmond	Schwengels	Sovern
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Absent or not voting, 6:

Coleman
Hill of Polk

Kinley
Lamborn

Nolin

Ramsey

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

Senator Shaff asked and received unanimous consent that House File 1564 be immediately messaged to the House, which request was complied with.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 507

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 507, a bill for an Act relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils, respectfully make the following report:

1. That the Senate and the House conferees have failed to reach an agreement.

On the Part of the Senate:

EUGENE M. HILL,
Chairperson

C. JOSEPH COLEMAN

GENE W. GLENN

WARREN E. CURTIS

FORREST V. SCHWENGELS

On the Part of the House:

GREGORY D. CUSACK,
Chairperson

NORMAN G. JESSE

JACK E. WOODS

BRICE C. OAKLEY

GLENN F. BROCKETT

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the appointment of the following second conference committee on Senate File 507, on the part of the Senate: Senators Hill of Jasper, chairperson; Coleman, Glenn, Curtis and Schwengels.

House File 584

The Chair announced the Call of the Senate reinstated on House File 584, and directed the Secretary to take the roll.

Roll call revealed all members present with the exception of Senator Rodgers.

The Chair directed the sergeant-at-arms to locate the absent member.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 584) the vote was:

Ayes, 26:

Briles	Hill of Jasper	Nolin	Redmond
Carr	Junkins	Nolting	Robinson
Coleman	Kelly	Norpel	Scott
Doderer	Kinley	Orr	Sovern
Gallagher	Merritt	Palmer	Van Gilst
Glenn	Miller of	Priebe	Willits
Gluba	Des Moines	Ramsey	

Nays, 24:

Andersen	Hansen	Murray	Shaff
Bergman	Heying	Nystrom	Shaw
Burroughs	Hill of Polk	Plymat	Taylor
Culver	Hultman	Rabedeaux	Tieden
Curtis	Lamborn	Rodgers	Winkelman
DeKoster	Miller of	Schwengels	
Griffin	Marshall		

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1284, a bill for an act relating to administration of chapter 324 of the Code.

Also: That the House has on May 28, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1337, a bill for an act making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission.

Also: That the House has on May 27, 1976, adopted the Third Conference Committee Report on, and passed the following bill in which the concurrence of the Senate is asked:

House File 1539, a bill for an act to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

DAVID L. WRAY, Chief Clerk

ADOPTION OF THIRD CONFERENCE COMMITTEE REPORT

House File 1539

Senator Priebe called up the report of the third conference

committee on House File 1549 filed May 27, 1976, and found on pages 2377-2379, inclusive, of the Senate Journal and moved its adoption.

The motion prevailed and the third conference committee report and the recommendation and amendment contained therein were adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1539) the vote was:

Ayes, 37:

Andersen	Hansen	Nolin	Rodgers
Carr	Heying	Nystrom	Scott
Culver	Hill of Jasper	Orr	Shaff
Curtis	Hill of Polk	Palmer	Shaw
DeKoster	Kelly	Plymat	Sovern
Doderer	Kinley	Priebe	Taylor
Gallagher	Lamborn	Ramsey	Van Gilst
Glenn	Miller of	Redmond	Willits
Gluba	Marshall	Robinson	Winkelman
Griffin	Murray		

Nays, 13:

Bergman	Hultman	Miller of	Rabedeaux
Briles	Junkins	Des Moines	Schwengels
Burroughs	Merritt	Nolting	Tieden
Coleman		Norpel	

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

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

Senate File 85

Senator Glenn called up the report of the second conference committee on Senate File 85 filed May 27, 1976, and found on pages 2361-2376, inclusive, of the Senate Journal.

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to take the roll:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a Call of the Senate on Senate File 85 and all amendments and motions thereto.

GEORGE R. KINLEY
WILLIAM D. PALMER
LOWELL L. JUNKINS
CLOYD E. ROBINSON
NORMAN RODGERS

FRED W. NOLTING
 LOUIS P. CULVER
 JAMES V. GALLAGHER
 EARL M. WILLITS
 GENE W. GLENN

Roll call revealed all members present with the exception of Senator Heying.

Senator Kinley asked and received unanimous consent that Senator Heying be excused from the Call of the Senate.

Senator Shaff took the chair at 6:30 p.m.

President Neu took the chair at 7:42 p.m.

Senator Glenn moved adoption of the second conference committee report.

A record roll call was requested.

On the question "Shall the report of the second conference committee be adopted?" (S.F. 85) the vote was:

Ayes, 28:

Andersen	Gluba	Murray	Redmond
Carr	Griffin	Nolin	Robinson
Culver	Hill of Polk	Nolting	Rodgers
Curtis	Kelly	Norpel	Shaw
DeKoster	Kinley	Orr	Sovern
Doderer	Merritt	Palmer	Willits
Gallagher	Miller of	Priebe	
Glenn	Des Moines		

Nays, 22:

Bergman	Hill of Jasper	Nystrom	Shaff
Briles	Hultman	Plymat	Taylor
Burroughs	Junkins	Rabedeaux	Tieden
Coleman	Lamborn	Ramsey	Van Gilst
Hansen	Miller of	Schwengels	Winkelman
Heying	Marshall	Scott	

The motion prevailed and the second conference committee report and the recommendations and amendments contained therein were adopted.

Senator Glenn submitted the supplemental report of the second conference committee on Senate File 85 and moved its adoption:

**SUPPLEMENTAL REPORT OF THE SECOND
 CONFERENCE COMMITTEE ON SENATE FILE 85**

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an Act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications, respectfully make the following supplemental report:

1. That the House amendment, S—5603, to Senate File 85, as amended, passed, and reprinted by the Senate be amended on page 37, line 44, by striking the figure "16" and inserting in lieu thereof the figure "14".

On the Part of the Senate:

GENE W. GLENN, Chairperson
E. KEVIN KELLY
RICHARD R. RAMSEY
NORMAN RODGERS
EARL M. WILLITS

On the Part of the House:

NORMAN G. JESSE, Chairperson
TERRY E. BRANSTAD
JULIA GENTLEMAN
CARL V. NIELSEN
BRICE C. OAKLEY

The motion prevailed and the supplemental report of the second conference committee and the amendment contained therein were adopted.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 85) the vote was:

Ayes, 32:

Andersen	Griffin	Murray	Ramsey
Bergman	Hansen	Nolin	Redmond
Carr	Hill of Polk	Nolting	Robinson
Culver	Kelly	Norpel	Rodgers
Curtis	Kinley	Orr	Shaw
DeKoster	Merritt	Palmer	Sovern
Gallagher	Miller of	Plymat	Van Gilst
Glenn	Des Moines	Priebe	Willits
Gluba			

Nays, 18:

Briles	Hill of Jasper	Miller of	Scott
Burroughs	Hultman	Marshall	Shaff
Coleman	Junkins	Nystrom	Taylor
Doderer	Lamborn	Rabedeaux	Tieden
Heying		Schwengels	Winkelman

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

Senator Kinley asked and received unanimous consent that Senate File 85 be immediately messaged to the House, which request was complied with.

SENATOR HONORED

Senator Kinley rose on a point of personal privilege to read and present a resolution to Senator Karl Nolin expressing appreciation for his contribution to the legislative process and regret that he will retire after serving both houses of the General Assembly.

The Senate honored him with a standing ovation.

ADOPTION OF CONFERENCE COMMITTEE REPORTS

Senate File 1251

Senator Hill of Jasper submitted the following report of the conference committee on Senate File 1251 and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 1251

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services, respectfully make the following report:

1. That the House amendment to Senate File 1251 (S—5871) be amended as follows:

1. Page 1, by inserting after line 1 the following amendments:

“..... Page 1, line 2, by striking the word ‘nine’ and inserting in lieu thereof the word ‘ten’.

..... Page 1, by striking line 3 and inserting in lieu thereof the words ‘thousand five hundred four dollars and eight cents’.

..... Page 1, line 4, by striking the figure ‘(\$9,254.08)’ and inserting in lieu thereof the figure ‘(\$10,504.08)’.”

2. Page 1, by inserting after line 5 the following amendment:

“..... Page 1, by inserting after line 9 the following section:

‘Sec. *NEW SECTION. ACTUARIAL SERVICES.* Any actuarial services and costs to be incurred on behalf of the general assembly for development of legislation relating to retirement systems shall not be incurred until after public bidding for such services has been completed. However, it shall not be required that the lowest bid be accepted.’”

3. By renumbering amendments as necessary.

On the Part of the Senate:

EUGENE M. HILL, Chairperson
 MINNETTE F. DODERER
 BERL E. PRIEBE
 W. R. RABEDEAUX
 JOHN N. NYSTROM

On the Part of the House:

RICHARD L. BYERLY,
 Chairperson
 WILLIAM B. GRIFFEE
 W. R. MONROE, JR.
 ANDREW VARLEY

The motion prevailed and the report of the conference committee and the recommendation and amendment contained therein were adopted.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1251) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaw
Coleman	Hultman	Nystrom	Sovern
Culver	Kelly	Orr	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Rabedeaux	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 6:

Doderer	Lamborn	Palmer	Shaff
Junkins	Nolin		

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

Senator Kinley asked and received unanimous consent that Senate File 1251 be **immediately messaged** to the House, which request was complied with.

Senate File 1335

Senator Willits submitted the following report of the conference committee on Senate File 1335:

**REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 1335**

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

We, the undersigned members of the conference committee appointed to

to consider the differences between the Senate and the House of Representatives on Senate File 1335, a bill for an Act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund, respectfully make the following report:

1. That the Senate recede from its amendment H—6881 to the House amendment S—5917 to Senate File 1335.

On the Part of the Senate:

EARL M. WILLITS,

Chairperson

STEVE SOVERN

JOAN ORR

LEONARD C. ANDERSEN

ELIZABETH SHAW

On the Part of the House:

WILLIAM B. GRIFFEE,

Chairperson

ROBERT F. BINA

MAURICE HENNESSEY

DAVID M. READINGER

FRANK CRABB

The motion prevailed and the conference committee report and the recommendation contained therein were adopted.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1335) the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Redmond
Bergman	Heying	Marshall	Robinson
Briles	Hill of Jasper	Murray	Rodgers
Burroughs	Hill of Polk	Nolting	Schwengels
Carr	Hultman	Norpel	Scott
Culver	Junkins	Nystrom	Sovern
Curtis	Kelly	Orr	Taylor
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Rabedaux	Willits
Glenn	Miller of	Ramsey	Winkelman
Gluba	Des Moines		
Griffin			

Nays, none.

Absent or not voting, 5:

Coleman
Nolin

Palmer

Shaff

Shaw

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

Senator Kinley asked and received unanimous consent that Senate File 1335 be immediately messaged to the House, which request was complied with.

MOTION TO RECONSIDER LOST

Senate File 1276

Senator Hill of Polk called up the following motion to recon-

sider filed by him on May 18, 1976, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1276 passed the Senate on May 18, 1976.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 1276) the vote was:

Ayes, 20:

Andersen	Heying	Murray	Shaw
Briles	Hill of Polk	Nystrom	Tieden
Doderer	Hultman	Rabedaux	Van Gilst
Gluba	Kelly	Ramsey	Winkelman
Griffin	Miller of	Schwengels	
Hansen	Des Moines		

Nays, 27:

Bergman	Gallagher	Miller of	Priebe
Burroughs	Glenn	Marshall	Redmond
Carr	Hill of Jasper	Nolting	Robinson
Coleman	Junkins	Norpel	Rodgers
Culver	Kinley	Orr	Scott
Curtis	Lamborn	Palmer	Sovern
DeKoster	Merritt	Plymat	Willits

Absent or not voting, 3:

Nolin	Shaff	Taylor
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The motion lost.

The motion to reconsider Senate File 1276, filed by Senator Palmer on May 18, 1976, ruled out of order.

Senator Kinley asked and received unanimous consent that Senate File 1276 be immediately messaged to the House, which request was complied with.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the second conference committee on Senate File 507, a bill for an Act relating to the funding, compensation and membership of legislative members of committees and boards, on the part of the House, appointed May 28, 1976, are: The Representative from Scott, Mr. Cusack, chair; the Representative from Polk, Mr. Jesse; the Representative from Polk, Mr. Woods; the Representative from Clinton, Mr. Oakley; and the Representative from Marshall, Mr. Brockett.

Also: That the House has on May 28, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1230, a bill for an act relating to the Iowa Civil Rights Act of 1965.

Also: That the House has on May 28, 1976, refused to concur in the

Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Also: That the House has on May 28, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1338, a bill for an act providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof.

Also: That the House has on May 28, 1976, concurred in Senate amendment to House amendment to Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 914, a bill for an act relating to retirement benefits for certain public employees engaged in public safety occupations.

Also: That the House has on May 28, 1976, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 1564, a bill for an act relating to equalization and assessment procedures.

Also: That the House has on May 28, 1976, adopted the Report of the Second Conference Committee on, and passed the following bill in which the concurrence of the House was asked:

House File 1583, a bill for an act relating to compensation and benefits for state employees and nonelected state officials.

Also: That the House has on May 28, 1976, passed the following bill in which the concurrence of the Senate is asked:

House File 1593, a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1230

S—5992

- 1 Amend Senate File 1230 as amended and
- 2 passed by the Senate as follows:

- 3 1. Page 1, line 7, by striking the words
- 4 "*six hundred one A point nine (601A.9)*".
- 5 2. Page 1, by striking lines 29 through 35.
- 6 3. Page 2, by striking lines 1 through 22.
- 7 4. By renumbering the sections.

HOUSE MESSAGE CONSIDERED

House File 1593, a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 1347, by committee on appropriations, a bill for an act creating and making an appropriation to the executive council general contingent fund.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 119

By Committee on Human Resources

- 1 *Whereas*, there continues to be much interest in
- 2 and discussion of the most desirable structure for
- 3 administration and delivery of mental health services
- 4 in this state, the number, role and location of the
- 5 state's mental health hospitals, and the administra-
- 6 tive and programmatic relationship of these hospitals
- 7 to community mental health centers; and
- 8 *Whereas*, there was completed late in 1975 a system-
- 9 atic follow-up study of a random sample of persons who

10 had earlier received services at state mental health
11 hospitals; and

12 *Whereas*, there is interest in the encouragement of
13 home-based or group home care for the elderly where
14 appropriate as an alternative to expensive institutional
15 care; and

16 *Whereas*, the consultant's study of the administra-
17 tion of Title XIX (Medicaid) program will be completed
18 by July 29 and there needs to be consideration of that
19 study to determine whether legislation shall be neces-
20 sary; *Now, Therefore*,

21 *Be It Resolved by the Senate, the House Concurring*,
22 That the Legislative Council is requested to appoint
23 a study committee composed of members of the Committees
24 on Human Resources of the Senate and the House, to under-
25 take a study addressed to the concerns referred to in
26 the preceding paragraphs of this resolution, and that
27 the study committee be directed to submit periodic
28 progress reports to the Legislative Council upon re-
29 quest and a final report to the Sixty-seventh General
30 Assembly not later than January 17, 1977, and that the

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1 study committee shall have available to it the
2 staff of the House and Senate Human Resources Com-
3 mittees for this study.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 120

By Committee on Rules and Administration

1 *Be It Resolved by the Senate, the House of*
2 *Representatives Concurring*, That the adjournment
3 on Friday, May 28, 1976, shall constitute the
4 sine die adjournment of the Sixty-sixth General
5 Assembly.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 121

By Committee on Rules and Administration

1 *Whereas*, many resolutions have been introduced in
2 both the Senate and House of Representatives calling
3 for interim studies; and

4 *Whereas*, several Senators have indicated a desire
5 to introduce resolutions proposing additional interim
6 studies but are prevented from filing individually
7 sponsored resolutions by Senate Rules; and

8 *Whereas*, the time period between the 1976 session
9 of the Sixty-sixth General Assembly and the 1977
10 session of the Sixty-seventh General Assembly is
11 limited and there have been proposals for studies
12 which appear to have merit but, because of the com-

13 plexity of the studies proposed and their number,
14 could not all be properly conducted during the next
15 interim period; and

16 *Whereas*, subcommittees of standing committees may
17 desire to study bills presently before the general
18 assembly which will be filed again in the 1977
19 session of the Sixty-seventh General Assembly; and

20 *Whereas*, it is impractical to accurately determine
21 during floor debate the relative merit of the pro-
22 posals, and within the limited funds and staff which
23 will be available, assign precise priorities; *Now*,
24 *Therefore*,

25 *Be It Resolved by the Senate, the House of Repre-*
26 *sentatives Concurring*, That all resolutions calling
27 for interim studies which have not been adopted in
28 both houses be delivered by the Secretary of the
29 Senate, on the part of the Senate, and the Chief
30 Clerk of the House, on the part of the House, to the

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1 Legislative Council, which shall determine
2 priorities and shall authorize such studies
3 as may be feasible within the limits of the
4 staff, time and funds available; and

5 *Be It Further Resolved*, That any Senator
6 desiring to propose any interim study not
7 already contained in a resolution already
8 filed, shall submit a letter to the Secre-
9 tary of the Senate describing the study.

10 The Secretary of the Senate shall deliver
11 such letters to the Legislative Council with
12 any resolutions already filed. The Legis-
13 lative Council shall give equal consideration
14 to studies proposed by letter as to studies
15 proposed by resolution.

Read first time and placed on calendar.

REPORTS OF COMMITTEE

Senator Palmer submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1565**, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1571**, a bill for an act making appropriations for capital

improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5983

- 1 Amend House File 1571, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by striking lines 10 through 17
- 4 and inserting in lieu thereof the following:
- 5 "a. For repair, replacement, alteration,
- 6 equipment and rehabilitation of national guard
- 7 armory facilities throughout the state, including
- 8 the maintenance and repair of equipment required
- 9 for use of such facilities, and for the rehabili-
- 10 tation and control of flags commemorating wars
- 11 in which Iowans participated.....\$180,000".
- 12 2. Page 1, line 31, by striking the
- 13 words "sights" and inserting in lieu thereof the
- 14 word "sites".

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1573**, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1579**, a bill for an act making an appropriation to the department of social services for capital improvement projects, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1584**, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1589**, a bill for an act relating to and appropriating funds for programs for low income and elderly persons, begs leave to report it has had the same under consideration and recommends the same **do pass**.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1573.

House File 1573

On motion of Senator Hill of Jasper, House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill of Jasper offered amendment S—5990 filed by the committee on appropriations and moved its adoption:

S—5990

- 1 Amend House File 1573, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. **NEW SECTION. PERFORMANCE AUDIT**
- 6 **DIVISION OF THE LEGISLATIVE FISCAL BUREAU—APPOINT**
- 7 **AND REMOVAL OF PERFORMANCE AUDITOR.**
- 8 1. There is established a performance audit
- 9 division of the legislative fiscal bureau which shall
- 10 operate under the direction and control of the
- 11 legislative fiscal committee and which shall be placed
- 12 under the administrative supervision of the director
- 13 of the legislative fiscal bureau.
- 14 2. The administrative head of the performance
- 15 audit division shall be the performance auditor.
- 16 The performance auditor shall be a certified public
- 17 accountant licensed under the provisions of chapter
- 18 one hundred sixteen (116) of the Code and shall be
- 19 appointed as provided in section two point fifty
- 20 (2.50) of the Code.
- 21 3. The employment of the performance auditor may
- 22 be terminated upon recommendation of the legislative
- 23 fiscal director and by a majority vote of the members

24 of the legislative fiscal committee. An appeal of
25 the termination decision may be taken to the
26 legislative council which shall affirm or reject the
27 termination action by a majority vote of its members.

28 Sec. 2. *NEW SECTION.* DUTIES RELATING TO THE PER-
29 FORMANCE AUDIT DIVISION.

30 1. The legislative fiscal committee shall prepare
31 and recommend a list of state agencies for performance
32 audit and evaluation to the legislative council.

33 The legislative council shall establish a priority
34 ranking for the list and return the approved list
35 to the committee. A state agency may be removed from
36 the list by the legislative council by a two-thirds
37 vote of its members.

38 2. Subject to subsection one (1) of this section,
39 the legislative fiscal committee, with the approval
40 of the legislative council, may make performance
41 audits and reviews of operations of state agencies
42 to ascertain that sums appropriated have been, or
43 are being expended for the purposes for which such
44 appropriations were made and to evaluate the
45 effectiveness of programs in accomplishing legislative
46 intent. The committee, with the approval of the
47 legislative council, may direct the performance audit
48 and evaluation of a state agency out of the order
49 of its priority on the list as staff, time, and
50 budgetary limitations may require. Audits may be

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1 made by teams consisting of staff members of both
2 the fiscal division and the performance audit division.

3 3. The legislative fiscal committee, with the
4 approval of the legislative council, may study on
5 a continuing basis the operations, practices and
6 duties of state agencies, as they relate to efficiency
7 in the utilization of space, personnel, equipment
8 and facilities.

9 4. The legislative fiscal committee, with the
10 approval of the legislative council, may make such
11 special studies and reports of the operations, costs,
12 and functions of state agencies as it deems appro-
13 priate and as may be requested by the general assembly.

14 5. The legislative fiscal committee, with the
15 approval of the legislative council, may make such
16 reports on its findings and recommendations at such
17 time and in such manner as the committee deems proper
18 submitting such reports to the state agencies
19 concerned, to the governor and to the general assembly.
20 Such reports as are submitted shall relate to the
21 following matters:

22 a. Ways in which the state agencies may operate
23 more economically and efficiently;

24 b. Ways in which state agencies can provide better
25 services to the state and the public; and

26 c. Areas in which functions of state agencies

27 are duplicative, overlapping, or failing to accomplish
28 legislative objectives or for any other reason should
29 be redefined or redistributed.

30 d. Before such reports are issued, the state
31 agency affected shall be given an opportunity to
32 review it and submit written comments or rebuttal
33 to the report. The comments or rebuttal shall be
34 included in the final report.

35 e. A report shall not be issued until the
36 legislative fiscal committee and the legislative
37 council have approved the report.

38 6. As used in this section, 'state agency' means
39 any state office, department, board, bureau, commission
40 or other public or private agency supported in whole
41 or in part by state appropriations.

42 Sec. 3. **NEW SECTION. DUTIES OF THE PERFORMANCE**
43 **AUDITOR.** Under the administrative supervision of
44 the legislative fiscal director, the performance
45 auditor shall:

46 1. Recommend for employment and supervise employees
47 of the performance audit division in such positions
48 and at such salaries as shall be authorized by the
49 legislative council.

50 2. Supervise expenditures of the performance audit

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1 division under the direction of the legislative fiscal
2 committee and subject to the approval of the
3 legislative council.

4 3. Carry out the duties prescribed in section
5 two (2) of this Act pursuant to the directions of
6 the legislative fiscal committee and the legislative
7 council.

8 Sec. 4. **NEW SECTION. ACCESS TO STATE OFFICES**
9 **AND DEPARTMENTS—COOPERATION WITH STATE AGEN-**
CIES—

10 **SUBPOENA POWER.**

11 1. The performance auditor and employees of the
12 performance audit division shall at all times have
13 access to any state agency as defined in section two
14 (2), subsection six (6) of this Act, and to all books,
15 records, and other instrumentalities and properties
16 used in the performance of statutory duties. However,
17 the legislative fiscal committee and employees of
18 the division shall not have access to confidential
19 records unless they are data or records from which
20 individual identities are not ascertainable or data
21 or records which has been masked so that individual
22 identities are not ascertainable. Such state agency
23 shall cooperate with the performance auditor in the
24 performance of the auditor's duties and shall make
25 available to the performance auditor such books,
26 records, instrumentalities, and property that may
27 be requested by the performance auditor.

28 2. The performance auditor shall cooperate with

29 the auditor of state and may request information from
30 the auditor of state who shall provide such information
31 as provided in subsection one (1) of this section.

32 3. The performance auditor, with the approval
33 of the legislative fiscal committee, may request that
34 the attorney general, upon a reasonable showing of
35 necessity by the performance auditor, issue and enforce
36 subpoenas.

37 The performance auditor may administer oaths and
38 examine witnesses, either orally or in writing.

39 Expenses incurred in carrying out the powers of
40 this subsection shall be paid as in the case of other
41 expenses of the legislative fiscal bureau.

42 Sec. 5. Section two point forty-one (2.41), Code
43 1975, is amended to read as follows:

44 2.41 LEGISLATIVE COUNCIL CREATED. There is hereby
45 created a continuing legislative council of twenty
46 members which shall be entitled the legislative
47 council. The council shall be composed of the
48 president pro tempore of the senate, the speaker of
49 the house of representatives, the majority and minority
50 floor leaders of the senate, the [chairman] *chairperson*

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1 of the senate committee on appropriations, the minority
2 party ranking member of the senate committee on
3 appropriations, *the chairperson of the senate committee*
4 *on ways and means, the minority party ranking member*
5 *of the senate committee on ways and means, [five] three mem-*
6 *bers of the senate appointed by the president of the senate,*
7 *the majority and minority floor leaders of the house*
8 *of representatives, the [chairman] chairperson of the*
9 *house committee on appropriations, the minority party*
10 *ranking member of the house committee on*
11 *appropriations, the chairperson of the house committee*
12 *on ways and means, the minority party ranking member*
13 *of the house committee on ways and means, and [five]*
14 *three members of the house of representatives appointed*
15 *by the speaker of the house of representatives. The*
16 *lieutenant governor shall be an ex officio nonvoting*
17 *member of the council. Of the [five] three members*
18 *appointed by the president of the senate and speaker*
19 *of the house, [three] two from each house shall be*
20 *appointed from the majority party and [two] one from*
21 *each house shall be appointed from the minority party.*
22 *Members shall be appointed prior to the adjournment*
23 *of the first regular session of each general assembly*
24 *and shall serve for two-year terms ending upon the*
25 *convening of the following general assembly or when*
26 *their successors are appointed. Vacancies on the*
27 *council, including vacancies which occur when a member*
28 *of the council ceases to be a member of the general*
29 *assembly, shall be filled by the president of the*
30 *senate and the speaker of the house respectively.*
31 *Insofar as possible, upon appointment of members*

of the council during each regular session of the general assembly, at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council may deem necessary.

Sec. 6. Section two point forty-two (2.42), Code 1975, is amended by striking subsection twelve (12).

Sec. 7. Section two point forty-four (2.44), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council. Such expenses shall be paid in the manner provided for in section 2.66 [within the limit of available funds]. Upon mo-

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tion approved by the legislative council, members of such special interim study committees *and members of the legislative fiscal committee* may be paid for their expenses and per diem pursuant to the provisions of section 2.12.

Sec. 8. Section two point forty-five (2.45), Code 1975, is amended by striking subsection two (2) and inserting in lieu thereof the following:

2. The legislative fiscal committee shall be composed of the ten members consisting of the chairpersons and the ranking minority party members of the committees on appropriations of the house and senate, the chairpersons and the ranking minority party members of the committees on ways and means of the house and senate, and two other members of the legislative council, one appointed according to the senate rules and one appointed by the speaker of the house of representatives. Each member of the committee shall serve a two-year term of office commencing with the fourth Monday of January in each odd-numbered year and ending December thirty-first of each even-numbered year. Vacancies in membership shall be filled by the speaker of the house in the case of house members, and according to the rules of the senate in the case of senate members, for the remainder of the unexpired term. To the extent possible, upon appointment of the members of the legislative fiscal committee during the first regular session of the general assembly, at least two members of the committee from each house shall be reappointed.

The legislative fiscal committee shall determine policies for the legislative fiscal bureau and its divisions and shall direct the administration of

35 performance audits in accordance with rules adopted
36 by the committee and approved by the legislative
37 council. A performance audit shall not be commenced
38 until the rules have been approved by the legislative
39 council and disseminated to affected state agencies.
40 Rules and actions of the committee shall be exempt
41 from chapter seventeen A (17A) of the Code. The
42 legislative fiscal committee may coordinate the work
43 of the staff of the legislative fiscal bureau and
44 its divisions. When authorized by the committee,
45 the legislative fiscal director may transfer the staff
46 of the fiscal division to the performance audit
47 division of the legislative fiscal bureau on a
48 temporary basis to assist in conducting performance
49 audits.

50 Sec. 9. Section two point forty-six (2.46), sub-

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1 section one (1), Code 1975, is amended by adding the
2 following new unnumbered paragraph:

3 *NEW UNNUMBERED PARAGRAPH.* The committee shall
4 implement procedures for budgets for the fiscal year
5 beginning July 1, 1977 and thereafter which will
6 direct state agencies to submit budgets to the general
7 assembly developed on a performance basis specifying
8 the purposes and objectives for which funds are
9 requested, the costs of the programs proposed for
10 achieving these objectives and quantitative data
11 measuring the accomplishments and work performed under
12 each program.

13 Sec. 10. Section two point forty-six (2.46), Code
14 1975, is amended by striking subsection four (4).

15 Sec. 11. Section two point forty-eight (2.48),
16 Code 1975, is amended to read as follows:

17 2.48 LEGISLATIVE FISCAL BUREAU ESTABLISHED. There
18 is established a legislative fiscal bureau which shall
19 operate under the direction and control of the
20 legislative fiscal committee, subject to the approval
21 of the legislative council. *The legislative fiscal*
22 *bureau shall be administratively divided into two*
23 *divisions; the performance audit division and the*
24 *fiscal division.* The administrative head of the
25 legislative fiscal bureau shall be the legislative
26 fiscal director. *The administrator of the performance*
27 *audit division shall be the performance auditor*
28 *appointed as provided in section one (1) of this Act*
29 *and subject to the administrative supervision of the*
30 *legislative fiscal director.* The legislative fiscal
31 bureau shall co-operate with and serve all members
32 of the general assembly, the legislative fiscal
33 committee, and committees of the general assembly.

34 The legislative fiscal director shall be appointed
35 by the legislative council, upon recommendation of
36 the legislative fiscal committee. [His] *The*
37 compensation, and the compensation of employees of

38 the legislative fiscal bureau, shall be fixed by the
39 legislative council.

40 Sec. 12. Section two point forty-nine (2.49),
41 subsection one (1), Code 1975, is amended by adding
42 the following new unnumbered paragraph:

43 *NEW UNNUMBERED PARAGRAPH.* Recommend to the legis-
44 lative fiscal committee no later than August 1, 1976
45 procedures for the implementation of performance bud-
46 geting as defined in section two point forty-six
47 (2.46), subsection one (1), of the Code.

48 Sec. 13. Section two point fifty-one (2.51), Code
49 1975, is amended to read as follows:

50 2.51 VISITATIONS. The legislative fiscal com-

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1 mittee, with the approval of the legislative council,
2 may direct a subcommittee, which shall be composed
3 of the [chairmen] *chairpersons* and minority party ranking
4 members of the appropriate subcommittees of the
5 committees on appropriations of the senate and the
6 house of representatives and the [chairmen] *chairpersons*
7 of the appropriate standing committees of the general
8 assembly, to visit the offices and facilities of any
9 state office, department, agency, board, bureau, or
10 commission to review programs authorized by the general
11 assembly and the administration of the programs.

12 [When the legislative fiscal committee visits the
13 offices and facilities of any state office, department,
14 agency, board, bureau, or commission to review programs
15 authorized by the general assembly and the
16 administration of the programs, there shall be included
17 the chairmen and minority party ranking members of
18 the appropriate subcommittees of the committees on
19 appropriations of the senate and the house of
20 representatives.] *A visitation subcommittee shall be
21 informed of the progress of any performance audit
22 being conducted on state agencies or programs which
23 are the responsibility of the subcommittee and shall
24 be invited to participate in the deliberations of
25 the legislative fiscal committee regarding such agency
26 or program. The visitation subcommittee [and the
27 legislative fiscal committee] shall be provided with
28 information by the appropriate division of the
29 legislative fiscal bureau concerning budgets, programs,
30 and legislation authorizing programs prior to any
31 visitation. The legislative fiscal committee shall
32 be informed of the dates and locations of visita-
33 tions, and any member of the legislative fiscal
34 committee may accompany a visitation subcommittee.*
35 Members of a [committee] *subcommittee and the legislative*
36 *fiscal committee* shall be compensated pursuant to
37 section 2.10, subsection 6. The subcommittee shall
38 make reports and recommendations as required by the
39 legislative fiscal committee.

40 Sec. 14. There is appropriated from the general

41 fund of the state to the legislative fiscal bureau
 42 for the fiscal year beginning July 1, 1976 and ending
 43 June 30, 1977 the sum of fifty thousand (50,000)
 44 dollars, or so much thereof as is necessary to carry
 45 out the purposes of this Act and for salaries, support,
 46 maintenance, and miscellaneous purposes.
 47 Sec. 15. The provisions of this Act shall take
 48 effect on January 1, 1977, except that sections nine
 49 (9) and twelve (12) of this Act shall take effect
 50 on July 1, 1976."

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1 2. Amend the title, by striking lines 1 through
 2 4 and inserting in lieu thereof the words "An Act
 3 relating to the membership, powers and duties of the
 4 legislative council and the legislative fiscal com-
 5 mittee, creating a performance audit division and
 6 a fiscal division within the legislative fiscal bureau
 7 and specifying their powers and duties, and making
 8 an appropriation."

Senator Griffin offered amendment S—5994 to amendment S—5990 and moved its adoption:

S—5994

1 Amend the appropriations amendment, S—5990, to House
 2 File 1573 as amended, passed and reprinted by the
 3 House as follows:
 4 1. Page 1, line 20, by inserting after the word
 5 "Code" the words ", and shall be subject to confir-
 6 mation by two-thirds vote of the senate and two-thirds
 7 vote of the house of representatives".

A record roll call was requested.

On the question "Shall amendment S—5994 to amendment S—5990 be adopted?" (H.F. 1573) the vote was:

Ayes, 12:

Briles	Hansen	Plymat	Shaw
Burroughs	Hill of Polk	Ramsey	Taylor
Griffin	Nystrom	Robinson	Winkelman

Nays, 35:

Andersen	Gluba	Miller of	Redmond
Bergman	Heying	Marshall	Schwengels
Carr	Hill of Jasper	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Junkins	Norpel	Sovern
Curtis	Kelly	Orr	Tieden
DeKoster	Lamborn	Palmer	Van Gilst
Doderer	Merritt	Priebe	Willits
Gallagher	Miller of	Rabedeaux	
Glenn	Des Moines		

Absent or not voting, 3:

Kinley	Nolin	Rodgers
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Amendment S—5994 to amendment S—5990 lost.

Senator Kelly offered amendment S—5993 to amendment S—5990 by Senators Kelly and Hansen and moved its adoption:

S—5993

1 Amend the appropriations amendment, S—5990, to House

2 File 1573 as amended, passed and reprinted by the

3 House as follows:

4 1. Page 7, by inserting after line 39 the fol-
5 lowing:

6 "Sec. *NEW SECTION.* The general assembly
7 shall examine the need for the continued existence
8 of state agencies as defined in section two (2),
9 subsection six (6), of this Act at least every six
10 years in accord with the schedule provided in this
11 Act. The appropriation subcommittees in each house
12 responsible for the appropriation of the state agency
13 shall jointly hold a public hearing on the existence
14 of the state agency in the year the state agency is
15 scheduled for examination. The performance audit
16 and evaluation division shall submit a report on that
17 state agency to the appropriation subcommittee prior
18 to the public hearing. The appropriation subcommittee
19 shall make a recommendation to the general assembly
20 regarding the continued existence of the state agency.

21 1. a. The general assembly shall in 1977 and every
22 six years thereafter examine the following state
23 agencies: the legislative fiscal bureau, the department
24 of public defense, the campaign finance disclosure
25 commission, the occupational safety and health review
26 commission, the board of physical therapy examiners,
27 the board of nursing examiners, the board of psychology
28 examiners, the Iowa mental health authority, the
29 commission on aging, the board of regents, the Iowa
30 state historical department, the Iowa natural resources
31 council, and the department of environmental quality.

32 b. Sections two point forty-eight (2.48) through
33 two point fifty-two (2.52), and chapters twenty-nine
34 (29), fifty-six (56), eighty-eight (88), one hundred
35 forty-eight A (148A), one hundred fifty-two (152),
36 one hundred fifty-four B (154B), two hundred twenty-
37 five B (225B), two hundred forty-nine B (249B), two
38 hundred sixty-two (262), three hundred three (303),
39 four hundred fifty-five A (455A), and four hundred
40 fifty-five B (455B), Code 1975, are repealed. This
41 paragraph shall be effective July 1, 1978.

42 2. a. The general assembly shall in 1978 and every
43 six years thereafter examine the following state
44 agencies: the office for planning and programming,
45 the capital planning commission, the public employment
46 relations board, the department of public safety,
47 the board of engineering examiners, the board of
48 examiners of shorthand reporters, the board of

49 chiropractic examiners, the state fair board, the
50 board of parole, the Iowa library department, the

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1 department of soil conservation, the Iowa civil rights
2 commission, and the Iowa housing finance authority.
3 b. Chapters seven A (7A), eighteen A (18A), twenty
4 (20), eighty (80), one hundred fourteen (114), one
5 hundred fifteen (115), one hundred fifty-one (151),
6 one hundred seventy-three (173), two hundred forty-
7 seven (247), three hundred three A (303A), four hundred
8 sixty-seven A (467A), and six hundred one A (601A),
9 Code 1975, and Acts of the Sixty-sixth General
10 Assembly, 1975 Session, chapter one hundred thirty-
11 eight (138), are repealed. This paragraph shall be
12 effective on July 1, 1979.

13 3. a. The general assembly shall in 1979 and every
14 six years thereafter examine the following state
15 agencies: the code editor, the executive council,
16 the board of accountancy, the board of optometry
17 examiners, the board of pharmacy examiners, the Iowa
18 department of agriculture, the Iowa drug abuse
19 authority, the state geological board, the Iowa state
20 commerce commission, the Iowa commission for the
21 blind, and the board of bar examiners.

22 b. Chapters fourteen (14), nineteen (19), one
23 hundred sixteen (116), one hundred fifty-four (154),
24 one hundred fifty-five (155), one hundred fifty-nine
25 (159), two hundred twenty-four B (224B), three hundred
26 five (305), four hundred seventy-four (474), six
27 hundred one B (601B), and six hundred ten (610), Code
28 1975, are repealed. This paragraph shall be effective
29 on July 1, 1980.

30 4. a. The general assembly shall in 1980 and every
31 six years thereafter examine the following state
32 agencies: the Iowa state board of examiners for nursing
33 home administrators, the supreme court clerk, the
34 state comptroller, the department of general services,
35 the Iowa development commission, the bonus board,
36 the Iowa real estate commission, the board of
37 architectural examiners, the board of podiatry
38 examiners, the board of funeral directors and embalmer
39 examiners, the department of social services, the
40 state department of transportation, the governor's
41 committee on employment of the handicapped, and the
42 citizen's aide.

43 b. Sections one hundred forty-seven point one
44 hundred eighteen (147.118) through one hundred forty-
45 seven point one hundred thirty-four (147.134), sections
46 six hundred eighty-five point one (685.1) through
47 six hundred eighty-five point five (685.5), and
48 chapters eight (8), eighteen (18), twenty-eight (28),
49 thirty-five (35), one hundred seventeen (117), one
50 hundred eighteen (118), one hundred forty-nine (149),

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1 one hundred fifty-six (156), two hundred seventeen
2 (217), three hundred seven (307), six hundred one
3 F (601F), and six hundred one G (601G), Code 1975,
4 are repealed. This paragraph shall be effective July
5 1, 1981.

6 5. a. The general assembly shall in 1981 and every
7 six years thereafter examine the following state
8 agencies: the department of banking, the court
9 administrator of the judicial department, the
10 commission on uniform state laws, the midwest nuclear
11 compact, the Iowa crime commission, the industrial
12 commissioner, the state conservation commission, the
13 board of watchmaking examiners, the state department
14 of health, the state board of dentistry, the commission
15 of veteran affairs, the higher education facilities
16 commission, and the department of revenue.

17 b. Sections five hundred twenty-four point two
18 hundred one (524.201) through five hundred twenty-
19 four point two hundred twenty-seven (524.227), sections
20 six hundred eighty-five point six (685.6) through
21 six hundred eighty-five point ten (685.10), and
22 chapters five (5), eight B (8B), eighty C (80C),
23 eighty-six (86), one hundred seven (107), one hundred
24 twenty (120), one hundred thirty-five (135), one
25 hundred fifty-three (153), two hundred fifty (250),
26 two hundred sixty-one (261), and four hundred twenty-
27 one (421), Code 1975, are repealed. This paragraph
28 shall be effective July 1, 1982.

29 6. a. The general assembly shall in 1982 and every
30 six years thereafter examine the following state
31 agencies: the legislative service bureau, the upper
32 Mississippi riverway compact, the Iowa law enforcement
33 academy council, the bureau of labor, the energy
34 policy council, the Iowa board of landscape
35 architectural examiners, the Iowa beer and liquor
36 control department, the state board of medical
37 examiners, the board of examiners for the licensing
38 and regulation of hearing aid dealers, the department
39 of public instruction, the Iowa state arts council,
40 and the commission on the status of women.

41 b. Sections two point fifty-eight (2.58) through
42 two point sixty-six (2.66), and chapters twenty-seven
43 A (27A), eighty B (80B), ninety-one (91), ninety-three
44 (93), one hundred eighteen A (118A), one hundred
45 twenty-three (123), one hundred forty-eight (148),
46 one hundred forty-eight B (148B), one hundred fifty
47 (150), one hundred fifty A (150A), one hundred fifty-
48 four A (154A), two hundred fifty-seven (257), three
49 hundred four A (304A), and six hundred one (601),
50 Code 1975, are repealed. This paragraph shall be

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1 effective July 1, 1983."

2 2. Page 7, line 48, by inserting after the

- 3 figure "1977," the words "except as otherwise pro-
 4 vided in this Act, and".
 5 3. Page 8, line 7, by inserting after the word
 6 "duties," the words "and providing for legislative
 7 review of state agencies,".

A record roll call was requested.

On the question "Shall amendment S—5993 to amendment S—5990 be adopted?" (H.F. 1573) the vote was:

Ayes, 42:

Andersen	Gluba	Miller of	Rodgers
Bergman	Griffin	Marshall	Schwengels
Briles	Hansen	Murray	Scott
Burroughs	Heying	Norpel	Shaff
Carr	Hill of Polk	Nystrom	Shaw
Coleman	Hultman	Orr	Sovern
Culver	Junkins	Plymat	Taylor
Curtis	Kelly	Priebe	Tieden
DeKoster	Merritt	Rabedeaux	Willits
Doderer	Miller of	Ramsey	Winkelman
Gallagher	Des Moines	Redmond	
Glenn			

Nays, 5:

Hill of Jasper	Palmer	Robinson	Van Gilst
Nolting			

Absent or not voting, 3:

Kinley	Lamborn	Nolin
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Amendment S—5993 to amendment S—5990 was adopted.

Senator Taylor took the chair at 10:40 p.m.

On the motion of Senator Hill of Jasper, amendment S—5990 as amended was adopted.

With the adoption of amendment S—5990 as amended, the following amendments were ruled out of order:

Amendment S—5901 filed by Senator Kelly on May 24, 1976, and found on pages 2231-2234, inclusive, of the Senate Journal.

Amendment S—5985 by Senator Griffin:

S—5985

- 1 Amend House File 1573 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 8 and 9 by striking the words
- 4 "of the director of the legislative fiscal bureau"
- 5 and inserting the words "of the legislative council
- 6 or its designee".

Amendment S—5984 by Senator Griffin:

S—5984

- 1 Amend House File 1573 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 13 by inserting after the word
- 4 "Code" the following:
- 5 " , and shall be subject to confirmation by two
- 6 thirds majority of the Senate and House of Repre-
- 7 sentatives".

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1573) the vote was:

Ayes, 26:

Carr	Hill of Jasper	Orr	Scott
Curtis	Junkins	Palmer	Sovern
Gallagher	Kelly	Redmond	Tieden
Glenn	Murray	Robinson	Van Gilst
Gluba	Nolting	Rodgers	Willits
Hansen	Norpel	Schwengels	Winkelman
Heying	Nystrom		

Nays, 21:

Andersen	DeKoster	Miller of	Rabedaux
Bergman	Doderer	Des Moines	Ramsey
Briles	Griffin	Miller of	Shaff
Burroughs	Hill of Polk	Marshall	Shaw
Coleman	Hultman	Plymat	Taylor
Culver	Merritt	Priebe	

Absent or not voting, 3:

Kinley	Lamborn	Nolin
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Hill of Jasper asked and received unanimous consent that **House File 1573** be **immediately messaged** to the House, which request was complied with.

BILL ASSIGNED TO COMMITTEE

The majority leadership announced the assignment of the following bill to committee:

H. F. 1593 Labor and industrial relations

REPORT OF COMMITTEE

Senator Robinson submitted the following report:

MR. PRESIDENT: Your committee on labor and industrial relations to which was referred **House File 1593**, a bill for an act relating to the depart-

ment of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CLOYD E. ROBINSON, Chairperson

Ordered passed on file.

President Neu took the chair at 10:50 p.m.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1593.

House File 1593

On motion of Senator Robinson, House File 1593, a bill for an act relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities, with report of committee recommending passage, was taken up, considered, and the report of the committee **adopted**.

Senator Ramsey withdrew amendment S—5989:

S—5989

- 1 Amend House File 1593 as passed by the House
- 2 as follows:
- 3 1. Page 2, by striking lines 33 through 35.
- 4 2. Page 3, by striking line 1.
- 5 3. By renumbering the remaining sections as
- 6 necessary.

Senator Griffin withdrew amendment S—5987:

S—5987

- 1 Amend House File 1593 as passed by the House
- 2 as follows:
- 3 1. Page 4, by striking lines 20 through 35.
- 4 2. Page 5, by striking lines 1 through 3.
- 5 3. By renumbering the remaining sections.

Senator Hill of Jasper offered amendment S—5988 and moved its adoption:

S—5988

- 1 Amend House File 1593 as passed by the House as follows:
- 2 1. Page 10, line 16, by striking the figure "1978"
- 3 and inserting in lieu thereof the figure "1979".
- 4 2. Page 10, by striking line 31 through page 11, line 20
- 5 and inserting in lieu thereof the following:
- 6 "Sec. Section ninety-six point seven (96.7),
- 7 subsection three (3), paragraph d, Code 1975, is
- 8 amended by striking the paragraph and inserting in
- 9 lieu thereof the following:
- 10 d. The department shall determine the rate table
- 11 to be in effect for the rate period following the
- 12 rate computation date for such period, by determining
- 13 the ratio of the current reserve fund ratio to the
- 14 highest benefit cost rate on the rate computation
- 15 date.
- 16 (1) The current reserve fund ratio shall be computed
- 17 by dividing the total trust funds available for payment
- 18 of benefits, on the rate computation date, by the
- 19 total wages paid in covered employment excluding
- 20 reimbursable employment wages during the first four
- 21 calendar quarters of the five calendar quarters
- 22 immediately preceding the rate table determination
- 23 date.
- 24 (2) The highest benefit cost rate shall be the
- 25 highest of the resulting ratios computed by dividing
- 26 the total benefit payments, excluding reimbursable
- 27 benefit payments, during each consecutive twelve-month
- 28 period, during the ten-year period ending on the rate
- 29 computation date, by the total wages, excluding reim-
- 30 bursable employment wages, paid in the four calendar
- 31 quarters ending nearest and prior to the last day
- 32 of such twelve-month period.

33	If the current reserve fund ratio, divided by the		
34	highest benefit cost rate:		
35	Equals or	But is	The contribution rate
36	exceeds	less than	table in effect shall be
37	0.0	0.5	1
38	0.5	1.0	2
39	1.0	1.5	3
40	1.5	2.0	4
41	2.0	2.5	5
42	2.5	3.0	6
43	3.0	---	7
44	The term 'percentage of excess' means a number		
45	computed to six decimal places on October first of		
46	each year obtained by dividing the excess of all		
47	contributions attributable to an employer over the		
48	sum of all benefits charged to an employer by the		
49	employer's average annual payroll. An employer's		
50	percentage of excess is a positive number when the		

Page 2

1 total of all contributions paid to an employer's
2 account for all past periods to and including those
3 for the quarter immediately preceding the rate
4 computation date exceeds the total benefits charged
5 to such account for the same period. An employer's
6 percentage of excess is a negative number when the
7 total of all contributions paid to an employer's
8 account for all past periods to and including those
9 for the quarter immediately preceding the rate
10 computation date is less than the total benefits
11 charged to such account for the same period.
12 Each employer qualified for an experience rating
13 shall be assigned a contribution rate for each rate
14 period that corresponds to the employer's percentage
15 of excess rank in the rate table effective for the
16 rate period from the following rate tables. Each
17 employer's percentage of excess rank shall be computed
18 by listing all the employers by decreasing percentages
19 of excess, from the highest positive percentage of
20 excess to the highest negative percentage of excess
21 and grouping the employers so listed into twenty-one
22 separate ranks containing as nearly as possible four
23 point seventy-six percent of the total taxable wages.
24 If an employer's taxable wages qualify the employer
25 for two separate percentage of excess ranks the
26 employer shall be afforded the percentage of excess
27 rank assigned the lower contribution rate. Employers
28 with identical percentages of excess shall be assigned
29 to the same percentage of excess rank.

30		Approximate							
31	Percentage	Cumulative	Contribution Rate Tables						
32	of Excess	Taxable Pay-							
33	Rank	roll Limit	1	2	3	4	5	6	7
34	1	4.8%	0.0	0.0	0.0	0.0	0.0	0.0	0.0

35	2	9.5%	0.4	0.3	0.2	0.1	0.1	0.0	0.0
36	3	14.3%	0.8	0.6	0.4	0.2	0.1	0.1	0.0
37	4	19.0%	1.2	0.9	0.6	0.4	0.2	0.1	0.0
38	5	23.8%	1.7	1.3	0.9	0.6	0.3	0.2	0.1
39	6	28.6%	2.1	1.6	1.1	0.8	0.4	0.3	0.1
40	7	33.3%	2.5	1.9	1.3	1.0	0.6	0.3	0.2
41	8	38.1%	2.7	2.1	1.5	1.2	0.8	0.4	0.2
42	9	42.8%	3.0	2.4	1.8	1.4	1.0	0.6	0.3
43	10	47.6%	3.2	2.6	2.0	1.6	1.2	0.8	0.3
44	11	52.4%	3.4	2.8	2.2	1.8	1.3	0.9	0.4
45	12	57.1%	3.6	3.0	2.4	2.0	1.5	1.1	0.6
46	13	61.9%	3.9	3.3	2.7	2.2	1.7	1.3	0.8
47	14	66.6%	4.1	3.5	2.9	2.4	1.9	1.5	1.0
48	15	71.4%	4.3	3.7	3.1	2.6	2.1	1.7	1.2
49	16	76.2%	4.5	3.9	3.3	2.8	2.3	1.9	1.4
50	17	80.9%	4.8	4.2	3.6	3.0	2.5	2.1	1.6

Page 3

1	18	85.7%	5.0	4.4	3.8	3.2	2.7	2.3	1.8
2	19	90.4%	5.2	4.6	4.0	3.4	2.9	2.5	2.0
3	20	95.2%	5.3	4.7	4.1	3.5	3.0	2.6	2.3
4	21	100.0%	5.4	4.8	4.2	3.6	3.1	2.7	2.7

5 Provided, however, that notwithstanding any other
6 provision of this chapter, any employer which employs
7 individuals for the construction, erection, demolition,
8 alteration or repair of roads and highways, or of
9 bridges, buildings, factories, residences, earthwork,
10 grading, river work, or any other construction project,
11 and who has not qualified for an experience rating
12 shall pay four point zero percent in the calendar
13 year 1968 and each subsequent rate period until such
14 time as the employer has qualified for an experience
15 rating. Except that such employer shall not qualify
16 for an experience rating until there shall have been
17 twelve consecutive calendar quarters immediately
18 preceding the rate computation date throughout which
19 his account has been chargeable with benefit payments.
20 However, an employer shall not be charged a
21 contribution rate in excess of two and seven-tenths
22 percent on the first ten thousand dollars of wages
23 for insured work paid during a rate period.

24 On or before the fifth day of December immediately
25 preceding the next following rate period the commission
26 shall make available to employers the table which
27 will apply to the contribution rates in the following
28 rate period.

29 For the purposes of this section the term 'rate
30 period' means a twelve-month period beginning January
31 1, 1977, and for each subsequent calendar year a
32 twelve-month period beginning January first of each
33 year.

34 Notwithstanding other provisions of this section,
35 for the rate period beginning January 1, 1977 and
36 January 1, 1978, the effective rate table shall be

37 table two (2)."

38 3. Page 22, line 9, by striking the word and
39 figure "*and 1977*" and inserting in lieu thereof the
40 word and figures "*, 1977 and 1978*".

41 4. Renumber sections as necessary in conformance
42 with this amendment.

A record roll call was requested

On the question "Shall amendment S—5988 be adopted?"
(H.F. 1593) the vote was:

Ayes, 11:

Briles	Gluba	Norpel	Scott
Carr	Hill of Jasper	Orr	Winkelman
Gallagher	Merritt	Priebe	

Nays, 35:

Andersen	Hansen	Murray	Schwengels
Bergman	Hill of Polk	Nolting	Shaff
Burroughs	Hultman	Nystrom	Shaw
Coleman	Junkins	Palmer	Sovern
Culver	Kelly	Plymat	Taylor
Curtis	Kinley	Rabedaux	Tieden
DeKoster	Lamborn	Ramsey	Van Gilst
Doderer	Miller of	Robinson	Willits
Glenn	Marshall	Rodgers	
Griffin			

Absent or not voting 4:

Heying	Miller of	Nolin	Redmond
	Des Moines		

Amendment S—5988 lost.

Senator Robinson moved that the bill be read the last time now,
which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1593) the vote
was:

Ayes, 44:

Andersen	Griffin	Miller of	Rabedaux
Bergman	Hansen	Des Moines	Redmond
Burroughs	Heying	Miller of	Robinson
Carr	Hill of Jasper	Marshall	Rodgers
Coleman	Hill of Polk	Murray	Schwengels
Culver	Hultman	Nolting	Shaff
Curtis	Junkins	Norpel	Shaw
DeKoster	Kelly	Nystrom	Sovern
Doderer	Kinley	Orr	Taylor
Gallagher	Lamborn	Palmer	Van Gilst
Glenn	Merritt	Plymat	Willits
Gluba		Priebe	

Nays, 5:

Briles	Scott	Tieden	Winkelman
Ramsey			

Absent or not voting, 1:
Nolin

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

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 1280

Senator Redmond submitted the following report of the conference committee on Senate File 1280 and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1280

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

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, respectfully make the following report:

1. That the House recede from its amendment, S—5813, to Senate File 1280 as amended and passed by the Senate.

2. That Senate File 1280, as amended and passed by the Senate, is amended as follows:

1. Page 1A, by inserting after line 26 the following:

"Sec. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1975, as amended by Senate File one thousand ninety-two (1092) as enacted by the Sixty-sixth General Assembly, 1976 Session, and signed by the governor and Senate File one thousand two hundred eighty-eight (1288) as enacted by the Sixty-sixth General Assembly, 1976 Session, is amended by striking the paragraph and inserting in lieu thereof the following:

"The superintendent of printing shall make free distribution of the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code as follows:"

2. Page 2, by striking lines 12 through 31.

3. Page 4, line 13, by striking the words "*the department of*".

4. Page 6, line 17, by striking the words "*the department of*".

5. Page 6, by inserting after line 31E the following section:

"Sec. Section three hundred twenty-one point two

hundred eighty-one (321.281), Code 1975, is amended by striking unnumbered paragraph four (4)."

6. Page 11, by striking lines 11 through 14 and inserting in lieu thereof the following:

"Sec. Section six hundred seven point two (607.2), subsection two (2), Code 1975, is amended to read as follows:

"2. Practicing attorneys, physicians, [licensed embalmers, registered nurses,] chiropractors, osteopaths, veterinarians, [registered pharmacists,] dentists, and clergymen[, including Christian Science practitioners and readers]."

7. Page 15, by striking lines 15 through 32 and inserting in lieu thereof the following:

"Sec. Section forty-seven point three (47.3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section eighteen (18), is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. Section forty-nine point seventy-three (49.73), subsection two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand eleven (1011), section forty (40), is amended to read as follows:

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections, *and for any other election held concurrently therewith*, and at eight o'clock p.m. for all other elections."

8. Page 15, line 34, by striking the words "twenty-nine A point thirty (29A.30)".

9. Page 16, line 11, by striking the words "five (5) and six (6)" and inserting in lieu thereof the words "and five (5)".

10. Page 16, line 14, by striking the words "one hundred two (102)".

11. Page 16, lines 15 through 16, by striking the words "one hundred eighty-two (182), one hundred eighty-six A (186A)".

12. Renumber the sections to conform with this amendment.

On the Part of the Senate:

JAMES M. REDMOND, Chairperson
LUCAS J. DeKOSTER
JAMES V. GALLAGHER
E. KEVIN KELLY
CHARLES P. MILLER

On the Part of the House:

W. R. MONROE, JR., Chairperson
C. W. HUTCHINS
LAVERN R. HARVEY
CHARLES N. PONCY
LAVERNE W. SCHROEDER

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Redmond moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1280) the vote was:

Ayes, 43:

Andersen
Bergman
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hill of Polk
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Nystrom
Orr
Palmer
Plymat
Priebe
Ramsey
Redmond

Robinson
Rodgers
Schwengels
Shaff
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, 3:

Briles

Norpel

Scott

Absent or not voting, 4:

Hultman

Nolin

Rabedaux

Shaw

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

Senator Kinley asked and received unanimous consent that Senate File 1280 be immediately messaged to the House, which request was complied with.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

Senate File 507

Senator Hill of Jasper submitted the following report of the second conference committee on Senate File 507 and moved its adoption:

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 507

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 507, a bill for an Act relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils, respectfully make the following report:

1. That the House recede from its amendment, S—3764, to Senate File 507, as amended and passed by the Senate.

2. That Senate File 507, as amended and passed by the Senate, be amended as follows:

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

“Section 1. Section two point ten (2.10), subsection six (6), Code 1975, is amended to read as follows:

6. In addition to the salaries and expenses [herein] authorized by this section, members of the general assembly shall be paid forty dollars per day, except the speaker of the house who shall be paid sixty dollars per day, and necessary travel and actual expenses incurred in attending meetings for which per diem or expenses are authorized by law for members of the general assembly who serve on statutory boards, commissions, or councils, and for standing or interim committee or subcommittee meetings subject to the provisions of section 2.14, or when on [official state] authorized legislative business[,] when the general assembly is not in session. However, if a member of the general assembly or the lieutenant governor is engaged in authorized legislative business at a location other than at the seat of government during the time the general assembly is in session, payment may be made for the actual transportation and lodging costs incurred because of the business. Such [salaries] per diem or expenses shall be paid promptly from funds appropriated pursuant to section 2.12[, unless otherwise provided by law].

Sec. 2. Section two point twelve (2.12), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary, for each house of the general assembly for the payment of any unpaid expense [filed after adjournment of each annual session] of the general assembly [or] incurred during or in the interim between sessions of the general assembly, including but not limited to salaries and necessary travel and actual expenses of members and expenses of standing and interim committees or subcommittees and per diem or expenses for members of the general assembly who serve on statutory boards, commissions, or councils for which per diem or expenses are authorized by law. The state comptroller is hereby

authorized and directed to issue warrants for such items of expense upon requisition of the president and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

Sec. 3. Section two point forty-four (2.44), Code 1975, is amended to read as follows:

2.44 EXPENSE OF COUNCIL AND SPECIAL INTERIM COMMITTEES.

Members of the legislative council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall receive a per diem of forty dollars for each day in which engaged in the performance of such duties. However, such per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Such expenses and per diem shall be paid in the manner provided for in section [2.66] *two point twelve (2.12) of the Code.*

Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council. [Such expenses shall be paid in the manner provided for in section 2.66 within the limit of available funds. Upon motion approved by the legislative council, members of such special interim study committees may be paid for their expenses and per diem pursuant to the provisions of section 2.12.]

Sec. 4. Section eighteen A point one (18A.1), Code 1975, is amended to read as follows:

18A.1 COMMISSION CREATED. There is hereby created the capitol planning commission composed of nine members: (1) four members of the general assembly *serving as ex officio nonvoting members*, two thereof to be appointed by the speaker of the house from the membership thereof, two to be appointed by the lieutenant governor from the membership of the senate, and (2) three residents of the state of Iowa to be appointed by the governor, and (3) the director of the department of general services or his designee and the state architect provided by section 218.58.

Sec. 5. Section eighteen A point five (18A.5), Code 1975, is amended to read as follows:

18A.5 COMPENSATION AND EXPENSES. The members of the commission shall be reimbursed for their actual and necessary expenses and shall be paid a forty-dollar per diem while in attendance at any meeting of the commission held at the seat of government and shall be reimbursed for their expenses for going to and from the seat of government to attend a meeting. All per diem and expense moneys paid to the *nonlegislative* commissioners shall be paid from funds appropriated to the commission. Service of the director of the department of general services and the state architect upon this commission shall be an additional duty conferred by statute. *Legislative members of the commission shall receive payment pursuant to*

section two point ten (2.10) and section two point twelve (2.12) of the Code.

Sec. 6. Section eighty B point six (80B.6), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. Two members of the senate *serving as ex officio nonvoting members*, not more than one of whom will be from the same political party, appointed by the lieutenant governor for a term of four years commencing on August 15, 1974.

3. Two members of the house of representatives *serving as ex officio nonvoting members*, not more than one of whom will be from the same political party, appointed by the speaker of the house for a term of two years commencing on August 15, 1974.

Sec. 7. Section eighty B point eight (80B.8), Code 1975, is amended to read as follows:

80B.8 COMPENSATION AND EXPENSES. The members of the council, who are not employees of the state or a political subdivision, shall be paid a forty-dollar per diem. All members of the council shall be reimbursed for necessary and actual expenses incurred in attending meetings and in the performance of their duties. All per diem and expense moneys paid to *nonlegislative* members shall be paid from funds appropriated to the Iowa law enforcement academy. *Legislative members of the council shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 8. Section ninety-three point five (93.5), Code 1975, is amended to read as follows:

93.5 COMPENSATION AND EXPENSES. Council members **who are** not employees of the state shall receive a per diem at the rate of forty dollars for each day devoted to council business and all *nonlegislative* members shall be reimbursed for actual expenses incurred in carrying out their duties as members of the council. *Legislative members shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 9. Section two hundred thirty-five A point twenty-four (235A.24), subsection two (2), Code 1975, is amended to read as follows:

2. The council shall meet at least annually and at any other time upon the call of the chairman of the council, or any three of its members. Each *nonlegislative* council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of social services. *Each legislative member shall receive expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 10. Section two hundred forty-nine B point one (249B.1), Code 1975, is amended to read as follows:

249B.1 COMMISSION CREATED. There is hereby created the

commission on the aging of the state of Iowa which shall consist of [nine] *eleven* members. Two members shall be appointed by the president of the senate from the members of the senate *to serve as ex officio nonvoting members* with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house *to serve as ex officio nonvoting members* with no more than one member being appointed from the same political party. [Five] *Seven* members shall be appointed by the governor.

Sec. 11. Section two hundred forty-nine B point six (249B.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

249B.6 EXPENSES. Members of the commission while engaged in their official duties shall be reimbursed for their actual and necessary expenses and be paid a forty-dollar per diem. Legislative members of the commission shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.

Sec. 12. Section two hundred sixty-one point one (261.1), subsections four (4) and five (5), Code 1975, are amended to read as follows:

4. A member of the senate to be appointed by the president of the senate *to serve as an ex officio nonvoting member* for a term of four years beginning on July [1] *first* of the year of appointment.

5. A member of the house of representatives to be appointed by the speaker of the house *to serve as an ex officio nonvoting member* for a term of four years beginning on July [1] *first* of the year of appointment.

Sec. 13. Section two hundred sixty-one point four (261.4), Code 1975, is amended to read as follows:

261.4 FUNDS—COMPTROLLER—COMPENSATION AND EXPENSES OF COMMISSION. The state comptroller shall keep an accounting of all funds received and expended by the commission. The members of the commission, except those members who are employees of the state, shall be paid a forty-dollar per diem and shall be reimbursed for actual and necessary expenses. All per diem and expense moneys paid to *nonlegislative* members shall be paid from funds appropriated to the commission. *Legislative members of the commission shall receive payment pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

Sec. 14. Section two hundred seventy-two B point two (272B.2), Code 1975, is amended to read as follows:

272B.2 EDUCATION COMMISSION OF THE STATES. The provisions

of article III, paragraph 1, of the compact notwithstanding, the members of the education commission of the states representing this state shall consist of the governor, two *nonlegislative* members appointed by the governor, two members

of the senate appointed by the president of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The members shall serve four-year terms and for the initial appointments, half of the membership shall be appointed to two-year terms and half shall be appointed to four-year terms. [Members] *Nonlegislative members* shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. *Legislative members shall receive actual and necessary expenses and travel pursuant to section two point ten (2.10) and two point twelve (2.12) of the Code.* Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment. If a member ceases to be a member of the general assembly, he shall no longer serve as a member of the education commission of the states.

Sec. 15. Section three hundred four point three (304.3), subsection six (6), Code 1975, is amended to read as follows:

6. A member of the general assembly *serving as an ex officio nonvoting member* appointed by the legislative council.

Sec. 16. Section three hundred four point four (304.4), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

The nonlegislative members of the commission shall serve without compensation but may receive their actual expenses incurred in the performance of their duties. Legislative members shall receive per diem and expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code.

Sec. 17. Section seven hundred forty-nine B point nineteen (749B.19), unnumbered paragraph one (1) and two (2), Code 1975, are amended to read as follows:

There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives *to serve as ex officio nonvoting members* by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate *to serve as ex officio nonvoting members* by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or his designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairman. The members shall serve at the pleasure of those by whom their appointments are made.

The council shall meet at least annually and at any other time upon the call of the governor, the chairman of the council, or any three of its members. Each *nonlegislative* council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official

duties from funds appropriated to the department of public safety. *Each legislative member shall receive expenses pursuant to section two point ten (2.10) and section two point twelve (2.12) of the Code."*

On the Part of the Senate:

EUGENE M. HILL, Chairperson
GENE W. GLENN
WARREN E. CURTIS
FORREST V. SCHWENGELS

On the Part of the House:

GREGORY D. CUSACK, Chairperson
NORMAN G. JESSE
JACK E. WOODS
BRICE C. OAKLEY
GLENN F. BROCKETT

Senator Heying took the chair at 11:30 p.m.

The motion prevailed and the second conference committee report and the recommendations and amendments contained therein were adopted.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 507) the vote was:

Ayes, 38:

Andersen	Griffin	Miller of	Redmond
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kinley	Orr	Sovern
Curtis	Lamborn	Palmer	Taylor
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Rabedeaux	
Gluba			

Nays, 10:

Carr	Hultman	Ramsey	Tieden
DeKoster	Kelly	Scott	Winkelman
Hill of Polk	Norpel		

Absent or not voting, 2:

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 507 passed the Senate on May 28, 1976.

EUGENE M. HILL

MR. PRESIDENT: I move to reconsider the vote by which Senate File 507 passed the Senate on May 28, 1976.

RICHARD J. NORPEL, SR.

HOUSE AMENDMENT CONSIDERED

Senate File 1336

Senator Willits called up for consideration Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces, amended by the House, and further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment to the House amendment to Senate File 1336.

Senator Willits asked and received unanimous consent that Senate File 1336 be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1571.

House File 1571

On motion of Senator Norpel, House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Norpel offered amendment S—5983 by the committee on appropriations:

S—5988

1 Amend House File 1571, as passed by the House,
2 as follows:

3 1. Page 1, by striking lines 10 through 17
4 and inserting in lieu thereof the following:

5 "a. For repair, replacement, alteration,
6 equipment and rehabilitation of national guard
7 armory facilities throughout the state, including
8 the maintenance and repair of equipment required
9 for use of such facilities, and for the rehabili-
10 tation and control of flags commemorating wars
11 in which Iowans participated\$ 180,000".

12 2. Page 1, line 31, by striking the
13 word "sights" and inserting in lieu thereof the
14 word "sites".

Senator Norpel offered amendment S—5995 to amendment S—5983 and moved its adoption:

S—5995

1 Amend the Appropriations amendment S—5983, to
2 House File 1571 as passed by the House as follows:

3 1. Page 1, line 11, by striking the figure
4 "180,000" and inserting in lieu thereof the figure
5 "130,000".

Amendment S—5995 to amendment S—5983 was adopted.

On motion of Senator Norpel, amendment S—5983 as amended was adopted.

Senator Norpel offered amendment S—5997:

S—5997

1 Amend House File 1571 as passed by the House as
2 follows:

3 1. Page 2, by inserting after line 6 the following:

4 "Sec. The state office building constructed
5 through the use of funds appropriated by the Acts
6 of the Sixty-fifth General Assembly, 1973 Session,
7 chapter ninety-seven (97), section one (1), subsection
8 three (3), as amended by the Acts of the Sixty-fifth
9 General Assembly, 1974 Session, chapter one thousand
10 fifty-eight (1058), section one (1) and funds
11 appropriated by the Acts of the Sixty-sixth General
12 Assembly, 1975 Session, chapter sixty-two (62), section
13 one (1), subsection eight (8), paragraph b, shall
14 be named 'The Ansel Briggs Building'."

15 2. By renumbering the remaining section.

Senator Doderer raised the point of order that amendment S—5997 was not germane to the bill.

President Neu took the chair at 12:01 a.m.

The Chair ruled the point well taken and amendment S—5997 out of order.

Senator Norpel moved that the rules governing germaneness be suspended for the purpose of taking up amendment S—5997.

The Chair requested a non-record roll call.

The ayes were 6, nays 39.

The motion lost.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1571) the vote was:

Ayes, 45:

Andersen	Hansen	Miller of	Robinson
Bergman	Heying	Marshall	Rodgers
Burroughs	Hill of Jasper	Murray	Schwengels
Coleman	Hill of Polk	Nolting	Scott
Culver	Hultman	Norpel	Shaff
Curtis	Junkins	Nystrom	Shaw
DeKoster	Kinley	Orr	Taylor
Doderer	Kelly	Palmer	Tieden
Gallagher	Lamborn	Plymat	Van Gilst
Glenn	Merritt	Priebe	Willits
Gluba	Miller of	Rabedaux	Winkelman
Griffin	Des Moines	Ramsey	

Nays, 3:

Carr	Redmond	Sovern
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Absent or not voting, 2:

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

Senator Norpel asked and received unanimous consent that House File 1571 be immediately messaged to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for immediate consideration House File 1584.

House File 1584

On motion of Senator Norpel, House File 1584, a bill for an act creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rabedaux took the chair at 12:20 a.m.

Senator Norpel moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1584) the vote was:

Ayes, 44:

Andersen	DeKoster	Hill of Polk	Murray
Bergman	Gallagher	Junkins	Nolting
Briles	Glenn	Kelly	Norpel
Burroughs	Gluba	Merritt	Nystrom
Carr	Griffin	Miller of	Orr
Coleman	Hansen	Des Moines	Palmer
Culver	Heying	Miller of	Plymat
Curtis	Hill of Jasper	Marshall	Rabedaux

Ramsey
Redmond
Robinson
Rodgers

Schwengels
Scott
Shaff
Shaw

Sovern
Taylor
Tieden

Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 6:

Doderer
Hultman

Kinley
Lamborn

Nolin

Priebe

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

Senator Norpel asked and received unanimous consent that **House File 1584** be **immediately messaged** to the House, which request was complied with.

Senator Kinley asked and received unanimous consent to take up for immediate consideration Senate File 1347.

Senate File 1347

On motion of Senator Willits, Senate File 1347, a bill for an act creating and making an appropriation to the executive council general contingent fund, was taken up for consideration.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1347) the vote was:

Ayes, 42:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver
Curtis
DeKoster
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Norpel
Nystrom
Orr
Palmer
Plymat
Ramsey
Redmond

Rodgers
Schwengels
Scott
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, none.

Absent or not voting, 8:

Doderer
Kinley

Lamborn
Nolin

Priebe
Rabedaux

Robinson
Shaff

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

Senator Willits asked and received unanimous consent that

Senate File 1347 be immediately messaged to the House, which request was complied with.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 1976, adopted the supplemental report of the second conference committee, and the report of the second conference committee, and passed the following bill:

Senate File 85, a bill for an act relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state.

Also: That the House has on May 28, 1976, adopted the report of the conference committee, and passed the following bill in which the concurrence of the House was asked:

Senate File 1251, a bill for an act making an appropriation to the legislative fiscal bureau for payment of actuarial services.

Also: That the House has on May 28, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1272, a bill for an act relating to security interest regulated by the Uniform Commercial Code.

Also: That the House has on May 28, 1976, adopted the report of the conference committee, and passed the following bill in which the concurrence of the House was asked:

Senate File 1335, a bill for an act appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund.

DAVID L. WRAY, Chief Clerk

SENATE CONCURRENT RESOLUTION 122

By Committee on Labor and Industrial Relations

- 1 *Whereas*, the Iowa unemployment compensation trust
- 2 fund is in jeopardy of becoming insolvent because of
- 3 rising unemployment compensation claims; and
- 4 *Whereas*, a careful legislative study of the
- 5 alternatives available for funding the unemployment
- 6 compensation trust fund is a necessary prerequisite
- 7 to permanent solution to the present funding problems;
- 8 *Now, Therefore,*
- 9 *Be It Resolved by the Senate, the House of Repre-*
- 10 *sentatives Concurring*, That the legislative council
- 11 is authorized to create a study committee composed of
- 12 members of the Senate and the House of Representatives
- 13 representing both political parties to conduct a study
- 14 of the unemployment compensation trust funding alterna-
- 15 tives during the 1976 interim, and submit to the Sixty-
- 16 seventh General Assembly, 1977 Session, a final report

17 and such bill drafts as necessary to effect a disposi-
18 tive resolution of the problem.

Read first time and placed on calendar.

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 1261**

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

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state, respectfully make the following report:

1. Amend the House amendment (S—5911) to Senate File 1261, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 44, by inserting after the figure "(5)," the words and figure "unnumbered paragraph one (1)."

2. Page 2, line 1, by striking the letter "c" and inserting in lieu thereof the letter "d".

3. Page 2, by striking lines 2 through 25 and inserting in lieu thereof the following:

"Sec. Section two hundred sixty-one point nine (261.9), subsection five (5), Code 1975, is amended by adding the following new paragraph:

d. Which is a school of nursing accredited by the national league for nursing and approved by the board of nurse examiners, including such a school operated, controlled, and administered by a county public hospital."

4. Page 4, line 21, by striking the figure and word "33 and" and inserting in lieu thereof the figure "33."

5. Page 4, by striking lines 22 through 28 and inserting in lieu thereof the following:

"..... Page 4, by inserting after line 33 the following section:

"Sec. It shall be a condition of receipt of funds appropriated in sections four (4) or five (5) of this Act that any college or school receiving funds submit one copy of its most recent annual audit conducted by an independent third party when the audit becomes available to the legislative fiscal committee and the legislative council and submit to a review by the visitation committee on education established in section two point fifty-one (2.51) of the Code augmented by the selection of two members to the visitation committee for each discipline for the purposes of review of the audits. The four additional members shall consist of two doctors selected from a list of ten doctors of osteopathic medicine and surgery not on the faculty, staff, or board of the college or its clinics and submitted by the Iowa society of osteopathic physicians and surgeons, and two doctors

selected from a list of ten doctors of optometry not on the faculty, staff, or board of any school or college of optometry and submitted by the Iowa optometric association, appointed by the legislative fiscal committee with the approval of the legislative council. If the members of the expanded visitation committee deem it necessary to review the audit, the affected school or college is subject to review by the expanded visitation committee.”

6. Page 4, by striking lines 29 through 34.

7. Page 5, line 26, by inserting after the word “allocation” the words “on a pro rata basis”.

8. Page 5, line 30, by striking the figure “900,000” and inserting in lieu thereof the figure “787,500”.

9. Page 5, by striking lines 31 through 40 and inserting in lieu thereof the following:

“e. For levies collectible in the fiscal year beginning July 1, 1976 and ending June 30, 1977, a board of directors of a merged area is prohibited from levying a tax under the provisions of section ninety-seven B point nine (97B.9), subsection three (3), of the Code to pay employer contributions to the Iowa public employees’ retirement system. The state comptroller is directed to delete any such tax levy from the certified tax askings of a merged area.”

10. Page 5, by striking line 42 and inserting in lieu thereof the following amendment:

“..... Page 11, by striking lines 1 through 18.”

11. Page 5, by inserting after line 42 the following amendment:

“..... Page 11, by striking lines 22, 23, and 24 and inserting in lieu thereof the following:

‘NEW SUBSECTION. Review programs and make recommendations, and approve or disapprove requests of merged area schools to expand their programs.’”

12. Page 5, line 44, by striking the word “section” and inserting in lieu thereof the word “sections”.

13. Page 5, by inserting after line 44 the following sections:

“Sec. Section two hundred fifty-seven point nine (257.9), subsection five (5), Code 1975, is amended to read as follows:

5. Authorize, approve, and require to be used such forms as are needed to promote uniformity, accuracy, and completeness in executing contracts, keeping records, and in pupil and cost accounting, making reports, and to require such reports to be made in such manner as may be recommended by the state superintendent of public instruction. *Prior to January 1, 1978, approve a uniform system of program ac-*

counting to be implemented by all school districts pursuant to plans submitted by the state superintendent.

Sec. Section two hundred fifty-seven point eleven (257.11), Code 1975, is amended to read as follows:

257.11 SUPERINTENDENT APPOINTED. The state board shall appoint, effective [January 1, 1955] *July 1, 1979*, and each four years thereafter, with the approval of two-thirds of the members of the senate, a superintendent of public instruction.

Sec. Section two hundred eighty A point twenty-three (280A.23), subsection four (4), Code 1975, is amended to read as follows:

4. Have the powers and duties with respect to such schools and colleges, not otherwise provided in this chapter, which are prescribed for boards of directors of local school districts by chapter 279 *except that the board of directors is not required to prohibit the use of tobacco and the use or possession of alcoholic liquor or beer by any student under the provisions of section two hundred seventy-nine point nine (279.9) of the Code.*

14. Page 6, line 3, by striking the word "eight-tenths" and inserting in lieu thereof the word "seven-tenths".

15. Page 6, line 4, by inserting after the word "percent" the words "for school districts in which all employees are members of the Iowa public employees' retirement system".

16. Page 6, by inserting after line 6 the following:

"For the school year beginning July 1, 1976, the school budget review committee may approve an increase in the state percent of growth otherwise computed by the state comptroller under this section by an amount not to exceed thirty-five hundredths of one percent for school districts for which contributions are made both to a retirement system established by the school district under section two hundred ninety-four point eight (294.8) of the Code and to the Iowa public employees' retirement system. In order to receive the additional allowable growth, such school districts shall show that there is a need for additional funds in order to compensate for the cost of increased employer contributions to retirement systems."

17. Page 6, line 24, by striking the words "in an amount of".

18. Page 6, by striking lines 25 and 26.

19. Page 6, by inserting after line 26 the following amendments:

".... Page 12, line 10, by striking the figure '58,950,900' and inserting in lieu thereof the figure '58,985,900'.

.... Page 12, line 34, by striking the words 'State sanatorium—Oakdale' and inserting in lieu thereof the words 'Oakdale campus'.

.... Page 14, by inserting after line 7 the following sections:

'Sec. **NEW SECTION. DESIGNATION.** The state hospital located at Oakdale shall be known as the Oakdale campus.

Sec. **NEW SECTION. PURPOSES.** The Oakdale campus shall be primarily devoted to health related research, education, and service programs, including experimental health care delivery models. To the extent that Oakdale campus resources are not required to meet the primary purposes, its resources shall be devoted to meeting other related needs of the state university of Iowa.

Sec. **NEW SECTION. GOVERNANCE.** The state board of regents shall have full power to manage, control, and govern the Oakdale campus in the same manner as other institutions under its control.

Sec. **NEW SECTION. PATIENT TREATMENT.** Oakdale campus authorities may provide for treatment of such patients as they deem advisable and for which facilities and services are available. Except for patients admitted who are patients referred from the university hospitals, the Oakdale campus shall collect from the patients or a person liable for such support, such reasonable charges for care, service, and treatment as may be fixed by the state board of regents. Earnings shall be deposited with the treasurer of the state university of Iowa for the use and benefit of the Oakdale campus and to supplement any other sources of income. Patient treatment and care on the Oakdale campus shall be provided by the faculty of the health science colleges of the state university of Iowa, staff of the university hospital, and professional and other staff as may be employed by the Oakdale campus.

Sec. **NEW SECTION. CARE OF PATIENTS—PROFESSIONAL SERVICES.** Physicians and dentists who care for patients on the Oakdale campus may charge for their professional services under such rules and plans as may be approved by the state board of regents.

Sec. **NEW SECTION. INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL PATIENTS.** The authorities of the Oakdale campus may authorize patients for admission to the hospital on the Oakdale campus who are referred from the university hospitals and who shall retain the same status, classification, and authorization for care which they had at the university hospitals. Patients referred from the university hospitals to the Oakdale campus shall be deemed to be patients of the university hospitals. The provisions of chapter two hundred fifty-five (255) of the Code and operating policies of the university hospitals shall apply to the patients and to the payment for their care the same as the provisions apply to patients who are treated on the premises of the university hospitals.

Sec. Section two hundred sixty-two point seven (262.7), subsection six (6), Code 1975, is amended to read as follows:

6. The [state sanatorium] *Oakdale campus.*'

..... Page 14, by inserting after line 27 the following section:

'Sec. Chapter two hundred seventy-one (271), Code 1975, is repealed.'"

20. Page 6, by striking lines 27 and 28 and inserting in lieu thereof the following amendment:

"..... Page 15, line 4, by striking the words 'state sanatorium—Oakdale' and inserting in lieu thereof the words 'Oakdale Campus'."

On the Part of the Senate:

BASS VAN GILST, Chairperson
LUCAS J. DeKOSTER
MINNETTE F. DODERER
ELIZABETH R. MILLER
WILLIAM D. PALMER

On the Part of the House:

WALLY E. HORN, Chairperson
DONALD D. AVENSON
RICHARD L. BYERLY
HORACE DAGGETT
LESTER D. MENKE
MARY O'HALLORAN
JOHN E. PATCHETT
DELWYN STROMER

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 27, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- H. F. 1059—Relating to property tax levies and budget limitations for the county agricultural extension education fund.
- H. F. 1460—To strike references to the Annie Wittenmyer home.
- H. F. 1498—Relating to establishment of historical preservation districts.
- H. F. 1534—Relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.
- H. F. 1546—Relating to certain authority of the industrial commissioner.
- H. F. 1556—Relating to the inspection of weights and measures and making an appropriation.
- H. F. 1557—Appropriating funds for programs under the administration of the department of agriculture and divisions of the department of agriculture.
- H. F. 1577—Appropriating funds to the legislative council and the legislative fiscal committee.

That on May 28, 1976, the Governor approved and transmitted to the Secretary of State the following bills:

- S.J.R. 1008—To establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation.
- S. F. 253—Relating to exchange of inmates with federal bureau of prisons.
- S. F. 273—Relating to the issuance and service of a summons and notice by the juvenile court.

- S. F. 345—Relating to the method used to select and certify potential jurors.
- S. F. 449—Relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn.
- S. F. 1067—Relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons.
- S. F. 1111—Relating to who may form a professional corporation.
- S. F. 1145—Relating to the issuance of cards and licenses by the state department of transportation and providing penalties.
- S. F. 1192—Relating to and making an appropriation for the administration of the Iowa law enforcement academy.
- S. F. 1244—Authorizing the board of supervisors to establish and govern certain service districts.
- S. F. 1252—Making appropriations to the bureau of labor and the Iowa merit employment department.
- S. F. 1267—To establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.
- S. F. 1269—To legalize and validate an election upon the proposition to authorize the board of directors of the Saydel consolidated school district to sell and convey, or lease, or otherwise dispose of certain real estate.
- S. F. 1278—Relating to airports and aeronautics and providing for a fee.
- S. F. 1304—Relating to the administration of workmen's compensation claims of state employees.
- S. F. 1325—Relating to bonds and pledge orders issued by cities.
- S. F. 1331—To make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims against the State of Iowa.

SUPPLEMENTAL REPORT BY THE SENATE RULES AND ADMINISTRATION COMMITTEE

Pursuant to House Concurrent Resolution 104, the Senate Rules and Administration Committee submits the following names of staff members and proposed new steps and the effective date of the new steps:

Legal Counsel (30)	David Frost	Step 2— 6-15-76
Ex. Sec. to the Sec. (22)	K. Marie Thayer	Step 7— 7- 1-76
Enrolling Clerk/Term Op (19)	Cynthia Clingan	Step 4—10- 1-76
Secretary to Majority		
Leader (12)	Kay Bolton	Step 8—End of Session
Secretary to Minority		
Leader (12)	Marcella Nelson	Step 10—End of Session

WILLIAM D. PALMER, Chairperson

APPOINTED TO JOINT INTERIM COMMITTEE ON SALARIES

Pursuant to House Concurrent Resolution 104, duly adopted,

Senator Palmer, chairperson of the Senate Committee on Rules and Administration, appointed the following Senators to the Joint Interim Study Committee on Salaries: Senators Junkins, chairperson; Palmer and Rabedeaux.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the chambers during the vote on House File 914. I was at that time in the Governor's office for the signing of the Color Photo I-D Bill. Had I been present, I would have voted "aye."

RICHARD J. NORPEL, SR.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate from:

IOWA CRIME COMMISSION

A report of the activities of the Iowa Crime Commission for 1976 and the Annual Action Plan for 1976 in accordance with Section 80C.4, Code 1975.

REPORT OF COMMITTEE

Senator Palmer submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 1585, a bill for a act to make an appropriation for deposit in the energy research and development fund, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

S—5999

- 1 Amend House File 1585 as passed by the House as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section. 1. There is appropriated from the gen-
- 6 eral fund of the state for the fiscal period commencing
- 7 July 1, 1976 and ending June 30, 1978 to the state
- 8 board of regents the following amount or so much
- 9 thereof as may be necessary, to be used for the
- 10 purposes designated:
- 11 For a radial collector-well
- 12 demonstration project to be
- 13 conducted by the Iowa state
- 14 water resources research
- 15 institute at the Iowa state
- 16 university of science and
- 17 technology\$100,000
- 18 Sec. 2. There is appropriated from the general

- 19 fund of the state for the fiscal year commencing July
20 1, 1976 and ending June 30, 1977 to the energy policy
21 council, the sum of one hundred fifty thousand (150,000)
22 dollars, or so much thereof as may be necessary, to
23 be deposited in the energy research and development
24 fund.”
25 2. Amend the title, line 2, by inserting after
26 the word “fund” the words “and relating to a radial
27 collector-well demonstration project to be conducted by
28 the Iowa state university of science and technology”.

WILLIAM D. PALMER, Chairperson

Ordered passed on file.

AMENDMENTS FILED

S—5981

- 1 Amend the Taylor and Palmer amendment, S—5935,
2 to Senate File 1264 as follows:
3 1. Page 1, lines 22 and 23, by striking the
4 words “to be operated only at fairs, street fairs,
5 and carnivals,” and inserting in lieu thereof the
6 words “[to be operated only at fairs, street fairs,
7 and carnivals,]”.

RAY TAYLOR

S—5979

- 1 Amend Senate File 1346 as follows:
2 1. Page 1, line 22, by inserting after the word
3 “upon” the words “*except that statements and reports*
4 *on a statewide ballot issue shall be filed with the*
5 *commission*”.
6 2. Page 9, line 13, by inserting after the word
7 “officers” the word “, members”.
8 3. Page 9, line 35, by striking the word and
9 figure “seven (7)” and inserting in lieu thereof the
10 word and figure “five (5)”.

EARL M. WILLITS

S—5991

- 1 Amend the House amendment, S—5912, to the
2 Senate amendment, H—6791, to House File 1329 as
3 follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 “..... Page 1, by inserting after line 8 the
7 following:
8 ‘Sec. Section two-hundred seventy-three
9 point three (273.3), subsection thirteen (13) is
10 amended to read as follows:
11 13. Prepare an annual budget estimating in-
12 come and expenditures for programs and services
13 as provided in sections 273.1 to 273.9 and chapter
14 281. The proposed budget shall be submitted to the

15 department of public instruction[, on forms provided
16 by the department, no later than December 1 pre-
17 ceding the next fiscal year for approval. The depart-
18 ment shall review the proposed budget and shall prior
19 to January 1 either grant approval or return the
20 budget without approval with comments of the depart-
21 ment included. Any unapproved budget shall be resub-
22 mitted to the department for final approval.] and the
23 state comptroller on forms provided by the department
24 of public instruction, no later than December one pre-
25 ceding the next fiscal year, for approval. The depart-
26 ment of public instruction and the state comptroller
27 shall review the proposed budget and shall prior to
28 January one either grant approval or return the bud-
29 get without approval setting forth the basis of the
30 disapproval. In the event that the department of
31 public instruction and the state comptroller cannot
32 agree together to approve or disapprove the proposed
33 budget, that budget shall be approved or disapproved
34 by the school budget review committee. Any unapproved
35 budget shall be adjusted and resubmitted to the auth-
36 orities or authority last disapproving it.”

37 2. Page 1, line 19, by striking the words and
38 figures “1976 shall expire July 1, 1976” and inserting
39 in lieu thereof the words and figures “1977 shall ex-
40 pire July 1, 1977”.

WILLARD R. HANSEN

S—5982

1 Amend House File 1481 as amended and passed
2 by the House as follows:
3 1. Page 1, by striking lines 21 through 34.
4 2. Page 3, by adding after line 5 the following
5 new section:
6 “Sec. The provisions of this Act shall not
7 apply to bona fide farmers who lease or rent, a
8 breeding bull to a neighbor, friend or relative on an
9 infrequent basis. For the purposes of this section
10 an ‘infrequent basis’ means renting or leasing a
11 breeding bull no more than twice in a calendar year.”

C. JOSEPH COLEMAN
KENNETH D. SCOTT

S—5986

1 Amend House File 1565 as follows:
2 1. Page 1, by inserting after line 22 the
3 following new sections:
4 “Sec. 2. **NEW SECTION. DISPOSITION OF CERTAIN**
5 **FEDERAL FUNDS.** Not less than seventy-five percent
6 of the funds made available by the federal govern-
7 ment to this state under United States public law
8 ninety-three dash six hundred forty-seven (93-647),
9 hereafter referred to in this section as title twenty
10 (XX), shall be allocated by the department of social
11 services among the several counties of the state on

12 the basis of the populations of the respective
 13 counties. The funds shall be used by the county board
 14 of social welfare, with approval of the county board
 15 of supervisors, to match county or locally-generated
 16 public or private funds in the manner and for the
 17 purposes authorized by title twenty (XX) and federal
 18 regulations adopted thereunder.

19 Not more than twenty-five percent of the funds
 20 made available to the state by the federal govern-
 21 ment pursuant to title twenty (XX) shall be retained
 22 for use directly by the department.

23 Sec. 3. Section two (2) of this Act shall take
 24 effect July 1, 1977."

25 2. Title, line 5, by inserting after the word
 26 "programs" the words ", and prescribing the manner
 27 in which federal title twenty (XX) funds shall be
 28 allocated by the department".

RAY TAYLOR
 KENNETH D. SCOTT
 NORMAN G. RODGERS
 RICHARD J. NORPEL, SR.
 DALE L. TIEDEN
 BERL E. PRIEBE
 WILLIAM P. WINKELMAN

S—5996

1 Amend the Report of the Conference Committee
 2 on House File 1583 as follows:
 3 1. Page 3, by inserting after line 9 the
 4 following:
 5 "16. Governor\$45,000
 6 17. Attorney General\$35,000
 7 18. Secretary of State\$28,500
 8 19. Treasurer\$28,500
 9 20. Auditor\$28,500
 10 21. Secretary of Agriculture\$28,500".

JAMES W. GRIFFIN, SR.

S—5998

1 Amend the Report of the Conference Committee
 2 on House File 1583 as follows:
 3 1. Page 3, by inserting after line 9 the
 4 following:
 5 "16. Governor\$45,000
 6 17. Attorney General\$34,000
 7 18. Secretary of State\$25,000
 8 19. Treasurer\$25,000
 9 20. Auditor\$25,000
 10 21. Secretary of Agriculture\$25,000
 11 22. Members of the General Assembly\$ 8,400".

JAMES W. GRIFFIN, SR.
 WILLIAM D. PALMER

Note: For explanation of brackets and italics,
see page 123 of the Senate Journal.

On motion of Senator Kinley, the Senate adjourned at 12:38
a.m., until 8:30 a.m., Saturday, May 29, 1976.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-NINTH DAY

SENATE CHAMBER
DES MOINES, IOWA, SATURDAY, MAY 29, 1976

The Senate met in regular session, Senator Hultman presiding.

Prayer was offered by the Honorable H. L. Heying, chairperson of the committee on chaplains and member of the Senate from West Union, Fayette County, Iowa.

The Journal of Friday, May 28, 1976, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Nolin for the day and Senator Rabedeaux for the day on request of Senator Kinley.

QUORUM CALL

Senator Kinley requested a roll call to determine that a quorum was present.

Roll call revealed a quorum present.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 20 of the Rules of the Senate of the Sixty-sixth General Assembly, we, the undersigned, do hereby request a Call of the Senate for Saturday, May 29, 1976, on all bills, amendments, and motions.

CLIFTON C. LAMBORN
JOHN N. NYSTROM
LEONARD C. ANDERSEN
LUCAS J. DeKOSTER
WILLARD R. HANSEN
ROGER J. SHAFF
ELIZABETH R. MILLER
CLIFF BURROUGHS
DALE L. TIEDEN
WARREN E. CURTIS

Senator Lamborn asked and received unanimous consent that the Call of the Senate be lifted until 9:30 a.m.

**ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
Senate File 1261**

Senator Van Gilst called up the report of the second conference committee on Senate File 1261 filed May 28, 1976, and found on pages 2483-2487, inclusive, of the Senate Journal.

President Neu took the chair at 9:30 a.m.

The Chair announced the Call of the Senate in effect and directed the Secretary to take the roll.

Roll call revealed all members present with the exception of Senators Nolin and Rabedeaux.

Senator Lamborn asked unanimous consent that Senators Nolin and Rabedeaux be excused from the Call of the Senate.

Objection was raised to excusing Senator Rabedeaux.

Senator Lamborn moved that Senator Rabedeaux be excused from the Call of the Senate.

Senator Lamborn withdrew his motion.

Senator Lamborn asked and received unanimous consent that the Call of the Senate be lifted.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Neu presiding.

Senator Scott took the chair at 10:30 a.m.

Senator Van Gilst moved the adoption of the second conference committee report.

A record roll call was requested.

On the question "Shall the second conference committee report be adopted?" (S.F. 1261) the vote was:

Ayes, 40:

Andersen
Bergman
Briles
Carr
Coleman
Curtis
DeKoster
Doderer

Glenn
Gluba
Griffin
Hansen
Heying
Hultman
Junkins
Kelly

Kinley
Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall
Murray

Nolting
Nystrom
Orr
Palmer
Plymat
Priebe
Redmond
Robinson

Rodgers
Schwengels
Shaff

Shaw
Sovern
Taylor

Tieden
Van Gilst

Willits
Winkelman

Nays, 7:

Burroughs
Culver

Gallagher
Hill of Jasper

Hill of Polk
Ramsey

Scott

Absent or not voting, 3:

Nolin

Norpel

Rabedeaux

The motion prevailed and the second conference committee report and the recommendation and amendment contained therein were adopted.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1261) the vote was:

Ayes, 44:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Curtis
DeKoster
Doderer
Gallagher
Glenn
Gluba

Griffin
Hansen
Heying
Hill of Polk
Hultman
Junkins
Kelly
Kinley
Lamborn
Merritt
Miller of
Des Moines

Miller of
Marshall
Murray
Nolting
Nystrom
Orr
Palmer
Plymat
Priebe
Ramsey
Redmond

Robinson
Schwengels
Scott
Shaff
Shaw
Sovern
Taylor
Tieden
Van Gilst
Willits
Winkelman

Nays, 3:

Culver

Hill of Jasper

Rodgers

Absent or not voting, 3:

Nolin

Norpel

Rabedeaux

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

Senator Kinley asked and received unanimous consent that **Senate File 1261** be immediately messaged to the House, which request was complied with.

CONSIDERATION OF BILLS

House File 1565

On motion of Senator Priebe, House File 1565, a bill for an act to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs, with report

of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Taylor offered amendment S—5986 filed by Senators Taylor, et al.:

S—5986

1 Amend House File 1565 as follows:

2 1. Page 1, by inserting after line 22 the

3 following new sections:

4 "Sec. 2. *NEW SECTION. DISPOSITION OF CERTAIN*

5 *FEDERAL FUNDS. Not less than seventy-five percent*

6 *of the funds made available by the federal govern-*

7 *ment to this state under United States public law*

8 *ninety-three dash six hundred forty-seven (93-647),*

9 *hereafter referred to in this section as title twenty*

10 *(XX), shall be allocated by the department of social*

11 *services among the several counties of the state on*

12 *the basis of the populations of the respective*

13 *counties. The funds shall be used by the county board*

14 *of social welfare, with approval of the county board*

15 *of supervisors, to match county or locally-generated*

16 *public or private funds in the manner and for the*

17 *purposes authorized by title twenty (XX) and federal*

18 *regulations adopted thereunder.*

19 *Not more than twenty-five percent of the funds*

20 *made available to the state by the federal govern-*

21 *ment pursuant to title twenty (XX) shall be retained*

22 *for use directly by the department.*

23 *Sec. 3. Section two (2) of this Act shall take*

24 *effect July 1, 1977."*

25 2. Title, line 5, by inserting after the word

26 "programs" the words ", and prescribing the manner

27 in which federal title twenty (XX) funds shall be

28 allocated by the department".

Senator Hill of Polk raised the point of order that amendment S—5986 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5986 out of order.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1565) the vote was:

Ayes, 46:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman
Culver

Curtis
DeKoster
Gallagher
Glenn
Gluba
Griffin
Hansen

Heying
Hill of Jasper
Hill of Polk
Hultman
Junkins
Kelly
Kinley

Lamborn
Merritt
Miller of
Des Moines
Miller of
Marshall
Murray

Nolting	Plymat	Schwengels	Taylor
Norpel	Priebe	Scott	Tieden
Nystrom	Ramsey	Shaff	Van Gilst
Orr	Redmond	Shaw	Willits
Palmer	Rodgers	Sovern	Winkelman

Nays, none.

Absent or not voting, 4:

Doderer	Nolin	Rabedeaux	Robinson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kinley asked and received unanimous consent that **House File 1565** be **immediately messaged** to the House, which request was complied with.

House File 1579

On motion of Senator Priebe, House File 1579, a bill for an act making an appropriation to the department of social services for capital improvement projects, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1579) the vote was:

Ayes, 44:

Andersen	Griffin	Murray	Rodgers
Bergman	Hansen	Nolting	Schwengels
Briles	Heying	Norpel	Scott
Burroughs	Hill of Polk	Nystrom	Shaff
Carr	Hultman	Orr	Sovern
Coleman	Junkins	Palmer	Taylor
Culver	Kelly	Plymat	Tieden
Curtis	Kinley	Priebe	Van Gilst
Doderer	Lamborn	Ramsey	Willits
Gallagher	Merritt	Redmond	Winkelman
Glenn	Miller of	Robinson	
Gluba	Marshall		

Nays, 3:

DeKoster	Hill of Jasper	Miller of Des Moines
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Absent or not voting, 3:

Nolin	Rabedeaux	Shaw
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Priebe asked and received unanimous consent that **House File 1579** be **immediately messaged** to the House, which request was complied with.

MOTIONS TO RECONSIDER WITHDRAWN

Senator Norpel withdrew his motion to reconsider the vote by which **Senate File 507** passed the Senate filed by him on May 28, 1976.

Senator Hill of Jasper withdrew his motion to reconsider the vote by which **Senate File 507** passed the Senate filed by him on May 28, 1976.

IMMEDIATELY MESSAGED

Senator Kinley asked and received unanimous consent that **Senate File 507** be immediately messaged to the House which request was complied with.

CONSIDERATION OF BILLS

House File 1589

On motion of Senator Priebe, House File 1589, a bill for an act relating to and appropriating funds for programs for low income and elderly persons, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Neu took the chair at 11:40 a.m.

Senator Priebe moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1589) the vote was:

Ayes, 47:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Briles	Heying	Murray	Schwengels
Burroughs	Hill of Jasper	Nolting	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Junkins	Nystrom	Shaw
Culver	Kelly	Orr	Sovern
Curtis	Kinley	Palmer	Taylor
DeKoster	Lamborn	Plymat	Tieden
Doderer	Merritt	Priebe	Van Gilst
Gallagher	Miller of	Ramsey	Willits
Glenn	Des Moines	Redmond	Winkelman
Gluba			

Nays, 1:

Hultman

Absent or not voting, 2:

Nolin

Rabedaux

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 28, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal fund loss.

Also: That the House has on May 28, 1976, amended Senate amendment to, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 1590, a bill for an act providing for a tax reduction for certain owners of mobile homes; providing for reimbursement to counties; providing for an exemption of a certain portion of civil service retirement and disability annuities from state income tax; providing for an increase in the exemption in computing inheritance tax, and making appropriations.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT CONSIDERED

Senate File 1329

Senator Willits called up for consideration Senate File 1329, a bill for an act making an appropriation to the state comptroller to provide for federal funds loss, amended by the House, and moved that the Senate concur in the following amendment:

S—6002

- 1 Amend Senate File 1329 as follows:
- 2 1. Page 1, line 9, by striking the words
- 3 and numerals "three million (3,000,000)" and
- 4 inserting in lieu thereof the words and
- 5 numerals "two million nine hundred thousand
- 6 (2,900,000)".

The motion prevailed and the Senate concurred in the House amendment S—6002.

Senator Willits moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1329) the vote was:

Ayes, 47:

Andersen
Bergman
Briles
Burroughs
Carr
Coleman

Culver
Curtis
DeKoster
Doderer
Gallagher
Glenn

Gluba
Griffin
Hansen
Heying
Hill of Polk
Hultman

Junkins
Kelly
Kinley
Lamborn
Merritt

Miller of Des Moines	Nystrom Orr	Robinson Rodgers	Sovern Taylor
Miller of Marshall	Palmer Plymat	Schwengels Scott	Tieden Van Gilst
Murray Nolting	Priebe Ramsey	Shaff Shaw	Willits Winkelman
Norpel	Redmond		

Nays, 1:

Hill of Jasper

Absent or not voting, 2:

Nolin Rabedeaux

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

CONSIDERATION OF BILLS

House File 1585

On motion of Senator Hultman, House File 1585, a bill for an act to make an appropriation for deposit in the energy research and development fund, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Hultman offered amendment S—5999 filed by the committee on appropriations and moved its adoption:

S—5999

- 1 Amend House File 1585 as passed by the House as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. There is appropriated from the gen-
- 6 eral fund of the state for the fiscal period commencing
- 7 July 1, 1976 and ending June 30, 1978 to the state
- 8 board of regents the following amount or so much
- 9 thereof as may be necessary, to be used for the
- 10 purposes designated:
- 11 For a radial collector-well
- 12 demonstration project to be
- 13 conducted by the Iowa state
- 14 water resources research
- 15 institute at the Iowa state
- 16 university of science and
- 17 technology\$100,000
- 18 Sec. 2. There is appropriated from the general
- 19 fund of the state for the fiscal year commencing July
- 20 1, 1976 and ending June 30, 1977 to the energy policy
- 21 council, the sum of one hundred fifty thousand (150,000)
- 22 dollars, or so much thereof as may be necessary, to
- 23 be deposited in the energy research and development
- 24 fund."

25 2. Amend the title, line 2, by inserting after
 26 the word "fund" the words "and relating to a radial
 27 collector-well demonstration project to be conducted by
 28 the Iowa state university of science and technology".

Amendment S—5999 was adopted.

Senator Hultman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1585) the vote was:

Ayes, 44:

Andersen	Griffin	Miller of	Robinson
Bergman	Hansen	Marshall	Rodgers
Burroughs	Heying	Murray	Schwengels
Carr	Hill of Polk	Nolting	Scott
Coleman	Hultman	Norpel	Shaff
Culver	Junkins	Nystrom	Shaw
Curtis	Kelly	Orr	Sovern
DeKoster	Kinley	Plymat	Tieden
Doderer	Lamborn	Priebe	Van Gilst
Gallagher	Merritt	Ramsey	Willits
Glenn	Miller of	Redmond	Winkelman
Gluba	Des Moines		

Nays, 1:

Hill of Jasper

Absent or not voting, 5:

Briles	Palmer	Rabedaux	Taylor
Nolin			

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 1590

Senator Rodgers called up for consideration House File 1590, a bill for an act relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a

deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations, amended by the Senate and further amended by the House, as follows:

S—6003

- 1 Amend the Senate amendment, H—6909, to House
- 2 File 1590, as amended, passed, and reprinted
- 3 by the House, as follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "..... Page 4, line 15, by striking the word
- 7 'annuity' and inserting in lieu thereof the
- 8 word 'benefits'."
- 9 2. Page 1, by striking lines 6 through 16.
- 10 3. Page 1, by striking lines 22 through 45.
- 11 4. Page 2, by striking lines 7 through 11.

Senator Ramsey offered amendment S—6004 to House amendment S—6003 to Senate amendment H—6909 and called for a division of the amendment as follows:

S—6004

- 1 Amend the House amendment, S—6003, to Senate
- 2 amendment, H—6909 to House File 1590 as amended,
- 3 passed, and reprinted by the House as follows:

Division S—6004A

- 4 1. Page 1, by striking line 9.

Division S—6004B

- 5 2. Page 1, by striking line 10.

Division S—6004A (cont'd)

- 6 3. Page 1, by striking line 11.

Senator Miller of Des Moines moved the adoption of division S—6004B of the amendment to House amendment S—6003 to Senate amendment H—6909, and requested a record roll call.

On the question "Shall division S—6004B of the amendment to House amendment S—6003 to Senate amendment H—6909 be adopted?" (H.F. 1590) the vote was:

Ayes, 20:

Andersen	Heying	Miller of	Orr
Bergman	Hill of Jasper	Des Moines	Ramsey
Briles	Hill of Polk	Miller of	Schwengels
DeKoster	Kelly	Marshall	Taylor
Doderer	Merritt	Nolting	Tieden
Griffin		Norpel	

Nays, 27:

Burroughs	Gluba	Palmer	Shaff
Carr	Hansen	Plymat	Shaw
Coleman	Junkins	Priebe	Sovern
Culver	Kinley	Redmond	Van Gilst
Curtis	Lamborn	Robinson	Willits
Gallagher	Murray	Rodgers	Winkelman
Glenn	Nystrom	Scott	

Absent or not voting, 3:

Hultman	Nolin	Rabedaux
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Division S—6004B of the amendment to House amendment S—6003 to Senate amendment H—6909 lost.

Senator Ramsey moved the adoption of division S—6004A of the amendment to House amendment S—6003 to Senate amendment H—6909.

A record roll call was requested.

On the question "Shall division S—6004A of the amendment to House amendment S—6003 to Senate amendment H—6909 be adopted?" (H.F. 1590) the vote was:

Ayes, 17:

Andersen	Heying	Miller of	Nystrom
Briles	Hill of Jasper	Des Moines	Priebe
Burroughs	Hill of Polk	Miller of	Ramsey
DeKoster	Kelly	Marshall	Taylor
Doderer	Merritt	Nolting	

Nays, 31:

Bergman	Griffin	Orr	Shaff
Carr	Hansen	Palmer	Shaw
Coleman	Hultman	Plymat	Sovern
Culver	Junkins	Redmond	Tieden
Curtis	Kinley	Robinson	Van Gilst
Gallagher	Lamborn	Rodgers	Willits
Glenn	Murray	Schwengels	Winkelman
Gluba	Norpel	Scott	

Absent or not voting, 2:

Nolin	Rabedaux
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Division S—6004A of the amendment to House amendment S—6003 to Senate amendment H—6909 lost.

On motion of Senator Rodgers, the Senate concurred in House amendment S—6003 to Senate amendment H—6909.

Senator Rodgers moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1590) the vote was:

Ayes, 40:

Andersen	Gluba	Merritt	Robinson
Bergman	Griffin	Miller of	Rodgers
Briles	Hansen	Marshall	Schwengels
Burroughs	Heying	Murray	Scott
Carr	Hill of Polk	Norpel	Shaff
Coleman	Hultman	Nystrom	Shaw
Culver	Junkins	Orr	Taylor
Curtis	Kelly	Plymat	Tieden
DeKoster	Kinley	Priebe	Van Gilst
Gallagher	Lamborn	Redmond	Winkelman
Glenn			

Nays, 7:

Doderer	Miller of	Nolting	Ramsey
Hill of Jasper	Des Moines	Palmer	Willits

Absent or not voting, 3:

Nolin	Rabedeaux	Sovern
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT

House File 1583

Senator Hill of Jasper called up the report of the second conference committee on House File 1583 filed May 26, 1976, and found on pages 2313-2316 of the Senate Journal.

Senator Griffin moved that the rules governing conference committee reports under Sec. 770 of Mason's Manual of Legislative Procedure be suspended for the purpose of considering amendments S—5961, S—5996, S—5998 and S—6001.

On the question "Shall the motion to suspend the rules governing conference committee reports be adopted?" (H.F. 1583) the vote was:

Ayes, 18:

Briles	Griffin	Orr	Robinson
Burroughs	Hansen	Plymat	Rodgers
Carr	Kelly	Ramsey	Shaw
Coleman	Murray	Redmond	Taylor
DeKoster	Norpel		

Nays, 27:

Andersen	Gluba	Merritt	Schwengels
Bergman	Heying	Miller of	Scott
Culver	Hill of Jasper	Marshall	Shaff
Curtis	Hill of Polk	Palmer	Sovern
Doderer	Junkins	Nolting	Tieden
Gallagher	Kinley	Nystrom	Van Gilst
Glenn	Lamborn	Priebe	Winkelman

Absent or not voting, 5:

Hultman

Miller of
Des Moines

Nolin
Rabedaux

Willits

The motion lost.

The following amendments were ruled out of order:

Amendment S—5961 filed by Senator Griffin on May 27, 1976.

Amendment S—5996 filed by Senator Griffin on May 28, 1976.

Amendment S—5998 filed by Senators Griffin and Palmer on May 28, 1976.

Amendment S—6001 by Senators Griffin and Palmer:

S—6001

- 1 Amend the Report of the Conference Committee
- 2 on House File 1583 as follows:
- 3 1. Page 3, by inserting after line 9 the
- 4 following:
- 5 "16. Governor\$45,000
- 6 17. Attorney General\$34,000
- 7 18. Secretary of State\$25,000
- 8 19. Treasurer\$25,000
- 9 20. Auditor\$25,000
- 10 21. Secretary of Agriculture\$25,000
- 11 Sec. Section two point ten (2.10), para-
- 12 graphs one (1), two (2) and three (3), is amended
- 13 to read as follows:
- 14 1. Every member of the general assembly except
- 15 the speaker of the house and majority and minority
- 16 floor leaders of the senate and house shall receive
- 17 an annual salary of eight thousand *four hundred*
- 18 dollars for each year while serving as a member of the
- 19 general assembly. The majority and minority floor
- 20 leaders of the senate and house shall receive an an-
- 21 nual salary of nine thousand [five] *nine hundred seventy-five*
- 22 dollars for each year while serving in such capacity.
- 23 In addition, each such member shall receive the sum
- 24 of twenty dollars per day for expenses of office,
- 25 except travel, for each day the general assembly is
- 26 in session commencing with the first day of a legis-
- 27 lative session and ending with the day of final ad-
- 28 journment of each legislative session as indicated by
- 29 the journals of the house and senate. However, members
- 30 from Polk county shall receive ten dollars per day.
- 31 Travel expenses shall be paid at the rate established
- 32 by section 79.9 for actual travel in going to and
- 33 and returning from the seat of government by the near-
- 34 est traveled route for not more than one time per week
- 35 during a legislative session. However, any increase
- 36 from time to time in the mileage rate established by
- 37 section 79.9 shall not become effective for members

38 of the general assembly until the convening of the
 39 next general assembly following the session in which
 40 the increase is adopted; and this provision shall
 41 prevail over any inconsistent provision of any pre-
 42 sent or future statute.

43 2. The lieutenant governor shall receive an
 44 annual salary of twelve thousand *six hundred* dollars.
 45 Personal expense and travel allowances shall be the
 46 same for the lieutenant governor as for a senator.
 47 The lieutenant governor while performing admin-
 48 istrative duties of the office of lieutenant governor
 49 when the general assembly is not in session or serving
 50 as the president of the senate during special sessions

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1 of the general assembly shall receive sixty dollars
 2 per diem and reimbursement for expenses incurred in
 3 performing such duties pursuant to the appropriation
 4 made by the general assembly.

5 3. The speaker of the house shall receive an
 6 annual salary of twelve thousand *six hundred* dollars
 7 for each year while serving as the speaker of the
 8 house. Expense and travel allowances shall be the
 9 same for the speaker of the house as provided for
 10 other members of the general assembly."

Senator Hill of Jasper moved the adoption of the second conference committee report.

The motion prevailed and the second conference committee report and the recommendation and amendment contained therein were adopted.

Senator Curtis took the chair at 1:10 p.m.

Senator Hill of Jasper moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1583) the vote was:

Ayes, 40:

Andersen	Gluba	Miller of	Ramsey
Bergman	Hansen	Des Moines	Robinson
Burroughs	Heying	Miller of	Rodgers
Carr	Hill of Jasper	Marshall	Schwengels
Coleman	Hill of Polk	Murray	Shaff
Culver	Hultman	Nystrom	Shaw
Curtis	Junkins	Orr	Sovern
DeKoster	Kelly	Palmer	Taylor
Doderer	Kinley	Plymat	Van Gilst
Gallagher	Lamborn	Priebe	Willits
Glenn	Merritt		

Nays, 6:

Nolting	Redmond	Tieden	Winkelman
Norpel	Scott		

Absent or not voting, 4:

Briles

Griffin

Nolin

Rabedeaux

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

Mr. President: I am directed to inform your honorable body that the House has on May 29, 1976, amended the Senate amendment to, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission.

DAVID L. WRAY, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 1038

Senator Robinson called up for consideration House File 1038, a bill for an act making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission, amended by the Senate and further amended by the House, and moved that the Senate concur in the following House amendment to the Senate amendment:

S—6005

- 1 Amend the Senate amendment H—6427, to House
- 2 File 1038, as follows:
- 3 1. Page 1, by striking all of lines 2 through
- 4 6 and inserting in lieu thereof the following:
- 5 "the House as follows:
- 6 Page 2, by inserting after line 21 the
- 7 following:
- 8 c. For the establishment and
- 9 operation of a foreign trade and development
- 10 office \$ 50,000".
- 11 2. Page 2, by inserting after line 21 the
- 12 following new section:
- 13 "Sec. Section one hundred seventy-three

14 point twelve (173.12), Code 1975, is amended to
15 read as follows:
16 173.12 SALARY OF TREASURER. The treasurer
17 shall receive such compensation for his services
18 as the board may fix, not to exceed five hundred
19 dollars a year, and [necessary traveling and hotel
20 expenses] *shall be paid a forty dollar per diem and*
21 *shall be reimbursed for actual and necessary*
22 *expenses incurred while engaged in official duties."*

The motion prevailed and the Senate concurred in the House amendment to Senate amendment S—6005.

Senator Robinson moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1038) the vote was:

Ayes, 43:

Andersen	Hansen	Murray	Rodgers
Bergman	Heying	Nolting	Schwengels
Burroughs	Hill of Polk	Norpel	Scott
Carr	Hultman	Nystrom	Shaff
Coleman	Junkins	Orr	Shaw
Culver	Kelly	Palmer	Taylor
Curtis	Kinley	Plymat	Tieden
DeKoster	Lamborn	Priebe	Van Gilst
Doderer	Merritt	Ramsey	Willits
Gallagher	Miller of	Redmond	Winkelman
Glenn	Marshall	Robinson	
Gluba			

Nays, none.

Absent or not voting, 7:

Briles	Miller of	Nolin	Sovern
Griffin	Des Moines	Rabedeaux	
Hill of Jasper			

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 1332

Senator Murray called up for consideration House File 1332, a bill for an act relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operator's licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and

operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation, amended by the Senate and further amended by House amendment S—5916 found on pages 2258-2271, inclusive, of the Senate Journal.

Senator Willits offered amendment S—6007 to House amendment S—5916 to Senate amendment H—6726 and moved its adoption:

S—6007

- 1 Amend the House amendment, S—5916, to Senate
- 2 amendment, H—6726, to House File 1332 as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 1, by striking lines 10 through 21.

Amendment S—6007 to House amendment S—5916 to Senate amendment H—6726 lost.

On motion of Senator Murray, the Senate concurred in House amendment S—5916 to Senate amendment H—6726.

Senator Murray moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1332) the vote was:

Ayes, 44:

Andersen	Hansen	Miller of	Rodgers
Bergman	Heying	Marshall	Schwengels
Burroughs	Hill of Jasper	Murray	Scott
Carr	Hultman	Nolting	Shaff
Coleman	Junkins	Norpel	Shaw
Culver	Kelly	Nystrom	Sovern
Curtis	Kinley	Orr	Taylor
DeKoster	Lamborn	Palmer	Tieden
Doderer	Merritt	Plymat	Van Gilst
Gallagher	Miller of	Priebe	Willits
Glenn	Des Moines	Ramsey	Winkelman
Gluba		Redmond	

Nays, none.

Absent or not voting, 6:

Briles	Hill of Polk	Rabedaux	Robinson
Griffin	Nolin		

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 29, 1976, adopted the second report of the Conference Committee, and passed the following bill in which the concurrence of the House was asked:

Senate File 1261, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state.

Also: That the House has on May 28, 1976, amended the Senate amendment to the House amendment, concurred in the Senate amendment to the House amendment as amended, and passed the following bill in which the concurrence of the House was asked:

Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this act.

Also: That the House has on May 29, 1976, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation.

DAVID L. WRAY, Chief Clerk

CONSIDERATION OF BILLS**Senate File 1346**

On motion of Senator Willits, Senate File 1346, a bill for an act to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission, was taken up for consideration.

Senator Willits offered amendment S—6008:

S—6008

- 1 Amend Senate File 1346 by striking everything after
- 2 the enacting clause and inserting in lieu thereof

3 the following:

4 "Section 1. Acts of the Sixty-sixth General
5 Assembly, 1975 Session, chapter fifty-seven (57),
6 section six (6), third new subsection, amending section
7 fifty-six point two (56.2), Code 1975, is amended
8 to read as follows:

9 *NEW SUBSECTION.* 'Disclosure report' means a
10 statement of contributions received, expenditures
11 made, and indebtedness incurred on forms prescribed
12 by *rules promulgated by* the commission [and approved
13 by the administrative rules review committee] *in*
14 *accordance with chapter seventeen A (17A) of the Code.*

15 Sec. 2. Section fifty-six point four (56.4),
16 unnumbered paragraph one (1), Code 1975, as amended
17 by Acts of the Sixty-sixth General Assembly, 1975
18 Session, chapter fifty-seven (57), section seven (7),
19 is amended to read as follows:

20 All statements and reports required to be filed
21 under this chapter for a state office shall be filed
22 with the commission. All statements and reports
23 required to be filed under this chapter for a county,
24 city or school office shall be filed with the
25 commissioner. *Statements and reports on a ballot*
26 *issue shall be filed with the commissioner responsible*
27 *under section forty-seven point two (47.2) of the*
28 *Code for conducting the election at which the issue*
29 *is voted upon, except that statements and reports*
30 *on a statewide ballot issue shall be filed with the*
31 *commission.* State statutory political committees
32 shall file all statements and reports with the
33 commission. All other statutory political committees
34 shall file the statements and reports with the
35 commissioner with a copy sent to the commission.

36 Sec. 3. Section fifty-six point five (56.5),
37 subsection two (2), Code 1975, as amended by Acts
38 of the Sixty-sixth General Assembly, 1975 Session,
39 chapter fifty-seven (57), section eight (8), is amended
40 by striking paragraph c and redesignating the
41 succeeding paragraphs accordingly.

42 Sec. 4. Section fifty-six point six (56.6), subsec-
43 tion one (1), Code 1975, as amended by Acts of the
44 Sixty-sixth General Assembly, 1975 Session, chapter
45 fifty-seven (57), section ten (10), is amended to
46 read as follows:

47 1. Each treasurer of a committee shall file with
48 the commission or commissioner disclosure reports
49 of contributions received and disbursed on forms
50 prescribed by rules as provided by chapter seventeen

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1 A (17A) of the Code. The reports from all committees,
2 except those committees for municipal and school
3 elective offices, shall be filed on the twenty-fifth
4 day or mailed by certified mail by the twenty-fourth
5 day of January, May, July, and October of each year.

6 The January report shall be current to the end of
7 the month preceding the filing. The May, July, and
8 October reports shall be current as of five days prior
9 to the filing deadline. The January report shall
10 be the annual report. Committees for municipal and
11 school elective offices *and ballot issues* shall file
12 reports five days prior to any election in which the
13 name of the candidate *or the ballot issue* which they
14 support or oppose appears on the printed ballot and
15 thirty days following the final election in a calendar
16 year in which the candidate's name *or the ballot issue*
17 appears on the ballot. *A committee supporting or*
18 *opposing a candidate for a municipal or school elective*
19 *office or a ballot issue shall continue to file a*
20 *disclosure statement every thirty days until it*
21 *dissolves.* These reports shall be current to five
22 days prior to the filing deadline. A state statu-
23 tory political committee and congressional district
24 committees as authorized by the constitution of the
25 state statutory political committee shall not be sub-
26 ject to the provisions of this subsection if the state
27 statutory political committee files copies of campaign
28 disclosure reports as required by federal law with
29 the commission at such times as the reports are
30 required to be filed under federal law, provided that
31 the federal reports contain all information required
32 by this chapter.

33 Sec. 5. Section fifty-six point six (56.6),
34 subsection three (3), Code 1975, as amended by Acts
35 of the Sixty-sixth General Assembly, 1975 Session,
36 chapter fifty-seven (57), section ten (10), is amended
37 by striking paragraph e and redesignating the
38 succeeding paragraphs accordingly.

39 Sec. 6. Section fifty-six point six (56.6),
40 subsection three (3), paragraphs f, h and i, Code
41 1975, as amended by Acts of the Sixty-sixth General
42 Assembly, 1975 Session, chapter fifty-seven (57),
43 section ten (10), are amended to read as follows:

44 f. Each loan to [or from] any person *or committee*
45 within the calendar year in an aggregate amount in
46 excess of those amounts enumerated in the schedule
47 in paragraph 'b' of this subsection, together with
48 the name and mailing address of the lender and
49 endorsers and the date and amount of such loans.
50 [A state or county statutory political committee shall

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1 report the name and mailing address of each person
2 who has made one or more loans in an aggregate amount
3 in excess of one hundred dollars.] *Loans shall be*
4 *reported on the contributions section of the disclosure*
5 *statement.*

6 h. The name and mailing address of each person
7 to whom disbursements or loan repayments have been
8 made by the committee from contributions during the

9 reporting period and the amount and date of each
10 disbursement except that disbursements of less than
11 five dollars may be shown as miscellaneous
12 disbursements so long as the aggregate miscellaneous
13 disbursements to any one person during a calendar
14 year do not exceed one hundred dollars.

15 i. The amount and nature of debts and obligations
16 owed in excess of those amounts stated in the schedule
17 in paragraph 'b' of this section by or to the
18 committee. *Loans made to a committee and reported*
19 *under paragraph b of this subsection shall not be*
20 *considered a debt or obligation under this paragraph.*
21 *A loan made by a committee to any person shall be*
22 *considered a disbursement.*

23 Sec. 7. Section fifty-six point ten (56.10), Code
24 1975, as amended by Acts of the Sixty-sixth General
25 Assembly, 1975 Session, chapter fifty-seven (57),
26 section fourteen (14), is amended by striking
27 subsection one (1) and inserting in lieu thereof the
28 following:

29 1. Review the contents of all disclosure reports
30 and other statements filed with the commission and
31 promptly advise each committee of errors found. The
32 commission may, upon its own motion, initiate action
33 and conduct a hearing under section fifty-six point
34 eleven (56.11), subsections one (1) and two (2) of
35 the Code. The commission may require the county
36 commissioner to file summary reports with it
37 periodically.

38 Sec. 8. Section fifty-six point eleven (56.11)
39 Code 1975, is amended by striking subsection one (1)
40 and inserting in lieu thereof the following:

41 1. Any eligible elector may file a complaint of
42 an alleged violation with the commission. The
43 complaint shall be verified and supported by affidavit
44 detailing the circumstances of the violation alleged.
45 The commission may initiate action on its own motion
46 by filing a complaint accompanied by such an affidavit.
47 Within twenty-four hours after receipt of a complaint
48 or initiation of its own complaint, the commission
49 shall notify the person, candidate or committee against
50 whom the complaint is made of receipt or initiation

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1 of the complaint, and until it has done so it shall
2 make no investigation of any kind into the campaign
3 affairs of the person, candidate or committee. Unless
4 the commission concludes that there is no reasonable
5 basis for a complaint which has been filed, it shall
6 set a date for a hearing on the complaint which shall
7 be not more than fifteen days after the date the
8 complaint is received or initiated by the commission.
9 The commission shall serve the person, candidate or
10 committee against whom the complaint is made a copy
11 of the complaint and supporting affidavit and notice

12 of the hearing in the manner provided by the Rules
13 of Civil Procedure. Copies of the complaint, affidavit
14 and notice shall also be sent to each of the other
15 candidates, if any, for the office affected. If a
16 complaint is filed or initiated less than fifteen
17 days before the election at which the office affected
18 is to be filled, the commission shall set the hearing
19 at the earliest possible date so as to allow the issue
20 to be resolved prior to the election. An extension
21 of time for the hearing may be granted when both
22 parties mutually agree on an alternate date for the
23 hearing.

24 Sec. 9. Section fifty-six point eleven (56.11),
25 subsections two (2) and three (3), Code 1975, are
26 amended to read as follows:

27 2. The commission shall investigate the complaint
28 and conduct the hearing. *Upon request of the*
29 *commission, the county attorney or the attorney general*
30 *shall assist the commission in any investigation and*
31 *report to it as directed.* The commission shall have
32 the power to subpoena and review all records of a
33 candidate or [political] committee required to be kept
34 under this chapter. Due process, including the right
35 to be represented by counsel, shall be accorded the
36 accused. The commission shall provide for the
37 confidentiality of the records of a candidate or
38 [political] committee during the investigation and
39 hearing process and shall provide for confidential
40 hearings *only* if requested by either party to the
41 complaint, *except that if the commission itself is*
42 *a complainant it may not request a confidential*
43 *hearing.* After the hearing the commission shall
44 determine whether or not there [is a] *are* reasonable
45 [belief] *grounds to believe* that a violation of the
46 provisions of this chapter did occur. The commission
47 shall send a copy of its findings of fact and decision
48 to the person, candidate or [political] committee against
49 which the complaint was filed and to each candidate
50 for the public office affected. The [campaign finance

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1 disclosure] commission may assess the cost of such
2 hearings against either party involved in the hearing.

3 3. If the commission finds *reasonable grounds*
4 *to believe* that the person, candidate, or [political]
5 committee has engaged in [any] *an* act or practice which
6 constitutes a violation of this chapter, the commission
7 shall report [such a] *the* suspected violation of law
8 to the United States attorney, the attorney general,
9 or the county attorney, as the case may be, with a
10 recommendation of appropriate action to be taken.

11 Sec. 10. Section fifty-six point eleven (56.11),
12 Code 1975, is amended by adding the following new
13 subsection:

14 **NEW SUBSECTION.** Any person against whom a fine

15 has been assessed by the commission pursuant to
16 subsection three (3) of this section may appeal the
17 fine.

18 a. An appeal from a fine assessed by the commission
19 pursuant to subsection three (3) of this section may
20 be taken by any party by filing a written notice of
21 appeal with the clerk of the district court within
22 ten days after the fine is assessed. The appealing
23 party shall pay to the clerk within that ten days
24 the usual district court docket fee to perfect the
25 appeal. No appeal shall be taken after ten days.

26 b. Execution of the assessment shall be stayed
27 upon the filing with the clerk of the district court
28 of an appeal bond with surety approved by the clerk,
29 in the sum specified in the assessment.

30 c. Within twenty days after an appeal is taken
31 under this subsection, unless extended by order of
32 a district judge or by stipulation of the parties,
33 any party may file with the clerk as part of the
34 record a transcript of the official report, if any,
35 or if the report was made electronically, a
36 transcription of the recording. If a transcription
37 of an electronic recording is filed, the report on
38 appeal shall contain the tape or other medium on which
39 the proceedings were preserved. A transcription of

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1 an electronic recording shall be provided by any party
2 upon request and upon payment by the party of the
3 actual cost of transcription.

4 d. Procedure on an appeal taken under this
5 subsection shall be as follows:

6 (1) A district court judge shall promptly hear
7 the appeal upon the record filed without further
8 evidence. The judge shall decide the appeal without
9 regard to technicalities or defects which have not
10 prejudiced the substantial rights of the parties,
11 and may affirm, reverse or modify the judgment or
12 render judgment as the commission should have ren-
13 dered.

14 (2) Upon entry of judgment, the commission may
15 cause any recording tape or other devices contained
16 in the record to be erased for subsequent use.

17 Sec. 11. Section fifty-six point sixteen (56.16),
18 Code 1975, is amended by striking the section and
19 inserting in lieu thereof the following:

20 56.16 CIVIL, CRIMINAL PENALTIES. Except where
21 a different penalty is specifically provided by another
22 section of this chapter:

23 1. Any person who fails to comply with any
24 provision of this chapter shall be subject to a civil
25 penalty not to exceed five hundred dollars for each
26 violation, to be assessed and collected as provided
27 by section fifty-six point eleven (56.11) of the Code.

28 2. Any person who willfully violates any provisions
29 of this chapter shall upon conviction be subject to
30 a fine of not more than one thousand dollars or
31 imprisonment in the county jail for not more than
32 thirty days.

33 Sec. 12. Section fifty-six point seventeen (56.17),
34 Code 1975, is amended to read as follows:

35 56.17 APPLICABILITY TO FEDERAL CANDIDATES.

36 1. [This] *The requirements of this chapter relative*
37 *to disclosure of contributions* shall apply to
38 candidates and political committees for federal office
39 only in the event such candidates are not subject
40 to a federal law requiring the disclosure of cam-
41 paign financing. Any such federal law shall supersede
42 the provisions of this chapter.

43 2. *The provisions of this chapter under which*
44 *money from the Iowa election campaign fund may be*
45 *made available to or used for the benefit of candidates*
46 *and candidates' committees shall apply to candidates*
47 *for federal office and their candidates' committees*
48 *only if matching funds to pay a portion of their*
49 *campaign expenses are not available to such candidates*
50 *or their committees from the federal government.*

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1 Sec. 13. Section fifty-six point nineteen (56.19),
2 Code 1975, is amended to read as follows:

3 56.19 FUND CREATED. The 'Iowa election campaign
4 fund' is created within the office of the treasurer
5 of state. The fund shall consist of funds paid by
6 persons having an Iowa income tax liability as provided
7 in section 56.18. The director of revenue shall remit
8 funds collected as provided in section 56.18 to the
9 treasurer of state who shall deposit such funds in
10 the appropriate account within the Iowa election
11 campaign fund. Any interest income received by the
12 treasurer of state from investment of moneys deposited
13 in the fund shall be deposited in the Iowa election
14 campaign fund. Such funds shall be subject to payment
15 to the [chairman] *chairperson* of the specified political
16 party by the state comptroller in the manner provided
17 [in this chapter] *by section fifty-six point twenty-*
18 *two (56.22) of the Code.*

19 Sec. 14. Section fifty-six point twenty-one
20 (56.21), Code 1975, is amended to read as follows:

21 56.21 FUNDS—APPLICATION TO COMPTROLLER. Any
22 candidate for a *partisan* public office, except
23 [president or vice president of the United States] *as*
24 *otherwise provided by section fifty-six point seventeen*
25 *(56.17), subsection two (2) of the Code,* may receive
26 campaign funds [through the state statutory political
27 committee under this chapter] from the Iowa election
28 campaign fund *through the state central committee*
29 *of the candidate's political party.* However, the
30 [chairman of the] state [statutory political] *central*

31 committee [shall apply to the state comptroller for
32 these funds not later than sixty-five days before
33 a general election] of each political party shall have
34 discretion which of the party's candidates for public
35 office shall be allocated campaign funds out of money
36 received by that party from the Iowa election campaign
37 fund.

38 [The state comptroller shall remit by check drawn
39 upon the Iowa election campaign fund all funds in
40 the party's account to the chairman upon certification
41 by the state commissioner that the party has qualified
42 to have candidate names placed on the official general
43 election ballot.]

44 Sec. 15. Section fifty-six point twenty-two
45 (56.22), Code 1975, is amended by striking the section
46 and inserting in lieu thereof the following:

47 56.22 DISTRIBUTION OF CAMPAIGN FUND—RESTRICTIONS

48 ON USE.

49 1. The money accumulated in the Iowa election
50 campaign fund to the account of each political party

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1 in the state shall be remitted to the party on the
2 first business day of each month by warrant of the
3 state comptroller drawn upon the fund in favor of
4 the state chairperson of that party. The money
5 received by each political party under this section
6 shall be used as directed by the party's state
7 statutory political committee.

8 2. Funds distributed to statutory political
9 committees pursuant to this chapter shall not be used
10 to support or oppose the nomination of any candidate.
11 Nothing in this subsection shall be construed to
12 prohibit a statutory political committee from using
13 such funds to pay expenses incurred in arranging and
14 holding a nominating convention.

15 Sec. 16. Acts of the Sixty-sixth General Assembly,
16 1976 Session, chapter fifty-seven (57), section sixteen
17 (16), third new section, amending chapter fifty-six
18 (56), Code 1975, is amended to read as follows:

19 NEW SECTION. 1. [It] Except as provided in sub-
20 section three (3) of this section, it shall be unlaw-
21 ful for any insurance company, savings and loan
22 association, bank, and corporation organized pursuant
23 to the laws of this state or any other state,
24 territory, or foreign country, whether for profit
25 or not, or any officer, agent, representative thereof
26 acting for such insurance company, savings and loan
27 association, bank, or corporation, to contribute any
28 money, property, labor, or thing of value, directly
29 or indirectly, to any committee, or for the purpose
30 of influencing the vote of any elector, except that
31 such funds may be so expended in connection with a
32 utility franchise election held pursuant to section

33 *three hundred sixty-four point two (\$64.2), subsection*
34 *four (4) of the Code, however all such expenditures*
35 *shall be subject to the disclosure requirements of*
36 *this chapter.*

37 2. [It] *Except as provided in subsection three (3)*
38 *of this section, it shall be unlawful for any member*
39 *of any committee, or employee or representative*
40 *thereof, or candidate for any office or the*
41 *representative of such candidate, to solicit, request,*
42 *or knowingly receive from any insurance company, sav-*
43 *ings and loan association, bank, and corporation*
44 *organized pursuant to the laws of this state or any*
45 *other state, territory, or foreign country, whether*
46 *for profit or not, or any officer, agent, or*
47 *representative thereof, any money, property, or thing*
48 *of value belonging to such insurance company, savings*
49 *and loan association, bank, or corporation for campaign*
50 *expenses, or for the purpose of influencing the vote*

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1 *of any elector. Nothing in this section shall be*
2 *construed to restrain or abridge the freedom of the*
3 *press or prohibit the consideration and discussion*
4 *therein of candidacies, nominations, public officers,*
5 *or public questions.*

6 3. *It shall be lawful for any insurance company,*
7 *savings and loan association, bank, and corporation*
8 *organized pursuant to the laws of this state or any*
9 *other state or territory, whether or not for profit,*
10 *and for the officers, agents and representatives*
11 *thereof, to use the money, property, labor, or any*
12 *other thing of value of any such entity for the*
13 *purposes of soliciting its stockholders, administrative*
14 *officers and members for contributions to a committee*
15 *sponsored by that entity and of financing the*
16 *administration of a committee sponsored by that entity.*
17 *The entity's employees to whom the foregoing authority*
18 *does not extend may voluntarily contribute to such*
19 *a committee but shall not be solicited for*
20 *contributions. All contributions made under authority*
21 *of this subsection shall be subject to the disclosure*
22 *requirements of this chapter. A committee member,*
23 *committee employee, committee representative, candidate*
24 *or representative referred to in subsection two (2)*
25 *of this section lawfully may solicit, request, and*
26 *receive money, property and other things of value*
27 *from a committee sponsored by an insurance company,*
28 *savings and loan association, bank, or corporation*
29 *as permitted by this subsection.*

30 4. *The restrictions imposed by this section rela-*
31 *tive to making, soliciting or receiving contributions*
32 *shall not apply to a nonprofit corporation or*
33 *organization which uses those contributions to*
34 *encourage registration of voters and participation*
35 *in the political process, or to publicize public*

36 issues, or both, but does not use any part of those
37 contributions to endorse or oppose any candidate for
38 public office or support or oppose ballot issues.

39 5. For the purposes of this section, labor unions
40 or any group organized as a collective bargaining
41 unit shall not be deemed to be a corporation, however
42 contributions and expenditures made by a labor union
43 or a group organized as a collective bargaining unit
44 in support of or opposition to a candidate or ballot
45 issue shall be subject to the disclosure requirements
46 of this chapter.

47 6. Any person convicted of a violation of any
48 of the provisions of this section shall be subject
49 to imprisonment in the county jail for not more than
50 one year and by a fine not to exceed one thousand

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1 dollars.

2 Sec. 17. The provisions of sections three (3),
3 five (5), six (6) and eight (8) through thirteen (13)
4 of this Act shall take effect January 1, 1977.

5 However, reports due to be submitted to the commission
6 or the commissioner on or before January 25, 1977
7 may be submitted on forms calling for the information
8 required by law for the period ending December 31,
9 1976.

10 Sec. 18. Sections fifty-six point fourteen (56.14)
11 and fifty-six point fifteen (56.15), Code 1975, are
12 repealed.

13 Sec. 19. There is appropriated from the general
14 fund of the state to the campaign finance disclosure
15 commission for the fiscal year beginning July 1, 1976
16 and ending June 30, 1977, for salaries, support,
17 maintenance and miscellaneous purposes, the sum of
18 sixty-one thousand five hundred ninety-two (61,592)
19 dollars, or so much thereof as may be necessary."

Senator Kelly took the chair at 2:10 p.m.

Senator Shaw withdrew amendment S—6009 to amendment
S—6008:

S—6009

1 Amend the Willits amendment, S—6008 to Senate
2 File 1346 as follows:

3 1. Page 8, line 22, by inserting after the
4 word "bank," the words, "labor union, group organized
5 as a collective bargaining unit,".

6 2. Page 8, line 43, by inserting after the word
7 "bank," the words, "labor union, group organized as a
8 collective bargaining unit,".

9 3. Page 9, line 7, by inserting after the word
10 "bank," the words, "labor union, group organized as a
11 collective bargaining unit,".

12 4. Page 9, by striking lines 39 through 46.

- 13 5. Page 9, line 47, by striking the word "6."
14 and inserting in lieu thereof the word "5."

Senator Doderer withdrew amendment S—6010 to amendment S—6008:

S—6010

- 1 Amend the Willits amendment S—6008, to Senate
2 File 1346 as follows:
3 1. Page 9, by striking lines 6 through 29.
4 2. Page 9, by striking lines 39 through 46.

Senator Willits offered amendment S—6011 to amendment S—6008 and moved its adoption:

S—6011

- 1 Amend the Willits amendment, S—6008, to
2 Senate File 1346 as follows:
3 1. Page 5, by striking lines 11 through 39.
4 2. Page 6, by striking lines 1 through 32.

Amendment S—6011 to amendment S—6008 was adopted.

President Neu took the chair at 2:20 p.m.

Senator Willits offered amendment S—6012 to amendment S—6008 by Senators Willits and Shaw and moved its adoption:

S—6012

- 1 Amend the Willits amendment, S—6008, to
2 Senate File 1346 as follows:
3 1. Page 3, line 17, by striking the words "or
4 to" and inserting in lieu thereof the words "[or to]".
5 2. Page 8, line 31, by striking the word "funds"
6 and inserting in lieu thereof the words "resources".

Amendment S—6012 to amendment S—6008 was adopted.

On motion of Senator Willits, amendment S—6008 as amended was adopted.

Amendment S—5979 by Senator Willits filed May 28, 1976, and found on page 2490 of the Senate Journal was ruled out of order with the adoption of amendment S—6008 as amended.

Senator Willits moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1346) the vote was:

Ayes, 41:

Andersen
Bergman
Briles
Burroughs

Carr
Coleman
Culver
Curtis

DeKoster
Gallagher
Glenn
Heying

Hill of Jasper
Hill of Polk
Hultman
Junkins

Kelly	Murray	Priebe	Shaw
Lamborn	Nolting	Ramsey	Sovern
Merritt	Norpel	Redmond	Taylor
Miller of	Nystrom	Rodgers	Tieden
Des Moines	Orr	Schwengels	Van Gilst
Miller of	Palmer	Scott	Willits
Marshall	Plymat	Shaff	

Nays, 2:

Doderer Winkelman

Absent or not voting, 7:

Gluba	Hansen	Nolin	Robinson
Griffin	Kinley	Rabedeaux	

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

Senator Willits asked and received unanimous consent that **Senate File 1346** be **immediately messaged** to the House, which request was complied with.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 29, 1976, adopted the second report of the conference committee, and passed the following bill in which the concurrence of the House was asked:

Senate File 507, a bill for an act relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils.

Also: That the House has on May 29, 1976, adopted the report of the conference committee, and passed the following bill in which the concurrence of the House was asked:

Senate File 1280, a bill for an act relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor.

Also: That the House has on May 29, 1976, amended Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 1571, a bill for an act making appropriations for capital improvements.

DAVID L. WRAY Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED SENATE REFUSED TO CONCUR

Senate File 1276

Senator Junkins called up for consideration Senate File 1276, a bill for an act making appropriations to certain funds for

providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act, amended by the House, further amended by the Senate, still further amended by the House, and moved that the Senate concur in the following House amendment S—6006 to Senate amendment H—6920 to House amendment S—5796:

S—6006

1 Amend Senate amendment H—6920, to House amendment
2 S—5796, to Senate File 1276, as follows:

3 1. Page 1, by inserting after line 2 the following:

4 "..... Page 1, by striking lines 2 through 7 and
5 inserting in lieu thereof the following:

6 '1. Page 1, line 21, by striking the words "five
7 million (5,000,000)" and inserting in lieu thereof
8 the words "three million eight hundred seventy-five
9 thousand (3,875,000)".

10 2. Page 1, line 29, by striking the words "fif-
11 teen million (15,000,000)" and inserting in lieu
12 thereof the words "eleven million eight hundred
13 seventy-five thousand (11,875,000)".

14 3. Page 1, by inserting after line 3 the following:

15 "..... Page 1, by inserting after line 28 the
16 following:

17 '3. Page 1, by inserting after line 32 the fol-
18 lowing:

19 "Sec. 5. Chapter twenty-eight H (28H), Code 1975,
20 is amended by adding sections six (6) through eight
21 (8) of this Act.

22 Sec. 6. *NEW SECTION.* The purpose of this Act
23 is to encourage self-help development in local
24 communities, to encourage local decisions on the
25 development needs of the community and to encourage
26 local citizens to participate in decisions on
27 development needs and their implementation. This
28 Act may be cited as the 'Iowa Rural Community
29 Development Act'.

30 Sec. 7. *NEW SECTION.*

31 1. A city of less than twenty-five hundred
32 population by the last available federal census may
33 apply to the commission for a grant for a community
34 development project. The project must be a non-
35 reoccurring expense. The application shall be
36 sponsored by the city government or by an organization
37 approved by the city government representing a broad
38 cross-section of the community.

39 2. The sponsor shall design and implement a survey
40 to discover community needs and resources. The sponsor
41 shall then hold a public hearing to discuss and
42 determine the priority of needs, the available
43 resources, and the most appropriate project for the
44 grant application.

45 3. The commission shall provide simple and direct

46 forms for applications for the grants. The
47 applications shall include the following:
48 a. A description of the process followed in
49 accordance with subsection two (2) of this section.
50 b. A description of the project and the plans

Page 2

1 for the completion of the project.
2 c. A statement as to why the particular project
3 was selected from among the other community needs.
4 d. A statement as to the effect of the project
5 upon the community.
6 e. A statement of the other resources available
7 for the project.
8 f. The approval of the project by the city
9 government.
10 Sec. 8. *NEW SECTION.* The commission shall allocate
11 the funds to the applicants based on the extent to
12 which the community is involved in the project, whether
13 the project will affect a significant number of people
14 in the community, and whether the project is likely
15 to encourage further community development activities.
16 The commission shall attempt, after consideration
17 of the prior criteria, to achieve a fair geographic
18 distribution of the grants.
19 A grant shall not exceed five thousand dollars
20 nor shall it exceed forty percent of the total cost
21 of the project. A grant shall not be approved by
22 the commission unless the grant and the other available
23 resources equal the total cost of the project. The
24 other available resources may include private dona-
25 tions of money, goods or services which shall be
26 included in the computation of the cost of the project,
27 but shall not include any funds received from the
28 federal government.
29 Sec. 9. Section twenty-eight H point one (28H.1),
30 Code 1975, is amended by striking the section and
31 inserting in lieu thereof the following:
32 28H.1 There is established an Iowa rural community
33 development commission composed of the following:
34 1. Seven citizens of the state appointed by the
35 governor with the approval of two-thirds of the members
36 of the senate for terms of six years.
37 2. The director of the division of municipal
38 affairs of the office for planning and programming.
39 3. The director of the community betterment
40 division of the Iowa development commission.
41 4. The superintendent of grants-in-aid of the
42 Iowa state conservation commission.
43 5. The dean and director of the Iowa state
44 university cooperative extension service.
45 Not more than six members of the commission shall
46 be of the same political party. Vacancies shall be
47 filled in the same manner in which the original
48 appointments are made.

49 Sec. 10. In making the initial appointments of
50 the members of the commission listed in section twenty-

Page 3

1 eight H point one (28H.1), subsection one (1) of the
2 Code, the governor shall appoint two members to terms
3 of two years, two members to terms of four years,
4 and three members to terms of six years.

5 Sec. 11. **NEW SECTION. COMMISSION TERMINATION.**

6 The commission is abolished effective June 30, 1979.

7 The second session of the Sixty-seventh General
8 Assembly meeting in the year 1978 shall review the
9 activities and performance of the commission and
10 shall not later than July 1, 1978 make a determination
11 concerning the status and duties of the commission.

12 Sec. 12. Section twenty-eight H point two (28H.2)
13 and section twenty-eight H point three (28H.3),
14 subsections two (2) and three (3), Code 1975, are
15 repealed.

16 Sec. 13. Sections nine (9), ten (10), and eleven
17 (11) of this Act shall be effective on July 1, 1977.

18 Sec. 14. There is appropriated from the general
19 fund of the state to the Iowa American revolution
20 bicentennial commission for the fiscal year beginning
21 July 1, 1976 and ending June 30, 1977, the sum of
22 two hundred fifty thousand (250,000) dollars or so
23 much thereof as may be necessary to be used for
24 community development projects approved by the Iowa
25 American revolution bicentennial commission in
26 accordance with sections six (6), seven (7) and eight
27 (8) of this Act. The commission may use not more
28 than ten percent of the funds appropriated by this
29 section for the costs of administering the grants
30 for the community development projects."

31 3. Amend the title, line 1, by inserting after
32 the word "to" the words "the Iowa American revolu-
33 tion bicentennial commission and".

Senator Shaff took the chair at 2:37 p.m.-

A record roll call was requested.

On the question "Shall the Senate concur in House amend-
ment S—6006 to Senate amendment H—6920 to House amend-
ment S—5796?" (S.F. 1276) the vote was:

Ayes, 12:

Coleman	Hill of Polk	Orr	Redmond
Gallagher	Kinley	Palmer	Scott
Heying	Merritt	Priebe	Winkelman

Nays, 34:

Andersen	Carr	Doderer	Hill of Jasper
Bergman	Culver	Glenn	Hultman
Briles	Curtis	Gluba	Junkins
Burroughs	DeKoster	Hansen	Kelly

Miller of Des Moines	Nolting Norpel	Robinson Rodgers	Sovern Taylor
Miller of Marshall	Nystrom Plymat	Schwengels Shaff	Tieden Van Gilst
Murray	Ramsey	Shaw	Willits

Absent or not voting, 4:

Griffin	Lamborn	Nolin	Rabedeaux
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The motion lost and the Senate refused to concur in House amendment S—6006 to the Senate amendment H—6920 to House amendment S—5796 to Senate File 1276.

SENATE INSISTS

House File 1573

Senator Hill of Jasper called up for consideration House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee, providing for their respective powers and duties, and making an appropriation, and moved that the Senate insist on its amendment.

A record roll call was requested.

On the question "Shall the motion to insist be adopted?" (H.F. 1573) the vote was:

Ayes, 43:

Andersen	Heying	Murray	Rodgers
Bergman	Hill of Jasper	Nolting	Schwengels
Briles	Hill of Polk	Norpel	Scott
Burroughs	Hultman	Nystrom	Shaff
Carr	Junkins	Orr	Shaw
Coleman	Kelly	Palmer	Sovern
Culver	Merritt	Plymat	Taylor
Curtis	Miller of	Priebe	Tieden
DeKoster	Des Moines	Ramsey	Van Gilst
Gallagher	Miller of	Redmond	Willits
Gluba	Marshall	Robinson	Winkelman
Hansen			

Nays, 1:

Glenn

Absent or not voting, 6:

Doderer	Kinley	Nolin	Rabedeaux
Griffin	Lamborn		

The motion prevailed and the Senate insisted on its amendment to House File 1573.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED
SENATE REFUSED TO CONCUR

House File 1571

Senator Norpel called up for consideration House File 1571, a bill for an act making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation, amended by the Senate and further amended by the House, and moved that the Senate concur in the following amendment:

S—6013

- 1 Amend Senate amendment H—6927 to House File
- 2 1571 as follows:
- 3 1. By striking lines 9 through 11 and inserting
- 4 in lieu thereof the following:
- 5 "for use of such facilities\$130,000".

The motion lost and the Senate **refused to concur in amendment S—6013 to Senate amendment H—6927 to House File 1571.**

SENATORS HONORED

Senator Kinley rose on a point of personal privilege to read and present resolutions extending best wishes for a happy future to the following members of the Senate who will retire at the end of the Sixty-sixth General Assembly:

Senator Scott, who served in the Sixty-fourth, Sixty-fifth and Sixty-sixth General Assemblies.

Senator Heying, who served in the Sixty-first, Sixty-second, Sixty-fifth and Sixty-sixth General Assemblies.

Senator Kinley asked and received unanimous consent that Senator Lamborn, Minority Floor Leader, be presented with the desk and chair occupied by him during his years of service in the Senate, and expressed his gratitude for the assistance and cooperation extended to him by Senator Lamborn during the Sixty-sixth General Assembly.

The Senate honored each member with a standing ovation.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has on May 29, 1976, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1086, a bill for an act relating to local civil service commissions providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel.

DAVID L. WRAY, Chief Clerk

President Neu took the chair at 2:55 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 1086

Senator Doderer called up for consideration Senate File 1086, a bill for an act relating to local civil service commissions, providing for changes in qualification requirements and requiring that the commission determine the physical requirements for police and fire personnel, amended by the House, and moved that the Senate concur in the following amendment:

S—6014

1 Amend Senate File 1086, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 27 through 33
4 and inserting in lieu thereof the following:
5 "appointment. Provided, however, that such
6 physical examination of applicants for appointment
7 to the positions of policeman, policewoman, police
8 matron or [fireman] *firefighter* shall be held under
9 the direction of and as specified by the boards
10 of trustees of the fire or police retirement
11 systems established by section 411.5. *An applicant*
12 *shall not be discriminated against on the basis*
13 *of height, weight, sex, or race in determining*
14 *physical or mental ability of the applicant.*
15 *Reasonable rules relating to strength, agility,*
16 *and general health of applicants shall be pre-*
17 *scribed.*

18 *The costs of the physical examination required*
19 *under this subsection shall be paid from the trust*
20 *and agency fund of the city."*

21 2. Page 1, by inserting after line 33 the fol-
22 lowing section:

23 "Sec. Section four hundred point thirteen
24 (400.13), unnumbered paragraph one (1), Code 1975,
25 is amended to read as follows:

26 The chief of the fire department and the chief
27 of the police department shall be appointed from the
28 chiefs' civil service eligible lists. Such lists
29 shall be determined by original examination open to
30 all persons applying, whether or not members of the
31 employing city. The chief of a fire department shall

32 have had a minimum of five years' experience in a
 33 fire department, or *three years experience in a fire*
 34 *department and two years of comparable experience*
 35 *or educational training.* The chief of a police
 36 department shall have had a minimum of five years
 37 experience in a public law enforcement agency, or
 38 *three years experience in a public law enforcement*
 39 *agency and two years of comparable experience or*
 40 *educational training.* A chief of a police department
 41 or fire department shall maintain his civil service
 42 rights as determined by section 400.12."

43 3. Title page, by striking from lines 2, 3
 44 and 4 the words "and requiring that the commission
 45 determine the physical requirements for police and
 46 fire personnel".

47 4. By renumbering sections as necessary.

The motion prevailed and the Senate concurred in House amendment S—6014.

Senator Doderer moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1086) the vote was:

Ayes, 45:

Andersen	Gluba	Miller of	Redmond
Bergman	Hansen	Des Moines	Robinson
Briles	Heying	Miller of	Rodgers
Burroughs	Hill of Jasper	Marshall	Schwengels
Carr	Hill of Polk	Murray	Scott
Coleman	Hultman	Nolting	Shaff
Culver	Junkins	Norpel	Shaw
Curtis	Kelly	Nystrom	Sovern
DeKoster	Kinley	Orr	Taylor
Doderer	Lamborn	Palmer	Van Gilst
Gallagher	Merritt	Plymat	Willits
Glenn		Ramsey	Winkelman

Nays, 1:

Tieden

Absent or not voting, 4:

Griffin	Nolin	Priebe	Rabedeaux
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

ADOPTION OF RESOLUTION

Senate Concurrent Resolution 121

Senator Kinley asked and received unanimous consent to take

up Senate Concurrent Resolution 121, found on pages 2448 and 2449 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF JOINT RESOLUTION

Senator Kinley asked and received unanimous consent to take up for consideration Senate Joint Resolution 1001.

Senate Joint Resolution 1001

On motion of Senator Miller of Des Moines, Senate Joint Resolution 1001, a joint resolution providing that veteran legislators be presented with a legislative desk and chair in tribute to their years of service, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Palmer offered amendment S—5953 by the committee on appropriations and moved its adoption:

S—5953

- 1 Amend Senate Joint Resolution 1001 as follows:
- 2 1. Page 1, by striking lines 1 through 8.
- 3 2. Page 1, by adding after line 19 the fol-
- 4 lowing:
- 5 "Members of the general assembly who have served
- 6 a cumulative total of ten years or more but less
- 7 than twenty years as either a senator or representative
- 8 or both and who will complete their service after the
- 9 adoption of this resolution shall be presented with
- 10 a legislative chair from the surplus supply of chairs
- 11 as a tribute and in appreciation of the time served
- 12 in such capacity."

A record roll call was requested.

On the question "Shall amendment S—5953 be adopted?" (S.J.R. 1001) the vote was:

Ayes, 30:

Burroughs	Hansen	Miller of	Priebe
Carr	Heying	Des Moines	Ramsey
Culver	Hill of Jasper	Miller of	Rodgers
Curtis	Hill of Polk	Marshall	Schwengels
DeKoster	Junkins	Norpel	Shaw
Gallagher	Kelly	Orr	Van Gilst
Glenn	Kinley	Palmer	Willits
Gluba	Merritt	Plymat	Winkelman

Nays, 7:

Andersen	Murray	Redmond	Sovern
Bergman	Nystrom	Scott	

Voting present, 3:

Briles	Coleman	Doderer
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Absent or not voting, 10:

Griffin	Nolin	Robinson	Taylor
Hultman	Nolting	Shaff	Tieden
Lamborn	Rabedeaux		

Amendment S—5953 was adopted.

Senator Miller of Des Moines moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 1001) the vote was:

Rule 25 was invoked.

Ayes, 23:

Carr	Kelly	Norpel	Rodgers
Culver	Kinley	Orr	Schwengels
Curtis	Merritt	Palmer	Scott
Gallagher	Miller of	Priebe	Taylor
Heying	Des Moines	Redmond	Van Gilst
Hill of Jasper	Miller of	Robinson	
Junkins	Marshall		

Nays, 19:

Andersen	Gluba	Nolting	Shaw
Bergman	Hansen	Nystrom	Sovern
Burroughs	Hill of Polk	Plymat	Willits
DeKoster	Hultman	Ramsey	Winkelman
Glenn	Murray	Shaff	

Voting present, 4:

Briles	Coleman	Doderer	Lamborn
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Absent or not voting, 4:

Griffin	Nolin	Rabedeaux	Tieden
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The resolution having failed to receive a constitutional majority was declared to have failed to have been adopted by the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1306, a bill for an act relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty.

Also: That the House has on May 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1321, a bill for an act relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities.

Also: That the House has on May 29, 1976, receded from its position and concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 1336, a bill for an act relating to and appropriating funds to defer the expenses of certain ad hoc committees, councils and task forces.

Also: That the House has on May 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1340, a bill for an act to amend the rules of civil procedure proposed by the supreme court.

Also: That the House has on May 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1341, a bill for an act to define certain additional substances as controlled substances.

Also: That the House has on May 29, 1976, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 156, recognizing the continual radio coverage of the Iowa General Assembly by radio station WOI.

DAVID L. WRAY, Chief Clerk

HOUSE CONCURRENT RESOLUTION 156

By Bortell, Daggett, Horn, Wyckoff, Jordan, Miller of Buchanan, Bennett, Tofte, Menke, Pellett, Dieleman, Varley, Kreamer, Wells, Welden, Branstad, Hutchins, Lageschulte, Schroeder, Wulff, Millen, Brandt and Den Herder

- 1 *Whereas*, radio station WOI has provided continual
- 2 radio coverage of the Iowa General Assembly during
- 3 the last four months of this 1976 legislative session;
- 4 and
- 5 *Whereas*, many persons listen to the radio cover-
- 6 age provided by station WOI and have expressed a
- 7 genuine approval of such coverage and as a result
- 8 have developed a much greater awareness of the
- 9 problems, issues, and procedures faced by the General
- 10 Assembly; and
- 11 *Whereas*, in order for the General Assembly to
- 12 properly represent the people of Iowa it is neces-
- 13 sary that such public awareness of the problems,
- 14 issues, and procedures facing the General Assembly
- 15 be present; and
- 16 *Whereas*, Nancy Fushan has displayed excellence as
- 17 a commentator during the 1976 Session of the Sixty-
- 18 sixth General Assembly, and has shown an acute aware-
- 19 ness and knowledge of the issues facing the General
- 20 Assembly and as a result the listening public of
- 21 Iowa has gained much greater understanding of the

22 Iowa General Assembly; *Now, Therefore,*
23 *Be It Resolved by the House of Representatives,*
24 *the Senate Concurring,* That Radio Station WOI be
25 extended the appreciation of the General Assembly
26 for its excellent coverage of the General Assembly
27 and that Nancy Fushan specifically, and the support
28 staff of WOI, be recognized for the outstanding job
29 which they have accomplished.

Read first time and passed on file.

ADOPTION OF RESOLUTION

Senate Concurrent Resolution 120

Senator Kinley asked and received unanimous consent to take up for consideration the following resolution:

SENATE CONCURRENT RESOLUTION 120

By Committee on Rules and Administration

1 *Be It Resolved by the Senate, the House of*
2 *Representatives Concurring,* That the adjournment
3 on Friday, May 28, 1976, shall constitute the
4 sine die adjournment of the Sixty-sixth General
5 Assembly.

Senator Kinley offered amendment S—6000 and moved its adoption:

S—6000

1 Amend Senate Concurrent Resolution 120, page 1, line
2 3, by striking the words "Friday, May 28" and insert-
3 ing in lieu thereof the words "Saturday, May 29".

Amendment S—6000 was adopted.

On motion of Senator Kinley, the resolution as amended was adopted.

On motion of Senator Kinley, the Senate recessed at 3:17 p.m. until the fall of the gavel.

The Senate reconvened, President Neu presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on May 7, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 136, a bill for an act relating to the number of judgeships in judicial election districts.

Also: That the House has, on February 13, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 288, a bill for an act to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States.

Also: That the House has, on May 10, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1064, a bill for an act to abolish certain boards, committees, and councils.

Also: That the House has, on March 26, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1223, a bill for an act making a supplemental appropriation to the campaign finance disclosure commission.

Also: That the House has, on May 29, 1976, receded from its position and concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

Senate File 1276, a bill for an act making appropriations to certain funds for providing assistance to local governing bodies.

Also: That the House has, on May 29, 1976, passed the following bill in which the concurrence of the House was asked:

Senate File 1346, a bill for an act to revise the campaign disclosure-income tax checkoff act by clarifying the powers, duties and procedures of the campaign finance disclosure commission.

Also: That the House has, on May 29, 1976, adopted the following Senate concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 120, a resolution relating to the sine die adjournment of the Sixty-sixth General Assembly.

Also: That the House has, on May 29, 1976, adopted the following Senate concurrence resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 121, relating to resolutions calling for interim studies which have not been adopted in both houses be delivered by the Secretary of the Senate, and the Chief Clerk of the House, to the Legislative Council, which shall determine priorities and authorize studies as feasible.

Also: That the House has, on May 29, 1976, receded from its position and concurred in Senate amendment to House amendment to and passed the following bill in which the concurrence of the House was asked:

House File 1573, a bill for an act creating a performance audit and evaluation division within the legislative fiscal bureau and a fiscal and performance audit committee.

DAVID L. WRAY, Chief Clerk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and bills have been examined and found correctly

enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of May, 1976: Senate Joint Resolution 1009; Senate Files 85, 136, 288, 356, 367, 507, 1064, 1072, 1086, 1126, 1191, 1221, 1223, 1251, 1261, 1265, 1272, 1276, 1280, 1284, 1288, 1306, 1309, 1314, 1321, 1329, 1332, 1333, 1335, 1336, 1337, 1338, 1340, 1341, 1343 and 1346.

STEVEN C. CROSS
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Kinley moved that a committee of five be appointed by the President of the Senate to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 120 as amended.

The motion prevailed and the President appointed as such committee Senators Hill of Jasper, chairperson; Coleman, De-Koster, Hill of Polk and Redmond.

COMMITTEE TO NOTIFY THE HOUSE

Senator Van Gilst moved that a committee of five be appointed by the President of the Senate to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 120 as amended.

The motion prevailed and the President appointed as such committee Senators Doderer, chairperson; Briles, Palmer, Rodgers and Willits.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Doderer reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hill of Jasper reported that the committee appointed to notify the office of the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

COMMUNICATION FROM THE GOVERNOR

The following communication from the governor was presented:

The Honorable Arthur A. Neu
President of the Senate
Sixty-sixth General Assembly
State Capitol
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

As you adjourn sine die this ninth day of June, 1976, you have the distinction of having been in session longer than any previous General Assembly.

During your record-breaking 298 days in session, you considered and passed a variety of bills that were as complex as the criminal code revision, as perplexing as property tax relief, as simple to understand as the ban on pay toilets, and as widely accepted as code modernization. Your record of performance is already being assessed with considerable interest by editorial writers, lobbyists, leaders of both political parties, and particularly the citizens of this State.

At this time I welcome the opportunity to share my observations with you—not in a spirit of criticism, but as an evaluation from one in the executive branch of state government trying to consider the impact on our Iowa people.

The revision of Iowa's criminal code required much of your attention during both sessions, although I am told there was no greater investment of time than in the previous General Assembly's debate on collective bargaining. You are to be commended for your diligence in completing this massive overhaul of our criminal laws. While a final judgment on the overall quality of Senate File 85 will have to await careful review of the bill between now and its January 1, 1978, implementation date, you can be pleased with your efforts.

This was a General Assembly that was willing to undertake two other major rewrites of Iowa law. You wisely updated our adoption laws to protect adequately the rights of natural parents as well as complying with recent court decisions. You recognized the need to encourage competition among business concerns by modernizing our anti-trust laws.

You bolstered the unemployment compensation trust fund by the last minute extension of the surtax on wages. While it will hopefully prevent the trust fund from going broke in 1977, this temporary measure mandates that prompt attention be given next year to achieving a stable, permanent funding system. Fortunately, we will have the assistance provided by a reorganized Employment Security Commission. Also, during this next year, Iowa workers will benefit from the further improvements you made in our worker's compensation laws.

The final version of the teacher dismissal bill is an example of bipartisan give and take resulting in a substantially improved contract termination process.

Bipartisan agreement was also reached on my suggestion to you to establish a standing limited appropriation for the tuition grant program. By providing permanent funding for the tuition grant program, you have

taken a major step in reducing the financial uncertainty faced by many private college students.

There are other successes—and, there are measures you passed that contained meritorious provisions but, unfortunately, were marred by some inadequacy or omission.

The three-year property tax relief package you presented me contained provisions which raised sufficient doubt in my mind, and in the minds of others, that I felt compelled to item veto the second and third years of it. By imposing arbitrary geographical and partisan restrictions on the membership of the property tax task force, its effectiveness has been shortsightedly impaired.

Only under the most intense prodding did you finally agree to provide much needed medium security correctional space to relieve our sorely overcrowded prisons. Keep in mind that the temporary alternatives submitted to me this year will require this issue to be faced again.

Despite the fact that future growth in our economy will be to a great extent tied to the development and maintenance of strong foreign markets and the attraction of foreign investment, only reluctantly did you approve the creation of a foreign trade office. The meager appropriation provided will limit our efforts to secure the kind of benefits already accruing to other states.

Your action in another area leads me to believe that perhaps I should be more patient. The acceptance of the colored photo driver's license bill came six years after I initially recommended the passage of this proposal.

There are also items that were not enacted in these two years. Perhaps the most significant was the failure to complete action on land use.

You refused to consider an increase in road user fees to supplement the increasingly inadequate gas tax revenues for highway construction and maintenance.

And I trust that the lack of attention paid to such common sense proposals as uniform bidding regulations, mobile home tie-downs, and a Washington, D. C. office for the State will be replaced by a warmer reception in future years.

A most disappointing aspect of this General Assembly was the decision by the majority party early in the 1975 session to switch from biennial budgeting with annual review and adjustment to annual budgeting. The experience of the last two years makes me more convinced than ever that the previous method is far better. Biennial budgeting with annual review and adjustment merits reimplementing in 1977.

In my last year's closing message to you, I pointed out that, "The desire of this legislature to move towards annual budgeting leaves you with some unfinished business in your next meeting which previous legislatures have not had to confront." Despite the rosy claims by some that second year appropriations would be completed in the first or second month of 1976, most of the major appropriations were not passed until the waning days of the session. The uncertainty and frustration inherent in the appropriations process have now been extended into the second year of the biennium.

We were told that annual appropriations would lead to a more careful analysis and review of state spending. Those agencies which experienced the meat cleaver approach to budgeting might question that claim. While

I have always encouraged ways to reduce spending and improve upon my budget requests, I have also urged that such action be done reasonably and rationally.

Enormous amounts of time and energy were expended in a game which might be called "cutting the Governor's budget." Members of the majority party took great pride after the first session in claiming they were able to cut my budget recommendations. Even at the end of the second session, the Executive Council's general contingency fund and \$100,000 of federal fund loss replacement funds were disapproved arbitrarily. Yet, as the statement issued by the Comptroller's Office indicates, this General Assembly still exceeded my budget recommendations in each fiscal year for a total of more than \$11 million for the biennium.

A more disturbing aspect of that same report is that at a time when we had an impressive surplus, you bypassed expenditures for necessary, one-time capital improvements in favor of costly recurring expenditures. The comptroller's report shows that in FY 1977 you cut capital expenditures by \$14 million but increased recurring expenditures by more than \$20 million, compared to my recommendations. These costs will be exacerbated substantially if the commitments you made in the "intent" sections of several appropriation bills are followed.

May I now turn to another important matter—a matter of saying thank you—thank you for your willingness to serve in this General Assembly to represent the people of this State. Many of you have worked constructively and cooperatively with my office and me, and we want you to know that we are indeed appreciative.

It is an honor and a privilege to serve as a legislator; it is also a position of respect for which one makes a sacrifice. To be successful as a candidate and as a legislator, one must be willing to take large amounts of time from his or her occupation and avocations.

Several amongst you have decided not to seek reelection this year. Unfortunately, you take with you a tremendous amount of experience, knowledge, and leadership. We are grateful for the contributions you have made, and I assure you we will miss your continued service. In order to keep this kind of talent in the legislative halls and attract others of like caliber, it is imperative that attitudes be formed and procedures be developed which will make it possible for future sessions to be concluded in less time.

Now as this General Assembly comes to a close, may we be grateful for the accomplishments, thankful for our system that allows us to agree and disagree, and appreciative of living in Iowa, a place where we can look ahead with a note of optimism.

Thank you.

Sincerely,
ROBERT D. RAY
Governor

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 120, duly adopted, the day of May 29, 1976, having arrived, President Neu declared the Sixty-sixth General Assembly adjourned sine die.

SUPPLEMENT TO THE SENATE JOURNAL**RESOLUTION AND BILLS APPROVED, VETOED OR ITEM
VETOED SUBSEQUENT TO ADJOURNMENT**

Resolution and bills approved, vetoed or item vetoed by the Governor and transmitted to the Secretary of State after the close of the 1976 Regular Session:

- S.J.R. 1009—To provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation. Approved June 20, 1976.
- S. F. 85—Relating to a complete revision of the substantive criminal laws, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications. Approved June 28, 1976.
- S. F. 136—Relating to the number of judgeships in judicial election districts. Approved June 23, 1976.
- S. F. 288—To repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States. Approved June 23, 1976.
- S. F. 356—Authorizing the establishment and funding of self-supported municipal improvement districts. Approved June 28, 1976.
- S. F. 367—Relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto. Approved June 28, 1976.
- S. F. 507—Relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils. Approved June 20, 1976.
- S. F. 1064—To abolish certain boards, committees and councils. Approved June 23, 1976.
- S. F. 1072—Making an appropriation to judicial courts and agencies, and providing for an increase in filing fees to aid in offsetting the costs of operating the courts and agencies. Approved June 23, 1976.
- S. F. 1086—Relating to local civil service commissions providing for changes in qualification requirements. Approved June 23, 1976.
- S. F. 1126—Relating to and appropriating funds for programs of historical significance under the jurisdiction of the state archaeologist and the Iowa state historical department. Approved June 28, 1976.
- S. F. 1191—Providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department. Approved June 10, 1976.
- S. F. 1221—Relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer law-makers and the occupational safety and health review commission. Approved June 28, 1976, with the exceptions of Sec-

tion 1, subsection 2, paragraph "b"; and Sec. 4. See Governor's item veto message.

- S. F. 1223—Making a supplemental appropriation to the campaign finance disclosure commission. Approved June 13, 1976.
- S. F. 1251—Making an appropriation to the legislative fiscal bureau for payment of actuarial services. Approved June 23, 1976.
- S. F. 1261—Relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this state. Approved June 23, 1976.
- S. F. 1265—Relating to certain signs and notices providing for changes in the terms referring to certain signs and notices, providing for changes in the annual fee for certain advertising devices and establishing a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code. Approved June 10, 1976.
- S. F. 1272—Relating to security interests regulated by the Uniform Commercial Code. Approved June 23, 1976.
- S. F. 1276—Making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act. Approved June 23, 1976.
- S. F. 1280—Relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor. Approved June 26, 1976.
- S. F. 1284—Relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes. Approved June 23, 1976.
- S. F. 1288—Relating to the economic impact of an administrative rule modifying provisions of the Iowa Administrative Procedure Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa Administrative Code, relating to the duties of the superintendent of printing in distributing the Iowa Administrative Code, and providing staff for the administrative rules review committee. Approved June 23, 1976.
- S. F. 1306—Relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty. Approved June 23, 1976.
- S. F. 1309—Relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use. Approved June 10, 1976.
- S. F. 1314—Relating to and making appropriations to the department of social services to fund current programs under the jurisdiction of the department. Approved June 28, 1976.
- S. F. 1321—Relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities. Approved June 23, 1976.

- S. F. 1329—Making an appropriation to the state comptroller to provide for federal fund loss. Approved June 23, 1976.
- S. F. 1332—Making appropriations to the department of transportation for designated capital transportation projects. Approved June 18, 1976.
- S. F. 1333—Making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, and providing for the reversion of funds. Approved June 23, 1976.
- S. F. 1335—Appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving fund. Approved June 23, 1976.
- S. F. 1336—Relating to and appropriating funds to defray the expenses of a Spanish-speaking peoples commission, created by this Act and certain other ad hoc committees, councils and task forces. Approved June 23, 1976.
- S. F. 1337—Making an appropriation for funding of staff for the utilities division of the Iowa state commerce commission. Approved June 23, 1976.
- S. F. 1338—Providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof. Approved June 23, 1976.
- S. F. 1340—To amend the rules of civil procedure proposed by the supreme court. Approved June 23, 1976.
- S. F. 1341—To define certain additional substances as controlled substances. Approved June 23, 1976.
- S. F. 1343—Relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit system. Approved June 23, 1976.
- S. F. 1346—To revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission. Approved June 28, 1976, with the exception of Sec. 14, subsection 5. See Governor's item veto message.
- H. F. 324—Relating to abandoned vehicles. Approved June 23, 1976.
- H. F. 584—Relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of eco-

- conomic activities, providing for enforcement, and providing criminal and civil penalties. Approved June 28, 1976.
- H. F. 614—Relating to termination of parental rights and adoption and providing penalties. Approved June 28, 1976.
- H. F. 795—Relating to tuition paid to school districts. Approved June 23, 1976.
- H. F. 807—Relating to bonded agricultural warehouses. Approved June 23, 1976.
- H. F. 829—Relating to the administration of the Uniform Consumer Credit Code. Approved June 23, 1976.
- H. F. 909—Relating to the platting of land. Approved June 23, 1976.
- H. F. 914—Relating to retirement benefits for certain public employees engaged in public safety occupations and to make an appropriation. Approved June 28, 1976.
- H. F. 1026—Relating to the appointment of conservators for veterans. Approved June 23, 1976.
- H. F. 1038—Making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi River parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry commission. Approved June 18, 1976.
- H. F. 1123—Relating to noxious weeds. Approved June 23, 1976.
- H. F. 1165—Amending certain programs for elderly, handicapped and low income persons. Approved June 23, 1976.
- H. F. 1200—Relating to the assessment date, tax year, collection period, and delinquency dates of property taxes. Approved June 10, 1976.
- H. F. 1216—Appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance department. Approved June 23, 1976.
- H. F. 1277—Relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment, by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services. Approved June 26, 1976.
- H. F. 1332—Relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle. Approved June 26, 1976.

- H. F. 1346—Relating to disaster services and public disorders, specifying the powers and duties of the governor, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact. Approved June 23, 1976.
- H. F. 1371—Relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979. Approved June 20, 1976.
- H. F. 1390—Relating to civil damages for the taking of game or fur-bearing animals. Approved June 23, 1976.
- H. F. 1407—Relating to a vehicle anti-theft law and providing penalties. Approved June 23, 1976.
- H. F. 1432—Relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations. Approved June 28, 1976.
- H. F. 1442—To legalize and validate the proceedings of the board of directors of the Des Moines Area Community College (merged Area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto. Approved June 10, 1976.
- H. F. 1451—Relating to court reporters. Approved June 23, 1976.
- H. F. 1465—To establish district court administrators and to provide the funds therefor. Approved June 23, 1976.
- H. F. 1472—To change the requirements for awarding a permanent professional teachers' certificate. Approved June 23, 1976.
- H. F. 1477—Relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems. Approved June 23, 1976.
- H. F. 1478—Regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals. Approved June 26, 1976.
- H. F. 1480—Relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid

- railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties. Approved June 28, 1976.
- H. F. 1490—Relating to the licensing and regulating of the sale of eggs and providing a penalty. Approved June 28, 1976.
- H. F. 1497—Making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending. Approved June 23, 1976.
- H. F. 1502—Relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs. Approved June 18, 1976.
- H. F. 1503—Relating to the practice of nursing and providing for disciplinary procedures. Approved June 23, 1976.
- H. F. 1508—Relating to the registration of mobile homes. Approved June 23, 1976.
- H. F. 1512—Relating to the Iowa Consumer Credit Code. Approved June 23, 1976.
- H. F. 1514—Making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health authority. Approved June 28, 1976.
- H. F. 1519—To legalize the proceedings of the board of supervisors of Allamakee County in connection with contracts made for improvements to the Allamakee County Home and Allamakee County Court House. Approved June 10, 1976.
- H. F. 1539—To appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities. Approved June 18, 1976.
- H. F. 1547—To legalize and validate the proceedings of the board of directors of the Merged Area One Vocational School in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, state of Iowa, and the Dubuque County Commissioner of Elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and validity of taxes levied pursuant thereto. Approved June 10, 1976.
- H. F. 1558—Appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties. Approved June 20, 1976.

- H. F. 1564—Relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, relating to the date of delinquency for nonpayment of first-half property taxes due and payable in the fiscal year beginning July 1, 1976, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review. Approved June 28, 1976.
- H. F. 1565—To appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource programs. Approved June 20, 1976.
- H. F. 1567—Legalizing the proceedings for the sale of land by the North Scott Community School District. Approved June 10, 1976.
- H. F. 1568—Appropriating funds to the Iowa beer and liquor control department for capital improvements. Approved June 23, 1976.
- H. F. 1569—Making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems. Approved June 23, 1976.
- H. F. 1570—Transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation. Approved June 23, 1976.
- H. F. 1571—Making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation. Approved June 23, 1976.
- H. F. 1573—Relating to the membership, powers and duties of the legislative council and the legislative fiscal committee, creating a performance audit division and a fiscal division within the legislative fiscal bureau and specifying their powers and duties, and providing for legislative review of state agencies, and making an appropriation. Disapproved June 28, 1976. See Governor's veto message.
- H. F. 1574—To legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county. Approved June 4, 1976.
- H. F. 1575—To legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring

- the bonds issued pursuant to said proceedings to be enforceable obligations of said school district. Approved June 7, 1976.
- H. F. 1576—Relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976 and July 1, 1976 and approved in any special charter city which levies and collects its own taxes and making the Act retroactive. Approved June 10, 1976.
- H. F. 1579—Making an appropriation to the department of social services for capital improvement projects. Approved June 28, 1976.
- H. F. 1581—Relating to educational leaves of absence for school employees. Approved June 23, 1976.
- H. F. 1582—Relating to the issuance, continuance, and termination of contracts of school administrators. Approved June 23, 1976.
- H. F. 1583—Relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations. Approved June 20, 1976.
- H. F. 1584—Creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations. Approved June 28, 1976.
- H. F. 1588—Making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such funds. Approved June 23, 1976.
- H. F. 1589—Relating to and appropriating funds for programs for low income and elderly persons. Approved June 26, 1976.
- H. F. 1590—Relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations. Approved June 27, 1976.
- H. F. 1593—Relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an

emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities. Approved June 23, 1976.

GOVERNOR'S VETO MESSAGE

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

House File 1573, an Act relating to the membership, powers and duties of the legislative council and the legislative fiscal committee, creating a performance audit division and a fiscal division within the legislative fiscal bureau and specifying their powers and duties, and providing for legislative review of state agencies, and making an appropriation is hereby disapproved and in accordance with Article III, Section 16, Constitution of the State of Iowa, is hereby transmitted to the Secretary of State.

Accountability in government is a concept that is being and should be enthusiastically supported. At all levels of government, people are demanding that their government provide them with economical, efficient and dependable service in a responsible manner. I believe that House File 1573 was conceived in an attempt to reflect this mood.

Perhaps the more notable provision of House File 1573 is the mandate for periodic legislative review of state agencies. This requirement for periodic review with subsequent termination of agencies unless affirmative reenactment into law has been given the sobriquet of a "sunset" law. The Iowa version of the sunset law would require the legislature to take the time to assess continued existence of state agencies every six years with an equal number of agencies being reviewed each year. During the review process, each agency would be subject to a report prepared by the newly established Performance Audit Division of the Legislative Fiscal Bureau and the scrutiny of a public hearing. Unless the legislature would reenact the agencies under review, the authorizing statute for the agency would be repealed automatically the following year.

The Iowa legislature certainly was not bashful in embracing the sunset law concept. Rather than starting out in a limited fashion or phasing into an effective review process, our legislature, unlike Colorado's, would require

almost every state agency to go through the review process. In addition to regulatory and licensing boards, the bill directs that such vital and long-standing essential agencies as the Board of Regents, the Department of Revenue, the Conservation Commission, and the Board of Health be included. Departments with far-ranging programs, intricate operations, and detailed statutory authorizations would be subject to automatic repeal.

A comprehensive and thorough review and analysis of these large state agencies certainly would be a monumental task. In 1977 alone, the bill mandates that 13 different state agencies, including the Board of Regents, would be subject to the sunset provision. All of this review and analysis would be done by an agency with a \$50,000 budget.

Even if the limited staff arrangement could accomplish the initial review, the necessity for the legislature to reauthorize each and every agency unnecessarily would prolong the already too long legislative sessions. The drawn-out debate that is sure to result from this sunset provision could be the crowning blow to the hope of preserving a citizen's legislature in Iowa. Undoubtedly, the resignation of incumbent legislators due to the ever-increasing burden of legislative service would become an even more common occurrence if House File 1573 were signed into law.

As the legislature would experience a shift in roles due to the sunset provision, our state agencies, too, would be forced to shift some of their operations. With that constant threat of extinction staring them in the face, state agencies would be required to invest tremendous amounts of time, effort, and other valuable tax-funded resources to public relate for their existence every six years. Actions of an agency could easily shift from an emphasis on quality service to a concern of how it would appear to legislators. In addition to shifting resources away from providing services to the public, agencies would be subjected to the vagaries of the legislative process. Every agency could find itself confronted with the prospect of less than rational actions during the closing days of a legislative session.

The way the sunset provision of House File 1573 was enacted could also lead to some undesirable side effects. Because agencies which issue bonds, such as the Housing Authority and the Board of Regents, would be faced with the prospect of abolishment, their ability to sell bonds in a competitive market would be jeopardized. In addition, the principle of academic freedom at the Regents' universities could be subject to improper legislative intrusion into curriculum or academic staff matters.

Our legislature, of course, already has "sunset" power. Every year the legislature has the opportunity to review and authorize or refuse to authorize the continued existence of every state agency. Unfortunately, to date, the Iowa legislature has not established much of a track record in using its review and termination powers. Just this year the legislature refused to allow the Energy Policy Council to expire and instead extended its life for another two years and added two more members. Many legislators have fought efforts to reorganize and consolidate agencies such as the Department of Transportation and the Employment Security Commission. And this legislature even created new state agencies such as the Court of Appeals, the Voter Registration Commission, the Birth Defects Institute, the Spanish-speaking Peoples Commission and the Board of Speech Pathology and Audiology Examiners. The record of this and previous legislatures makes one wonder after all the time, money, and effort were expended, how sympathetic legislators would be to the sunset concept when the time came for implementation.

The sunset concept has a popular tone in this day and age. One of its strong proponents, Common Cause, calls it a mechanism "to give public officials and citizens a handle on big government." At the same time, however, Common Cause voices some strong caveats. In recent testimony before the United States Senate, Common Cause Chairman, John Gardner, advocated that the sunset mechanism should be phased in gradually, beginning with programs to which the concept most readily seems applicable. Most importantly, Common Cause advocates primarily licensing and regulatory boards. In addition, Gardner recommended that programs and agencies in the same policy area should be reviewed simultaneously in order to encourage consolidation and responsible pruning. House File 1573 reviews nearly all state agencies in a very random fashion. Unlike the manner by which the sunset concept would be implemented in Iowa, Common Cause emphasizes cautious and judicious implementation.

While the sunset provision perhaps overshadows the rest of House File 1573, the original thrust of this bill was to provide legislators with a special performance auditing capacity. The bill creates a Performance Audit Division within the Legislative Fiscal Bureau for the purpose of securing some different accountability and responsiveness from state agencies.

As indicated earlier, a grand total of \$50,000 was appropriated to initiate all the new programs of this Act which includes the Performance Audit Division. This amount would hardly provide even a minimal staff and support to accomplish the kind of performance that I believe legislators envision. I might add that it has been my experience that few legislators agree to the same definition of the goals which they hope performance auditing will secure for them.

A close examination of House File 1573 reveals that the Performance Audit Division is empowered to do things that can already be accomplished under Iowa law. Chapter 2 of the Iowa Code authorizes the Legislative Fiscal Committee, through the Legislative Fiscal Bureau, to conduct performance audits. In addition, Chapter 11 of the Code directs the State Auditor in his annual audits of state agencies to speak to similar concerns. In fact, every authorization granted to the Performance Audit Division in House File 1573 can be found in existing law. Considering that one of the objectives of performance auditing is to reduce overlapping and duplication, such a Performance Audit Division might keep itself busy examining itself for duplicative efforts.

One authority granted the Performance Audit Division has some uninviting overtones to it. The bill directs that "the performance auditor and employees of the performance audit division shall at all times have access to any state agency . . . and to all books, records, and other instrumentalities and properties used in the performance of statutory duties." Such strong language would indicate that little, if anything in a state agency would be immune to the scrutiny of the Performance Audit Division staff. Conceivably even my budget documents and State of the State Messages could be subject to this review prior to their release. And given the fact that the bill defines state agency as "any state office, department, board, bureau, commission or other public or private agency supported in full or in part by state appropriations," a number of private concerns might fall under the same type of scrutiny. We in the Executive Branch have no hesitancy in responding to any legitimate request by the members or staff of the legislature. However, under no circumstances, will we subject ourselves and our agencies to fishing expeditions that could be conducted under this authority.

As I indicated earlier, the performance auditing provisions of House File 1573 accomplish little more than what can be secured under existing law. The chief legislative sponsor of performance auditing has urged my veto of this bill partly because of this. He recognizes that this is more of a window-dressing effort than a substantive approach. Recognizing the imperfections of the sunset provision of House File 1573 and the ineffectiveness of the performance auditing provision, I find little reason to sign this measure into law.

It is paradoxical that in a bill which gives the legislature no more authority than they already have, the legislature would create a new bureaucracy in an effort to reduce existing bureaucracies. I wholeheartedly support any legitimate and responsible effort to reduce the size and cost of state government. I welcome any suggestions legislators might have on how to improve our operations. Together the executive and legislative branches must strive to make state government as efficient and accountable to the citizenry as possible. House File 1573 does not measure up to the task.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S ITEM VETO MESSAGES

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1221, an Act relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

Senate File 1221 is approved June 28, 1976, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as paragraph "b" of Subsection 2 of Section 1 which reads as follows:

"b. For salaries, support, maintenance and miscellaneous purposes of the uniform commercial code division in performing records searches\$38,700."

I am unable to approve the item designated as Section 4 which reads as follows:

"Sec. 4. Section five hundred fifty-four point nine thousand four hundred seven (554.9407), Code 1975, is amended to read as follows:

554.9407 INFORMATION FROM FILING OFFICER.

1. If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

2. Upon *written* request of any person, the filing officer shall issue his or her certificate showing whether there is on file on the

date and hour stated therein, any presently effective financing statement naming a particular debtor and any *financing* statement [of assignment thereof] *changes* and if there is, giving the date and hour of filing of each such [statement] *filing* and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed *financing* statement or *financing* statement [of assignment] *changes* for a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the secretary of state shall respond by phone stating whether there is on file on the date and hour upon which the request is made any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, stating the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

[3] 4. Charging no more than a reasonable estimate of cost, in his or her discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

[a. subscription telephone service;

b. subscription]

a. Subscription daily, weekly or monthly written summaries; or

[c. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files; and

d. any]

b. Any other appropriate method of disseminating information.

However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

- a. *Subscription telephone service;*
- b. *Subscription daily, weekly or monthly written summaries;*
- c. *Granting suitable space for the preparation of written summaries and the provision of telephone service; or*
- d. *Any other appropriate method of disseminating information.*

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, a county, a county recorder, and their employees and agents are immune from liability as a result of errors or omissions in information or assistance concerning the secretary of state's or a county recorder's public files supplied [pursuant to this subsection] by them to any person.

7. *Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."*

The substantive portion of these items imposes a new duty upon the Secretary of State's Uniform Commercial Code (UCC) Division filing officer in the form of a telephone search service and provides an appropriation of \$38,700 to perform the service. In addition, the items prohibit the Secretary of State from making space or services available to any person for examination and preparation of summaries of the UCC files other than the space and services required under the Open Records Law.

Presently, the filing officer of the UCC Division of the Secretary of State's Office does not provide a telephone search service. Instead, the Secretary of State's Office has contracted with a private firm, Iowa Public Records Search, Inc., to provide the telephone search service and subsequent written confirmations. If Senate File 1221 is signed into law without exception, state government will assume the telephone search task presently being accomplished by the private enterprise.

For a number of reasons it appears unlikely that state government would be able to provide service in this area in an improved manner over what is now available by private enterprise.

- The items in Senate File 1221 direct that a uniform fee of \$4 be charged for each individual telephone search. This compares with the \$3 fee presently being charged by the private firm.
- The items in Senate File 1221 mandate that all fees must be pre-paid before a person may utilize the telephone search service. The private firm requires no prepayment.
- Since the Secretary of State and his employees are immune from liability by law, except for willful negligence, the users of the telephone search service will no longer have the protection of the errors and omissions insurance presently maintained by the private firm.
- The UCC Division filing officer will not provide as much information, e.g. collateral itemization, to telephone search requests as the private firm currently does.

I understand the primary reason for the move to preempt the private firm from continuing its activities was the dissatisfaction felt by some with the service being provided. While this once may have been the case, the concern over the quality of service has apparently been resolved. The Secretary of State's Office informs me that they are pleased with the capable and efficient service being provided by the private firm. In addition, I am told that no complaints about the service have been received by the

Secretary of State's Office for more than a year. Even one of the chief sponsors of the effort to replace the private firm admits that the complaints about the poor service have subsided to a large extent.

Therefore, I see little reason for the changes contained in these items. Accordingly, I disapprove these two items of Senate File 1221 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1221 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
Local

Dear Mr. Secretary:

I hereby transmit Senate File 1346, an Act to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

Senate File 1346 is approved June 28, 1976, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Subsection 5 of Section 14 which reads as follows:

"5. For the purposes of this section, labor unions or any group organized as a collective bargaining unit shall not be deemed to be a corporation, however contributions and expenditures made by a labor union or a group organized as a collective bargaining unit in support of or opposition to a candidate or ballot issue shall be subject to the disclosure requirements of this chapter."

This item makes legal in Iowa any direct transfer of funds from labor union treasuries to candidates, candidates' committees, or any other political committees. For the first time Iowa law would specifically authorize labor unions to contribute directly their assets to state and local campaigns.

Business corporations in Iowa have long been prohibited from contributing "any money, property, labor, or thing of value, directly or indirectly" to political campaigns. On the other hand, Iowa law has been silent up to now on union contributions for political purposes. Since 1925 federal law has prohibited contributions or expenditures by corporations *and* labor organizations to federal political campaigns. 18 U. S. C., section 610, has provided:

"It is unlawful . . . for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident

Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."

The Federal Election Campaign Act Amendments of 1976 recodified the foregoing section to provide for the establishment and operation of political action committees by corporations and labor unions. To bring Iowa law into accord with the new federal law, the legislature provided in Senate File 1346 the authority for corporations to establish political action committees in Iowa for state and local campaigns.

But our legislature went further and attached the item in question to Senate File 1346 to exempt unions from the restrictions Iowa law places on corporations.

As a result, labor unions, whether incorporated or not, would be able to use union dues and any other union funds to make direct contributions to the campaigns of candidates in Iowa. This is something they cannot do under federal law. And it is something corporations cannot do under *either* federal or state law.

Federal law treats unions and corporations in a similar manner regarding campaign contributions. Iowa law can be made more consistent and treat both in a like fashion by removing Subsection 5 of Section 14 of Senate File 1346. Of course, labor unions and corporations and their individual members and stockholders will still be able to contribute to political campaigns individually or through their political action committees.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1346 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

June 2, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1285 was published in the Lake Mills Graphic, Lake Mills, Iowa, May 26, 1976, and in the Grinnell Herald-Register, Grinnell, Iowa, May 24, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 8, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1233 was published in the Carroll Daily

Times Herald, Carroll, Iowa, May 26, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, May 28, 1976.

I further certify that House File 1492 was published in The Daily Gate City, Keokuk, Iowa, May 20, 1976, and in the Cherokee Daily Times, Cherokee, Iowa, May 13, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 9, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1124 was published in the Quad-City Times, Davenport, Iowa, May 25, 1976, and in the Lake Mills Graphic, Lake Mills, Iowa, May 26, 1976.

I further certify that House File 628 was published in The Fremont Gazette, Fremont, Iowa, May 27, 1976, and in The Record, Cedar Falls, Iowa, May 29, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 15, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1520 was published in the Iowa City Press-Citizen, Iowa City, Iowa, May 28, 1976, and in The Marion Sentinel, Marion, Iowa, May 27, 1976.

I further certify that House File 1574 was published in The Nevada Evening Journal, Nevada, Iowa, June 10, 1976, and in The Progress-Review, LaPorte City, Iowa, June 9, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 21, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1279 was published in The Cedar Valley Daily Times, Vinton, Iowa, May 25, 1976, and in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa, May 27, 1976.

I further certify that House File 1575 was published in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa, June 10, 1976, and in The Toledo Chronicle, Toledo, Iowa, June 9, 1976.

I further certify that House File 1576 was published in the Quad-City Times, Davenport, Iowa, June 15, 1976, and in the Charles City Press, Charles City, Iowa, June 14, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 23, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1291 was published in The Guthrie County Vedette, Panora, Iowa, June 17, 1976, and in The Bagley Gazette, Bagley, Iowa, June 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 28, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1519 was published in the Postville Herald, Postville, Iowa, June 16, 1976, and in The Waukon Democrat, Waukon, Iowa, June 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 13, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 1223 was published in The Hudson Herald, Hudson, Iowa, June 17, 1976, and in The Anthon Herald, Anthon, Iowa, June 16, 1976.

I further certify that House File 1442 was published in the Pella Chronicle, Pella, Iowa, June 16, 1976, and in the Patriot-Chronicle, What Cheer, Iowa, June 17, 1976.

I further certify that House File 1547 was published in The Decorah Public Opinion, Decorah, Iowa, June 29, 1976, and in The Clayton County Register, Elkader, Iowa, June 30, 1976.

I further certify that House File 1567 was published in The North Scott Press, Eldridge, Iowa, June 17, 1976, and in the Dyersville Commercial, Dyersville, Iowa, June 17, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

July 20, 1976

Mr. Steven C. Cross
Secretary of the Senate
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 1200 was published in The Daily Freeman-Journal, Webster City, Iowa, June 16, 1976, and in The New Iowa Bystander, West Des Moines, Iowa, June 17, 1976.

I further certify that House File 1589 was published in the Quad-City Times, Davenport, Iowa, July 9, 1976, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa, July 8, 1976.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

APPOINTMENTS ANNOUNCED AFTER CLOSE OF SESSION

President Neu, pursuant to Section 2A.1, 1975 Code of Iowa, announced the reappointment of J. Duane Mortensen, Dubuque, Iowa, as a member of the Iowa Commission on Compensation, Expenses and Salaries for Elected State Officials, for a regular five-year term ending June 30, 1981.

President Neu announced the following appointment to fill the vacancy created by the resignation of Senator W. R. Rabedaux: Senator Calvin O. Hultman to the Senate Committee on Rules and Administration and the Joint Subcommittee on Administration to study compensation of officers and employees.

IN MEMORIAM

Senate

AUGUSTINE, A. EARL.....Mar. 10, 1890—Nov. 16, 1975

BEKMAN, ELMER K.....Aug. 18, 1900—Jan. 29, 1976

BELL, ANDREW B.....Dec. 7, 1886—Jan. 24, 1976

A. EARL AUGUSTINE

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable A. Earl Augustine, begs leave to submit the following memorial:

A. Earl Augustine was born at Delta, Iowa, March 10, 1890, and lived to be 85 years of age.

A native of Mahaska County, Mr. Augustine attended high school in Delta, and attended William Penn College and the University of Iowa.

Mr. Augustine was elected state senator from Mahaska County in 1936 and served in the Iowa Senate through 1951. He was Democratic floor leader of the Senate for four sessions, and was a candidate for governor in 1942.

Mr. Augustine spent 18 months in the Soviet Union in 1930 and 1931 as an agricultural expert. He supervised a large swine farm there and taught Russians to raise hogs as they were raised in Iowa.

He died in Oskaloosa, Iowa, on November 16, 1975, and is survived by a son, Albert Augustine of Des Moines; a daughter, Ruth Sherman of La-Crosse, Wisconsin; eight grandchildren and five great-grandchildren. His wife, Ruth, and two sons preceded him in death.

Therefore, Be It Resolved by the Senate of the Sixty-sixth General Assembly of Iowa: That in the passing of the Honorable A. Earl Augustine, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

BASS VAN GILST, Chairperson
EUGENE M. HILL
FORREST V. SCHWENGELS
Committee

The resolution was unanimously adopted.

ELMER K. BEKMAN

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Elmer K. Bekman, begs leave to submit the following memorial:

Elmer K. Bekman was born at Alton in Sioux County, Iowa, on August 18, 1900, the son of John and Cornelia Bekman. He graduated from Alton High School.

He received officer's training at Fort Sheridan, Illinois, and was commissioned as a Second Lieutenant in the Infantry in World War I. He attended the University of Iowa where he received a bachelor of arts degree in 1921 and bachelor of laws degree in 1923. Mr. Bekman was then admitted to the bar and engaged in the general practice of law in Ottumwa in Wapello County. For three terms, from 1927 to 1932, he was elected to serve as

Wapello County Attorney. He was a member of the Iowa State and Wapello County Bar Associations.

On June 18, 1924, he married Grace E. Redfield of Mason City in Cerro Gordo County. They had one daughter, Louise Bekman Larew, who now lives in Iowa City.

Mr. Bekman was first elected to the Iowa Senate in November, 1938. He served in the Forty-eighth, Forty-ninth, Fiftieth Extraordinary, Fifty-first, Fifty-second, Fifty-second Extraordinary, Fifty-third, Fifty-fourth and Fifty-fifth General Assemblies. While a member of the General Assembly he was chairman of the Social Security, Judiciary and Insurance Committees. In his long service as a legislator, Senator Bekman also served as a member of many other committees and was instrumental in the adoption of important legislation. He was also a member of the Pioneer Lawmakers Association.

Mr. Bekman was a member of the First United Presbyterian Church in Ottumwa, the past president of the Wapello County Historical Association, a former trustee for Parsons College in Fairfield, a former board member of the Westminster Foundation in Iowa City, and a member of Barracks 1510 of World War I Veterans.

He died at Ottumwa on January 29, 1976, at the age of 75 and is survived by his wife and daughter, three grandchildren, one brother and one sister.

Therefore, Be It Resolved by the Senate of the Sixty-sixth General Assembly of Iowa: That in the passing of the Honorable Elmer K. Bekman, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

GENE W. GLENN, Chairperson
FORREST V. SCHWENGELS
BASS VAN GILST

Committee

The resolution was unanimously adopted.

ANDREW B. BELL

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Andrew B. Bell, begs leave to submit the following memorial:

Andrew B. Bell was born in Aspinwall, Crawford County, Iowa, December 7, 1886. Reared on a farm in the same county, he attended Denison Normal College, from which he was graduated in 1909. Later he attended the State University of Iowa and was graduated from the Law Department of Drake University in 1912.

On February 12, 1929, Mr. Bell was married to Clara Curry of Denison. They had one son, Robert. Mr. Bell's wife predeceased him in 1957.

Mr. Bell was elected County Attorney of Crawford County the same year of his graduation from law school and held that office for 20 years, retiring therefrom to become a candidate for state senator. During his 20 years acting as county attorney, he was also actively engaged in the general practice of law in Denison. Two major cases that he prosecuted as county attorney were the Voss forgery case and the Farm Holiday group. The latter case attained national prominence and was carried in newspapers in England, France and Germany. The National Guard was called out by Governor Clyde Herring and guards came from Red Oak and Council Bluffs. The 300 guardsmen were armed with bayonets and loaded guns and the county was under martial law for seven or eight weeks.

Andrew Bell was elected to the Iowa Senate from the Thirty-fourth District, comprising Crawford, Monona and Harrison Counties in 1933. He served during the Forty-sixth, Forty-sixth Extraordinary and Forty-seventh General Assemblies. While serving as state senator, he sponsored the home-
stead exemption bill, which became law. He was also appointed by Governor Kraschel to a committee to investigate the state liquor commission.

Mr. Bell passed away January 24, 1976, at the age of 89 years. He is survived by his son, Robert Andrew, and two grandsons, Robert and James.

Therefore, Be It Resolved by the Senate of the Sixty-sixth General Assembly of Iowa: That in the passing of the Honorable Andrew B. Bell, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

LOUIS P. CULVER, Chairperson
WILLIAM E. GLUBA
ELIZABETH SHAW

Committee

The resolution was unanimously adopted.

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 Committee appointments—1430, 1813, 2236, 2255, 2341
 Investigating committee appointments—48, 49, 52, 53, 54, 60, 61, 145, 886, 1175, 1659
 Investigating committee reports—235, 236, 308, 337, 436, 504-505, 625, 960, 1036, 1294, 1364, 1625, 1977-1978, 1978
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petitions presented—1371
 Presided at sessions of the Senate—618, 1965
 Reports—73-74, 146, 284-285, 308, 340-342, 534, 607, 615-616, 841, 924-946, 1036-1037, 1155, 1330-1331, 1408-1411, 1764, 1891, 1979, 1996, 1996-1997, 2220-2222, 2255, 2311-2312, 2377-2379
 Resigned as chairperson of second conference committee on HF 614—2219
 Resolutions offered—2254-2255
 Subcommittee assignments—93, 132, 201, 309, 437, 438, 549, 637, 758, 854, 1082, 1249, 1660

GOVERNOR RAY, ROBERT D.—

Committee to notify—3
 Committee to escort—34
 Resolution relating to State of the State and Budget Message, HCR 101—26 adopted

State of the State and Budget Message—35-44
 Addressed joint convention—35-44, 1191
 Presented John W. Warner, Administrator of the American Revolution Bicentennial Administration—1191
 Communications from—3-24, 79, 120, 265, 498, 833-834, 870, 1105, 1247-1248, 1327, 1481-1489, 1634-1635, 1806-1807, 1933, 2093-2094, 2536-2538
 Bills signed by—116, 308, 402, 471-472, 548-549, 636, 664, 757, 806, 825-826, 836, 871-872, 973, 1001, 1016-1017, 1092, 1175, 1222, 1329, 1364-1365, 1497, 1807-1808, 1838, 1890, 1940, 1978-1979, 2135-2136, 2223-2224, 2280-2281, 2487-2488, 2539-2546
 Item veto messages—1482-1489, 2550-2554
 Veto messages—1215-1216, 1341, 2547-2550
 Closing message—2536-2538

GRIFFIN, SR., JAMES W.—Senator Fiftieth District

Bills introduced—1024, 1078*, 1110*, 1115, 1135*, 1182, 1213, 1294*
 Amendments filed—160, 221-228, 237-239, 256-259, 294-295, 473-476, 510, 535, 827-828, 877-878, 948-949, 963, 977-978, 1019-1020, 1020, 1021, 1039-1067, 1177-1182, 1314, 1368-1369, 1411-1412, 1707-1708, 1730-1735, 1768, 1891, 1941, 2063, 2225, 2226, 2323-2324, 2416, 2492
 Amendments offered—215, 243, 582, 661, 905, 988-989, 1005-1006, 1009, 1010, 1823-1824, 2346, 2458
 Amendments withdrawn—430, 989, 1824, 1869, 2465
 Call of the Senate—860
 Committee appointments—3
 Investigating committee appointments—51, 53, 56, 58, 59, 145
 Investigating committee reports—235, 362, 363, 436, 584-585, 825, 835-836, 960, 1000, 1406-1407, 1430
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petitions presented—2021
 Presided at sessions of the Senate—1702
 Subcommittee assignments—93, 132, 201, 1154, 1330
 Official delegate to represent Senate at funeral services for Representative James T. Caffrey—1508

HANSEN, WILLARD R.—Senator Eighteenth District, Assistant Minority Floor Leader

Bills introduced—1049, 1077, 1104, 1115, 1120, 1163*, 1164*, 1181, 1185*, 1213, 1214*, 1339*
 Amendments filed—177-178, 218-220, 366-369, 372, 592, 628, 947, 948-949, 964, 1094, 1413-1416, 1431-1441, 1443, 1730-1735, 1943, 2137, 2323-2324, 2490-2491
 Amendments offered—243-246, 390, 393, 423, 723-724, 725, 1133-1135, 1490
 Amendments withdrawn—243, 1074
 Call of the Senate—857-858, 860, 1797-1798, 2494
 Committee appointments—2009, 2271, 2287
 Corrected amendment filed with explanation—1622-1625
 Explanation of amendment—1622-1625
 Investigating committee appointments—49, 53, 54, 55, 58, 59, 61, 145, 1347, 1659
 Investigating committee reports—236, 308, 362, 435, 626, 806-807, 825, 1221-1222, 1222, 1978, 2016-2017
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar 1973-1974
 Petitions presented—795, 950
 Presided at sessions of the Senate—972
 Reports—2056, 2281
 Subcommittee assignments—92, 437, 637, 759, 1082, 1154, 1249

HEYING, H. L.—Senator Eighth District

Bills introduced—1036, 1058*, 1076*, 1091, 1181, 1182
 Amendments filed—159, 314-315, 591, 627, 760, 948-949, 964, 1176-1177, 1296, 1296-1297, 1476, 1498-1499, 1981-1982, 2101, 2101-2102, 2137-2138, 2323-2324
 Amendments offered—130, 736, 771, 1187, 2014
 Appointed to Capitol Planning Commission—360
 Committee appointments—3, 1120
 Investigating committee appointments—48, 50, 53, 54, 55, 56, 57, 58, 59, 145, 887, 2094
 Investigating committee reports—144, 251, 284, 308, 323, 361, 362, 436, 533, 584-585, 1000, 1977, 2223
 Memorial Resolution for Karla Kruse—1120-1121
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—1946
 Presided at sessions of the Senate—1034, 2477
 Reports—105, 106, 141, 826, 1117, 1295-1296, 1296, 2224-2225, 2316-2319
 Subcommittee assignments—92, 93, 854, 974, 1660, 1995
 Thanked Mary Parker and Bessie Bagley for Easter display—1318

HILL, EUGENE M.—Senator Thirty-fifth District

Bills introduced—J.R. 1002*; 1036, 1091
 Amendments filed—292, 418-419, 509, 537-538, 538-539, 841-842, 1038, 1204, 1205, 1206, 1223, 1441, 1648, 1689-1690, 1707-1708, 1729-1730, 1730, 1730-1735, 1891-1892, 1981, 2097-2101, 2387-2388
 Amendments offered—103, 266, 318, 426, 581, 661, 981, 988, 989, 1103, 1150, 1492, 1506, 1644, 1680, 1926, 1971, 2104, 2191, 2300-2301, 2301, 2301-2302, 2347-2351, 2451-2458, 2465-2468
 Amendments withdrawn—1375, 1643, 1758, 1799, 2351
 Call of the Senate—1797-1798
 Committee appointments—3, 2241, 2271, 2437, 2535
 Investigating committee appointments—46, 48, 51, 54, 55, 56, 57, 58, 61, 145
 Investigating committee reports—144, 250, 251, 337, 362-363, 403, 436, 572, 607, 625, 959, 974, 1081
 Memorial committee appointments—336
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—119, 124, 134, 242, 264, 454, 611, 1096, 1097
 Reports—77, 159, 251-252, 607, 607-608, 841-846, 1155-1156, 1202, 1203, 1626-1627, 1891, 2272, 2313-2316, 2437, 2442-2443, 2471-2477
 Subcommittee assignments—93, 132, 201, 309, 437, 549, 550, 637, 638, 758, 759, 854, 1153, 1249, 1407
 Presented Ruth Van Gorp, Queen of Pella's Forty-first Annual Tulip Time Festival—1423

HILL, PHILIP B.—Senator Thirty-third District

Bills introduced—1013*, 1043*, 1077*, 1212*, 1317*
 Amendments filed—78, 369, 417-418, 439-440, 453, 553-554, 555, 609, 793, 855, 1094, 1444-1475, 1476, 1691, 1841-1843, 2171-2172, 2172
 Amendments offered—80, 151-152, 446, 449, 559, 602, 686-687, 689, 715, 797, 803, 820, 823, 868, 1288, 1402, 1742-1745, 1800-1801, 1852-1853, 1858, 1953-1954, 2054, 2076, 2117-2118, 2191
 Amendments withdrawn—471, 823, 2291
 Call of the Senate—2344-2345, 2428
 Committee appointments—802, 1217, 2296, 2535

Investigating committee appointments—47, 48, 51, 52, 53, 54, 57, 59, 145, 360, 886, 1347
 Investigating committee reports—174, 191, 235, 361, 362-363, 505, 607, 625, 626, 757, 1093, 1625, 2016-2017
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petitions presented—231, 454, 556
 Presided at sessions of the Senate—382, 620, 1427, 2110
 Reports—1329
 Resolutions offered—80
 Rulings—2115
 Subcommittee assignments—93, 133, 201, 438, 549, 550, 637, 759, 974, 1082, 1153, 1154, 1330, 2156
 Official delegate to represent Senate at funeral services for Representative James T. Caffrey—1508

HULTMAN, CALVIN O.—Senator Forty-ninth District

Bills introduced—J.R. 1005; 1001*, 1002*, 1003*, 1004*, 1014*, 1036, 1043, 1104*, 1107, 1108, 1111*, 1115, 1129, 1181
 Amendments filed—123, 160, 237-239, 240-241, 536, 537, 575, 627, 628, 665-666, 874, 948-949, 976-977, 1038-1039, 1277, 1314, 1368, 1411-1412, 1628, 1720-1735, 1768, 1843-1844, 1904-1906, 2017-2019, 2137, 2138, 2225, 2323-2324
 Amendments offered—168, 170, 357, 395, 421, 658, 659-660, 660, 662, 685, 720, 721, 722, 953, 1012, 1024, 1234, 1374-1375, 1884-1885, 1914-1915, 1926-1927, 2030, 2091, 2501
 Amendments withdrawn—655, 658, 724, 1234, 2086, 2353-2354, 2354, 2434
 Announcements—2429
 Call of the Senate—860, 2344-2345, 2428
 Committee appointments—604, 2192, 2254
 Investigating committee appointments—47, 51, 52, 55, 56, 58, 59
 Investigating committee reports—144, 174, 250, 283-284, 284, 337, 532, 533, 607, 701, 757-758, 1201, 1811
 Petitions presented—33, 119, 134
 Presided at sessions of the Senate—1073, 1074, 1136, 1421, 1481, 1813, 2429, 2494
 Received consent to be recorded as voting "aye", SF 1092—1859
 Reports—2254, 2281-2282
 Resolutions offered—33
 Rulings—1077
 Subcommittee assignments—92, 93, 132, 854, 1082
 Read and presented resolution extending best wishes to Senator Rabe-deaux, retiring—2434
 Escorted Monty and Marshall King, Treynor, 1976 Heart Fund Representatives—27

HUMAN RESOURCES, COMMITTEE ON—

Bills introduced—1067, 1230, 1242, 1255, 1299, 1301, 1307, 1308
 Amendments filed—310-314, 340-342, 534, 607, 924-946, 1155, 1331, 1408-1411, 1996, 1996-1997
 Amendments offered—518, 622-623, 632, 710-714, 1158, 1198, 1911, 2076
 Amendments withdrawn—518, 709
 Reports—284, 340-342, 534, 607, 841, 924-946, 1155, 1330-1331, 1408-1411, 1891, 1979, 1996
 Resolutions offered—2447-2448
 Subcommittee assignments—93, 133, 146, 201, 309, 437, 438, 549, 550, 759, 854, 1082, 1407, 1995

INTERIM COMMITTEES—

(See also Legislative Council and/or Study Committees)
 Resolution relating to, SCR 121—2448-2449, 2529-2530 adopted

INVESTIGATING COMMITTEES—Governor's Appointments—

Committee to—46-61, 145-146, 360, 886-887, 1175, 1347, 1659, 2094

Reports—140, 144, 158, 174, 191, 235-236, 250-251, 283-284, 308, 337-338, 361-363, 402-403, 435-437, 472-473, 504-505, 532-533, 572, 584, 607, 625-626, 663, 701, 757, 806-807, 824-825, 835-836, 908, 959-960, 973-974, 1000, 1016, 1036, 1081, 1092-1093, 1200-1201, 1221-1222, 1294, 1313, 1328, 1347-1348, 1364, 1386, 1430, 1497-1498, 1625, 1704, 1764, 1977-1978, 2016-2017, 2135, 2223

Reports called up—324-331, 349-352, 376-378, 455-463, 479-486, 512-515, 541-543, 577-580, 612-613, 614-615, 653-655, 678-680, 707-708, 732-734, 739-740, 750, 768-770, 795-797, 809-810, 830-833, 966-970, 1084-1088, 1112-1113, 1143-1147, 1257-1260, 1301-1302, 1322-1323, 1337-1340, 1353-1357, 1398-1399, 1420-1423, 1667-1670, 1811-1813, 1849-1850, 1928-1932, 1946-1950, 1999-2001, 2022-2024, 2066-2069, 2141-2142, 2143-2144, 2185-2187, 2236-2238, 2285-2287, 2302-2306

IOWA AMERICAN REVOLUTION BICENTENNIAL COMMISSION—

Resolution relating to, HCR 120—1119, 1151 adopted

JOINT CONVENTIONS—

Resolutions relating thereto:

House Concurrent Resolution 101—26 adopted

House Concurrent Resolution 106—353 adopted

House Concurrent Resolution 120—1119, 1151 adopted

State of the State and Budget Message of Governor Robert D. Ray—35-39

Lincoln's Birthday—379-382

American Revolution Bicentennial Message—1191-1194

JUDICIARY, COMMITTEE ON—

Bills introduced—1055, 1092, 1102, 1139, 1150, 1151, 1167, 1172, 1196, 1233, 1253, 1269, 1271, 1272, 1279, 1280, 1291, 1306, 1340, 1341, 1344

Amendments filed—122, 638-643, 785, 975, 978, 1177-1182, 2166

Amendments offered—777, 814, 1029-1030, 1100, 1236, 2194, 2245

Reports—122, 309, 573, 638-643, 759, 785, 855, 975, 1176, 1626, 2165-2167

Resolutions offered—2150

Subcommittee assignments—92, 93, 132, 133, 200, 201, 309, 438, 549, 550, 637, 638, 758, 759, 760, 854, 974, 1154, 1330, 2156

JUNKINS, LOWELL L.—Senator Forty-third District

Bills introduced—1008, 1081, 1099, 1101, 1181*, 1182*, 1183*, 1184*

Amendments filed—237-239, 260, 369, 760-761, 761-762, 792, 1203-1204, 1204, 1205, 1250, 1277, 1313-1314, 1389-1390, 1443, 1444-1475, 1629, 1630, 1707-1708, 1735, 1735-1736, 1736, 1768, 1809, 1845-1846, 2102, 2323-2324

Amendments offered—266-268, 397, 1186, 1211, 1237, 1325, 2008, 2033

Call of the Senate—2439-2440

Committee appointments—604, 2192, 2241, 2254, 2489

Investigating committee appointments—47, 48, 51, 52, 54, 55, 59, 145, 886, 2094

Investigating committee reports—144, 158, 174, 191, 337, 437, 533, 757, 806, 835-836, 1105, 1294, 1328, 1386, 2135

Petitions presented—164, 375, 594, 611, 2021

Presided at sessions of the Senate—1402, 1679, 2352

Received consent that William H. Huff, III, Commissioner of Insurance remain in Senate chamber as consultant, SF 1310—1480

Reports—81, 339-340, 364, 473, 585, 807, 837, 1083, 1249, 1295, 1647-1648, 2096, 2254, 2272, 2281-2282, 2313-2316, 2316

Subcommittee assignments—93, 132, 133, 200, 309, 437, 438, 439, 550, 637, 759, 854, 974, 1153, 1154, 1249, 1330, 1659, 1660, 1995

KELLY, E. KEVIN—Senator Twenty-fifth District

Bills introduced—1024, 1115, 1173*, 1174*, 1175*, 1176*, 1177*, 1227, 1236*
Amendments filed—146, 237-239, 285-291, 369, 404-416, 667-668, 668, 669, 747-748, 792, 1039-1067, 1106, 1106-1108, 1442-1443, 1648-1649, 1730-1735, 2019, 2231-2234
Amendments offered—154, 354, 425, 688-689, 770-771, 1122, 1378, 1491, 1507, 2009, 2044-2045, 2309, 2459-2462
Committee appointments—1909, 1989, 2192, 2254, 2327
Investigating committee appointments—51, 52, 53, 54, 55, 58, 59, 61, 145
Investigating committee reports—251, 337, 572, 625, 757, 1036, 1105-1106, 1328, 1704
Presided at sessions of the Senate—1495, 2520
Reports—1988, 2254, 2281-2282, 2361-2376, 2440-2441, 2469-2471
Subcommittee assignments—93, 133, 200, 309, 438, 550, 637, 638, 759, 854, 974, 1082, 1330
Official delegate to represent Senate at funeral services for Representatives Bert Fullerton—100

KINLEY, GEORGE R. Senator Thirty-fourth District, Majority Floor Leader

Bills introduced—1057, 1213, 1268
Amendments filed—761-762, 1444-1475, 1648-1649, 2322
Amendments offered—2533
Call of the Senate—2439-2440
Committee appointments—604, 2236, 2255, 2341
Investigating committee appointments—47, 49, 50, 52, 54, 55, 57
Investigating committee reports—144, 174, 361, 403, 435, 959, 1221-1222, 1222
Petitions presented—206, 652, 795, 875, 1084, 1208, 1666, 2021, 2326
Presided at sessions of the Senate—2310
Reports—74, 75, 2311-2312, 2377-2379
Subcommittee assignments—132, 133, 201, 437, 438, 439, 550, 637, 638, 759, 854, 974, 1082, 1154, 1659, 1660
Read and presented resolution to Karl Nolin expressing appreciation for his contribution to the legislature and regret at his retirement—2442
Read and presented resolutions extending best wishes for a happy future to retiring members of the Senate, also that Senator Lamborn receive desk and chair—2527
Official delegate to represent Senate at the funeral services for Representative James T. Caffrey—1508
Thanked Senate for gift—2295

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Bills introduced—1303, 1304
Amendments filed—93
Amendments offered—165-167
Reports—83, 93-95, 1891, 2463-2464
Resolutions offered—2482-2483
Subcommittee assignments—93, 200, 309, 549, 1659, 1995

LAMBORN, CLIFTON C.—Senator Twelfth District, Minority Floor Leader

Bills introduced—1008, 1024, 1052, 1169*, 1170*
Amendments filed—160, 255, 292, 292-293, 536, 537, 627, 761-762, 874, 977-978, 1250, 1444-1475, 1648-1649, 1735, 2322, 2323-2324
Amendments offered—127, 246, 424-425, 989-996, 1286-1287, 1494, 1917-1918, 2041-2042, 2051, 2191
Amendments withdrawn—424, 426, 1969, 2054, 2359
Call of the Senate—857-858, 860, 2344-2345, 2428, 2494
Committee appointments—2236, 2255, 2341
Investigating committee appointments—50, 54

Investigating committee reports—191, 436
 Petition, SJR 1002 be withdrawn from committee and placed on calendar
 859
 Petition, SF 1036 be withdrawn from committee and placed on calendar
 —1973-1974
 Petitions presented—455
 Presided at sessions of the Senate—1321, 2208
 Reports—2255, 2377-2379
 Subcommittee assignments—93, 201, 309, 437, 438, 439, 549, 550, 1153,
 1659
 Thanked Senate for gift—2295

LEGISLATIVE COUNCIL—

(See also Study Committee)

Resolution relating to, SCR 121—2448-2449, 2529-2530 adopted

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LIEUTENANT GOVERNOR NEU, ARTHUR A., President of the Senate

Opening remarks, addressed the Senate—2-3

Appointment of Page—74

Presided at sessions of the Senate—1, 33, 44, 45, 73, 75, 100, 109, 112,
 117, 119, 121, 124, 134, 136, 142, 143, 151, 164, 165, 169, 179, 206,
 211, 232, 234, 242, 296, 302, 317, 319, 324, 331, 336, 348, 352, 375,
 382, 394, 422, 431, 441, 447, 451, 454, 463, 478, 497, 512, 518, 532,
 560, 576, 580, 594, 600, 611, 612, 613, 656, 661, 677, 690, 706, 723,
 736, 737, 751, 767, 808, 822, 830, 833, 849, 856, 857, 858, 860, 875,
 878, 950, 951, 952, 965, 972, 980, 1002, 1007, 1023, 1028, 1072, 1078,
 1084, 1091, 1096, 1103, 1120, 1123, 1136, 1142, 1160, 1162, 1183, 1189,
 1195, 1210, 1213, 1215, 1227, 1238, 1254, 1270, 1279, 1285, 1290, 1298,
 1318, 1322, 1335, 1340, 1350, 1356, 1370, 1378, 1381, 1402, 1405, 1418,
 1424, 1425, 1427, 1430, 1476, 1481, 1489, 1495, 1501, 1503, 1505, 1507,
 1637, 1640, 1650, 1665, 1673, 1680, 1681, 1692, 1694, 1695, 1696, 1700,
 1702, 1710, 1718, 1724, 1726, 1737, 1741, 1745, 1810, 1816, 1820, 1847,
 1859, 1907, 1921, 1922, 1945, 1973, 1998, 2009, 2012, 2020, 2030, 2034,
 2042, 2050, 2065, 2069, 2080, 2081, 2091, 2103, 2104, 2121, 2140, 2188,
 2198, 2239, 2247, 2254, 2284, 2293, 2296, 2310, 2312, 2341, 2351, 2352,
 2417, 2429, 2437, 2440, 2464, 2479, 2495, 2499, 2521, 2528, 2533

Presided at joint conventions—34, 379, 1189

Presented Governor Robert D. Ray to joint convention—35, 1190

Announcements—27, 46, 144, 165, 242, 360, 600, 604, 663-664, 886-887,
 1175, 1347, 1430, 1508, 1659, 1740, 1813, 1909, 2009, 2094, 2127, 2128,
 2192, 2241, 2254, 2255, 2287, 2296, 2344, 2380, 2437, 2439, 2557

Bills signed by—284, 323, 435, 625, 701, 757, 781, 825, 887, 973, 1139,
 1176, 1293, 1328, 1407, 1704, 1728, 1764, 1808, 1837-1838, 2017, 2056,
 2135, 2156, 2280, 2534-2535

Statutory appointments to commissions, committees, councils and ad-
 visory boards—360

Reappointments to statutory commissions, committees, councils and
 advisory boards—2257

Chair cast an "aye" vote to break tie:

 Senate File 1250, S—5338—954

Chair cast a "nay" vote to break tie:

 House File 1590, S—5925—2346

Committees appointed by in Senate—3, 2535

Committees appointed by in Joint Convention—34, 379, 1190

Conference committees appointed—600 604, 1430, 1813, 1909, 2009, 2127,
 2128, 2192, 2241, 2254, 2255, 2287, 2296, 2380, 2437

Investigating committees appointed by in Senate—46-61, 145-146, 360,
 886-887, 1175, 1347, 1659, 2094

Rulings—130, 136, 142, 401, 428, 429, 570, 602, 658, 692, 709-712, 811, 857, 858, 859, 862, 952, 987, 989, 999, 1005, 1007, 1008, 1080, 1137, 1231, 1426, 1430, 1700, 1712, 1823, 1824, 1851, 2031, 2045, 2310, 2359, 2479

Communications received—3-24, 79, 90-91, 120, 265, 833-834, 870, 1105, 1152-1153, 1247-1248, 1327, 1634-1635, 1806-1807, 1889, 1933, 2093-2094

Appointment of delegation to attend funeral of Karla Kruse—1120

Appointment of delegation to attend funeral of Representative James T. Caffrey—1508

Memorial resolution committees appointed—336, 616, 1120

Presented Senator Gene W. Glenn, joint convention, Lincoln's Birthday—379

Presented:

Monty and Marshall King, 1975 Heart Fund Representatives—26-27

Jane Stemmerman, Cedar Falls, Iowa's Junior Miss for 1976—212

Lord Montagu of Beaulieu, Hampshire, England—429

Van Buren County Bicentennial Singers—1190

The Lake View-Auburn Hawkettes, 1976 Girls State Basketball Champions—1694

Welcomed:

Sergio Paulo Maura De Vasconellos, Brasilia, Brazil former exchange student and guest of Senator Culver—114

The Honorable Joe N. Wilson, former member of the Senate—332

The Honorable Cecil Reed, Regional Administrator, Area Operation, U. S. Department of Labor, former member of the House—499

The Honorable Andrew Frommelt, former member of the Senate and House—512

The Honorable Fred Schwengel, former U. S. Congressman and member of the Iowa House—677

The Honorable Regis F. Groff, and the Honorable Harold L. McCormick, members of the Senate from the state of Colorado—749

The Honorable Robert D. Fulton, former Lieutenant Governor and Governor, and also member of the Senate and House—767

Judy McCulloch of Kellerberrin, Western Australia, a foreign exchange student, Senator Heying—830

Taiwan Board of Foreign Trade Team accompanied by Robert H. Lounsberry, Secretary of Agriculture—849

"Campettes" (Camp Fire Girls) from Des Moines and Pella—1279

The Honorable Rudy Van Drie, former member of the Senate and House—1279

The Honorable John Kibbie, former member of the Senate and House—1316

Mrs. and Mrs. Terry Jon Heying and daughter, Angela, guests of Senator Heying—1335

The Honorable George O'Malley, former member of the Senate and House—1370

Lorella Rinaldi, American Field Service student from Italy, guest of Senator Taylor—1847

The Honorable Tom Riley, former member of the Senate and House—1945

The Honorable Vera Shivvers, former member of the Senate—2065

Veto messages received—1215

Received gift on behalf of Senate—2295

Thanked Senate for gift—2295

Final adjournment 1976 Regular Session of the Sixty-sixth General Assembly, SCR 120—2448, 2533 adopted

LINCOLN'S BIRTHDAY—

Resolution relating to, HCR 106—353 adopted

Observance of—379-382

Address by The Honorable Gene W. Glenn, Senator—379-382

LOBBYISTS—

(See Ethics, Committee on)

MAJORITY FLOOR LEADER, George R. Kinley, Senator Thirty-fourth District

(See Kinley, George R.—Senator Thirty-fourth District, Majority Floor Leader)

MEDICAL ASSISTANCE COUNCIL—

Appointments to—46

MEMORIALS—

Committees appointed—336, 616, 1120

Committee reports—308, 615-616

Memorial Resolution for Karla Kruse—1120-1121

Appointment of delegation to represent Senate at the funeral services for Representative Bert Fullerton—100

Appointment of delegation to attend the funeral for Karla Kruse—1120

Appointment of delegation to represent Senate at the funeral services for Representative James T. Caffrey—1508

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MERRITT, MILO—Senator Seventh District

Bills introduced—1036, 1085, 1160, 1213, 1259

Amendments filed—237-239, 948-949, 1411-1412, 1444-1475, 1498-1499, 1707-1708, 2323-2324

Committee appointments—34

Investigating committee appointments—48, 50, 51, 52, 53, 54, 55, 58, 61, 145

Investigating committee reports—191, 337, 402, 436, 437, 439, 505, 572, 626, 806-807, 1036, 1386

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Presided at sessions of the Senate—966, 1657

Subcommittee assignments—92, 309, 438, 550, 638, 1154, 1249, 1330, 1407, 1995

MESSAGES—

(See also Communications, Joint Conventions and Addressed the Senate)

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MILLER, CHARLES P. Senator Forty-second District

Bills introduced—J.R. 1001*; 1057, 1065*, 1120, 1131*, 1164

Amendments filed—141, 237-239, 947, 948-949, 1094, 1177-1182, 1411, 1411-1412, 1629, 1630, 1707-1708, 1730-1735, 2138, 2321, 2324-2325, 2386-2387
 Amendment offered, 214, 430, 522, 631, 1011-1012, 1424, 1425, 1491, 2087-2090, 2142, 2355
 Amendments withdrawn—213-214, 519
 Appointed to statutory commissions, committees, councils and boards—46
 Committee appointments—802, 1826, 2128, 2327
 Investigating committee appointments—47, 49, 50, 55, 56, 57, 145, 887, 1175, 1659
 Investigating committee reports—403, 701, 757-758, 959, 1016, 1036, 1081, 1430, 1498, 1977, 1978
 Petitions presented—1946
 Presided at sessions of the Senate—154, 632, 1199, 1379, 1867, 2104
 Reports—118, 364, 837-841, 1329, 1407, 1705, 1890-1891, 2127-2128, 2272-2280, 2469-2471
 Rulings—1869
 Subcommittee assignments—92, 93, 132, 201, 309, 549, 550, 637, 758, 759, 854, 1082, 1154, 1330, 1407, 1995

MILLER, ELIZABETH R.—Senator Twentieth District

Bills introduced—J.R. 1005; 1027*, 1036*, 1043, 1079*, 1091, 1108, 1140*, 1195*
 Amendments filed—160, 948, 948-949, 962, 1206, 1411-1412, 1631, 1689-1690, 1707-1708, 1730-1735, 2323, 2323-2324
 Amendments withdrawn—172
 Call of the Senate—1797-1798, 2344-2345, 2428, 2494
 Committee appointments—3, 2330, 2380
 Investigating committee appointments—46, 48, 49, 50, 55, 57, 60, 61, 145, 146, 1659
 Investigating committee reports—140, 191, 283, 323, 362, 437, 626, 824-825, 959, 1036, 1093, 1364, 1977-1978
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—1255, 1280-1281, 1299-1300, 1317-1318, 1335-1337, 1351-1352, 1371, 1396-1398, 1419-1420, 1478-1479, 1502-1503, 1651, 1666-1667, 1693, 1711-1712, 1738, 1770, 1811, 1848-1849, 1907-1908, 1946, 1984, 1999, 2021, 2066, 2104, 2236, 2284-2285
 Presided at sessions of the Senate—1246
 Reports—2379-2380, 2483-2487
 Subcommittee assignments—92, 93, 132, 133, 200, 201, 309, 439, 549, 550, 637, 758, 854, 1082, 1249, 1330, 1407

MINORITY FLOOR LEADER, CLIFTON C. LAMBORN, Senator Twelfth District

(See Lamborn, Clifton C.—Senator Twelfth District, Minority Floor Leader)

MOTIONS TO RECONSIDER—

Motions to reconsider—

Filed:

Senate File 85, S—5603T—703
 Senate File 85, S—5603BA—1703
 Senate File 85, S—5603BD—1703
 Senate File 85, S—5603S—1729
 Senate File 85, S—5603BP—1729
 Senate File 85, S—5603D—1729
 Senate File 85, S—5603G—1762
 Senate File 85—1806
 Senate File 106—727
 Senate File 336—136

Senate File 356—173
 Senate File 368—907
 Senate File 442—520
 Senate File 507—2477
 Senate File 552—1197
 Senate File 1062, S—5054—283
 Senate File 1062, S—5084—358
 Senate File 1062, S—5119—401
 Senate File 1064—210
 Senate File 1072—2032
 Senate File 1092—452
 Senate File 1132—528
 Senate File 1191—1235
 Senate File 1221—2432
 Senate File 1241—871
 Senate File 1244—1033
 Senate File 1249—895
 Senate File 1265, S—5616—1829
 Senate File 1276—2033
 Senate File 1276—2034
 Senate File 1278—1407
 Senate File 1280—1328
 Senate File 1300—1372
 Senate File 1309—1379
 Senate File 1313—2213
 Senate File 1314—1645
 Senate File 1333—2006
 Senate File 1335—2008
 Senate File 1342—2189
 House File 207—1268
 House File 243—105
 House File 362—522
 House File 584, S—5259—781
 House File 614—1174
 House File 787—154
 House File 1003—617
 House File 1010—321
 House File 1123—1362
 House File 1332—1946
 House File 1365—1292
 House File 1371—2129
 House File 1451, S—5895—2311
 House File 1470—1404
 House File 1490—2079
 House File 1497—2194
 House File 1512—2131
 House File 1539—2055

Prevailed:

Senate File 356—896
 Senate File 552—1381
 Senate File 1064—300
 Senate File 1241—895
 Senate File 1342—2417
 House File 787—467
 House File 1497—2246

Lost:

Senate File 85—1826
 Senate File 1062, S—5084—431
 Senate File 1132—1264-1265
 Senate File 1276—2445
 House File 1123—1932-1933
 House File 1470—1503
 House File 1539—2092

Withdrawn:

Senate File 85, S—5603D—1796
Senate File 85, S—5603BP—1796
Senate File 85, S—5603BD—1801
Senate File 106—797
Senate File 368—1238
Senate File 442—561
Senate File 1062, S—5054—431
Senate File 1062, S—5119—431
Senate File 1092—498
Senate File 1191—1269
Senate File 1244—1069
Senate File 1249—966
Senate File 1278—1645
Senate File 1280—1363
Senate File 1300—1384
Senate File 1309—1406
Senate File 1314—1908
Senate File 1333—2016
Senate File 1335—2093
House File 207—2133
House File 243—143
House File 362—561
House File 614—1228
House File 1003—895-896
House File 1010—447
House File 1332—2005
House File 1371—2419
House File 1490—2133

Ruled out of order:

Senate File 85—1826
Senate File 1276—2445
House File 1539—2093

Motions to reconsider—

Senate File 85, S—5603S—1796
Senate File 85, S—5603G—1797
Senate File 85, S—5629B—1796
Senate File 85, S—5603T—1799
Senate File 85, S—5603BA—1800
Senate File 1145, S—5286B—823
Senate File 1241, S—5393B—1289-1290
Senate File 1241, S—5393C—1291
Senate File 1261, S—5382—1013
Senate File 1265, S—5616—1854
Senate File 1310, S—5558—1495
House File 584, S—5259—803
House File 614, S—5454—1171
House File 628, S—5419—1820
House File 787, S—5110—501
House File 1011—1374
House File 1329, S—5488—1239
House File 1451, S—5895—2327

Prevailed:

Senate File 85, S—5603S—1796
Senate File 85, S—5603G—1797
Senate File 85, S—5629B—1796
Senate File 85, S—5603T—1799
Senate File 85, S—5603BA—1800
Senate File 1145, S—5286B—823
Senate File 1241, S—5393B—1290
Senate File 1265, S—5616—1854
Senate File 1310, S—5558—1495

House File 614, S—5454—1171-1172

House File 628, S—5419—1820

House File 787, S—5110—501

House File 1011—1374

House File 1329, S—5488—2117

Lost:

Senate File 1261, S—5382—1014

House File 584, S—5259—803-804

House File 1451, S—5895—2327

Withdrawn:

Senate File 507—2499

Motion to Reconsider, Motion to Reconsider be Laid on Table—

House File 1365—1292

Lost:

House File 1365—1292

MURRAY, JOHN S.—Senator Twenty-first District

Bills introduced—1075*, 1106*, 1115, 1127*, 1159*, 1180*, 1193*, 1206*, 1212, 1260*

Amendments filed—106, 107, 237-239, 792, 947-948, 948-949, 963, 976, 1038, 1224, 1417, 1707-1708, 1730-1735, 2171, 2323-2324

Amendments offered—109, 110, 518, 814-815, 1003-1004, 1004, 1008, 1008-1009, 1010, 1012-1013, 1149, 1241, 1242, 1636, 1637, 1969

Amendments withdrawn—518, 1009

Investigating committee appointments—46, 48, 50, 52, 54, 57, 60, 146

Investigating committee reports—144, 158, 174, 363, 403, 435, 436, 437, 701, 959, 973-974, 1016, 1313

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Presided at sessions of the Senate—804, 957

Subcommittee assignments—132, 133, 309, 437, 438, 759, 854, 1082, 1330, 1407, 1995

NATURAL RESOURCES, COMMITTEE ON—

Bills introduced—1157, 1161, 1248, 1313

Amendments filed—2316-2319

Reports—105, 106, 141, 826, 1117, 1295-1296, 1296, 2224-2225, 2316-2319

Subcommittee assignments—92, 93, 132, 201, 638, 855, 974, 1082

NEU, ARTHUR A., President of the Senate

(See Lieutenant Governor Neu, Arthur A., President of the Senate)

NOLIN, KARL—Senator Twenty-eighth District

Bills introduced—1057, 1198

Amendments filed—237-239

Investigating committee appointments—47, 48, 49, 51, 52, 56, 57, 60, 145

Investigating committee reports—140, 174, 362-363, 436, 663, 960, 1221-1222, 1222, 1978

Reports—141, 201-205, 452

Subcommittee assignments—92, 132, 309, 549

NOLTING, FRED W.—Senator Seventeenth District

Bills introduced—1057, 1115, 1120, 1187*, 1188*, 1213

Amendments filed—237-239, 874, 1177-1182, 1393, 1411-1412, 1707-1708, 1730-1735

Amendments offered—1135-1136, 1923-1924

Call of the Senate—2439-2440

Committee appointments—600

Investigating committee appointments—48, 49, 51, 52, 54, 56, 57, 60, 61, 145, 886, 1659

Investigating committee reports—144, 174, 363, 435, 473, 572, 607, 625, 960, 973-974, 1105, 1200-1201, 1313, 1347-1348, 1348, 1386, 1430, 1497-1498, 1977-1978

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Petitions presented—731, 1255, 1280, 1351, 2141

Presided at sessions of the Senate—85, 895, 905, 1027, 1197, 1637, 2012, 2080, 2104, 2299, 2306

Reports—604

Subcommittee assignments—93, 132, 200, 309, 437, 438, 549, 550, 637, 638, 759, 854, 1082, 1153, 1659, 1660, 1995

NORPEL, SR., RICHARD J.—Senator Eleventh District

Bills introduced—1018*, 1036, 1042*, 1051, 1053*, 1057, 1085, 1097*, 1117*, 1146*, 1160*, 1182, 1197*, 1213, 1247*, 1259

Amendments filed—123, 237-239, 342-343, 370-371, 551-553, 555, 575, 591, 873, 874, 948-949, 975-976, 977-978, 1020, 1039-1067, 1177-1182, 1203-1204, 1204, 1205, 1388, 1390, 1391, 1707-1708, 1730-1735, 2227, 2283, 2322, 2323-2324, 2491-2492

Amendments offered—86, 399, 617-618, 655-656, 715, 721, 820, 951, 971, 1211, 1211-1212, 1266, 1360, 1644, 1822, 1823, 1887-1888, 1918-1919, 1920, 1925, 1952, 2292, 2478, 2478-2479, 2479

Amendments withdrawn—143, 399, 724-725, 971, 1241, 1380, 1953, 2292

Committee appointments—2009, 2271, 2287

Investigating committee appointments—47, 49, 54, 56, 57, 60, 145, 886, 1347, 2094

Investigating committee reports—236, 323, 361, 362, 363, 403, 626, 959, 1016, 1625, 2016-2017, 2223

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Petitions presented—677

Presided at sessions of the Senate—1984

Reports—2056, 2281, 2339-2340

Resolutions offered—233-234, 1702-1703

Subcommittee assignments—92, 93, 132, 201, 309, 549, 638, 855, 1082, 1330, 1995

NYSTROM, JOHN N.—Senator Twenty-second District

Bills introduced—J.R. 1005; 1088*, 1091, 1116*, 1121*

Amendments filed—177-178, 228-230, 370-371, 947, 948-949, 964, 1707-1708, 1893-1904, 2323-2324

Amendments offered—2299

Call of the Senate—2494

Committee appointments—600, 2271

Investigating committee appointments—48, 49, 50, 51, 55, 56, 59, 145, 886

Investigating committee reports—250, 338, 473, 1081, 1105, 1105-1106, 1328, 1386, 1497-1498, 1498, 1764-1765, 1977

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Presided at sessions of the Senate—1489, 1698

Reports—604, 2442-2443

Subcommittee assignments—93, 132, 201, 309, 638, 758, 759, 1082, 1153, 1154

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By secretaries—74

By pages—75

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ORR, JOAN, Senator Thirty-sixth District

Bills introduced—1112*, 1113, 1143*, 1168*, 1213, 1231*, 1270
 Amendments filed—237-239, 765, 948-949, 964, 1019, 1204, 1205, 1392,
 1628, 1707-1708, 1730
 Amendments offered—500, 983-984, 984-985, 985-986, 1005, 1011, 1034-
 1035, 1210, 1269-1270, 1726-1727, 1739
 Amendments withdrawn—984, 1071
 Call of the Senate—1797-1798
 Committee appointments—2337
 Investigating committee appointments—46, 49, 50, 51, 52, 53, 54, 55,
 57, 59, 61, 145, 886, 2094
 Investigating committee reports—308, 361, 402, 504, 505, 532-533, 572,
 584-585, 824-825, 959, 974, 1000, 1105, 1105-1106, 1430, 1497-1498,
 2135
 Petition, SJR 1002 be withdrawn from committee and placed on calendar
 —859
 Petitions presented—1097, 1946, 1983
 Presided at sessions of the Senate—754, 1967
 Reports—506-508, 534, 627, 746, 960, 974-975, 1202, 1408, 1705, 1839-
 1841, 1979, 2136, 2136-2137, 2443-2444
 Subcommittee assignments—93, 132, 133, 201, 309, 437, 439, 549, 550,
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PALMER, WILLIAM D.—Senator Thirty-second District

Bills introduced—1115, 1120*
 Amendments filed—177-178, 237-239, 628, 668, 669, 1204, 1205, 1393,
 1413-1416, 1426, 1627-1628, 1690, 1730-1735, 1844-1845, 2321-2322,
 2387-2388, 2492
 Amendments offered—1504-1505, 1635, 1644, 2027, 2530
 Announcements—2220
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 Call of the Senate—2439-2440
 Committee appointments—2271, 2287, 2330, 2380, 2489, 2535
 Committee chairperson appointed—2220
 Investigating committee appointments—47, 48, 50, 51, 54, 56, 57, 58,
 59, 887
 Investigating committee reports—236, 251, 284, 362-363, 436, 504, 532-
 533, 701, 757-758, 825, 1000, 1036, 1081, 1093, 1105-1106, 1201, 1764-
 1765
 Petitions presented—850
 Presided at sessions of the Senate—2210, 2289, 2295
 Reports—72, 74-75, 174-177, 179-180, 338-339, 486-487, 550, 551, 781-
 785, 836, 837, 1037, 1082, 1139, 1154, 1348, 1365-1367, 1660, 1838-

1839, 1996, 2095, 2095-2096, 2096, 2156-2165, 2281, 2339-2340, 2343, 2379-2380, 2381-2385, 2385-2386, 2449-2451, 2483-2487, 2488, 2489-2490

Subcommittee assignments—93, 309, 437, 438, 439, 549, 1082, 1153, 1407, 1660

Official delegate to represent Senate at funeral services for Representative James T. Caffrey—1508

Presentation of gifts, presented gift to Senator Doderer—2296

PERSONNEL COMMITTEE—

(See Officers and Employees of the Senate and/or Rules and Administration, Committee on)

PETITIONS—

Senate Rule 42, request to withdraw from committee:

Senate Joint Resolution 1002—859

Senate File 1036—1973-1974

Request to rescind petition, and expunge record:

Senate File 1036—1992

PLYMAT, WILLIAM N.—Senator Thirtieth District

Bills introduced—1036, 1057, 1091*, 1107, 1108, 1213

Amendments filed—1297, 1392, 1684, 1689-1690, 1707-1708, 1730-1735

Amendments offered—1713-1714, 1714, 1954

Amendments withdrawn—1715

Call of the Senate—1797-1798

Investigating committee appointments—47, 48, 49, 50, 52, 53, 55, 59, 60, 61, 886, 887

Investigating committee reports—140, 236, 402, 435, 572, 625, 824-825, 908, 959, 1000, 1036, 1200-1201, 1294, 1348

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Petitions presented—97, 148, 206, 348, 1299

Subcommittee assignments—132, 309, 437, 439, 549, 550, 638, 758, 759, 854, 1082, 1153, 1249, 1407, 1995, 2156

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Senate Joint Resolution 1002, S—5327—Senator Hultman—862

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Senate File 85, S—5662C—Senator Doderer—1700

Senate File 85, S—5676—Senator Carr—1722

Senate File 85, S—5644A—Senator Ramsey—1776

Senate File 85, S—5702A—Senator Glenn—1778

Senate File 85, S—5697—Senator Glenn—1780

Senate File 85, S—5703—Senator Glenn—1781

Senate File 85, S—5705—Senator Glenn—1781

Senate File 85, S—5715—Senator Glenn—1802

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Senate File 106, S—5277—Senator Griffin—723

Senate File 106, S—5280—Senator Scott—724

Senate File 106, S—5200—Senator Briles—811

Senate File 205, fiscal note—Senator Rabedaux—1889

Senate File 256, fiscal note—Senator Hultman—130

Senate File 356, rerefer to Ways and Means—Senator Redmond—142

Senate File 356, S—5032—Senator Rabedaux—154

Senate File 368, S—5200—Senator Briles—811

Senate File 368, S—5319—Senator Shaff—881

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- Senate File 1062, S—5137—Senator Rodgers—422
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- Senate File 1062, conference committee report—Senator Hill of Polk—923-924
- Senate File 1062, report, custody of—Senator Kelly—952
- Senate File 1062, refer to Appropriations—Senator Hultman—1137
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- Senate File 1092, fiscal note—Senator Shaw—1851
- Senate File 1123, S—5227—Senator Robinson—658
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- Senate File 1240, fiscal note—Senator Willits—835
- Senate File 1261, S—5396—Senator Palmer—1005
- Senate File 1261, S—5380—Senator Palmer—1007
- Senate File 1261, S—5356—Senator Palmer—1008
- Senate File 1261, S—5403—Senator Orr—1012
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- Senate File 1310, S—5563—Senator Hill of Polk—1480
- Senate File 1332, S—5798—Senator Hansen—1972
- Senate File 1324, S—5668—Senator Andersen—1823
- Senate File 1324, S—5726—Senator Hill of Jasper—1824
- Senate Concurrent Resolution 6, second conference committee be dismissed—Senator Glenn—952
- Senate Concurrent Resolution 112, sponsorship—Senator Hill of Polk—1712
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- House File 207, S—5335—Senator Rabedaux—1267
- House File 628, S—4108A—Senator Shaw—1077
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- House File 749, S—5406—Senator Redmond—1024
- House File 1003, S—5199—Senator Gallagher—616
- House File 1011, S—5388—Senator Hill of Jasper—987
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- House File 1555, S—5739—Senator Miller of Des Moines—1916

House File 1555, refer to Ways and Means—Senator Ramsey—1916
 House File 1565, S—5986—Senator Hill of Polk—2497
 House File 1571, S—5997—Senator Doderer—2479
 House File 1590, refer to appropriations—Senator Gallagher—2330
 House File 1590, S—5949—Senator Junkins—2347
 House File 1590, S—5950—Senator Rodgers—2351
 House File 1590, S—5965—Senator Rodgers—2359

PRESIDENT OF THE SENATE—Lieutenant Governor Arthur A. Neu
 (See Lieutenant Governor Arthur A. Neu, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES

Resolution relating to:

Senate Concurrent Resolution 105, Congress prohibit the conditioning of funds upon conforming state legislation—775-776, 806, 1153
 Senate Concurrent Resolution 108, U. S. Department of Defense reconsider moving Rodman Laboratories from Rock Island Arsenal—1174-1175, 1200, 1659
 House Concurrent Resolution 26, urge Congress appropriate funds for inspection and replacement of bridges—93, 159, 216-217 adopted, 1574
 House Concurrent Resolution 38, urge Congress continue funding priority primary highway programs—29, 638, 947, 1029 adopted
 House Concurrent Resolution 132, recommend Congress amend income tax laws, interest required to be reported—1675-1676, 1704

PRESIDENT PRO TEMPORE OF THE SENATE—Senator Minnette Doderer

(See Doderer, Minnette—Senator Thirty-seventh District, President pro tempore)

PRESS, MEMBERS OF—

Assignment of desks in press gallery—25-26

PRIEBE, BERL E.—Senator Fourth District, Assistant Majority Floor Leader

Bills introduced—1051*, 1052*, 1061*, 1069*, 1083*, 1084*, 1085*, 1091, 1098*, 1165*, 1199*, 1235*, 1246*, 1259
 Amendments filed—237-239, 343-345, 372, 374, 476-477, 608, 746-747, 873-874, 947, 948, 962, 1276-1277, 1278, 1348-1349, 1393-1394, 1412, 1629, 1630, 1689-1690, 1981, 2063, 2323-2324, 2491-2492
 Amendments offered—278, 397, 398, 470, 561-570, 570, 818, 876-877, 956, 957, 1079, 1283-1284, 1358, 1381, 1504, 1912, 1969, 2046-2047, 2188
 Amendments withdrawn—471, 1283, 2048
 Announcements—2341
 Asked to have name withdrawn from petition to withdraw SF 1036 from committee—1993
 Committee appointments—2236, 2255, 2271, 2341
 Conference committees appointed—2341
 Investigating committee appointments—48, 49, 51, 52, 53, 56, 58, 59, 60, 61, 146, 886
 Investigating committee reports—158, 174, 363, 402, 472, 532-533, 806-807, 835-836, 974, 1105-1106, 1221-1222, 1222, 1704, 1977, 2304
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—478, 1478, 2021
 Presided at sessions of the Senate—1312, 1751, 1769, 1774, 1796, 1955, 1969, 2340, 2429
 Reports—1809, 2208, 2255, 2311-2312, 2377-2379, 2442-2443

Rulings—1776, 1778, 1780, 1781, 1972

Subcommittee assignments—92, 93, 132, 200, 201, 309, 438, 550, 638, 974,
1082, 1330, 1660

Presented gift to Senator Lamborn—2295

PROOF OF PUBLICATION—

Senate File 1055—143

Senate File 1127—361

Senate File 1143—435

Senate File 1269—974

Senate File 1279—1092

Senate File 1291—1176

House File 1245—573

House File 1299—1276

House File 1442—1994

House File 1519—1994

House File 1547—1994

House File 1567—1994

House File 1574—1995

House File 1575—1995

RABEDEAUX, W. R.—Senator Thirty-eighth District

Bills introduced—1024*, 1050*, 1103*, 1107, 1108, 1115, 1158*, 1181

Amendments filed—160, 237-239, 285, 536, 537, 665-666, 1412, 1416-1417,
2063, 2138-2139, 2226, 2323-2324

Amendments offered—396, 1309, 1480, 1867-1869, 2206

Amendments withdrawn—170, 243, 274, 354

Call of the Senate—2344-2345, 2428

Committee appointments—2271, 2489

Investigating committee appointments—50, 51, 52, 54, 60, 146

Investigating committee reports—251, 337, 403, 437, 438, 439, 473, 533,
663, 959, 1036, 1093, 1704

Petition, SF 1036 be withdrawn from committee and placed on calendar
—1973-1974

Petitions presented—33, 348, 653

Presided at sessions of the Senate—1162, 1745, 2480

Reports—81, 2442-2443

Subcommittee assignments—92, 132, 200, 309, 549, 550, 638, 759, 1153,
1154, 1330, 1660, 1995

Official delegate to represent Senate at the funeral services for Representative James T. Caffrey—1508

Thanked Senator and officers and employees of Senate for kindnesses
extended while in hospital—795

Thanked Senate Pages for Easter greetings—1318

RAMSEY, RICHARD R.—Senator Forty-seventh District

Bills introduced—J.R. 1005; 1009*, 1036, 1047*, 1059, 1108, 1111, 1129*,
1144*, 1215*

Amendments filed—160-163, 260-261, 345-346, 346, 366-369, 510, 826-
827, 855, 1108, 1205-1206, 1331-1332, 1442, 1631, 1685-1686, 1686-
1688, 1706, 1707, 1761-1762, 2017, 2323, 2323-2324

Amendments offered—275, 427, 428-429, 448, 450, 528, 814, 881, 882, 883,
884, 972, 1100, 1158, 1162, 1167, 1208, 1244, 1245-1246, 1246, 1493,
1699-1700, 1721-1722, 1740, 1740-1741, 1776-1777, 1781, 1801-1802,
1886, 1887, 2013, 2030, 2049-2050, 2329-2330, 2344, 2355, 2356, 2503

Amendments withdrawn—278, 426-427, 882, 882-883, 1167, 1168, 1694,
1701, 1716-1717, 1717-1718, 2030, 2352, 2465

Call of the Senate—857-858, 860

Committee appointments—1430, 1813, 1826, 1909, 1989, 2128, 2220

Investigating committee appointments—47, 49, 50, 52, 55, 57, 60, 1175

Investigating committee reports—472, 504-505, 533, 959, 960, 973-974,
1093, 1313, 1364, 1386

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Presided at sessions of the Senate—1099, 1290, 1506

Reports—1764, 1988, 2128, 2272-2280, 2440-2441

Subcommittee assignments—92, 93, 132, 200, 309, 549, 550, 637, 759, 854, 1154, 1330, 2156

RAY, GOVERNOR ROBERT D.—

(See Governor Ray, Robert D.)

REASSIGNMENT OF BILLS—

(See also Assignment of Bills)

Bills reassigned to committees:

House File 1008—850

Motion to reassign:

House File 1147—869

Lost:

House File 1147—869

REDMOND, JAMES M.—Senator Thirteenth District

Bills introduced—J.R. 1003*; 1013, 1038*, 1043, 1093*, 1094*, 1115, 1136*, 1137*, 1138*, 1166*, 1202*, 1259*, 1305*, 1311*, 1312*

Amendments filed—160-163, 237-239, 364-366, 366, 372, 453, 509, 574, 676, 762-764, 764-765, 765, 828, 948-949, 975-976, 1141, 1250, 1441-1442, 1443, 1628, 1630-1631, 1684, 1685, 1685, 1686-1688, 1688, 1689, 1706, 1707, 1707-1708, 1729, 1730

Amendments offered—87, 104, 172, 397, 661, 693-694, 694, 696, 722, 724, 777, 778, 780, 800-801, 879, 896-898, 902, 903-904, 904, 972, 986-987, 987, 1027, 1164-1165, 1167, 1171, 1243-1244, 1266, 1427, 1491, 1492, 1492-1493, 1720, 1721, 1723, 1725, 1751, 1752, 1772-1773, 1773, 1775-1776, 1777, 2048-2049, 2194, 2209

Amendments withdrawn—278-279, 694-695, 722, 779, 800, 899, 1027, 1165, 1171, 1428-1429, 1759, 1776, 1777

Call of the Senate—857-858

Committee appointments—379, 1430, 1813, 2127, 2296, 2327, 2535

Investigating committee appointments—47, 49, 54, 55, 57, 58, 59, 61, 146, 664, 886

Investigating committee reports—236, 308, 436, 472, 626, 824-825, 960, 973-974, 1093, 1105, 1200-1201, 1386, 1704, 2304

Petition, SJR 1002 be withdrawn from committee and paced on calendar—859

Presided at sessions of the Senate—394, 471, 528, 2152

Reports—1764, 2220-2222, 2293, 2377, 2469-2471

Requested SJR 1002 be withdrawn from Rules and Administration Committee—600

Resolution offered—907

Rulings—2155

Subcommittee assignments—93, 132, 201, 309, 437, 438, 549, 550, 637, 638, 758, 759, 854, 974, 1082, 1154, 1249, 1330, 1407, 2156

REPORTS—

(See also Communications)

Resolution relating to, HCR 102—113, 132

REQUESTS—

To withdraw bills from committees—600

To rescind petition to withdraw SF 1036 from committee—1992

RESOLUTIONS—

(See Legislative Index Volume)

RETURNED TO CALENDAR, Senate Rule 38—

Senate File 1207—807
Senate File 1301—1646-1647
Senate File 1313—1764
House File 1280—1808
House File 1281—1364

RETURNED TO COMMITTEE—

Senate File 1142—499
Senate File 1145—447
Senate File 1161—817
Senate File 1274—1497

ROBINSON, CLOYD E.—Senator Fourteenth District

Bills introduced—1036, 1057, 1074*, 1091, 1115, 1232*
Amendments filed—107, 237-239, 261-262, 263, 369, 404-416, 417, 644-651, 665-666, 666-667, 667, 746-747, 874, 1277, 1689-1690, 1707-1708, 1730-1735
Amendments offered—171, 276-277, 300, 422, 680, 685, 692, 821, 1405
Amendments withdrawn—430, 657, 680, 681, 685, 823
Call of the Senate—2439-2440
Committee appointments—600, 1826, 2128, 2192, 2254
Investigating committee appointments—47, 49, 50, 51, 55, 57, 58, 59, 60, 146, 664
Investigating committee reports—191, 251, 362, 363, 473, 533, 626, 806, 1313, 1347-1348, 1406-1407, 1498
Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
Presided at sessions of the Senate—1715
Received consent that Robert Landess, Industrial Commissioner remain in Senate chamber as consultant, HF 863—165
Reports—83, 93-95, 604, 1891, 2128, 2254, 2272, 2280, 2281-2282, 2463-2464
Resolution offered—1646
Subcommittee assignments—92, 93, 200, 309, 437, 549, 550, 637, 759, 854, 1153, 1659, 1995

RODGERS, NORMAN G.—Senator Twenty-ninth District

Bills introduced—1012, 1036, 1056*, 1091
Amendments filed—259-260, 260, 261-262, 293-294, 704, 729, 793, 964, 1083, 1392, 1393, 1476, 1707-1708, 1730-1735, 1941-1942, 1942, 1979, 1980, 1980-1981, 2323-2324, 2491-2492
Amendments offered—268, 268-269, 356, 780, 798-799, 799-800, 1125-1133, 1402, 1970-1971, 2328, 2354-2355, 2356
Amendments withdrawn—726, 799
Asked that name be removed as one of the sponsors of Senate File 106—533
Call of the Senate—2439-2440
Committee appointments—604, 1190, 1909, 1989, 2535
Investigating committee appointments—47, 49, 52, 53, 55, 56, 57, 58, 59, 60, 146
Investigating committee reports—144, 235, 250, 361, 402, 533, 626, 1000, 1081, 1093, 1221-1222, 1222, 1406-1407
Petitions presented—556, 677, 706, 808, 965
Presided at sessions of the Senate—1952
Reports—534-535, 535, 846-847, 961, 1203, 1705-1706, 1988, 2057, 2137, 2319, 2319-2320, 2361-2376, 2386, 2435, 2440-2441
Resolutions offered—1023
Subcommittee assignments—93, 133, 200, 437, 550, 637, 759, 974, 1249, 1330, 1660, 1995

RULES—

- Rule 20, Call of the Senate**
 Senate Joint Resolution 1002—857-858, 860
 Senate File 85—1797-1798, 2439
 House File 584—2428
 House File 1590—2344-2345
 Saturday, May 29, 1976, on all bills, amendments and motions—2494

- Rule 42**
 Senate Joint Resolution 1002, petition, request to withdraw from committee and placed on calendar—859
 Senate File 1036, petition, request to withdraw from committee and placed on calendar—1973-1974

- Prevailed:**
 Senate Joint Resolution 1002, petition, request to withdraw from committee and place on calendar—859

Motions to Suspend—

- Rules 5, 6, 10, 39, 42 and 43:**
 Senate Joint Resolution 1002—857

- Ruled out of order:**
 Senate Joint Resolution 1002—859

- Rule 14, par. 2 and Sec. 769.2 of Mason's Manual:**
 Senate File 1062, amendment to second conference committee report—1124

- Lost:**
 Senate File 1062, amendment to second conference committee report—1124

- Rule 26:**
 House File 1011, S—5502—1374

- Prevailed:**
 House File 1011, S—5502—1374

- Rule 38:**
 Senate File 1062—1137

- Prevailed:**
 Senate File 1062—1137-1138

- Rules governing conference committee reports, Sec. 770 of Mason's Manual:**
 House File 1583, S—5961, S—5996, S—5998 and S—6001—2505

- Lost:**
 House File 1583, S—5961, S—5996, S—5998 and S—6001—2506

Rules governing germaneness, Sec. 402 of Mason's Manual:

- Senate File 85, S—5662C—1700
 Senate File 85, S—5644A—1776
 Senate File 1062, S—5106—429
 Senate File 1261, S—5404—1013
 Senate File 1310, S—5563—1481
 House File 1571, S—5997—2479

- Prevailed:**
 Senate File 1310, S—5563—1481

- Lost:**
 Senate File 85, S—5662C—1701
 Senate File 1062, S—5106—429
 Senate File 1261, S—5404—1013
 House File 1571, S—5997—2479

- Objection raised:**
 Senate File 85, S—5644A—1776

- Section 769.2 of Mason's Manual:**
 Senate File 1062, S—5435 to second conference committee report—1124

Prevailed:

Senate File 1062, S—5435 to second conference committee
report—1124

Rules Invoked—

Rule 25:

Senate Joint Resolution 1001—2531
Senate Joint Resolution 1002, call of the Senate, Senators
be excused—859
Senate Joint Resolution 1008—1088
Senate File 85, S—5603T—1680
Senate File 85, S—5603BA—1681
Senate File 85, S—5603BB—1681
Senate File 85, S—5603BC—1694
Senate File 85, S—5603BP—1702
Senate File 85, S—5658B—1715
Senate File 85, S—5603BS—1719
Senate File 85, S—5603BT—1719-1720
Senate File 85, S—5603G—1726
Senate File 85, S—5603G—1797
Senate File 106, S—5227—723
Senate File 205, S—5749—1887
Senate File 356, S—5117A—898
Senate File 356, S—5281—902
Senate File 367, S—5872—2306-2307
Senate File 368—885
Senate File 387, S—5097—755
Senate File 1008, S—5523—1326
Senate File 1062, S—5066—246
Senate File 1062, S—5065—273
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Senate File 1062, S—5122—400
Senate File 1062, S—5141—423
Senate File 1062, S—5087—425
Senate File 1062, S—5436—1135
Senate File 1062, S—5435—1136
Senate File 1092—451
Senate File 1123, S—5227—658-659
Senate File 1123, S—5155—661-662
Senate File 1123, S—5256—692
Senate File 1124, S—5733—1853
Senate File 1126, S—5159A—516
Senate File 1132, motion to reconsider—1265
Senate File 1145, S—5286B—822
Senate File 1190, S—5206—581
Senate File 1191, S—5262—1233
Senate File 1191, S—5229—1234
Senate File 1250, S—5359—954
Senate File 1250—957-958
Senate File 1261, S—5382—1004
Senate File 1282—1197
Senate File 1310, motion to reconsider amendment S—5558
—1495
Senate File 1310, S—5558—1495-1496
Senate File 1313, motion to defer action on amendment
S—5588, take up amendment S—5675—2084
Senate File 1313, S—5846—2084-2085
Senate File 1313, S—5817—2087
Senate File 1313, S—5853—2091-2092
Senate File 1313, S—5858—2210
Senate File 1313—2212

Senate File 1314, S—5605—1637
 Senate File 1314, S—5606—1638
 Senate File 1314, S—5597—1639
 Senate File 1314, S—5598—1639-1640
 Senate File 1332, S—5793—1969-1970
 Senate File 1332, S—5794—1970
 Senate File 1335, S—5924—2298
 Carol A. Brown, confirmation of—1320-1321
 Ann Frenzen, confirmation of—1087-1088
 Dr. Thomas A. Underkofler, confirmation of—1319-1320
 House File 200, S—5461A—1199
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 House File 1010, Motion to refer to county government—
 302
 House File 1038, S—5530—1405
 House File 1123, motion to reconsider—1932-1933
 House File 1365—1291
 House File 1432, S—5782—1953
 House File 1470, S—5561—1402-1403
 House File 1470, motion to reconsider—1503
 House File 1478, S—5740—1869
 House File 1493—1311-1312
 House File 1539, S—5820—2042
 House File 1539, S—5826—2045
 House File 1539, S—5608—2046
 House File 1539, S—5828—2047
 House File 1539, S—5831—2048
 House File 1539, S—5607—2049
 House File 1539, S—5615A—2050
 House File 1539, S—5827—2051-2052
 House File 1539, motion to reconsider—2092
 House File 1558, second conference committee report—2338
 House File 1582, S—5874—2207
 House File 1590, S—5950—2353
 House Concurrent Resolution 104, S—5160—497

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 Senate File 85, S—5603BT—1720
 Senate File 85, S—5603G—1726
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 Senate File 85, S—5603BA—1681
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 Senate File 85, S—5658B—1715
 Senate File 205, S—5749—1887
 Senate File 1062, S—5436—1135
 Senate File 1313, motion to defer action on amendment
 S—5588 and take up amendment S—5675—2084
 Senate File 1314, S—5605—1637
 Senate File 1314, S—5606—1638
 Senate File 1314, S—5597—1639
 Senate File 1314, S—5598—1639-1640
 House File 1582, S—5874—2207

Rule 29:

Senate Concurrent Resolution 112—1712

Ruled out of order:

Senate Concurrent Resolution 112—1712

Rule 32:

Senate File 256, fiscal note—130

Senate File 542, fiscal note—136

Senate File 1092, fiscal note—1851

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Senate File 1240, fiscal note—835

Senate File 1310, fiscal note—1425-1426

Rule 38 (Refer to Committee):

Senate File 356, referred to Ways and Means—142

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Senate File 1087, referred to Appropriations—233

Senate File 1092, referred to Appropriations—306

Senate File 1130, referred to Appropriations—354

Senate File 1162, referred to Appropriations—465

Senate File 1171, referred to Appropriations—503

Senate File 1191, referred to Ways and Means—571

Senate File 1204, referred to Appropriations—581

Senate File 1207, referred to State Government—584

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Senate File 1243, referred to Appropriations—805

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Senate File 1301, referred to State Government—1235

Senate File 1307, referred to Appropriations—1322

Senate File 1313, referred to State Government—1385

House File 628, referred to Appropriations—1080

House File 1165, referred to Appropriations—1331

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House File 1555, referred to Ways and Means—1916

House File 1590, referred to Appropriations—2330

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Senate Joint Resolution 1002, motion to suspend rules 5, 6, 10, 39, 42 and 43, and call of the Senate—859

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Senate File 85, S—5667, S—5695 and S—5696—1755

Senate File 85, S—5701—1757-1758

Senate File 85, S—5644A—1776

Senate File 85, S—5702A—1778

Senate File 85, S—5697—1780

Senate File 85, S—5703—1781

Senate File 85, S—5705—1781

Senate File 85, S—5715—1802

Senate File 85, S—5716—1806

Senate File 85, S—5662C—1700

Senate File 106, S—3373, S—3781, S—3330, S—3331, S—3397, S—3789—709-710

Senate File 356, S—5347—899

Senate File 368, S—5089—885

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 bers of second conference committee—952
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Amendments offered—80, 487-488, 488-496

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 104 substituted)—183-191, 487

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 Resolutions offered—183-191, 2448, 2448-2449
 Subcommittee assignments—437, 438, 439, 549, 550, 638, 759, 1153, 1154,
 1659, 1660
 Joint subcommittee appointments—2489, 2557

RULES OF CIVIL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable C. Edwin Moore)

SCHWENGELS, FORREST V.—Senator Forty-fourth District

Bills introduced—1036, 1043, 1081*, 1091, 1099*, 1101*, 1107, 1108, 1109*,
 1110, 1115, 1182, 1194*, 1232, 1259
 Amendments filed—160, 237-239, 261-262, 873-874, 889-891, 1297, 1629,
 1630, 1631, 1689-1690, 1707-1708, 2172, 2323-2324, 2324-2325
 Amendments offered—301, 320, 558-559, 721, 1209-1210, 1231, 2045, 2346
 Amendments withdrawn—2045
 Call of the Senate—857-858, 860, 2344-2345, 2428
 Committee appointments—616, 1190, 2236, 2255, 2341, 2437
 Investigating committee appointments—47, 50, 51, 52, 54, 56, 57, 59, 61
 Investigating committee reports—251, 361, 362, 363, 402, 436, 572, 626,
 1000, 1036, 1105, 1406-1407
 Memorial committee appointments—336
 Petition, SF 1036 be withdrawn from committee and placed on calendar
 —1973-1974
 Petitions presented—119, 148
 Presided at sessions of the Senate—773
 Reports—2255, 2377-2379, 2437, 2471-2477
 Resolutions offered—1023
 Subcommittee assignments—92, 93, 132, 133, 200, 439, 758, 759, 854,
 1082, 1249, 1995
 Announcement—318

SCOTT, KENNETH D.—Senator Sixth District

Bills introduced—1012, 1036, 1085, 1091
 Amendments filed—343-345, 374, 476-477, 665, 704, 873-874, 948, 962,
 964, 1393, 1689-1690, 1707-1708, 1730-1735, 2323-2324, 2491, 2491-
 2492
 Amendments offered—153, 468, 501, 714, 719, 720, 1269, 1960
 Amendments withdrawn—501, 719, 726
 Committee appointments—34, 1826, 2128
 Investigating committee appointments—47, 49, 50, 51, 52, 54, 55, 57, 59,
 60, 146, 1659
 Investigating committee reports—140, 158, 191, 236, 250, 283, 284, 362,
 363, 436, 472, 504-505, 533, 663, 1328, 1498, 1977-1978
 Petition, SJR 1002 be withdrawn from committee and placed on calendar
 —859
 Petition, SF 1036 be withdrawn from committee and placed on calendar
 —1973-1974
 Presided at sessions of the Senate—656, 777, 2495
 Reports—1017-1019, 1276, 1294, 1313, 1941, 2128, 2272-2280
 Rulings—2497
 Subcommittee assignments—92, 93, 132, 133, 309, 437, 549, 550, 854, 1082

SEATS—

Assignment of desks in press gallery—25-26

SECRETARY OF THE STATE, Steven C. Cross—

- Election of—3
- Took oath—3
- Acknowledgment of communications—92, 200, 702
- Assignment of seats—25-26
- Became law by publication—236, 573, 606, 785, 872, 1017, 1037, 1202, 1222-1223, 1497, 1647, 1808, 2056, 2224, 2380
- Communications received and on file—31-32, 46, 61-71, 89, 90-91, 117, 191-199, 200, 236, 360, 573, 606, 665, 701, 758, 785, 807, 872, 1017, 1037, 1081, 1093, 1106, 1139-1140, 1152-1153, 1201, 1202, 1222-1223, 1497, 1647, 1704, 1995, 2056, 2224, 2380, 2489
- Proofs of publications—143, 361, 435, 573, 974, 1092, 1176, 1276, 1994-1995
- Reports (Bills Sent to Governor)—284, 323, 435, 625, 701, 757, 781, 825, 887, 973, 1139, 1176, 1293-1294, 1329, 1407, 1704, 1728, 1764, 1808, 1837-1838, 2017, 2056, 2135, 2156, 2280, 2534-2535
- Resolutions relating to:
 - Senate Resolution 11—438
 - Senate Concurrent Resolution 121—2448-2449, 2529-2530 adopted
 - House Concurrent Resolution 104—383-390, 434, 487-497, 499-501 adopted, 603-604 adopted
- Resolution sent to Secretary of State—2380
- Returned bills to calendar, Senate Rule 38—807, 1364, 1646-1647, 1764, 1808

SECRETARY OF STATE, Melvin D. Synhorst—

- Communications from—236, 573, 606, 785, 872, 1017, 1037, 1202, 1222-1223, 1497, 1647, 1808, 2056, 2224, 2380

SENATE INSISTS—

- Senate File 85—1908
- Senate File 1191—2113
- Senate File 1335—2333
- House File 292—853-854
- House File 352—753
- House File 584—2113
- House File 614—1382
- House File 1217—1147
- House File 1277—1657
- House File 1539—2187
- House File 1558—2144
- House File 1573—2526
- House File 1583—2239-2240

SENATE RECEDES—

- House File 812, H—5191—1104
- House File 1463—1382-1383

SENATORS HONORED—

- (See also Gifts)
- Resolution read and presented to Senator Rabedaux, retiring—2434
- Resolution read and presented to Senator Nolin, retiring—2442
- Resolutions read and presented to retiring Senators Scott and Heying, also that Senator Lamborn receive desk and chair—2527

SHAFF, ROGER J.—Senator Thirty-ninth District, Assistant Minority Floor Leader

- Bills introduced—1008, 1020*, 1022*, 1036, 1049*, 1070*, 1091, 1227*, 1237*
- Amendments filed—160, 228-230, 262-263, 263, 291-292, 292, 292-293, 314-315, 370, 590-591, 591-592, 608, 792, 1416-1417, 1444-1475, 1498-1499, 1689-1690, 1735, 1735-1736, 1736, 1844, 1941-1942, 1942, 1943, 1979,

1980, 1980-1981, 2226-2227, 2227, 2227-2231, 2323, 2323-2324, 2324-2325, 2409-2414, 2414-2415, 2415
 Amendments offered—137, 272, 355, 356, 426, 811, 812, 812-813, 1245, 2085-2086, 2289, 2328, 2328-2329, 2436
 Amendments withdrawn—274, 426, 884-885, 1246, 2435-2436
 Call of the Senate—857-858, 860, 2494
 Committee appointments—604
 Investigating committee appointments—47, 49, 54, 56, 57, 59, 60, 360, 886, 2094
 Investigating committee reports—361, 362, 437, 438, 505, 533, 626, 960, 1200-1201, 1201, 1347-1348, 2223
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Presided at sessions of the Senate—444, 516, 1740, 1853, 2426, 2440, 2525
 Received consent that a representative from Environmental Quality remain in Senate chamber as consultant, SF 367—2208
 Subcommittee assignments—93, 309, 437, 549, 637, 759, 855, 1330, 1995
 Presented gift to Senator Kinley—2295

SHAW, ELIZABETH—Senator Fortieth District

Bills introduced—J.R. 1004*; 1015*, 1016*, 1017*, 1019*, 1036, 1095, 1108, 1201*, 1213
 Amendments filed—146-147, 160, 403, 510, 511, 575, 609, 628, 704, 705, 729, 746, 765-766, 887, 964, 1206, 1224-1225, 1225-1226, 1297, 1314, 1891-1892, 1893, 1942-1943, 2019, 2062, 2170-2171, 2225, 2323, 2323-2324
 Amendments offered—154, 515, 517, 616, 777, 899, 902, 902-903, 954, 982-983, 988, 997-999, 1169-1170, 1232, 1233, 1235, 1240, 1872, 2026, 2027, 2290, 2297, 2308
 Amendments withdrawn—996-997, 1168-1169, 1169, 1233, 1872, 2520
 Call of the Senate—857-858, 860, 1797-1798
 Committee appointments—802, 1430, 1813, 2127, 2241, 2296, 2337
 Investigating committee appointments—48, 49, 52, 53, 59, 146, 886
 Investigating committee reports—363, 472, 806, 806-807, 1221-1222, 1222, 1497-1498, 1625
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Presided at sessions of the Senate—1360
 Reports—308, 615-616, 1329, 1764, 2220-2222, 2272, 2313-2316, 2443-2444
 Resolutions offered—1174-1175
 Rulings—1360
 Subcommittee assignments—93, 132, 200, 201, 250, 308, 337, 438, 550, 637, 759, 854, 855, 974, 1154, 1330, 1407, 1995
 Presented the Honorable Larry Young, member of the House of Delegates representing Thirty-eighth Legislative District, Baltimore, Maryland, guest of Senator Culver—1362

SOVERN, STEVE—Senator Fifteenth District

Bills introduced—1115, 1213*, 1234*
 Amendments filed—177-178, 314-315, 364-366, 366, 592, 964, 1094, 1141, 1203-1204, 1444-1475, 1498-1499, 1628, 1706, 1707, 1892, 1893, 1943, 2062
 Amendments offered—172, 1159, 1210, 1723, 1724, 2050, 2084
 Call of the Senate—1797-1798
 Committee appointments—2127, 2337
 Investigating committee appointments—47, 48, 50, 51, 53, 54, 56, 57, 59, 60, 61, 146, 360, 664, 886, 1175

Investigating committee reports—140, 236, 250, 283, 308, 323, 337, 361, 362, 435, 436, 437, 473, 504, 505, 806, 806-807, 824-825, 1016, 1093, 1200-1201, 1201, 1364

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Petitions presented—420, 594, 595, 653, 1419, 2284

Presided at sessions of the Senate—1916, 2144

Reports—140, 2222-2223, 2443-2444

Ruling—1919

Subcommittee assignments—92, 93, 201, 439, 549, 637, 759, 854, 855, 1082, 1330, 1995

SPECIAL COMMITTEES—

(See Committees, Special)

SPECIAL ORDER—

Senate File 1062—165, 242, 265, 354, 390, 421

House File 584—655, 776, 797

House File 863—125, 165

House File 1011—869, 980

STATE APPEAL BOARD—Maurice E. Baringer, Chairman

Communications from, stating claims filed—61, 701-702

Claims—62-71, 701-704, 1934-1940

Resolution relating to, SCR 113—1934-1940, 1965 adopted

STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD—

Appointments to—46

STATE GOVERNMENT, COMMITTEE ON—

Bills introduced—1064, 1123, 1132, 1141, 1142, 1218, 1229, 1267, 1286, 1287, 1288, 1295, 1296

Amendments filed—159, 251-252, 373, 374, 608, 842-846, 1626-1627

Amendments offered—266, 318, 527, 633, 981, 2300-2301

Reports—77, 159, 251, 252, 607, 607-608, 841-846, 1155-1156, 1202, 1203, 1626-1627, 1891

Subcommittee assignments—92, 132, 133, 200, 201, 309, 437, 549, 550, 637, 638, 758, 759, 854, 974, 1082, 1154, 1249, 1407

STATE OF THE STATE AND BUDGET MESSAGES—

Resolution relating to, HCR 101—26 adopted

Delivered by Governor Robert D. Ray—35-44

STUDY COMMITTEES—

Resolutions relating to:

Senate Concurrent Resolution 32—28

Senate Concurrent Resolution 34—28

Senate Concurrent Resolution 39—28

Senate Concurrent Resolution 40—438

Senate Concurrent Resolution 41—438

Senate Concurrent Resolution 43—29

Senate Concurrent Resolution 44—29

Senate Concurrent Resolution 45—438

Senate Concurrent Resolution 47—438

Senate Concurrent Resolution 48—29

Senate Concurrent Resolution 49—438

Senate Concurrent Resolution 50—438

Senate Concurrent Resolution 52—29

Senate Concurrent Resolution 53—438

Senate Concurrent Resolution 54—439

Senate Concurrent Resolution 55—439

Senate Concurrent Resolution 56—439

Senate Concurrent Resolution 61—439
 Senate Concurrent Resolution 62—439
 Senate Concurrent Resolution 64—439
 Senate Concurrent Resolution 65—439
 Senate Concurrent Resolution 67—439
 Senate Concurrent Resolution 68—439
 Senate Concurrent Resolution 103—233-234, 249, 550
 Senate Concurrent Resolution 109—1646, 1659
 Senate Concurrent Resolution 110 (similar to HCR 119)—1682
 Senate Concurrent Resolution 111 (same as HCR 138)—1683
 Senate Concurrent Resolution 114 (same as HCR 146)—2150
 Senate Concurrent Resolution 115—2254-2255, 2311
 Senate Concurrent Resolution 116 (same as HCR 157)—2342-2343
 Senate Concurrent Resolution 117—2429-2430
 Senate Concurrent Resolution 118—2430-2431
 Senate Concurrent Resolution 119—2447-2448
 Senate Concurrent Resolution 121—2448-2449, 2529-2530 adopted
 Senate Concurrent Resolution 122—2482-2483

SUBCOMMITTEE ASSIGNMENTS—

Assignments—92-93, 132-133, 200-201, 309, 437-439, 549-550, 637-638, 758-759, 854-855, 974, 1082, 1153-1154, 1249, 1330, 1407, 1659-1660, 1995, 2156

SUPREME COURT OF IOWA—

(See Chief Justice of Supreme Court, The Honorable C. Edwin Moore)

TAYLOR, RAY—Senator Fifth District

Bills introduced—J.R. 1005*; 1012*, 1036, 1043, 1071*, 1091, 1107, 1108, 1189*, 1262*, 1326*
 Amendments filed—160, 228-230, 240, 292, 292-293, 295, 370-371, 536, 608, 627, 705, 873-874, 889, 947, 948, 948-949, 961-962, 962, 964, 1388-1389, 1431-1441, 1664, 1735-1736, 1736, 1943, 1944, 2058-2061, 2061, 2321-2322, 2323-2324, 2389-2409, 2490, 2491-2492
 Amendments offered—390-392, 400, 428, 817-818, 878-879, 1267, 1269, 2084, 2351-2352, 2497
 Amendments withdrawn—426, 1652, 2290-2291
 Committee appointments—34, 1826, 2128
 Investigating committee appointments—47, 49, 51, 55, 56, 57, 60, 145, 886, 2094
 Investigating committee reports—236, 283, 363, 403, 505, 533, 626, 663, 959, 1328, 1978, 2223
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—856, 1738
 Presided at sessions of the Senate—690, 980, 2042, 2462
 Reports—2128, 2272-2280
 Subcommittee assignments—93, 132, 133, 200, 309, 437, 549, 550, 638, 854, 1154, 1249, 1660, 1995

TEMPORARY OFFICERS—

(See Officers and Employees)

TIEDEN, DALE L.—Senator Ninth District

Bills introduced—1024, 1027, 1036, 1051, 1052, 1057, 1083, 1085, 1148*, 1149*, 1178*
 Amendments filed—133, 160, 609-610, 765, 791, 888, 948-949, 1177-1182, 1631, 1691, 1943, 1944, 2323-2324, 2388-2389, 2491-2492
 Amendments offered—895, 1074, 1239
 Amendments withdrawn—1079, 1239, 2117, 2434
 Appointed to Medical Assistance Council—46
 Call of the Senate—2344-2345, 2428, 2494

Committee appointments—1120

Investigating committee appointments—48, 49, 55, 58, 59, 887, 1659, 2094

Investigating committee reports—402, 403, 472, 533, 825, 828, 1000, 1328, 1498, 1978, 2135

Memorial Resolution for Karla Kruse—1120-1121

Petitions presented—97, 557, 768, 795, 857, 951, 1502, 2284

Presided at sessions of the Senate—1719

Reports—73-74, 236, 1036-1037

Rulings—1722

Subcommittee assignments—92, 93, 132, 309, 437, 550, 854

TRANSPORTATION, COMMITTEE ON—

Bills introduced—1134, 1145, 1209, 1238, 1265, 1278, 1281, 1282, 1297

Amendments filed—508-509, 608, 609, 960-961, 1140, 1387-1388

Amendments offered—634, 1034-1035, 1241

Reports—159, 252, 364, 508-509, 608, 728-729, 729, 946, 947, 960, 1038, 1140, 1387-1388, 2057, 2225

Subcommittee assignments—92, 93, 132, 133, 200, 309, 439, 549, 637, 638, 1249, 1330, 1995

VAN GILST, BASS—Senator Forty-sixth District, Assistant Majority Floor Leader

Bills introduced—1008*, 1057, 1091, 1213

Amendments filed—78, 592, 888, 962, 963, 1476, 1844

Amendments offered—126, 321, 954, 1007, 1011, 1071-1072, 1327

Amendments withdrawn—1079

Committee appointments—616, 2330, 2380

Investigating committee appointments—48, 49, 52, 53, 55, 57, 58, 59, 61, 145, 1347

Investigating committee reports—251, 338, 472, 625, 626, 701, 757, 824, 825, 960, 1000, 1105, 1313, 1348, 1386, 2016-2017

Memorial committee appointments—336

Petition, SJR 1002 be withdrawn from committee and placed on calendar—859

Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974

Petitions presented—857, 1183, 1208

Presided at sessions of the Senate—84, 754

Reports—81, 2379-2380, 2483-2487

Subcommittee assignments—93, 132, 200, 309, 437, 438, 439, 549, 550, 637, 638, 758, 759, 1153, 1249, 1659, 1660

Presented gift to Lieutenant Governor Neu—2295

WAYS AND MEANS, COMMITTEE ON—

Bills introduced—1060, 1062, 1254, 1293

Amendments filed—255, 535, 1250-1253, 2386

Amendments offered—355, 558-559, 1266, 2328

Reports—534-535, 535, 846-847, 961, 1203, 1705-1706, 2057, 2137, 2319, 2319-2320, 2386, 2435

Subcommittee assignments—93, 132, 133, 200, 201, 309, 437, 438, 439, 549, 550, 637, 638, 759, 854, 855, 1249, 1660, 1995

WILLITS, EARL M.—Senator Thirty-first District

Bills introduced—1013, 1091, 1118*, 1119*, 1213

Amendments filed—177-178, 237-239, 369, 476, 510, 669, 729, 827-828, 888, 1106-1108, 1108, 1140, 1140-1141, 1141, 1368, 1388, 1392, 1444-1475, 1663, 1689, 1689-1690, 1690, 1941, 2322, 2388, 2490

Amendments offered—181-182, 356, 394, 516-517, 697-698, 699, 735, 744, 1090, 1158, 1163, 1163-1164, 1236, 1377, 1378, 1673, 1727, 1759, 1818, 1958, 2026, 2111, 2245, 2297, 2420, 2424, 2425, 2510, 2511-2520, 2521

Amendments withdrawn—1163, 1379, 1958, 2425

Call of the Senate—2439-2440

Committee appointments—1909, 1989, 2127, 2241, 2337, 2535
 Investigating committee appointments—47, 49, 51, 53, 55, 56, 59, 145, 360, 887, 2094
 Investigating committee reports—250, 337, 361, 362, 505, 584-585, 663, 825, 1000, 1036, 1105-1106, 1201, 1328, 1498, 2135
 Petitions presented—1022, 1228, 1693
 Presided at sessions of the Senate—656, 805, 866, 1266, 1400, 1800, 2008, 2330
 Reports—117, 118, 505-506, 728, 1116, 1117, 1223, 1988, 2222-2223, 2272, 2313-2316, 2361-2376, 2377, 2440-2441, 2443-2444
 Rulings—1267, 1802, 1806, 2330
 Subcommittee assignments—93, 132, 133, 200, 309, 437, 438, 549, 550, 637, 758, 759, 854, 974, 1153, 1154, 1249, 1330, 1407, 2156
 Official delegate to represent Senate at the funeral services for Representative James T. Caffrey—1508

WINKELMAN, WILLIAM P.—Senator Twenty-fourth District

Bills introduced—J.R. 1007*; 1021*, 1036, 1046*, 1049*, 1107, 1108, 1160, 1198*, 1217*, 1220*, 1239*, 1292*, 1315*, 1316*
 Amendments filed—160, 591-592, 828, 1444-1475, 1660-1663, 1735-1736, 1736, 1766, 1766-1767, 1943, 1944, 2061, 2167-2170, 2323-2324, 2324, 2491-2492
 Amendments offered—1778, 1779-1780, 1802, 2086-2087
 Amendments withdrawn—1267, 1802-1805
 Investigating committee appointments—48, 53, 56, 57, 59, 60, 61
 Investigating committee reports—191, 308, 361, 436, 504-505, 1081, 1221-1222, 1222, 1430, 2304
 Memorial committee appointments—336
 Petition, SJR 1002 be withdrawn from committee and placed on calendar—859
 Petition, SF 1036 be withdrawn from committee and placed on calendar—1973-1974
 Petitions presented—375, 478, 1111
 Presided at sessions of the Senate—737
 Resolutions offered—775-776
 Subcommittee assignments—92, 93, 132, 200, 437, 549, 550, 637, 638, 758, 759, 855, 974, 1082